

**BROWN DEER VILLAGE BOARD  
MARCH 7, 2005 MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Jaberg at 7:00 P.M.

**I. Roll Call**

Present: Village President Jaberg; Trustees: Baker, Krueger, Springman, Kundinger, Schilz

Absent: Trustees: Askew, Kundinger

Also Present: Russell Van Gompel, Village Manager; William Dineen, Village Attorney; Jesse Thyges, Planning and Zoning Specialist; Chief Steven Rinzel, Officer Hansen and K-9 Officer Justis, Brown Deer Police Department; CDA Counsel Andrea Roschke and Alan Marcuvitz

**II. Pledge of Allegiance**

**III. Persons Desiring to be Heard**

**A) Introduction and Swearing in of K-9 Officer Justis**

Chief Rinzel introduced K-9 Officer Justis and performed the formal procedure of swearing in the new officer. Officer Hansen discussed the responsibilities of being the handler for Justis and spoke about the dog's various functions.

President Jaberg opened the floor to the audience for anyone in attendance to speak under the persons desiring to be heard agenda item.

Craig Epstein, 8639 North Deerwood Drive, inquired about the vacant parcel adjacent to his property. Mr. Thyges discussed the conceptual presentation for a professional office building on the site. President Jaberg added that the proposal still requires final approvals.

Vivian Kaiser, 8806 North Deerwood Drive, asked if there are specific plans for development within the original village area. Mr. Van Gompel stated that there are no preconceived plans for development projects within the original village, and discussed the advantages of a Tax Incremental Financing (TIF) District.

Ms. Kaiser also asked why the area is the first priority for development. Mr. Van Gompel stated that the proposed TIF 's are different from the Bradley Road TIF projects in that there are no phases or priorities placed on improvements projects, just that a need for improvements has been recognized.

Karen Krolkowski, 4125 West River Lane, asked what financial tools are available to property owners if a developer were to approach them. President Jaberg discussed how TIF districts promote development through capturing increment.

Ms. Krolkowski also asked about compensation for her property if the property were taken. Attorney Roschke discussed past case law history and statutory requirements for compensation along with other protections under the law. Mr. Van Gompel discussed relocation rights and requirements.

Ms. Krolkowski asked about appraisal procedures. Attorney Roschke clarified the procedures and requirements.

Rodney Meyer, 8566 North 42nd Street, asked how the value of a property is determined if that property is to be taken. Attorney Roschke stated that the appraised value is used in the eminent domain process.

Mr. Van Gompel stated that eminent domain is the absolute last option the Village would want to explore.

**IV. Consideration of Minutes: February 21, 2005 – Regular Meeting**

*It was moved by Trustee Krueger and seconded by Trustee Springman to approve the minutes of the February 21, 2005 – Regular Meeting. The motion carried unanimously.*

**V. Unfinished Business**

- A) Resolution Approving the Project Plan for Tax Incremental Financing District #3 and Comprehensive Plan of Redevelopment #2 of the Village of Brown Deer.**
- B) Resolution Creating Tax Incremental Financing District #3 of the Village of Brown Deer.**

President Jaberg introduced the proposed Tax Incremental Financing Districts and briefly discussed the timeline for their creation.

Mr. Thyes briefly summarized the staff report that was prepared. Mr. Van Gompel clarified the order in which the necessary Village Board actions would need to be taken and discussed the resolutions that were prepared by Quarles and Brady law firm.

Trustee Krueger asked for clarification of the correspondence that was received. Mr. Thyes discussed the letters and telephone calls that were received.

Trustee Springman inquired about the village-owned property north of 8899 North 60th Street. Mr. Van Gompel stated that it is designated for open space and potentially storm water management.

*It was moved by Trustee Springman and seconded by Trustee Krueger to approve Resolution No. 05-, “A Resolution approving the Project Plan for Tax Incremental Financing District #3 and Comprehensive Plan of Redevelopment #2 of the Village of Brown Deer.” The motion carried unanimously.*

*It was moved by Trustee Krueger and seconded by Trustee Springman to approve Resolution No. 05-, “A Resolution creating Tax Incremental Financing District #3 of the Village of Brown Deer.” The motion carried unanimously.*

- C) Resolution Approving the Project Plan for Tax Incremental Financing District #4 and Comprehensive Plan of Redevelopment #3 of the Village of Brown Deer.**
- D) Resolution Creating Tax Incremental Financing District #4 of the Village of Brown Deer.**

Mr. Thyes briefly discussed the staff report that was prepared and the minor corrections that were made to the draft plan.

Trustee Springman asked about the blight designation change for the property adjacent to the North Shore Fire Department station. Mr. Van Gompel stated that the parcel serves as parking that is required by the development agreement for the bank.

Trustee Springman asked about the potential for redeveloping the Village-owned properties. Mr. Van Gompel stated that the potential does indeed exist however may be unlikely.

Trustee Springman asked if there is a specific timeframe for changing the designations of the residential properties. President Jaberg stated that the Community Development Authority has taken a strong direction in removing residences from the project plan as soon as possible.

*It was moved by Trustee Krueger and seconded by Trustee Baker to approve Resolution No. 05-, "A Resolution Approving the Project Plan for Tax Incremental Financing District #4 and Comprehensive Plan of Redevelopment #3 of the Village of Brown Deer." The motion carried unanimously.*

*It was moved by Trustee Krueger and seconded by Trustee Baker to Approve Resolution No. 05-, "A Resolution Creating Tax Incremental Financing District #4 of the Village of Brown Deer." The motion carried unanimously.*

**E) Completion of Documents for the Bradley Road Redevelopment Project.**

It was the consensus of the Village Board to take up this matter later in the evening to allow time for CDA Counsel Alan Marcuvitz to arrive and present the documents.

**VI. New Business**

**A) Public Hearing on the Matter of Repealing and Recreating Section 10-10.08 (F), Article 10, Chapter X of the Brown Deer Zoning Code.**

President Jaberg opened the public hearing at 8:00 p.m.

Mr. Thyes introduced the proposal and went through the staff report that was prepared. Mr. Van Gompel added that the new process will provide additional time for consideration by Village Board members.

Mr. Van Gompel also discussed the situations that would require a public hearing before the Plan Commission and stated that State Statute require other matters to have a hearing before the Board.

Attorney Dineen further clarified the matters that would require a hearing before the Board.

Karen Krolikowski, 4125 West River Lane, asked about the rezoning process. Mr. Van Gompel stated that the zoning districts are established in accord with the Official Village Map. President Jaberg added that a public hearing is only held in response to an application.

President Jaberg closed the public hearing at 8:07 p.m.

**B) Ordinance No. 05-, "An Ordinance to in the Matter of Repealing and Recreating Section 10-10.08 (F), Article 10, Chapter X of the Brown Deer Zoning Code."**

President Jaberg briefly summarized the matter.

Trustee Schilz inquired about decision timelines. Attorney Dineen stated that the Village Code does not set forth specific timelines for a recommendation from the Plan Commission.

Trustee Springman inquired about special notification for Board members attending the public hearing at the Plan Commission meeting. Attorney Dineen briefly discussed the requirements of the Open Meeting laws pertaining to quorums.

Trustee Schilz inquired if any public hearings would be held at the Board level. Mr. Van Gompel stated that there are certain issues that are required by law to be considered before the Board.

*It was moved by Trustee Schilz and seconded by Trustee Springman to approve Ordinance No. 05-, "An Ordinance in the Matter of Repealing and Recreating Section 10-10.08 (F), Article 10, Chapter X of the Brown Deer Zoning Code." The motion carried unanimously.*

**C) Schedule a Public Hearing for the 2005 NR216 Report on March 21, 2005.**

Mr. Van Gompel discussed the matter along with the need for the public hearing.

Trustee Springman asked if all of the North Shore communities would be involved. Mr. Van Gompel stated that the NR216 permit covers all of the municipalities; however, each community is required to draft its own activity report

*It was moved by Trustee Schilz and seconded by Trustee Baker to "Schedule a Public Hearing for the 2005 NR216 Report on March 21, 2005." The motion carried unanimously.*

**VII. Village President's Report**

President Jaberg reported on the following:

Milwaukee Metropolitan Sewerage District and Milwaukee County Federated Library System matters.

The meeting with state level elected officials.

**VIII. Village Manager's Report**

Mr. Van Gompel reported on the following:

Proposed State legislation to mandate a property tax freeze

The State's proposed increase in Manufacturing Assessment costs to the Village.

The telephone system malfunction.

The search for the candidate for Assistant Village Manager.

The newsletter is set to be mailed out in March.

The Village Board revisited and took up agenda item from Section V. Unfinished Business

**E) Completion of Documents for the Bradley Road Redevelopment Project.**

Attorney Marcuvitz reviewed the matter and discussed the minor changes that were made to the document.

President Jaberg asked if State approved building plans have been obtained. Tom Richter, Commerce Center Property Manager, confirmed that the plans have been reviewed and approved.

Trustee Baker asked about the relocation of the Bridge Center. Tom Richter stated that the tenant will be vacating the site by April 1st.

*It was moved by Trustee Springman and seconded by Trustee Krueger to approve Resolution No. 05-, "A Resolution approving the Substitute Supplement to the Amended and Restated Development Agreement and other Documents with Brown Deer Country Food Stores, Incorporated." The motion carried unanimously.*

**IX. Adjournment**

*It was moved by Trustee Springman and seconded by Trustee Krueger to adjourn at 8:30 p.m. The motion carried unanimously.*

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Russell Van Gompel, Village Manager