

**BROWN DEER VILLAGE BOARD
NOVEMBER 21, 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 7:05 P.M.

I. Roll Call

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

Also Present: Jesse Thyges, Assistant Village Manager/Community Services Director; William Dineen, Village Attorney; Nathaniel Piotrowski, Planning/Zoning Specialist; Kathy Kasza, Treasurer Larry Neitzel, Superintendent of Public Works; Captain Shawn Noel, Brown Deer Police Department

II. Pledge of Allegiance

III. Persons Desiring to be Heard

A) Beautification Committee Recognition Awards Presentation

Beverly Lieven, Beautification Committee Chairperson, gave a slide show presentation and recognized the 2005 winners of the Landscape Beautification Awards Program and the Adopt-A-Flowerbed participants.

President Jaberg commended the work of the Beautification Committee and recognized Trustee Kundinger as the Village Board's representative on the committee.

IV. Consideration of Minutes: November 7, 2005 – Regular Meeting

It was moved by Trustee Krueger and seconded by Trustee Baker to approve the minutes of the November 7, 2005 regular meeting with the noted amendments. The motion carried unanimously, with Trustees Schilz and Kundinger abstaining.

V. Committee Reports

A) Building Board – Trustee Krueger

Trustee Krueger stated that the updated sign ordinance is to be reviewed at a future meeting.

B) Beautification Committee – Trustee Kundinger

Trustee Kundinger discussed the upcoming winter newsletter articles and recognized the Beautification Committee recognition award winners.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman reported that the Kiwanis Club is working towards obtaining a non-profit status and that an ad hoc committee is to be formed for consideration of a skate park.

President Jaberg stated that the Brown Deer Foundation has received a request to help fund a skate park.

D) 4th of July Committee – Trustee Krueger

Trustee Krueger stated that the committee's meeting time has been changed to 5:00 p.m. and reported on

a language amendment to their voting requirements.

E) Ad Hoc Pond Committee – Village President Jaberg

President Jaberg reported that no meeting was held.

F) Traffic and Public Safety – Trustee Kundinger

Trustee Kundinger reported that the liquor license demerit system will be brought back for reconsideration, cost research has begun for the potential purchase of portable traffic control signs, and the proposed stop sign at North 60th Street and County Line Road is still being considered.

G) Library Board – Trustee Baker

Trustee Baker reported on the results of the fund raising auction, SAM software installation for automatic checkouts, and the reduction in the hours of operation and staffing at the library.

Trustee Baker reviewed the discussions that were held and pertain to salary and staffing concerns at the Library Board's November 14th meeting.

H) Community Development Authority – Village President Jaberg

President Jaberg reported that no meeting has been held since the last report to the Village Board.

I) Plan Commission – Village President Jaberg

1) Ordinance No. 05-, “Repealing and Recreating the Village of Brown Deer’s Floodplain Zoning Ordinance”

Mr. Piotrowski summarized the amendments to the existing ordinance, and that the amendments are at the direction of the Department of Natural Resources (DNR). Mr. Piotrowski also stated that the ordinance amendments would not affect the flood plain boundaries on the official map.

Trustee Krueger asked if the Village Attorney had reviewed the ordinance prior to the presentation. Mr. Piotrowski stated that the changes were in accord with the directives received from the DNR, and that the DNR's attorneys had reviewed the text.

Trustee Krueger asked about the legal review process for the proposed ordinance changes. Mr. Thyges stated that the matter was being handled similar to the amendments to the Village's storm water management ordinance that was directed by MMSD.

It was moved by President Jaberg and seconded by Trustee Schilz to approve Ordinance No. 05-, “Repealing and Recreating the Village of Brown Deer’s Floodplain Zoning Ordinance” The motion carried unanimously.

2) Development Agreement with Ruvins Brothers Artisans and Trade

President Jaberg introduced the matter and stated that the proposal is located within a Tax Incremental Financing District, but not within a Redevelopment Plan area, therefore the Community Development Authority was not asked to provide feedback on the matter.

Mr. Piotrowski clarified that Silver Bullet Properties, LLC will be named on the Development Agreement.

Trustee Boschert inquired about the outdoor storage of items on the site. Tony Anea, of Ruvin Brothers Artisans and Trade, stated that all storage would be within the warehouse area of the building.

Trustee Boschert concurred with Staff that the proposal would be less intrusive to the nearby neighborhood, and inquired about heavy truck traffic. Mr. Anea stated that there would be very few deliveries to the site.

Trustee Kunding asked if there was an acceptance timeline for the agreement. President Jaberg stated that there is no particular timeline; however, the agreement would have to be signed prior to occupancy.

It was moved by President Jaberg and seconded by Trustee Schilz to approve the Development Agreement with Ruvin Brothers Artisans and Trade. The motion carried unanimously.

President Jaberg discussed the other proceedings from the Plan Commission meeting and reviewed the scheduled public hearings.

Trustee Krueger asked if feedback from Attorney Dineen could be included on the staff reports to the Board.

J) Finance and Public Works Committee – Trustee Krueger

1.) Approval of Contract Amendment from Ayres Associates, Inc., for Engineering Services

Trustee Krueger summarized the amendment and the contract extension.

Trustee Baker inquired about past performance concerns. Trustee Krueger stated that all of the concerns have been addressed and service has improved.

It was moved by Trustee Krueger and seconded by Trustee Kunding to approve the Contract Amendment from Ayres Associates, Inc., for Engineering Services. The motion carried unanimously.

2.) Authorize 2005 Street Lighting Special Assessments

- a) **Resolution No. 05-, “Assessing the Electric and Maintenance Costs of the Arbon Drive – West Green Brook Drive Street Lighting System”**
- b) **Resolution No. 05-, “Assessing the Electric and Maintenance Costs of the Brown Deer Business Park Subdivision Street Lighting System”**
- c) **Resolution No. 05-, “Assessing the Electric and Maintenance Costs of Brown Deer Corporate Park Subdivision Street Lighting System”**
- d) **Resolution No. 05-, “Assessing the Electric and Maintenance Costs of the North Kildeer Court – West Brown Deer Road Street Lighting System”**
- e) **Resolution No. 05-, “Assessing the Electric and Maintenance Costs of the Opus North Subdivision Street Lighting System”**
- f) **Resolution No. 05-, “Assessing the Electric and Maintenance Costs of the Park Plaza & Park Plaza Addition #1 Subdivisions Street Lighting System”**

It was moved by Trustee Krueger and seconded by Trustee Kunding to approve the six resolutions as presented. The motion carried unanimously.

3.) Authorize the Purchase of Police Department Vehicles

Trustee Krueger summarized the proposed purchase of Police Department vehicles. Captain Noel discussed the process for ordering cars and the purchase price.

Trustee Baker inquired about the equipment retrofitting costs. Captain Noel summarized the costs involved with moving the equipment into a new vehicle.

Ms. Kasza clarified the budgeting process including how the trade-in value of the old vehicles is recorded.

It was moved by Trustee Krueger and seconded by Trustee Kunding to authorize the purchase of Police Department vehicles in the amount of \$58,833. The motion carried unanimously.

4.) Authorize the Purchase of a Bobcat Skid Steer

5.) Authorize the Purchase of a Bobcat Toolcat with bucket, mower deck, snowblade, and tiller

Trustee Krueger summarized the proposed equipment purchases, and stated that the item was included within the 2005 budget.

Mr. Neitzel stated that the existing equipment is in need of replacement, and that the new equipment will be shared with the Park and Recreation Department.

Ms. Kasza reviewed the budget funding for the purchase and clarified line items in the budget regarding the proposal.

It was moved by Trustee Krueger and seconded by Trustee Kunding to authorize the purchase of a Bobcat Skidsteer and a Bobcat Toolcat in the amount of \$71,679. The motion carried unanimously.

6) Consideration of Vouchers

It was moved by Trustee Krueger and seconded by Trustee Kunding to approve the payment of the vouchers and to ratify for payment, invoices due on or before November 21, 2005. The motion carried unanimously.

K) Personnel Committee – Trustee Baker

Trustee Baker reported on the possible changes to the personnel manual, and that discussions are being held at the committee level regarding an administrative intern.

VI. Unfinished Business

A) Review Final Plat and Plat Agreement for Deer Brook Estates

Mr. Piotrowski summarized the updates and amendments to the Deed Restrictions

Attorney Dineen clarified the review process and discussed the amount of work that Village staff put forth in preparing the document.

President Jaberg asked about outlot taxation and measures taken to ensure that Park Plaza Court is kept clean. Attorney Dineen clarified the process for collecting taxes on outlots. Mr. Neitzel stated that the contractors on site have been very cooperative with the Village, and discussed the scheduling of the street sweeper in the area.

Dave Stewart of Pebblebrook Homes stated that he is happy with the work that the Village inspectors as well as the contracted inspector from Ayres and Associates have done onsite during the project.

Trustee Kundinger asked for clarification of several references in the Plat Agreement. Mr. Piotrowski discussed the references to the Village Subdivision Code.

It was moved by President Jaberg and seconded by Trustee Schilz to approve Final Plat and Plat Agreement for Deer Brook Estates. The motion carried unanimously.

VII. New Business

None.

VIII. Committee Appointments

President Jaberg summarized the committee appointment for the Board.

It was moved by President Jaberg and seconded by Trustee Krueger to re-appoint Tom Setzer to the Fourth of July Committee. The motion carried unanimously.

IX. Village President's Report

President Jaberg reported on the following:

- Meeting with the Greater Milwaukee Association of Realtors.
- Attending the ICC meeting and the discussions regarding MMSD and taxation concerns.
- Attending the League of Wisconsin Municipalities lobby day.
- Attending the North Shore Fire Department Board of Director's meeting.
- "Civic Involvement Session" to be held on November 30 at the Village Library.

X. Village Manager's Report

Mr. Thyges reported on the following:

- The ongoing problems with the Village Hall voice mail system.
- Attending the Milwaukee Economic Development conference

XI. Recess into Closed Session pursuant to §19.85(1)(e) Wisconsin Statutes for the following reasons:

- (e) Deliberating or negotiating the purchase of public property, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

President Jaberg discussed the reasoning for closed session to be held.

It was moved by Trustee Springman and seconded by Trustee Krueger to recess into closed session for the reasons stated above at 8:53 p.m. The motion carried unanimously.

XII. Reconvene into open session

It was moved by Trustee Schilz and seconded by Trustee Kunding to reconvene into open session at 9:12 p.m. The motion carried unanimously.

XIII. Adjournment

It was moved by Trustee Schilz and seconded by Trustee Kunding to adjourn at 9:13 p.m. The motion carried unanimously.

Jesse Thyges, Assistant Village Manager