

**BROWN DEER VILLAGE BOARD
SEPTEMBER 19, 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, Boschert, Kundinger, Krueger, Springman, and Schilz

Also Present: Russell Van Gompel, Village Manager; Jesse Thyges, Assistant Village Manager/Community Services Director; William Dineen, Village Attorney; Nathaniel Piotrowski, Planning/Zoning Specialist; Jim Buske Engineering/GIS Manager; Kathy Kasza, Treasurer; Chief Steven Rinzel, Brown Deer Police Department

II. Pledge of Allegiance

III. Persons Desiring to be Heard

A) Brown Deer Woman's Club – Invitation and Presentation of Directory

Representatives from the Brown Deer Woman's Club distributed telephone directories prepared by the Club, and invited the Village Board to attend the Club's anniversary dinner.

On a separate matter, John Gibbs, 8542 North 63rd Street, requested to be heard. Mr. Gibbs voiced concerns with the expansion of the Orchard Ridge landfill, and the need for an overall reduction in waste.

B) Don Vilione – Presentation of 2004 Comprehensive Annual Financial Report and Audit

Don Vilione of Virchow Krause and Co. presented the 2004 Comprehensive Annual Financial Report and audit results.

President Jaberg asked if there are any unfunded future liabilities. Mr. Vilione discussed the cost of post-employment benefits for healthcare.

Trustee Krueger asked if the net assets include enterprise funds. Mr. Vilione indicated that they did.

IV. Consideration of Minutes: August 15, 2005 – Regular Meeting

It was moved by Trustee Kundinger and seconded by Trustee Krueger to approve the minutes of the August 15, 2005 regular meeting. The motion carried unanimously, with Trustee Springman abstaining.

V. Committee Reports

A) Building Board – Trustee Krueger

Trustee Krueger summarized the Building Board's review of the sign application made by North Shore Audi.

B) Beautification Committee – Trustee Kundinger

Trustee Kundinger reported on the Committee's awards program and added that the Committee will be making a presentation to recognize the winners.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman reported on the change to the sign-up procedures for the fall programs, and the committee's preliminary budget discussions.

D) 4th of July Committee – Trustee Krueger

Trustee Krueger reported on the success of the two events that were held during the summer, which resulted in a positive fund balance.

E) Ad Hoc Pond Committee – Village President Jaberg

No meeting.

F) Traffic and Public Safety – Trustee Kunding**1) Ordinance No. 05–, “In the Matter of Repealing and Recreating Section 12-1.14 of Article 1, Chapter XII of Volume I of the Brown Deer Code of Ordinances Regarding Disposal of Property”**

Mr. Van Gompel summarized the proposed ordinance and the reasoning for the change.

Chief Rinzel spoke in favor of the proposed Ordinance.

Attorney Dineen suggested a slight change to the wording in the Ordinance to clarify how items could be sold.

President Jaberg voiced concerns with references to items in the Police Department's property room. Attorney Dineen stated that the Ordinance still would allow for disposal of all surplus property.

It was moved by Trustee Kunding and seconded by Trustee Boschert to approve Ordinance No. 05–, “In the Matter of Repealing and Recreating Section 12-1.14 of Article 1, Chapter XII of Volume I of the Brown Deer Code of Ordinances Regarding Disposal of Property” The motion carried unanimously.

Trustee Kunding reported on the preliminary discussion about installation of a four-way stop sign at the intersection of North 60th Street and County Line Road.

Trustee Krueger asked about the status of the Village's Emergency Management Plan.

President Jaberg stated that the Village Manager, the Chief of Police, and the Village President have copies of the plan and stated that the plan is only three years old.

Chief Rinzel stated that the plan is regularly reviewed in conjunction with Milwaukee County.

Trustee Krueger requested a review of the Emergency Management Plan at a future Village Board meeting.

G) Library Board – Trustee Baker

Trustee Baker reported on the 2006 budget discussions, and the fund raising auction scheduled for November 11th.

H) Community Development Authority – Village President Jaberg**1) Resolution No. 05–, “In the Matter of Necessity for Acquisition of Lands for Public Purposes and Authorization to Proceed” for the West Brown Deer Road Redevelopment Project (Lowe’s).**

President Jaberg introduced the matter, and Mr. Thyges summarized the report that was prepared for the Board.

Trustee Springman asked for clarification about the relocation of the tenants. President Jaberg briefly discussed the statutory requirements and the process involved with relocation.

It was moved by President Jaberg and seconded by Trustee Schilz to approve Resolution No. 05–, “In the Matter of Necessity for Acquisition of Lands for Public Purposes and Authorization to Proceed”. The motion carried unanimously.

I) Plan Commission – Village President Jaberg**1) Zoning Code Text Amendments to Regulate “Adult Businesses”**

President Jaberg summarized the public hearing proceedings and stated that the Plan Commission forwarded a favorable recommendation.

Attorney Dineen further clarified the proposed ordinance and Mr. Thyges discussed the map illustrating the buffer areas established by the ordinance.

A discussion ensued regarding potential sites for adult businesses.

Trustee Boschert asked if there were any sites currently available. Mr. Van Gompel pointed out that a few sites would meet the criteria of the proposed ordinance.

Trustee Springman asked for clarification of the timeframes for renewal of licenses. Attorney Dineen discussed the process and timetables set forth in the ordinance.

Trustee Kunding asked if the Village responded to the correspondences that were received after the last meeting. President Jaberg stated that a reply was sent for every one of the communications that were received.

It was moved by President Jaberg and seconded by Trustee Schilz to approve the Zoning Code Text Amendments to Regulate “Adult Businesses”. The motion carried unanimously.

J) Finance and Public Works Committee – Trustee Krueger**1) Renewal of the Outdoor Lighting Maintenance Contract**

Trustee Krueger reiterated the Committee’s favorable recommendation.

It was moved by Trustee Krueger and seconded by Trustee Kunding to approve the renewal of the Outdoor Lighting Maintenance Contract. The motion carried unanimously.

2) Resolution No. 05-, “Authorize TIF District #2 Bond Payment – Algonquin Manor Senior Apartment Project”

Trustee Krueger summarized the resolution. Mr. Van Gompel added that there was excess increment generated by the development.

It was moved by Trustee Krueger and seconded by Trustee Kunding to approve Resolution No. 05-, “Authorize TIF District #2 Bond Payment – Algonquin Manor Senior Apartment Project”. The motion carried unanimously

3) 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 September 19, 2005. The motion carried unanimously.

K) Personnel Committee – Trustee Baker

No Report, but the Committee is tentatively scheduled to meet the first week in October.

VI. Unfinished Business

None.

VII. New Business

A) Request to Waive Vendor License Fees for the Kiwanis Club

Mr. Van Gompel discussed the matter and the recommendation not to waive the fees due to the potential for setting a precedent.

President Jaberg disclosed that she is a member of the Kiwanis Club.

Trustee Kunding asked about the club’s non-profit status. President Jaberg stated that since the parent Kiwanis club has not yet filed for non-profit status, the Brown Deer club could not be considered non-profit.

Trustee Krueger stated that the matter should be taken up by the Park and Recreation Committee due to the concerns with organizations selling products in the Village parks. Trustee Baker concurred.

Trustee Springman asked for clarification of the license types for selling food products. Mr. Van Gompel discussed the license types and the guidelines.

Trustee Schilz asked for clarification about the scope of sales activity. A representative from the Kiwanis Club discussed the clubs interests in raising money for charity.

It was the consensus of the Village Board to recommend this matter to the Park and Recreation Committee for review and a recommendation.

B) Class B Liquor License Transfer – Holiday Inn Express, 4443 West Schroeder Drive

Mr. Van Gompel stated that a transfer of the license is required due to new ownership.

President Jaberg asked for clarification of the new ownership change. Rena Khan, one of the new owners, stated that only the ownership has changed and that the management firm remains the same.

It was moved by President Jaberg and seconded by Trustee Kunding to approve the Class B Liquor License Transfer for Holiday Inn Express, 4443 West Schroeder Drive. The motion carried unanimously.

C) Easement from the Brooklane Apartments Storm Drainage Improvements off of 44th Street

Jim Buske, Engineering and GIS Manager, discussed the easement and the reasoning for its creation.

It was moved by Trustee Kunding and seconded by Trustee Springman to approve the easement from the Brooklane Apartments Storm Drainage Improvements. The motion carried unanimously.

D) Resolution No. 05–, “In the Matter of Authorizing Participation in the Urban County Community Development Block Grant Program from 2006 through 2008”

President Jaberg discussed the resolution and summarized the Intergovernmental Cooperation Committee’s discussions on the matter. President Jaberg also discussed how the grant funding is distributed and introduced additional language to be included with the resolution.

A discussion ensued about how the County Supervisors adopted the agreement.

It was moved by Trustee Kunding and seconded by Trustee Springman to approve Resolution No. 05-, “In the Matter of Authorizing Participation in the Urban County Community Development Block Grant Program from 2006 through 2008” with the additional text as proposed. The motion carried 6-1, with President Jaberg voting in opposition.

VIII. Village President’s Report

President Jaberg reported on the following:

- Attending the ICC meeting
- The North Shore Fire Department budget discussions.
- Attending the Public Policy Forum’s informational luncheon.

Trustee Kunding asked about the North Shore Fire Department budget concerns. President Jaberg discussed Glendale’s cost-sharing concerns, and stated that the 10-year report on the shared fire protection services will be provided in the coming months.

IX. Village Manager’s Report

Mr. Van Gompel reported on the following:

- The recent power outages and its effects on the Village of Brown Deer
- Extended yard waste collection schedule
- The hiring of a new Laborer/Truck Driver for the Department of Public Works

Mr. Van Gompel also commented on the budget limitations and alternatives to the budgeting formula for the North Shore Fire Department

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

- (g) Conferring with Legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation on which it is or is likely to become involved.

There was no Closed Session held.

XI. Reconvene into open session

There was no Closed Session held.

XII. Adjournment

It was moved by Trustee Schilz and seconded by Trustee Kunding to adjourn at 8:47p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager