

**BROWN DEER VILLAGE BOARD
APRIL 17, 2006 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: Boschert, Springman, Schilz, Kunding

Excused: Trustees Baker, Krueger

Also Present: Russell Van Gompel, Village Manager; Jesse Thyges, Assistant Village Manager/Community Services Director; Rebecca Boyle, Village Attorney; Nathaniel Piotrowski, Planning/Zoning Specialist; Chief Steven Rinzel, Brown Deer Police Department; Kathryn Kasza, Treasurer/Comptroller; Larry Neitzel, Public Works Superintendent

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Barry Godshaw, 6578 West Floral Lane, congratulated the election winners and thanked the trustees for their input and support during the election.

Trustee Kunding discussed his reasoning for not running for re-election and expressed his appreciation for being able to serve on the Village Board.

IV. Consideration of Minutes: April 3, 2006 – Regular Meeting

It was moved by Trustee Kunding and seconded by Trustee Boschert to approve the minutes of the April 3, 2006 regular meeting. The motion carried unanimously.

V. Committee Reports

A) Building Board – Trustee Krueger

Mr. Piotrowski provided an update on the Ruvins Brothers proposed remodeling at 8601 North 43rd Street and reported that another permit was issued for a new home in the Deer Brook Estates subdivision.

President Jaberg asked if the Building Board had any concerns with the proposed remodeling due to the historic nature of the Original Village area. Mr. Piotrowski stated that there were no concerns of that nature expressed.

B) Beautification Committee – Trustee Kunding

Trustee Kunding reported on the Keep Greater Milwaukee Beautiful Clean-Up Day and the contributions that have been received. Trustee Kunding also stated that six elm trees are to be planted outside of American TV and Appliance store, 6700 West Brown Deer Road, as a part of the Arbor Day celebration on April 28.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman reported on the Committee's discussion about the Recreation Supervisor position being filled. Mr. Van Gompel added that Kelli Groholski will be starting work on May 1st.

D) 4th of July Committee – Trustee Krueger

President Jaberg stated that the committee is scheduled to meet on Wednesday April 19th.

E) Ad Hoc Pond Committee – Village President Jaberg

President Jaberg stated that the scheduling of the next meeting is being finalized and the committee will meet in the near future.

F) Traffic and Public Safety – Trustee Kunding

Trustee Kunding reported that no meeting was held.

G) Library Board – Trustee Baker

President Jaberg reported that no meeting was held.

H) Community Development Authority – Village President Jaberg

President Jaberg reported on the conceptual presentations on the redevelopment proposals at the Commerce Center site and the 60th Street and Brown Deer Road site.

Mr. Van Gompel added that a meeting is scheduled for April 26th.

I) Plan Commission – Village President Jaberg

- 1) **Ordinance No. 06-, “Rezoning of 4303 to 4485 West Bradley Road from B1-Commercial to PD-Planned Development”**

President Jaberg summarized the proposal for the Board.

Mr. Piotrowski discussed the design flexibility of the Planned Development zoning district and the zoning control offered by the required development agreement.

It was moved by President Jaberg and seconded by Trustee Schilz to approve Ordinance No. 06-, “Rezoning of 4303 to 4485 West Bradley Road from B1 -Commercial to PD-Planned Development”. The motion carried unanimously.

- 2) **Ordinance No. 06- , “Rezoning Property at the Northwest Corner of North 60th Street and West Brown Deer Road from B3-Commercial and R2-Residential to BPD-Business Planned Development”**

President Jaberg summarized the proposal for the Board as well as the recommended condition of having a Certified Survey Map recorded for the site.

It was moved by President Jaberg and seconded by Trustee Schilz to approve Ordinance No. 06-, “Rezoning Property at the Northwest Corner of North 60th Street and West Brown Deer Road from B3-Commercial and R2-Residential to BPD-Business Planned Development” contingent upon the recording of a Certified Survey Map for the property . The motion carried unanimously.

- 3) **Supplemental Development Agreement for Opus North Business Park with Liberty Service Center, LLC, for additional parking spaces at 4701 West Schroeder Drive.**

Village President Jaberg discussed the proposal and summarized the Plan Commission's recommendation.

Mr. Piotrowski summarized the amendments that were made to the draft agreement in accord with the Plan Commission's recommendations.

It was moved by President Jaberg and seconded by Trustee Schilz to approve the Supplemental Development Agreement for Opus North Business Park with Liberty Service Center, LLC, for additional parking spaces at 4701 West Schroeder Drive. The motion carried unanimously.

On other matters from the Plan Commission meeting, President Jaberg reported that conceptual approval was given to General Capital's proposed residential development on the northwest corner of 60th Street and Brown Deer Road. President Jaberg also reported the conceptual approval was given to Roettgers Oil for remodeling the BP Amoco station at 5125 West Brown Deer Road and that two public hearings were scheduled for the May meeting.

J) Finance and Public Works Committee – Trustee Krueger

1) Amendment of Village's Investment Policy

Trustee Boschert reviewed the investment policy amendment and the committee's recommendation.

President Jaberg asked for clarification of the re-adoption process. Ms. Kasza discussed the procedural recommendation that was received from Village counsel.

It was moved by Trustee Boschert and seconded by Trustee Kunding to adopt the amendment to the Village of Brown Deer investment policy. The motion carried unanimously.

2) Bids for 2006 Street Rehabilitation Program

Trustee Boschert reviewed the bids that were received, and discussed the special assessments for several driveway approaches along North 60th Street.

A discussion ensued about the effects of a special assessment and the potential for dividing the payments over several years to avoid creating a financial hardship for the citizens.

President Jaberg asked about the project cost for the Village Hall parking lot repaving. Ms. Kasza described the scope of the project and clarified the associated project costs.

It was moved by Trustee Boschert and seconded by Trustee Kunding to award the bid for the 2006 Street Rehabilitation Program to Payne and Dolan for the amount not to exceed \$347,924.65. The motion carried unanimously.

3) Consideration of Vouchers

It was moved by Trustee Boschert and seconded by Trustee Kunding to approve the payment of the vouchers and to ratify for payment, invoices due on or before April 17, 2006. The motion carried unanimously.

On other matters from the Finance and Public Works Committee meeting, Trustee Boschert stated that the Committee will continue to work on updating the Village's fiscal policies.

K) Personnel Committee – Trustee Baker

President Jaberg stated that no meeting was held.

VI. Unfinished Business

None.

VII. New Business**A) Resolution No. 06-14, “Resolution Honoring Matthew Erbe in Earning the Rank of Eagle Scout”**

Trustee Boschert asked if Matthew Erbe was notified of the meeting. Mr. Van Gompel indicated that Mr. Erbe was unable to attend the Board meeting; however, a ceremony is scheduled for Saturday, April 29th.

It was moved by President Jaberg and seconded by Trustee Schilz to approve Resolution No. 06-14, “Resolution Honoring Matthew Erbe in Earning the Rank of Eagle Scout”. The motion carried unanimously.

B) Resolution No. 06-15, “Resolution in Appreciation for Ronald Kunding”

President Jaberg thanked Trustee Kunding for his service to the Board and wished him good luck.

Trustee Schilz spoke favorably of Trustee Kunding’s service.

Trustee Springman stated that the feedback and dialog that Trustee Kunding provided during Board meetings was very much appreciated.

It was moved by President Jaberg and seconded by Trustee Springman to approve Resolution No. 06-15, “Resolution in Appreciation for Ronald Kunding”. The motion carried unanimously with Trustee Kunding abstaining.

C) Resolution No. 06-, “Resolution Urging the State Legislature to Reject the Taxpayer Protection Amendment”

Mr. Van Gompel provided a summary of the resolution and discussed the negative aspects of the proposed Taxpayer Protection Act legislation.

President Jaberg added that the overwhelming feedback at the ICC meeting was negative towards the proposed legislation.

Trustee Springman voiced concerns over various unfunded state mandates. Mr. Van Gompel stated that the proposed legislation would affect state mandates but not federal mandates and that there is no relief from either one.

Trustee Kunding stated that while the proposed legislation is inadequate, the Board would still like to work towards tax relief. Trustee Boschert concurred.

Mr. Van Gompel pointed out that the resolution urges the state legislature to pursue tax relief outside of the proposed legislation.

It was moved by President Jaberg and seconded by Trustee Schilz to adopt Resolution No. 06-, “Resolution Urging the State Legislature to Reject the Taxpayer Protection Amendment”. The motion carried unanimously.

D) Resolution No. 06-; “A Resolution to Amend Resolution No. 03-24 Related to the Vacation and Discontinuance of a portion of West Cloverleaf Lane”

Mr. Thyes provided a summary of the amended resolution.

Trustee Schilz asked for clarification of the maps. Mr. Thyes stated that each map shows the portion of the former right-of-way that will be deeded to the adjacent property.

Trustee Springman asked about the restoration of the area after the pavement is removed. Mr. Thyes stated that the Department of Public Works will complete the restoration.

Trustee Boschert asked if the Village will incur the cost of restoration. Mr. Thyes stated that the restoration costs will be shared between the two adjacent property owners and not the Village.

Trustee Schilz asked if the drainage issues will be addressed. Mr. Neitzel stated that the drainage will be addressed as a part of the restoration efforts.

It was moved by Trustee Schilz and seconded by Trustee Boschert to approve Resolution No. 06-, “A Resolution to Amend Resolution No. 03-24 Related to the Vacation and Discontinuance of a portion of West Cloverleaf Lane”. The motion carried unanimously.

E) Resolution No. 06-, “A Resolution Abandoning Drainage Easement at 6020 and 6042 West Brown Deer Road”

Mr. Thyes provided a summary of the proposal.

President Jaberg asked about the landscaping easement that was shown on the site plan. Mr. Thyes stated that the landscaping easement is actually located on the property directly north of the site, and will be addressed at a later date.

Trustee Schilz asked about the background on the establishment of the drainage easement. Mr. Thyes and Mr. Neitzel briefly discussed the history behind the drainage easement.

It was moved by President Jaberg and seconded by Trustee Springman to approve Resolution No. 06-, “A Resolution Abandoning Drainage Easement at 6020 and 6042 West Brown Deer Road”. The motion carried unanimously.

F) Resolution No. 06-, ” In the Matter of the Preliminary Special Assessment of Culvert and Driveway Approach Costs of W. Fountain Avenue, N. 62nd Street Ditch Rehabilitation Projects and N. 60th Street Rehabilitation Project”

Mr. Van Gompel summarized the procedure for the proposed special assessment.

Mr. Neitzel discussed the ditch rehabilitation areas.

Trustee Schilz asked if public information meetings were held. Mr. Neitzel responded that there have been meetings held.

Trustee Springman asked if the special assessment would cause a financial burden to taxpayers. Mr. Neitzel discussed the past special assessments that were carried out.

A discussion ensued about the merits of establishing a multi-payment approach to pay for a special assessment.

It was moved by Trustee Kunding and seconded by Trustee Boschert to adopt Resolution No. 06-, "In the Matter of the Preliminary Special Assessment of Culvert and Driveway Approach Costs of W. Fountain Avenue, N. 62nd Street Ditch Rehabilitation Projects and N. 60th Street Rehabilitation Project". The motion carried unanimously.

G) Liability Insurance Claim – Odenthal/Travelers Home and Marine Insurance

Ms. Kasza summarized the insurance claim for the Board, and stated that it had been reviewed by the Village's insurance carrier.

Trustee Boschert asked who will pay for the damage to the squad car. Ms. Kasza stated that the matter will be handled by the Police Department and the Village's insurance carrier.

Trustee Schilz asked if the other driver involved failed to yield. Mr. Van Gompel stated that it was under investigation. Attorney Boyle stated that state statutes also govern the way emergency vehicles drive through traffic.

It was moved by Trustee Kunding and seconded by Trustee Springman to authorize payment of the Liability Insurance Claim from Odenthal/Travelers Home and Marine Insurance. The motion carried unanimously.

VIII. Village President's Report

President Jaberg reported on the following:

- Attending the ICC meeting.
- Milwaukee County's comprehensive planning efforts.
- The Deer Run is scheduled for Saturday, April 22nd.

IX. Village Manager's Report

Mr. Van Gompel reported on the following:

- CGI promotional videos for the Village website and the associated street banner program.
- Bulk mailing procedures that affected the timeframe in which the newsletter was delivered.
- Update on the relocation of Apollo Tan.
- RFP for assessment services are due by the middle of May.

President Jaberg asked if an advisory group was needed for review of the street banner design. Mr. Van Gompel indicated that a review group may impede the project and discussed the emphasis on economic development and work with the school district.

Trustee Schilz asked about the banner placement and cost. Mr. Van Gompel indicated that the banners would be located near main commercial areas and at no cost to the Village.

Trustee Springman asked if a church could purchase a banner. Mr. Van Gompel indicated that they could.

Trustee Kunding asked for an update on the Hearthside and Badger Fuel sites. Mr. Van Gompel and Mr. Thyges discussed the status of the redevelopment efforts on each site.

X. Recess into Closed Session pursuant to §19.85(1) (g) and (c) 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 in which it is or is likely to become involved.
- (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Prior to recessing, President Jaberg discussed the reasoning for the closed session.

It was moved by Trustee Springman and seconded by Trustee Schilz to recess into closed session at 8:25 p.m. The motion carried unanimously.

XI. Reconvene into Open Session for Possible Action on Closed Session Deliberations

It was moved by Trustee Kunding and seconded by Trustee Schilz to reconvene into open session at 9:15 p.m. The motion carried unanimously.

XII. Collective Bargaining Agreement – Wisconsin Professional Police Association

It was moved by Trustee Kunding and seconded by Trustee Schilz to approve the Collective Bargaining Agreement with the Wisconsin Professional Police Association contingent upon the receipt of signed documents. The motion carried unanimously.

XIII. Adjournment

It was moved by Trustee Kunding and seconded by Trustee Schilz to adjourn at 9:16 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager