

**BROWN DEER VILLAGE BOARD
AUGUST 21, 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 7:02 P.M.

I. Roll Call

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

Also Present: Russell Van Gompel, Village Manager; John Fuchs, Village Attorney; Nathaniel Piotrowski, Planning/Zoning Specialist; Chief Steven Rinzel, Brown Deer Police Department

II. Pledge of Allegiance

III. Persons Desiring to be Heard

None.

IV. Consideration of Minutes: August 7, 2006 – Regular Meeting

It was moved by Trustee Oates and seconded by Trustee Schilz to approve the minutes of the August 7, 2006 regular meeting. The motion carried unanimously, with President Jaberg abstaining.

V. Committee Reports

A) Building Board – Trustee Krueger

Trustee Krueger indicated that there was nothing to report.

B) Beautification Committee – Trustee Oates

Trustee Oates reported on a donation received from Starbucks, the Arbor Day plantings, and landscaping for the proposed pond bath house. Trustee Oates added that the Beautification Committee award presentations are tentatively scheduled for the first October Village Board meeting.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman reported that the Pond had a successful season, and touched on the discussions about the proposed new bath house.

Trustee Krueger asked about the status of the skateboard park project. Trustee Springman stated that a meeting is to be scheduled in the near future.

D) 4th of July Committee – Trustee Krueger

Trustee Krueger stated that the meeting was rescheduled to July 24th, therefore there was no report.

E) Ad Hoc Pond Committee – Village President Jaberg

President Jaberg stated that the Committee has not met.

F) Traffic and Public Safety – Trustee Boschert**1) Change/Addition to the Ordinance Regulating Animals, Dogs, Cats, and Vicious Dogs**

Trustee Boschert discussed the proposed ordinance change and summarized the incident that led to the proposal being brought forward.

Mr. Van Gompel further clarified the proposed ordinance.

Trustee Schilz asked for clarification of the language included in the proposed Ordinance. Attorney Fuchs discussed the wording and also cited related case law.

Trustee Oates asked if the Ordinance was compared to other communities. Attorney Fuchs discussed the review process for the draft ordinance.

It was moved by Trustee Boschert and seconded by Trustee Springman to approve Ordinance No. 06-“An Ordinance to Amend Article 1 of Chapter VI, Volume I, Section 6-1.07(B)(2)(d), of the Village of Brown Deer Zoning Code, to Regulate Animals, Dogs, and Cats, and Vicious Dogs”. The motion carried unanimously.

On other matters from Traffic and Public Safety, Trustee Boschert discussed the new people hired by the Police Department and summarized the discussions about drafting a cruising ordinance.

Trustee Oates asked about the enforcement of the road closure on 60th Street. Police Chief Rinzel stated that enforcement has been carried out and that several citations have been issued.

G) Library Board – Trustee Baker

Trustee Baker reported on the MCFLS member agreement discussions and the purchase of a new computer and circulation software out of fund balance.

H) Community Development Authority – Village President Jaberg

President Jaberg reported that no meeting was held.

I) Plan Commission – Village President Jaberg**1) Conditional Use Permit for Outdoor Beer Garden and Amusement Uses at Parkview Pub, 7651 North Teutonia Avenue**

Mr. Piotrowski summarized the proposed uses and the draft permit.

President Jaberg voiced concerns with the parking ratio and the ability to accommodate the overflow. Mr. Piotrowski stated that the Zoning Code does not directly address an outdoor area like the proposal. Mr. Piotrowski also discussed the property owner's agreement with Sterling True Value to allow for some overflow parking to be located in the store's parking field.

Trustee Boschert asked if the noise issues have been addressed. President Jaberg stated that neighboring property owners appeared at the public hearing and spoke in favor of the proposal.

Trustee Schilz asked if the updated site plan had been submitted. Mr. Thyges stated that the updated site plan had not been submitted; however, its submittal is conditioned in the permit. President Jaberg voiced

concerns about not having the updated site plan on file.

Jill Wargolet, the applicant, spoke about the purchase of an easement in order to bring the horseshoe pits into compliance with the terms in the draft permit.

Trustee Springman inquired further about the parking ratios. Mr. Piotrowski discussed the provisions of the off street parking ordinance.

It was moved by Trustee Krueger and seconded by Trustee Springman to refer the matter back to the Plan Commission for further review. The motion carried unanimously.

2) Development Agreement with Cingular Wireless

Mr. Thyes provided a summary of the proposal to the Board.

Trustee Krueger questioned the need for the update. Mr. Thyes indicated that the existing agreement listed the former company, Ameritech, as the representative.

Trustee Oates asked how the video signal restriction would be enforced. Attorney Fuchs stated that the competitors would be the parties to identify if video signals were being sent from the tower.

It was moved by President Jaberg and seconded by Trustee Schilz to approve the Development Agreement with Cingular Wireless. The motion carried unanimously.

On other matters from the Plan Commission, President Jaberg stated that the Conditional Use Permit issued to Habanero's restaurant will be reviewed at the September meeting, and also summarized the public hearings that have been scheduled.

J) Finance and Public Works Committee – Trustee Krueger

1) Bids for the 2006 Cracksealing

Trustee Krueger reviewed the bid for the pond building. He noted that only one bid was received from Morton Buildings, Inc. He reported that additional services were also requested and reviewed by the Finance and Public Works Committee. Additional services include \$3,490 for a concrete sidewalk around the building, survey and staking services to be performed by the Owners Representative in the amount of \$2,863, and the extension of water and sewer mains to the building in an amount not to exceed \$8,000.

Mr. Van Gompel reported that the total known project costs at this time amounted to \$412,987, but that this amount did not include the cost of the electrical service or the demolition of the existing building. The project will be funded by reserves in the Capital Improvement Fund which totaled \$675,547 as of December 31, 2005.

It was moved by Trustee Krueger and seconded by Trustee Boschert to approve the contract for cracksealing to Asphalt Seal and Repair, Inc. in the amount of \$7,520. The motion carried unanimously.

2) Consideration of Vouchers

It was moved by Trustee Krueger and seconded by Trustee Oates to approve the payment of the vouchers and to ratify for payment, invoices due on or before August 21, 2006. The motion carried unanimously.

On other matters from the Finance and Public Works Committee, Trustee Krueger discussed the Committee's review of a windmill proposal that was brought forward, and concerns that were raised.

Trustee Krueger added that the Committee voted not to further consider the matter.

Trustee Springman asked about the funding for the paving of the recreational trail. Mr. Van Gompel discussed the fund allocation for the project.

Trustee Schilz asked about the progress of communications with We Energies and the Railroad. Mr. Thyges discussed staff's efforts to communicate with both entities.

Trustee Springman asked about the ownership of the trail. Mr. Thyges indicated that it was WeEnergies property.

K) Personnel Committee – Trustee Baker

Trustee Baker stated that a meeting is to be scheduled for September.

VI. Unfinished Business

None.

VII. New Business

A) Amend Class B Beer/Intoxicating Liquor License Application for Parkview Pub, 7651 North Teutonia Avenue

President Jaberg asked that the matter be held over until the next meeting.

It was the consensus of the Village Board to hold the matter over until the Board's September 18th meeting.

B) Initial Resolution Authorizing \$5,650,000 General Obligation Bonds for Community Development Projects in Tax Incremental Financing Districts Nos. 2 and 3

C) Resolution Providing for the Sale of \$5,650,000 Taxable General Obligation Community Development Bonds

Mr. Van Gompel summarized the matter and discussed the draft resolutions.

Brad Viegut of R.W. Baird provided informational handouts and discussed the benefits of only having one bond issuance.

President Jaberg asked if other capital projects could utilize these funds. Mr. Viegut stated that a separate issue would be required.

Trustee Schilz asked about the Village's Moody's rating and the interest rates. Mr. Viegut replied that the Village has an excellent credit rating of AA3, and that the rates would be somewhat higher because the bonds are considered taxable.

Trustee Oates asked about the fees involved with bond issuance. Mr. Viegut explained Baird's fees along with the fees associated with the bond issuance. Mr. Viegut added that all fees are paid through the Tax Incremental Financing district revenues.

President Jaberg noted that there was a full quorum of the Village Board present and that the meeting had been properly noticed.

It was moved by Trustee Schilz and seconded by Trustee Springman to approve the Initial Resolution Authorizing \$5,650,000 General Obligation Bonds for Community Development Projects in Tax Incremental Financing Districts Nos. 2 and 3. The motion carried unanimously with all of the members voting in favor on a roll call vote.

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the Resolution for Providing for the Sale of \$5,650,000 Taxable General Obligation Community Development Bonds. The motion carried unanimously with all members voting in favor on a roll call vote.

VIII. Committee Appointments

It was moved by Village President Jaberg and seconded by Trustee Schilz to appoint Carrie Weddle as a member to the North Shore Board of Health. The motion carried unanimously.

IX. Village President's Report

President Jaberg reported on the following:

- Attending the ICC meeting
- Attending the Key Communicators meeting hosted by the Brown Deer School District
- Attending the League of Wisconsin Municipalities conference
- Update from the North Shore Fire Department resolutions and budgeting discussions

X. Village Manager's Report

Mr. Van Gompel reported on the following:

- Researching grant funding to address the Emerald Ash Borer matter
- The Board of Review meeting was scheduled for September 5th
- The status of the fall newsletter
- The new part-time building inspector beginning work on August 28th

Trustee Springman inquired about the NIMS training procedure. Mr. Van Gompel clarified the on-line training procedures.

XI. Adjournment

It was moved by Trustee Schilz and seconded by Trustee Springman to adjourn at 8:20 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager