

**BROWN DEER VILLAGE BOARD
JUNE 5, 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 7:00 P.M.

I. Roll Call

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

Also Present: Russell Van Gompel, Village Manager; Jesse Thyges, Assistant Village Manager/Community Services Director; Nate Piotrowski, Planning/Zoning Specialist; Chad Hoier, Park and Recreation Director; John Fuchs and Rebecca Boyle, Village Attorneys; Mike Rau, Water Utility Superintendent

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Arlis Jones, owner of Bradley's Jazz Club, voiced concerns with the sprinklering requirement for his jazz club and stated that he may have to shut down the project due to costs.

President Jaberg indicated that the Village Board does not have jurisdiction over the Fire Code; however, Mr. Jones could follow up with either the Fire Department or Village Staff.

Mr. Van Gompel added that the Fire Code is enforced consistently across the North Shore, and the sprinklering requirement came into consideration due to the extensive remodeling, but that there may be a variance procedure through the Fire Department.

Dennis Manley, contractor for Bradley's Jazz Club, summarized the remodeling efforts at the site.

President Jaberg again reminded the speakers that the matter falls under the jurisdiction of the North Shore Fire Department.

IV. Consideration of Minutes: April 17, 2006 – Regular Meeting

It was moved by Trustee Schilz and seconded by Trustee Boschert to approve the minutes of the May 15, 2006 regular meeting, with the noted revisions. The motion carried unanimously.

V. Unfinished Business

None.

VI. New Business

A) Resolution No. 06-24, "Creating a VEBA account for the Wisconsin Professional Police Association"

Mr. Van Gompel summarized the purpose of the account and the agreement with the WPPA. Mr. Van Gompel also indicated that the agreement was received via Email earlier in the day.

Trustee Krueger asked if the VEBA program would integrate with Medicare and Medicaid. Mr. Van Gompel stated that the VEBA would help to offset the health care costs to an employee, and that the VEBA pays out until the employee reaches Medicare age eligibility.

Trustee Springman asked if participation in the VEBA is mandatory and if it would apply to non-represented employees. Mr. Van Gompel indicated that all of the officers would be participating and that

it only applies to WPPA employees.

Trustee Baker inquired about the health insurance maximum. Mr. Van Gompel indicated that the current benefit is 13 years of insurance after 25 years of service.

It was moved by Trustee Schilz and seconded by Trustee Boschert to approve Resolution No. 06-24, "Creating a VEBA account for the Wisconsin Professional Police Association" and to approve the contract with the WPPA. The motion carried unanimously.

B) Operational Development Agreement – Cook/Gen Cap LLC, N. 60th Street and W. Brown Deer Road

Mr. Piotrowski summarized the development and the provisions of the agreement.

Trustee Baker inquired if the closing time ordinance was hindering any potential tenants. Steve Sirkis, from General Capital, stated that is yet to be determined.

Trustee Springman asked about the private well and driveway locations along North 60th Street. Mr. Sirkis discussed the orientation of the driveways. Mr. Piotrowski discussed the regulations governing the well abandonment.

Trustee Schilz asked if the WI-DOT had finalized their construction plans for the intersection. Mr. Piotrowski stated that staff continues to work with the DOT. Mr. Sirkis stated that their civil engineer has also been in contact with the DOT.

Trustee Schilz inquired about burying the telephone lines in the area. Mr. Sirkis indicated that they would be willing to discuss the matter, however, nothing has been finalized.

President Jaberg discussed the differences between the operational agreement and a TIF agreement.

It was moved by President Jaberg and seconded by Trustee Schilz to approve the Operational Development Agreement with Cook/Gen Cap LLC for the development at North 60th Street and West Brown Deer Road. The motion carried unanimously.

C) Ordinance No. 06-, "An Ordinance to Repeal and Recreate Article 2 of Chapter II of the General Ordinances and Section 1010.05 B (4) of Article 10 of Chapter X of the Zoning Code, Related to the Board of Appeals"

Mr. Piotrowski summarized the matter for the Board.

It was moved by Trustee Krueger and seconded by Trustee Springman to adopt Ordinance No. 06-, "An Ordinance to Repeal and Recreate Article 2 of Chapter II of the General Ordinances and Section 1010.05 B (4) of Article 10 of Chapter X of the Zoning Code, Related to the Board of Appeals". The motion carried unanimously.

D) Owners Rep Service Agreement with KPH Construction Corporation for Pond Bath House Project

Mr. Van Gompel provided a summary of the proposal, and discussed the costs and the "not to exceed" clause.

President Jaberg summarized the Pond Committee's discussions on the matter and discussed the advantages of the agreement.

Trustee Boschert asked about the demolition of the building. Mr. Van Gompel discussed the phased approach to constructing the new bathhouse.

Trustee Springman inquired about the Beach facility terminology. President Jaberg discussed the permitting requirements.

Keith Harenda, of KPH Construction, discussed the phases of construction as well as the overall process.

Trustee Schilz asked about the funding for the project and if any items were maintained from the original design. President Jaberg stated that several of the original aspects were maintained, and also discussed the timetable for landscaping. Mr. Van Gompel discussed the funds that were awarded through the Community Development Block Grant program.

Trustee Baker asked if the concession stand would be relocated. Mr. Van Gompel stated that it would remain in the same place.

It was moved by Trustee Boschert and seconded by Trustee Oates to authorize the Village Manager to enter into an Owners Rep Service Agreement with KPH Construction Corporation for the Pond Bath House Project. The motion carried unanimously.

E) Liquor License Applications for 2006-2007

Mr. Van Gompel discussed the annual renewals and stated that background checks have been performed for each of the applicants.

President Jaberg asked if the applicants were existing license holders. Mr. Van Gompel stated that they were.

Trustee Springman asked if there were any concerns over the agent for Habanero's Restaurant. Mr. Van Gompel stated that the Police Department did not have any concerns.

It was moved by Trustee Springman and seconded by Trustee Krueger to approve the Liquor License Applications for 2006-2007. The motion carried unanimously.

F) Class B Liquor License Application for Sons of Bob, LLC, 7651 North Teutonia Avenue

Mr. Van Gompel provided a summary of the application and stated that there are new officers for the Sons of Bob LLC.

Trustee Springman inquired about the timeframe. Mr. Van Gompel stated that the license would be issued for the final days of the 2005-2006 license period, and that the 2006-2007 renewal would be brought forward at a future meeting.

Jill Wargolet, agent for the Sons of Bob LLC liquor license application, indicated that she would be onsite to help manage the business.

Trustee Schilz inquired about the opening of the new establishment. Ms. Wargolet indicated they would like to open by June 20th.

It was moved by Trustee Krueger and seconded by Trustee Springman to approve the Class B Liquor License Application for Sons of Bob, LLC, 7651 North Teutonia Avenue. The motion carried unanimously.

VII. Departmental Report – Water Department

Mike Rau, Superintendent of the Water Utility, gave a presentation on the utility's efforts in coordinating with the street rehabilitation projects, the leasehold negotiations for placement of antennas on the standpipe, and an update on the past copper lateral problems.

Trustee Krueger asked about the amount of water lost due to leaky copper laterals. Mr. Rau discussed the booster station's effects in reducing the amount of water that is lost.

Mr. Van Gompel asked if the DNR finalized the permit for the booster station. Mr. Rau indicated that the permit is finalized.

Trustee Oates asked about the rate base versus the return for the Utility. Mr. Rau discussed the formulas that are used in determining the figures.

Trustee Springman asked about the Utility's long-term debt. Mr. Rau indicated that the bond issue was for 20 years.

Trustee Krueger asked about the accounting requirements for the Utility. Mr. Rau indicated that the Utility is working towards centralizing with the Village's accounting system.

VIII. Committee Appointments

It was moved by President Jaberg and seconded by Trustee Springman to appoint Ron Kundinger to the Community Development Authority. The motion carried unanimously.

It was moved by President Jaberg and seconded by Trustee Springman to appoint Barry Godshaw to the Park and Recreation Committee. The motion carried unanimously.

It was moved by President Jaberg and seconded by Trustee Springman to appoint Jim Jiracek as president, and Roy Williams as secretary of the Police Commission. The motion carried unanimously.

IX. Village President's Report

President Jaberg reported on the following:

- Participating in the Career Day at the Brown Deer Middle School
- The legislation that was passed pertaining to the cost-sharing of a shared fire department
- Attending a town hall meeting with Supervisor Joe Rice
- Participating in a "brainstorming session" held by the Milwaukee Journal Sentinel
- Attending a town hall meeting with James Sensenbrenner
- Joint meeting of the ICC and County Board of Supervisors

X. Village Manager's Report

Mr. Van Gompel reported on the following:

- Participating in the mediation session with the North Shore Fire Department, and that a tentative agreement has been reached.
- Staff discussions with Deerwood Offices LLC about potential TIF assistance for a new office building.
- The compromise reached with Lowe's regarding their signage proposal.

Trustee Springman inquired about the tax installment delinquency rate. Mr. Van Gompel stated that there has not been any data produced to determine a delinquency rate.

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

- (c) **Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.**

It was moved by Trustee Springman and seconded by Trustee Krueger to recess into closed session at 8:40 p.m. The motion carried unanimously.

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

It was moved by Trustee Oates and seconded by Trustee Springman to recess into open session at 9:14 p.m. The motion carried unanimously.

XIII. Adjournment

It was moved by Trustee Springman and seconded by Trustee Schilz to adjourn at 9:15 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager