

**BROWN DEER VILLAGE BOARD  
MAY 15, 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; Jesse Thyges, Assistant Village Manager/Community Services Director; John Fuchs, Village Attorney; Nathaniel Piotrowski, Planning/Zoning Specialist; Larry Neitzel, Superintendent of Public Works; Chad Hoier, Park and Recreation Director; Chief Steven Rinzel, Brown Deer Police Department

**II. Pledge of Allegiance**

**III. Public Hearing in the Matter of the Special Assessment of Culvert and Driveway Approach Costs for Ditch Rehabilitation and Street Rehabilitation Projects**

President Jaberg opened the public hearing at 7:03 p.m.

Mr. Van Gompel stated that a public informational meeting was held at 6:00 p.m. prior to the Board meeting and added that there is no scheduled action on this matter this evening.

Mr. Neitzel summarized the special assessments and the scope of the projects.

No public comment was received.

The public hearing was closed at 7:07 p.m.

**IV. Persons Desiring to be Heard**

Barbara Bechtel, Brown Deer Historical Society, presented an accolade the Village received from the Milwaukee County Historical Society to President Jaberg. The accolade honored the Village's 50<sup>th</sup> anniversary.

John Gibbs, 8542 North 63<sup>rd</sup> Street, voiced concerns with the police auction being online and not being held as a part of the Fourth of July celebration.

Patricia Wagner, 6204 West Cloverleaf Lane, requested that agenda item VIII A) be taken up prior to the committee reports.

*It was the consensus of the Village Board to take agenda item VIII A) up after the Consideration of Minutes.*

**V. Consideration of Minutes: May 1, 2006 – Regular Meeting**

*It was moved by Trustee Schilz and seconded by Trustee Boschert to approve the minutes of the May 1, 2006 regular meeting. The motion carried unanimously.*

**VIII. New Business**

**A) Resolution No. 06-21, “Recognizing the 30th Year of the 4th Grade Living Schoolhouse Program sponsored by the Brown Deer Historical Society at the 1884 Brown Deer School”**

Mr. Van Gompel read the resolution aloud and President Jaberg presented the resolution to Dorothy Kittleson of the Brown Deer Historical Society.

Ms. Kittleson made a brief presentation on the activities of the school house and its history.

*It was moved by Trustee Schilz and seconded by Trustee Boschert to adopt Resolution No. 06-21, “Recognizing the 30th Year of the 4th Grade Living Schoolhouse Program sponsored by the Brown Deer Historical Society at the 1884 Brown Deer School”. The motion carried unanimously.*

**VI. Committee Reports**

**A) Building Board – Trustee Krueger**

Trustee Krueger reported that preliminary approval was granted for the commercial development at the intersection of 60<sup>th</sup> Street and Brown Deer Road and stated that Lowe’s will be appearing before the Board of Appeals on their sign issue.

**B) Beautification Committee – Trustee Oates**

Trustee Oates discussed the landscaping plan review and approval for Roettger’s Oil, as well as the adopt-a-flowerbed and awards program getting underway for 2006.

**C) Park and Recreation Committee – Trustee Springman**

Trustee Springman reported on the Committee’s tour of the park facilities and added that the Committee is short two members.

Trustee Krueger asked about the status of the diving board project. Mr. Hoier stated that the diving board is currently being stored at the Department of Public Works yard and will be installed for this summer.

Trustee Schilz asked if the school board had appointed a representative to the Committee. Trustee Springman indicated that Kevin Wisth from the School Board has been appointed.

Trustee Springman added that the Committee will not meet during the months of June and July.

**D) 4th of July Committee – Trustee Krueger**

Trustee Krueger stated that the committee will be meeting on Wednesday to finalize the food purchase pricing and to consider possible rain dates.

Trustee Springman recommended an August rain date. Trustee Krueger stated that he will forward the comments to the committee for their consideration.

**E) Ad Hoc Pond Committee – Village President Jaberg**

President Jaberg reported on the review of a construction plan for a new pond building, and that final consideration will occur at the Village Board level.

Trustee Krueger asked if the proposed building could host a senior citizens center. Mr. Van Gompel

stated that the building would serve strictly as an unheated pond facility. President Jaberg added that the building is intended to have a minimal design due to its proximity to the school house.

Mr. Van Gompel also explained the budgeting issues and that a full discussion of the topic would have to be properly noticed as an agenda item.

**F) Traffic and Public Safety – Trustee Boschert**

Trustee Boschert reported that no meeting was held.

**G) Library Board – Trustee Baker**

Trustee Baker reported that Arnie Gutkowski has returned to work, and that the Board continues to review the Community Room policy. Trustee Baker also discussed the educational programs the library will host for the public.

**H) Community Development Authority – Village President Jaberg**

President Jaberg stated that no meeting was held.

**I) Plan Commission – Village President Jaberg**

**1) Conditional Use Permit – BP Amoco, 5125 West Brown Deer Road**

Mr. Piotrowski summarized the proposal for the Board as well as the rescission of the old Development Agreement.

President Jaberg briefly discussed the concerns that were raised in regards to the use of a temporary trailer on the site during the construction process.

Trustee Baker voiced concerns over the security lighting. President Jaberg touched on the conditions outlined in the Conditional Use Permit that address the issue of security lighting.

*It was moved by President Jaberg and seconded by Trustee Schilz to approve the Conditional Use Permit to 5125 Brown Deer LLC. for a Automobile Service Station, Automobile Laundry and Convenience Store at 5125 West Brown Deer Road and to rescind the previous development agreement contingent upon the discontinuance of the adjacent public right-of-way. The motion carried unanimously.*

**2) Operational Development Agreement – Cook/Gen Cap LLC., N. 60<sup>th</sup> Street and W. Brown Deer Road**

President Jaberg provided a brief summary of the matter and stated that the item will be deferred to the June 5<sup>th</sup> Board meeting while the Development Agreement is finalized.

On other matters from the Plan Commission meeting, President Jaberg reported on the deferral of the reviews of the Poco Loco Development Agreement and the Conditional Use Permits for the businesses at the Commerce Center site. President Jaberg stated that a public hearing was scheduled for the June plan Commission meeting to consider amendments to the Planned Development Zoning district criteria.

**J) Finance and Public Works Committee – Trustee Krueger****1) Consideration of Vouchers**

It was moved by Trustee Krueger and seconded by Trustee Boschert to approve the payment of the vouchers and to ratify for payment, invoices due on or before May 15, 2006. The motion carried unanimously.

On other matters from the Finance and Public Works Committee, Trustee Krueger provided an update on the review of the Village's fiscal policies and Mr. Van Gompel briefly discussed the changes to the road rehabilitation program.

**K) Personnel Committee – Trustee Baker**

Trustee Baker stated that the Committee is scheduled to meet on May 24<sup>th</sup>.

**VII. Unfinished Business**

None.

**VIII. New Business****B) Resolution No. 06-24, “Creating a VEBA Account for the Wisconsin Professional Police Association”**

This matter was deferred to the June 5<sup>th</sup> Village Board meeting because the paper work has not been submitted to the Village.

**C) Resolution No. 06-25, “Resolution Honoring Keelin McMurtagh in Receiving The Girl Scout Gold Award”**

It was moved by President Jaberg and seconded by Trustee Springman to adopt No. 06-25, “Resolution Honoring Keelin McMurtagh in Receiving the Girl Scout Gold Award” The motion carried unanimously.

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

Mr. Van Gompel introduced the matter and discussed the license application process along with the recommendation to deny the application.

Brian Wargolet, the applicant, addressed the concerns raised in the recommendation report, and stated that he would like to improve the site.

President Jaberg asked if the applicant owned the property. Brian Wargolet stated that the closing was scheduled for the end of the week.

Joe Wargolet spoke about the planned improvements to the property and touched on his experience in the tavern business.

Trustee Krueger asked if the objection was with the proposed agent for the license. Chief Rinzel discussed the concerns with the proposed agent.

Trustee Oates asked the applicant to further explain his business experience. Brian Wargolet further

summarized his background in the tavern business

Trustee Springman asked if it would be possible to issue the license through the end of June as a trial period. Mr. Van Gompel discussed the difficulties of revoking a license. Attorney Fuchs summarized the laws regarding the revocation of a liquor license.

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

**E) Class B Liquor License Application for ARJ Enterprises, Inc., 4740 West Bradley Road**

Mr. Van Gompel introduced the matter and discussed the license application process along with the recommendation to approve the application.

President Jaberg asked if the applicant owned the property. Arlis Jones stated that he does own the property.

Trustee Schilz asked about the type of operation. Mr. Jones described the business as a jazz club, bar, and banquet hall. Mr. Jones also discussed the proposed improvements to the site.

President Jaberg asked if Mr. Jones owned any other clubs. Mr. Jones indicated that he owned one other jazz club.

Trustee Baker asked about the types of food that would be served. Mr. Jones stated that light food or appetizers and not full meals would be served beginning at 4:00 p.m.

President Jaberg asked about the type of music during the day. Mr. Jones indicated that the juke box would be the source.

Trustee Oates asked about the number of employees. Mr. Jones stated that four staff members would be up front in the bar area in addition to the kitchen staff.

Trustee Springman asked if there were any teen oriented activities planned on the site. Mr. Jones stated that there were no teen activities considered.

Trustee Schilz asked if the liquor and entertainment licenses would have to be reviewed by the Community Development Authority (CDA). Mr. Van Gompel indicated that the site previously held a liquor license; however, the entertainment aspect could be reviewed for consistency with the project plan of redevelopment.

President Jaberg asked Mr. Jones if he had any objection to having the entertainment license reviewed by the CDA. Mr. Jones voiced concerns with the timeframe for the review, but added that he would be willing to follow through with the additional review.

Trustee Boschert asked about the hours of operation. Mr. Van Gompel indicated that they would be consistent with the liquor license requirements as set forth in state statute.

Trustee Oates inquired about Mr. Jones background in the club business. Mr. Jones discussed his managerial experience with other clubs and performers.

Trustee Springman asked if there would be any outdoor entertainment. President Jaberg stated that it would not be allowed under the permits being considered.

*It was moved by Trustee Krueger and seconded by Trustee Springman to approve the Class B Liquor License Application for ARJ Enterprises, Inc., 4740 West Bradley Road. The motion carried unanimously.*

**F) Entertainment License Application for ARJ Enterprises, Inc., 4740 West Bradley Road**

President Jaberg stated that the entertainment license application should be reviewed by the CDA. Mr. Van Gompel stated that a CDA meeting could be scheduled prior to the next board meeting.

Trustee Boschert spoke in favor of receiving the CDA's recommendation on the matter.

Attorney Fuchs opined that the Village Board may wish to approve the license contingent upon approval by the CDA in order to avoid having to come back before the Board.

*It was moved by Trustee Baker and seconded by Trustee Schilz to approve the Entertainment License Application for ARJ Enterprises, Inc., 4740 West Bradley Road contingent upon receiving approval from the Community Development Authority. The motion carried unanimously.*

**G) Consideration of 4th of July License and Permit Applications and Waiver of Village of Brown Deer License and Permit Fees**

Mr. Hoier discussed past practice of the request along with the Fourth of July Committee's recommendation.

President Jaberg asked how much was being waived. Mr. Van Gompel stated that approximately \$150 was being waived and expressed concerns about setting a precedent. Mr. Hoier stated that the money is generally reallocated to award prizes during the festivity.

Trustee Baker discussed the Fourth of July Committee's efforts toward making the celebration self supporting and how it justifies the waiver of the fees.

Trustee Krueger added that the Fourth of July is a community event that goes back to the citizens.

*It was moved by Trustee Schilz and seconded by Trustee Baker to approve the Waiver of Village of Brown Deer License and Permit Fees for the 4th of July License and Permit Applications. The motion carried unanimously.*

**H) Waiving of 4th of July Concession Vendor and Peddler and Food License Fees**

Mr. Hoier summarized the committee's recommendation and stated that the waiving of the fees is used as a tool to negotiate with the various food vendors.

Trustee Baker asked about the amount of fees being waived. Mr. Van Gompel discussed the approximate amount of food license fees. Mr. Hoier stated that the vendors agree to donating 20 percent of their revenue to the Village in lieu of paying license fees.

Trustee Oates asked about the amount of revenue that is given back to the Village by the vendors. Mr. Hoier indicated that the amount is between \$300 and \$500.

Trustee Springman asked about the number of vendors that would be participating. Mr. Hoier stated that he is still in negotiations with several types of food vendors.

*It was moved by Trustee Krueger and seconded by Trustee Springman to waive 4th of July Concession Vendor and Peddler and Food License Fees. The motion carried 6-1, with President Jaberg voting in opposition.*

#### **IX. Committee Appointments**

*It was moved by President Jaberg and seconded by Trustee Krueger to appoint Sandy Manning to the Beautification Committee, Barry Godshaw to the Board of Review, Gerry Balistreri to the Library Board, and Roy Williams to the Police Commission. The motion carried unanimously.*

#### **X. Village President's Report**

President Jaberg reported on the following:

Attending the Senior Citizens Club meeting  
Attending the ICC meeting and their discussion about MMSD activities  
Attending the North Shore Fire Department Board of Directors meeting and the recently passed legislation that affects consolidated fire departments.

#### **XI. Village Manager's Report**

Mr. Van Gompel reported on the following:

Meeting with the developer of Deer Brook Estates to address storm water and erosion issues.  
Continued work on a TIF agreement for the redevelopment of the Commerce Center site.

Trustee Schilz asked if Pebblebrook Homes was given a deadline for completion. Attorney Fuchs discussed the potential for nuisance litigation if the matters are not addressed.

Trustee Springman asked about the noise complaints at Metavante. Mr. Van Gompel stated that the Police Department is investigating the matter.

#### **XII. Adjournment**

*It was moved by Trustee Springman and seconded by Trustee Schilz to adjourn at 8:43 p.m. The motion carried unanimously.*

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Russell Van Gompel, Village Manager