

**BROWN DEER VILLAGE BOARD  
APRIL 16, 2007 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, Krueger, Oates, Schilz, Springman

Also Present: Russell Van Gompel, Village Manager; Betty Bennett, Administrative Assistant; Kathy Kasza, Treasurer/Comptroller; John Fuchs, Village Attorney

Excused: Trustee Boschert

**II. Pledge of Allegiance**

**III. Persons Desiring to be Heard**

Karen Gosse, 6559 West Pierner Place, read a statement thanking Margaret Jaberg for her commitment to the community as well as her dedication and service as Village President.

**IV. Consideration of Minutes: April 2, 2007 – Regular Meeting**

*It was moved by Trustee Schilz and seconded by Trustee Oates to approve the minutes of the April 2, 2007 regular meeting. Correction: Trustee Springman stated that all of the Board members were present for the vote on the NSFD resolution. The vote should have been recorded as 6-1. The motion carried unanimously.*

**V. Committee Reports**

**A) Building Board – Trustee Krueger**

Trustee Krueger stated that the first two buildings of General Capital's Beaver Creek Condo project on 60<sup>th</sup> Street were approved.

**B) Beautification Committee – Trustee Oates**

Trustee Oates stated that he did not attend the meeting but reported the following:

The revised landscape plans for Deerwood Offices, 8655 North Deerwood Drive, were approved. Larry Neitzel has been in contact with Mr. Joe DiFrances regarding his offer to plant trees in the Churchill basin.

The committee approved the use of the Starbuck's donation to pay for the plants for landscaping the pond building.

A Spring education display was planned for the Library.

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

Trustee Springman reported that most of the meeting discussion related to programs being offered and ideas for new programs. Co-Sponsorship of a baseball camp was discussed. The Deer Run is to be held on April 21<sup>st</sup>.

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

Trustee Krueger stated that the 4<sup>th</sup> of July Committee is meeting later this week. Trustee Springman stated that Time Warner Cable donated a raffle prize of their services worth \$2,100 after the raffle tickets

were printed.

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

Mr. Van Gompel reported that no meeting was held.

**F) Library Board – Trustee Baker**

Trustee Baker stated that he did not attend the meeting but reported on the following:

The exterior front drainage issues were discussed and the Director was requested to obtain options and costs from the Village to remedy the problems.

The upcoming Friends of the Library Spring Plant Sale was discussed. Proceeds from the plant sale are used to fund many items for the library.

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

President Jaberg reported that no meeting was held.

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

**1) Development Agreement – V Gardens, LLC, 8742 N. Deerwood Drive**

President Jaberg stated that the Plan Commission was unanimous in their approval of the Development Agreement. Mr. Van Gompel stated that some product may be picked up and delivered at the site which may not have been relayed previously. Trustee Krueger clarified that the tenant space is only about 300 sq. ft. President Jaberg explained that the space will be used for base operations.

*It was moved by Trustee Krueger to approve and seconded by Trustee Springman to approve the Development Agreement for V Gardens, LLC, at 8742 North Deerwood Drive. The motion carried unanimously.*

**2) Conditional Use Permit – Apollo Tan, 6740 W. Brown Deer Road**

No unusual concerns have been reported in the past year and staff gave Apollo Tan a favorable review.

*It was moved by President Jaberg and seconded by Trustee Schilz to approve the Conditional Use Permit for Apollo Tan at 6740 West Brown Deer Road. The motion carried unanimously.*

**3) Development Agreement – Vitality Personal Training, 3900 W. Brown Deer Road**

President Jaberg reported that Vitality Personal Training is doing well in their location and there have been no documented complaints in the past year.

*It was moved by President Jaberg and seconded by Trustee Oates to approve the Development Agreement for Vitality Personal Training at 3900 West Brown Deer Road. The motion carried unanimously.*

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

*It was moved by Trustee Krueger and seconded by Trustee Springman to approve the payment of the vouchers and to ratify for payment invoices due on or before April 16, 2007. The motion carried unanimously.*

**K) Personnel Committee – Trustee Baker**

Trustee Baker stated that the Personnel Committee has not formally met; however, President Jaberg and Trustee Baker met with Mr. Van Gompel for his annual review and to set goals for the coming year.

**VI. Unfinished Business****VII. New Business****A) Resolution No. 07- , “A Resolution Authorizing the Sale of \$3,355,000 Taxable General Obligation Community Development Bonds.”**

Phil Hohlweck, Robert W. Baird representative, gave a presentation on the results of the bids received for the GO Bonds for TIF District No. 2 projects. The winning bidder was Griffin, Kubik, Stephens & Thompson, Inc. with a bid of 5.502137%. Discussion ensued regarding the location of Griffin/Kubik offices and the need for insurance. Total debt service is \$5,109,930.

*It was moved by Trustee Krueger and seconded by Trustee Schilz to approve Resolution No. 07- , “A Resolution Authorizing the Sale of \$3,355,000 Taxable General Obligation Community Development Bonds.”. The motion carried unanimously.*

**B) Resolution No. 07- , “In the Matter of Petition For the Establishment of a New At-Grade Crossing for the Brown Deer Recreation Trail.**

Mr. Van Gompel explained that when an at-grade crossing is created a public hearing is required. This resolution must be adopted in order to make the formal request for a public hearing. A public hearing has been tentatively scheduled for May 1<sup>st</sup> in the Village Hall conditioned on the resolution passing. Aerial photos show where the rail road spur branches off of the trail. The project will be funded with \$50,000 CDBG grant money and a \$15,000 donation from US Cellular. If the CDBG funding and US Cellular donation turns out to be insufficient to complete paving the whole path, other donations may be solicited and/or the trail could be paved to the north as far as possible, ensuring the railroad crossing is accomplished and reserving the remainder of the project for the future. Trustee Springman thanked Jesse for the timeline that was provided as requested and also stated that it appears that the project will be fully funded as it is being presented. Mr. Van Gompel explained that there may be additional engineering costs and until the final bid numbers are received nothing is certain. Discussion ensued regarding paving WEPCO portion of the trail. Mr. Van Gompel explained that WEPCO has control of that portion of the trail because it is their easement and we are obligated to pave it but the paving will not extend down to their substation. Trustee Schilz asked if WEPCO has been approached for a donation. Mr. Van Gompel stated that dialog with them has been initiated but they have not been receptive. President Jaberg once again expressed her concerns regarding the use of the oldest block grant funds to get this bike path done before remodeling the restrooms.

*It was moved by Trustee Springman and seconded by Trustee Schilz to approve Resolution No. 07- , “In the Matter of Petition For the Establishment of a New At-Grade Crossing for the Brown Deer Recreation Trail. The motion carried unanimously.*

**C) Resolution No. 07–, “A Resolution Commending Robert Moranski As Citizen of the Year”**

President Jaberg reported that Mr. Moranski has been selected by the Senior Citizens Club as their Citizen of the Year.

*It was moved by President Jaberg and seconded by Trustee Schilz to approve Resolution No. 07–, “A Resolution Commending Robert Moranski As Citizen of the Year”. The motion carried unanimously.*

**D) Resolution No. 07-, “A Resolution Opposing the Proposed Video Franchising Legislation, SB107/AB207”**

Mr. Van Gompel reported that this whole issue is dealing with video services over the internet and it is clear that AT&T is pushing legislation that would severely impact the ability of local government to regulate the cable industry through franchise agreements. Many communities are going on record to oppose this legislation. The League of Wisconsin Municipalities has identified 13 suggested amendments to the proposed legislation. If this resolution is passed a copy will be forwarded to the state assembly. It is important to note that Senator Darling is a co-sponsor of Senate Bill 107. Mr. Van Gompel stated that he has not had an opportunity to discuss this issue with Senator Darling personally but relayed his displeasure with her co-sponsorship to her staff. Mr. Van Gompel further stated that he has set up a meeting with Representative Jim Ott to discuss the impact of AB 207 on the Village. The current bill would exclude some franchise fees resulting in a local reduction of about \$28,000 for the Village of Brown Deer. The fact that a state agency will review video franchises could result in the state wanting a percentage of the percentage. We could lose another 1% to the state.

Mr. Van Gompel further explained that the legislation is centered on the fact that there should be competition for cable but it's not a level playing field. Service would not be available to all residents and AT&T will not share who would have service and who would not. President Jaberg stated that this was also discussed at the last ICC meeting. AT&T is contributing a lot of money to campaigns in Madison.

Ms. Kasza stated that it has been suggested that not only should municipalities send resolutions to Madison but we should ask our residents to write letters to legislators because losing these franchise fees will impact their taxes. Trustee Oates questioned why a senator from our area would be in favor of this legislation? Mr. Van Gompel didn't know but stated that, as one of Senator Darling's constituents, Mr. Oates should ask her. Trustee Springman pointed out that only six of the suggested amendments is attached. Mr. Van Gompel apologized stating that a second page was omitted and he would provide it. Trustee Springman asked if they could invite Senator Darling and Representative Ott to attend a board meeting. Mr. Van Gompel stated that Mr. Ott seems willing and has a genuine concern about the Village's concerns. Mr. Van Gompel further stated that he will extend the invitation to Mr. Ott and Senator Darling.

Mr. Van Gompel also reported that an Assembly bill is being proposed to take away the computer payment that municipalities were given in lieu of computer tax. If that payment goes away it would cost the Village \$350,000.

Trustee Springman suggested that we put information on our website to inform our residents of the proposed legislation.

*It was moved by Trustee Springman and seconded by Trustee Schilz to approve Resolution No. 07- , “A Resolution Opposing the Proposed Video Franchising Legislation, SB107/AB207”. The motion carried unanimously.*

**E) Resolution No. 07- , “A Resolution in Appreciation for Margaret Jaberg”**

Mr. Van Gompel stated that normally he would read and present the resolution tonight but not all of the trustees are in attendance to sign it. He further stated that the resolution should be voted on but will be presented at a more appropriate time.

*It was moved by Trustee Krueger and seconded by Trustee Springman to approve Resolution No. 07- , “A Resolution in Appreciation for Margaret Jaberg. The motion carried 5-0 with President Jaberg abstaining.*

**VIII. Village President’s Report**

President Jaberg reported on the following:

At the last ICC meeting, MMSD reported on dumping during rain events. Glendale passed their referendum to stay with the North Shore Fire Department with an 80% vote and the Glendale Council voted to stay with the Fire Department. Glendale and Brown Deer are the only two North Shore communities to adopt the freeze so far. The Deer Run is Saturday morning and President Jaberg invited everyone to come out and walk, run or volunteer. President Jaberg reported that the State of Village is good, the budget is sound, and Brown Deer is building a tax base rather than raising taxes.

President Jaberg stated that it has been an honor and very humbling to serve as Village President. She offered her congratulations and wished incoming President Carl Krueger good luck.

**IX. Village Manager’s Report**

Mr. Van Gompel reported on the following:

Assistant Manager Jesse Thyges will return at the first board meeting in May. He has been attending a graduate class that could not be scheduled for a different time.

Activity is starting on Bradley Road at the Commerce Center site.

The Village has received donations of plant material and will review possible sites for that.

The remodeling of Village Hall is nearing completion and disruption of service has been kept to a minimum.

Carl Krueger will be sworn in as Village President after the conclusion of tonight’s meeting.

Trustee Springman asked for a pond building update. Mr. Van Gompel stated that construction is moving along. The contractor is working on the interior of the building. Most of the paint priming is done and they are starting drywall installation. Demolition will begin on the old building when the sewer and water have been properly abandoned. President Jaberg interjected that the landscaping will begin mid-May.

**X. Adjournment**

*It was moved by Trustee Springman and seconded by Trustee Oates to adjourn at 8:05 p.m. The motion carried unanimously.*