

**BROWN DEER VILLAGE BOARD
JULY 16, 2007 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 7:00 P.M.

I. Roll Call

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

Also Present: Russell Van Gompel, Village Manager; Jesse Thyges, Assistant Village Manager/Community Services Director; Nate Piotrowski, Planning/Zoning Specialist; John Fuchs, Village Attorney

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Richard Meihnsner asked to be heard under agenda item VII. A).

**IV. Consideration of Minutes: June 18, 2007 – Regular Meeting
 June 25, 2007 – Special Meeting**

It was moved by Trustee Springman and seconded by Trustee Schilz to approve the minutes of the June 18, 2007 regular meeting. The motion carried unanimously.

It was moved by Trustee Springman and seconded by Trustee Weddle to approve the minutes of the June 25, 2007 special meeting. The motion carried unanimously.

V. Committee Reports

A) Building Board – Trustee Weddle

Trustee Weddle reported on the Board's review and approvals of a residential sunroom, the Tri City Bank building and Dr. Newman's office building along Bradley Road. Trustee Weddle also stated that the school district's modular classrooms have yet to receive final approvals because state approved building plans have not been obtained.

Trustee Oates asked if the homeowner was present during the review of the sunroom. Trustee Weddle indicated that the contractor was present for the review.

Trustee Springman inquired about the start date for the modular classrooms. Mr. Van Gompel discussed the need for state approved building plans and the potential for staff's review of the footing and foundation plans to allow for an early start.

B) Beautification Committee – Trustee Oates

Trustee Oates reported on the committee's discussions for the landscaping plan at the library, the review of the landscaping plans for Candlewood Suites, and that the Village had properties featured on the Fox 6 garden show.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman reported that no meeting was held.

D) 4th of July Committee – Village President Krueger

Village President Krueger reported that no meeting was held.

E) Traffic and Public Safety – Trustee Boschert

Trustee Boschert reported that no meeting was held but briefly discussed the Committee's interest in studying the 51st Street and Brown Deer Road intersection due to safety and traffic congestion concerns.

F) Library Board – Trustee Baker

Trustee Baker reported that no meeting was held.

G) Community Development Authority – Village President Krueger**1) TID Agreement – Dr. Bruce Newman**

Mr. Thyges discussed the details of the TID Agreement and the pending Board of Appeals variance request. Mr. Van Gompel added that there may be minor alterations to the agreement needed.

Trustee Oates inquired about the change from the original plans. Mr. Van Gompel discussed the storm water management practices and the building design.

It was moved by Trustee Schilz and seconded by Trustee Springman to approve the TID Agreement for Dr. Bruce Newman conditioned upon final review by Attorney Alan Marcuvitz and obtaining approvals from the Board of Appeals. The motion carried unanimously.

H) Plan Commission – Village President Krueger**1) Conditional Use Permit – Snap Fitness, 4301 W. Bradley Road, Suite 120**

Mr. Piotrowski introduced the matter and reviewed the draft Conditional Use Permit.

Trustee Weddle voiced concerns with the safety of a 24 hour operation. Mr. Van Gompel noted that no other commercial business within the Village has 24 hour operations and discussed the recent Zoning Code amendment.

Trustee Baker asked about the percentage of clients that would utilize the gym during the overnight hours and asked for clarification of the tanning salon. Mr. Piwowarczyk, of Snap Fitness, stated that approximately 1% of his clients would come in over the nighttime hours, and discussed the one tanning bed that would be accessed with a member's key card.

It was moved by Trustee Springman and seconded by Trustee Baker to approve the Conditional Use Permit for Snap Fitness at 4301 West Bradley Road. The motion carried 4-3 with Trustees Oates, Boschert and Weddle voting in opposition.

2) Conditional Use Permit – Cellular Equipment, 4290 W. Calumet Road

Mr. Piotrowski introduced the matter and reviewed the draft Conditional Use Permit.

Trustee Oates inquired if there was an update to the terms of the lease due to the new equipment. Trustee Schilz stated that the Water Commission had updated the terms of the lease with Verizon.

It was moved by Trustee Schilz and seconded by Trustee Oates to approve the Conditional Use Permit for cellular equipment at 4290 West Calumet Road. The motion carried unanimously.

3) Development Agreement – Dr. Bruce G. Newman, DDS, LLC

Mr. Piotrowski introduced the matter and reviewed the draft agreement.

Trustee Oates asked if the building would have multiple tenants. Mr. Piotrowski indicated that it would be a multi-tenant building.

It was moved by Trustee Weddle and seconded by Trustee Springman to approve the Development Agreement with Dr. Bruce G. Newman, DDS, LLC contingent upon approvals being obtained from the Board of Appeals. The motion carried unanimously.

4) Development Agreement – Tri City Bank

Mr. Piotrowski introduced the matter and reviewed the draft agreement.

It was moved by Trustee Springman and seconded by Trustee Boschert to approve the Development Agreement with Tri City Bank. The motion carried unanimously.

5) CSM, 4420 W. Bradley Road

Mr. Piotrowski introduced the matter and reviewed the need to combine the two parcels with a Certified Survey Map for the office development.

President Krueger asked if the Board of Appeals decision would affect the survey. Attorney Fuchs stated that the variance decision would not have any bearing on the survey map.

It was moved by Trustee Boschert and seconded by Trustee Oates to approve the CSM at 4420 West Bradley Road. The motion carried unanimously.

6) CSM, Candlewood Suites, 4443 W. Schroeder Drive

Mr. Piotrowski introduced the matter and reviewed the need to divide the parcel with a Certified Survey Map for the hotel development.

Trustee Baker inquired about the storm water management issues on the site. Mr. Piotrowski discussed the measures that are to be taken by the developer to address the storm water management requirements and the floodplain boundaries.

President Krueger asked if more than one survey would be needed to show the easements. Mr. Piotrowski indicated that the easements would be shown on separate pages of a single survey map packet.

It was moved by Trustee Schilz and seconded by Trustee Springman to approve the CSM at 4443 West Schroeder Drive for Candlewood Suites subject to the Board finding that occupancy of the newly created lot must be conditioned upon the grant of any required storm water easements and their approval by the Village and any other Federal, State, or local authority having reviewing authority or jurisdiction. The motion carried unanimously.

On other matters from the Plan Commission, Mr. Van Gompel discussed the scheduling of a public hearing for an outdoor beer garden at horseshoe pits at 7651 North Teutonia Avenue as well as the Commission's rejection of the conceptual presentation of a condominium development at 49th Street and

County Line Road.

I) Finance and Public Works Committee – Trustee Oates

1) Consideration of Vouchers

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

J) Personnel Committee – Trustee Baker

Trustee Baker stated that the Personnel Committee had not met.

VI. Unfinished Business

None.

VII. New Business

A) Development Agreement – Richard Mehsner, 7725 N. Teutonia Avenue

Mr. Piotrowski reviewed the matter for the Board and discussed the history of non-compliance on the site as well as the results of Staff's onsite visits. Mr. Piotrowski added that the owner is going to pursue a new development agreement to bring the whole property into compliance.

Mr. Mehsner noted that Brown Deer Service intends on taking over the operations of the site.

Trustee Schilz asked about the timeframe for submittal of the appropriate applications. Mr. Piotrowski indicated that staff is requesting the matter be tabled for 30-days to allow for submittal of the applications.

Trustee Schilz voiced concerns with the appearance of the property due to the improvement efforts that have been taken by the Village to improve the area through various tax incremental financing projects.

Trustee Springman asked if one month would be enough time for the property owner. Mr. Van Gompel indicated that Staff would like to have a new development agreement in place as soon as possible and the 30-day timetable is intended to keep the process moving forward.

A brief discussion ensued regarding the types of approvals that would be necessary to bring the property into compliance with the Village Code.

Trustee Oates asked if there have been any fines levied against the property. Mr. Piotrowski indicated that there has been no citations or fines issued to date.

It was moved by Trustee Springman and seconded by Trustee Boschert to table the matter until August 20, 2007. The motion carried unanimously.

B) Resolution Approving the CMAR Report for Activities during 2006 and Authorizing the Submittal to the Wisconsin Department of Natural Resources

Mr. Van Gompel discussed the need for the resolution in order to submit the report to the Department of Natural Resources.

It was moved by Trustee Weddle and seconded by Trustee Schilz to approve the Resolution Approving the CMAR Report for Activities during 2006 and Authorizing the Submittal to the Wisconsin Department of Natural Resources. The motion carried unanimously.

VIII. Committee Appointments

None.

IX. Village President's Report

President Krueger reported on the following:

- The success of the Village's Fourth of July celebration
- Attending the ICC meeting and the discussions on the Cable Television matter
- Attending the North Shore Fire Department meeting

X. Village Manager's Report

Mr. Van Gompel reported on the following:

- The status of the State legislature's budget debate
- The School District's temporary closure of the basket ball courts
- The status of the modular classrooms
- The Board of Review meeting minutes and that the assessments have been set

Trustee Springman asked if Bradley's Jazz Club was open. Mr. Van Gompel stated that they have an occupancy permit and the appropriate licenses.

Trustee Baker asked about the status of the former Hearthside property. Mr. Van Gompel indicated that staff had spoken with Weas Development to establish a regular property maintenance schedule.

Trustee Springman asked if there was a timetable for occupancy of the new buildings at the former commerce center site on Bradley Road. Mr. Van Gompel indicated that construction is underway, but there is no timetable in place for occupancy.

Trustee Weddle asked about the status of the bike path project. Mr. Van Gompel indicated that the project is out for bid with responses due by the July 31, 2007.

Trustee Schilz asked about the worst case scenario of the State budget discussions. Mr. Van Gompel indicated that it would be planned for accordingly through the Village's budget process.

Trustee Schilz asked about a timetable for the 60th Street and Brown Deer Road development. Mr. Van Gompel indicated that timetables are set forth in the various development agreements.

Trustee Boschert asked about Staff's meeting with school district officials. Mr. Van Gompel indicated that Mr. Thyges and Mr. Piotrowski met with various school district officials to discuss the zoning requirements pertaining to the Algonquin School site.

Trustee Boschert also asked about the school district's efforts to promote safety at their facilities. Mr. Van Gompel indicated that they have met with the Police Department to discuss various options.

XI. Adjournment

It was moved by Trustee Schilz and seconded by Trustee Oates to adjourn at 8:25 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager