

**BROWN DEER VILLAGE BOARD
NOVEMBER 5, 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, Springman, Weddle

Also Present: Russell Van Gompel, Village Manager; Jesse Thyes, Assistant Village Manager/Community Services Director, Chief Steven Rinzel, Police Department; Kathy Kasza, Treasurer/Comptroller; Chad Hoier, Park and Recreation Director; Mike Rau, Water Superintendent; Arnie Gutkowski, Library Director; Jane Peterson and Jamie Berg, North Shore Health Department; John Fuchs, Village Attorney

Excused: Trustee Schilz

II. Pledge of Allegiance

III. Persons Desiring to be Heard

James Kosick, 8361 North Cedarburg Road, voiced concerns with the River Revitalization Foundation project to restore their recently purchased property and with the proposed extension of the recreation trail south of Brown Deer Road.

President Krueger discussed the plan review process that will be needed before the trail could be completed. Mr. Van Gompel further discussed the permitted parking along the roadside and the removal of invasive plant species from the site.

A) 2008 Annual Budget

Mr. Van Gompel opened the public hearing at 7:25 p.m. and proceeded with a presentation summarizing the proposed 2008 Village budget.

No public comment was received.

The public hearing was closed at 7:35 p.m.

IV. Consideration of Minutes: October 15, 2007 – Regular Meeting

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the minutes of the October 15, 2007 regular meeting. The motion carried unanimously

V. Unfinished Business

A) Ordinance No. 07-, “Creating Article 36 of Chapter VI of Volume I of the Brown Deer Village Code of Ordinance Pertaining to Residency Restrictions for Sex Offenders and Directing Action for Injunctive Relief for Violation Thereof”

Mr. Van Gompel discussed the updated details of the ordinance. Attorney Fuchs further discussed the domicile restriction provisions.

Trustee Baker asked for clarification on the statutory definition of a day care center. Attorney Fuchs discussed the terms of the statutes.

Trustee Oates asked if the offenders would have to move. Attorney Fuchs stated that they would not be displaced by this ordinance.

Mr. Van Gompel summarized the ICC discussions on this matter.

It was moved by Trustee Boschert and seconded by Trustee Baker to adopt Ordinance No. 07-, "Creating Article 36 of Chapter VI of Volume I of the Brown Deer Village Code of Ordinance Pertaining to Residency Restrictions for Sex Offenders and Directing Action for Injunctive Relief for Violation Thereof". The motion carried unanimously.

VI. New Business

A) Resolution No. 07-, "Adopting 2008 Annual Budget and Establishing the Property Tax Levy"

Mr. Van Gompel discussed the impact of increasing the tax levy either 2 percent or 3.86 percent in order to avoid using the Village's special revenue fund. Mr. Van Gompel stated that the tax levy cap of 2 percent will be in effect in 2009.

Trustee Oates asked for clarification of the Village Manager's budget. Mr. Van Gompel explained that this portion of the budget encompasses the operations of the manager's office as well as elections, and employment testing.

Trustee Baker voiced concerns over depleting the special revenue fund. Mr. Van Gompel further explained the advantages to maintaining a balance in the special revenue fund and also discussed past draw downs on the account.

Trustee Boschert and Oates both voiced concerns with levying up to the 3.86 percent limit.

Trustee Springman discussed the various unfunded mandates that the Village has to address and added that a higher levy may be needed to avoid a future spike.

Mr. Van Gompel discussed the long-term concerns including the potential future reductions in shared revenue and the cable franchise fees.

Trustee Baker stressed the need to maintain the balance in the special revenue fund.

It was moved by Trustee Boschert and seconded by Trustee Oates to approve Resolution No. 07-, "Adopting 2008 Annual Budget and Establishing the Property Tax Levy" with a 2 percent levy increase to \$7,318,776. The motion failed 3 – 3 with President Krueger and Trustees Baker and Springman voting in opposition.

Attorney Fuchs discussed the options for the Board due to the failed motion and added that the matter can be taken up at the next Board meeting if the budget is not adopted at this meeting.

It was moved by Trustee Springman and seconded by Trustee Baker to approve Resolution No. 07-, "Adopting 2008 Annual Budget and Establishing the Property Tax Levy" with a 3.86 percent levy increase to \$7,452,235. The motion failed 3 – 3 with Trustees Boschert, Weddle, and Oates voting in opposition.

B) Special Holiday Hours for Kohl's Department Store, 9060 North Green Bay Road

Mr. Van Gompel reviewed the application for the Board.

Trustee Baker asked if anyone else had submitted an application for extended hours. Mr. Van Gompel indicated that no other applications had been received.

It was moved by Trustee Weddle and seconded by Trustee Springman to approve the Special Holiday Hours for Kohl's Department Store at 9060 North Green Bay Road. The motion carried unanimously

VII. Departmental Report – Water

Mike Rau, Water Superintendent, reported on how Brown Deer compares with other municipalities on water costs and the proposed 2008 projects. Mr. Rau also discussed MMSD's proposed rate increase and the utility's current staffing level.

Trustee Oates inquired about the stand pipe inspection. Mr. Rau discussed the Department of Natural Resource's requirement and the inspection procedures.

Trustee Weddle asked about the main replacement program. Mr. Rau explained the utility's coordination with the street rehabilitation program.

Trustee Baker asked about the painting of the standpipe. Mr. Rau explained that the paint has a 15-year lifespan and the standpipe was painted about five years ago.

Trustee Baker asked if failure of service laterals have occurred since the chlorine station was installed. Mr. Rau stated that there have been failures, but not due to the inside-out corrosion.

Trustee Springman asked if water was only sold within Brown Deer. Mr. Rau explained that there are residences in Mequon, River Hills, and Milwaukee that receive water from Brown Deer.

Trustee Boschert asked if the chlorine station was automated. Mr. Rau stated that the station is primarily automated; however, it does require occasional staff visits.

VIII. Committee Appointments

It was moved by President Krueger and seconded by Trustee Springman to appoint Trustee Tim Schilz to the Water Utility Commission. The motion carried unanimously.

It was moved by President Krueger and seconded by Trustee Weddle to appoint Janet Ferrici to the Beautification Committee. The motion carried unanimously.

IX. Village President's Report

President Krueger reported on the MMSD and North Shore Fire Department budgets.

X. Village Manager's Report

Mr. Van Gompel reported on the following:

- The special legislation that was passed regarding the discipline procedures for police officers.
- The paving of the recreation trail and the pond parking lot.
- The status of the Park Plaza Court street lighting.

Trustee Baker inquired about Brooklane Apartments. Mr. Van Gompel indicated that staff has been working with the owners to address maintenance concerns.

Trustee Oates asked about the noise violation that Bradley's had received. Mr. Van Gompel indicated that the police department responded and issued tickets accordingly.

XI. Adjournment

It was moved by Trustee Springman and seconded by Trustee Weddle to adjourn at 8:45 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager