

**BROWN DEER VILLAGE BOARD
JANUARY 21, 2008 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

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

Excused: Trustee Weddle

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Village President Krueger asked for those in attendance to recognize Martin Luther King Jr. day with a moment of silence.

IV. Consideration of Minutes: January 7, 2008 – Regular Meeting

It was moved by Trustee Boschert and seconded by Trustee Schilz to approve the minutes of the January 7, 2008 regular meeting. The motion carried unanimously.

V. Committee Reports

A) Building Board – Trustee Weddle

No report.

B) Beautification Committee – Trustee Oates

Trustee Oates reported on the committee's discussions about the Emerald Ash Borer, the shoe recycling program at the Deer Run, and the MMSD rain garden grant program.

1) Resolution No. 08- "A Resolution Proclaiming April 19, 2008 as Arbor Day"

Trustee Oates summarized the resolution for the Board.

It was moved by Trustee Oates and seconded by Trustee Schilz to approve Resolution No. 08- "A Resolution Proclaiming April 19, 2008 as Arbor Day". The motion carried unanimously.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman stated that there was no January meeting.

D) 4th of July Committee – Village President Krueger

No report.

E) Traffic and Public Safety – Trustee Boschert

Trustee Boschert reported on the committee's discussions with a resident regarding the potential for regulating parking along both Green Bay Road and Bradley Road. There was no action taken on either item.

Trustee Baker asked if the Police Department had a comment on the parking problem at Bradley's, 4740 West Bradley Road. Mr. Van Gompel indicated that the department continues to review the matter.

F) Library Board – Trustee Baker

Trustee Baker reported on the circulation rates of library materials and the board's discussions about how to address patron behavioral problems within the library.

Trustee Boschert asked about the change in the media hold policy. Trustee Baker discussed the conflict between MCFLS and Milwaukee Public Library.

G) Community Development Authority – Village President Krueger**1) Amended TID Agreement with General Capital to include Walgreens Pharmacy**

Mr. Van Gompel reviewed the updated agreement and summarized the discussions from the CDA meeting.

Trustee Boschert asked if the CDA's recommendation was unanimous. Mr. Van Gompel indicated that it was unanimous.

President Krueger indicated that all of the previous financial guarantees remain in place in the updated agreement. Attorney Fuchs further clarified the financial terms of the agreement.

It was moved by President Krueger and seconded by Trustee Schilz to approve the Amended TID Agreement with General Capital to include Walgreens Pharmacy. The motion carried unanimously.

2) Development Agreement for JFS Housing Brown Deer, LLC

Mr. Van Gompel reviewed the agreement and summarized the remaining approvals that are required.

Trustee Boschert asked about the taxation of the project. Mr. Van Gompel indicated that the property owners would be responsible for the tax bill.

Trustee Oates asked if alternate sites had been explored. Mr. Van Gompel discussed staff's presentation to JFS to bring them to the Village.

Trustee Springman asked if the proposal includes the A&P parcel along Teutonia Avenue. Mr. Van Gompel indicated that the parcel was not included at this time.

Trustee Springman inquired about the effects on property values. Mr. Van Gompel indicated that the assessor must follow guidelines set forth in the State Statutes.

It was moved by President Krueger and seconded by Trustee Schilz to approve the Development Agreement for JFS Housing Brown Deer, LLC. The motion carried unanimously.

3) Option to Purchase Agreement with JFS Housing Brown Deer, LLC

Mr. Van Gompel reviewed the option to purchase the remainder of the former Kohl's food store site for the Board and added that the anticipated closing date would be September 30, 2008.

It was moved by President Krueger and seconded by Trustee Schilz to approve the Option to Purchase Agreement with JFS Housing Brown Deer, LLC. The motion carried unanimously.

H) Plan Commission – Village President Krueger

1) Certified Survey Map – 9250 North Green Bay Road

Mr. Piotrowski reviewed the combination of the parcels for a real estate transaction. Mr. Van Gompel added that the parcels to the south would remain unchanged.

It was moved by President Krueger and seconded by Trustee Schilz to approve the Certified Survey Map at 9250 North Green Bay Road. The motion carried unanimously.

On other matters from the Plan Commission, President Krueger discussed the denial of a proposed text amendment, the cancellation of a rezoning request from CVS pharmacy, and discussions about the comprehensive planning process.

I) Finance and Public Works Committee – Trustee Oates

2) Contract with URS Corporation for Professional Planning Services

Mr. Piotrowski discussed the company's background and the comprehensive planning process. Mr. Van Gompel touched on the public participation aspect of the project.

It was moved by Trustee Oates and seconded by Trustee Boschert to award the contract for professional planning services to URS Corporation in an amount not to exceed \$114,660. The motion carried unanimously.

3) 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 January 21, 2008. The motion carried unanimously.

A discussion ensued regarding the change over in waste collection contractors and the responsibilities of the contractor.

Trustee Springman inquired about capital projects that come in under budget and what happens with the funds. Mr. Van Gompel explained that remaining funds can be used to avoid future borrowing and that they remain within the capital improvement fund.

J) Personnel Committee – Trustee Baker

Trustee Baker reported on the committee's discussions about non-represented employee pay rates, openings within the Police Department, and the Village Manager's review.

VI. Unfinished Business

None.

VII. New Business**A) Request for Extended Hours of Operation from McDonald's**

Mr. Thyes reviewed the proposed changes in the hours of operation for an early opening of the drive-through window and extended hours for the restaurant lobby.

Trustee Oates voiced concerns with both requests.

Trustee Baker asked for clarification of the Police Department's recommendation. Mr. Van Gompel discussed the recommendation and touched on the potential for setting a precedent.

Trustee Springman commented on the early opening time for the YMCA and the existing 24 hours operations within the Village.

A discussion ensued regarding the different types of business operations and safety concerns.

It was moved by Trustee Boschert and seconded by Trustee Oates to deny the requests for both the extended closing time and the early opening time. The motion failed 3-3, with Trustees Springman, Baker, and Schilz voting in opposition.

Attorney Fuchs clarified the procedure due to the failed vote.

Trustee Schilz indicated that the early opening time of the drive through would allow for only limited business traffic.

It was moved by Trustee Schilz and seconded by Trustee Springman to deny the request for the extended closing time. The motion carried unanimously.

It was moved by Trustee Boschert and seconded by Trustee Oates to approve the request for the early opening time for the drive through window. The motion failed 3-3, with Trustees Boschert and Oates, and President Krueger voting in opposition.

Mr. Van Gompel indicated that with the failed motion the hours for the drive through window would still be subject to the Village Ordinance.

B) Change of Agent Appointment for Class "B" Liquor License held by Poco Loco Cantina at 4134 West River Lane

Mr. Van Gompel summarized the matter for the Board and reviewed the Police Department's recommendation.

It was moved by President Krueger and seconded by Trustee Boschert to approve the Change of Agent Appointment for the Class "B" Liquor License held by Poco Loco Cantina at 4134 West River Lane. The motion carried unanimously.

C) Ordinance No. 08-, “Ordinance Amending Building Permit Fees”

Mr. Thyes reviewed the proposed changes to the permit fee schedule.

Trustee Oates asked when the ordinance was last updated. Mr. Thyes indicated that the last update occurred in 2006.

Trustee Schilz asked if the fee schedule was posted to the website. Mr. Thyes indicated that it is posted on the Village’s website.

It was moved by President Krueger and seconded by Trustee Springman to approve Ordinance No. 08-, “Ordinance Amending Building Permit Fees”. The motion carried unanimously

VIII. Committee Appointments

It was moved by President Krueger and seconded by Trustee Oates to appoint Lee Jones to the Plan Commission. The motion carried unanimously.

Mr. Van Gompel noted that Roy Williams had stepped down from the Commission.

IX. Village President’s Report

President Krueger reported on the following:

- Attending the ICC meeting and their discussions about a regional transit authority
- Attending a North Shore Fire Department Board meeting to discuss the funding formula

X. Village Manager’s Report

Mr. Van Gompel reported on the following:

- The status of the garbage collection transition
- The resignation of Kathy Kasza and that a recruitment process has begun
- The scheduled informational meetings regarding development proposals
- The updates to various offices within Village Hall

Trustee Oates asked if there were any candidates for the Treasurer position. Mr. Van Gompel indicated that several applications had already been received.

Trustee Oates asked if there had been any maintenance issues due to the extreme cold. Mr. Neitzel and Mr. Van Gompel both indicated that there have not been any weather related problems.

Trustee Springman inquired about the water meter replacements. Mr. Van Gompel stated that notices were sent to residents for the updating of their meters and discussed the replacement cycle.

XI. Adjournment

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

Russell Van Gompel, Village Manager