

**BROWN DEER VILLAGE BOARD  
JUNE 1, 2015 MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 6:42 P.M.

**I. Roll Call**

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

Also Present: Michael Hall, Village Manager; John Fuchs, Village Attorney; Erin Hirn, Assistant Village Manager; Michael Kass, Chief of Police; Nate Piotrowski, Director of Community Development; Matthew Maederer, Director of Department of Public Works; Susan Hudson, Treasurer/Comptroller; Jill Kenda-Lubetski, Village Clerk; Mark Thompson, Recreation Supervisor; Lisa Kumbier, Lieutenant of the Brown Deer Police Department; Fernando Moreno, Zoning & Planning Specialist

**II. Pledge of Allegiance**

**III. Persons Desiring to be Heard**

Carolyn Mitchell, President, and Dorothy Protz, Treasurer, of the Brown Deer Junior Woman's Club appeared to present the 4th of July Committee with a donation in the amount of \$2,000. Ms. Mitchell specifically requested that all of the monies be applied towards the fireworks presentation.

**IV. Consideration of Minutes: May 18, 2015 Regular Meeting**

*It was moved by Trustee Schilz and seconded by Trustee Bob Oates to approve the minutes from the May 18, 2015 - Regular Meeting. The motion carried unanimously.*

**V. Unfinished Business**

None.

**VI. New Business**

**A) Liquor License Agent Change – Walmart #6394, 6300 West Brown Deer Road**

Ms. Kenda-Lubetski explained the previous General Manager of the Brown Deer Walmart, Jason Radliff, accepted a transfer to be the General Manager of a different Walmart store. This transfer created the need to replace the agent on the Class "A" Intoxicating Liquor License and Class "A" Beer License held by Wal-Mart Stores East LP, d/b/a Walmart Store #6394, located at 6300 West Brown Deer Road. Wal-mart Stores East L.P. is requesting Carey Stark, who currently holds an Operator's License for Walmart, be appointed the interim agent. A new General Manager, Joshua Moon, has been hired and will start on June 8, 2015. However, one of the eligibility requirements for being an Agent is that you must be a resident of the State of Wisconsin for at least 90 days. Mr. Moon transferred to the Brown Deer store from a store outside the State of Wisconsin, so it will be necessary for him to wait 90 days before applying to change the agent on the liquor license. It is anticipated that Walmart will come back to the Village and ask the Village Board to consider a change to the agent for the liquor license after the residency requirement is met.

Trustee Boschert asked about the \$15 fee paid. Ms. Kenda-Lubetski verified they would have to pay an additional \$15 fee to appoint the new General Manager and change the agent appointment on the liquor license. Trustee Schilz inquired on whether Walmart was planning on introducing the new manager to Chief Kass. Mr. Hall verified that a meeting was already scheduled for this week.

*It was moved by President Krueger and seconded by Trustee Schilz to grant a Liquor License Agent Change – Wal-Mart #6394, 6300 West Brown Deer Road. The motion carried unanimously.*

**B) Liquor License Applications for 2015-2016**

The Village experienced a problem with the publication of the liquor licenses in the NOW that was missed/overlooked by NOW staff. The publication is scheduled to appear in the June 4, 2015 issue of the NOW. Attorney Fuchs explained that a motion to approve a layover is necessary due to the requirement of the liquor license publication before approval of liquor license applications can be granted. Ms. Kenda-Lubetski addressed some complications with a couple of applications. One is in debt to the water department and also to their wholesaler. The next establishment is also in debt to the water department and a request by the State of Wisconsin Department of Revenue to deny the liquor license because of a non-valid seller's permit. They have until June 30, 2015 at midnight to resolve these issues.

*It was moved by Trustee Schilz and seconded by President Krueger to layover the Liquor License Applications for 2015-2016. The motion carried unanimously.*

**C) Waiving of 4th of July License and Permit Applications and Waiving of Village of Brown Deer License and Permit Fees**

Mr. Thompson discussed that the 4th of July Committee is requesting to waive license and permit applications and fees continuously associated with the 4th of July celebration, until otherwise determined by the Village Board. Mr. Hall reemphasized the fact that we do this every year and instead of creating another agenda item each year, it will be continuous unless otherwise noted by the Village Board. Trustee Schilz wanted to know if new vendors became part of the event, if they would automatically be waved. Mr. Hall reassured the board that we would make them aware of all vendors that wanted to be part of the 4th of July event.

*It was moved by Trustee Springman and seconded by Trustee Oates to approve waiving of 4th of July license and permit applications and waiving of Village of Brown Deer license and permit fees. The motion carried unanimously.*

**D) Resolution No. 15-, “A Resolution Waiving Notice of By-Law Amendment, Meadowside Subdivision”**

Attorney Fuchs offered a proposal, that was also presented to and agreed by staff, to change the subdivision by-laws to discontinue the need to amend by-laws through the Village Board and instead let the Homeowners Association take complete control of their by-laws. President Krueger was concerned that we would not be included in certain development issues. Attorney Fuchs assured the board that this would only be for the by-laws and not for the development's agreements. Mr. Piotrowski went on to discuss how this came about and the research that entailed. Trustee Schilz vocalized concerns of the streetlights and other cosmetic areas of the subdivision. Attorney Fuchs stated that this would be a development change that would need to come before the board. The by-laws will be the only things that need to be changed. Mr. Piotrowski explained that to the best of his knowledge, the development agreement protects the village for items that could become public concern, as well as the storm water management ordinance that protects the pond.

*It was moved by President Krueger and seconded by Trustee Boschert to approve Resolution No. 15- “A Resolution waiving notice of By-Law Amendment, Meadowside Subdivision”. The motion carried unanimously.*

**E) 2015 Emerald Ash Borer Treatment Project**

Mr. Maederer explained the process of every year completing an Emerald Ash Borer treatment in two year cycles. It has proven to be successful. Last year this was done internally; however, we lost that staff person and will have to train a new person. The process includes injecting the treatment into the tree to kill the insect eggs. President Krueger asked if there was a per tree cost. Mr. Maederer explained that it depends on the thickness, but there is normally an average cost of \$175 per tree. Trustee Awe asked about the tree replacement. Mr. Maederer explained no ash trees are used as replacements, and they try to use various trees so if another problem arises with a certain species of tree it does not destroy a large area.

*It was moved by Trustee Oates and seconded by Trustee Springman to approve 2015 Emerald Ash Borer Treatment project. The motion carried unanimously.*

**F) Village of Brown Deer Community Garden**

Trustee Oates described the few constituent requests he has received over the past few months regarding developing a community garden. Discussion ensued regarding the creation of a community garden. Mr. Hall discussed the potential problems that could come up. Mr. Piotrowski described the opportunities currently available. Trustee Oates asked the local government to try and find groups within the community that would be interested in managing one of these gardens and also a survey to see where interest levels are.

**G) Presentation by Community Services Department on Code Enforcement**

Mr. Moreno described his daily routine and his proactive and reactive steps to satisfy a request Trustee Boschert had regarding our code enforcement. Trustee Boschert asked how people are made aware of their code violation. Mr. Moreno explained that they provide their complaints as anonymous, unless they desire their names to be mentioned. Mr. Maederer then further explained how to use the GIS system when looking for foreclosed houses. Trustee Schilz wanted to know if there was a follow up for every phone call. Mr. Moreno explained that he writes down and returns every phone call as long as they leave a return phone number. Trustee Springman asked about pods and unauthorized signs. Mr. Moreno described his method of keeping track of the time period pods are visible and if the sign is unauthorized it is pulled from its location. President Krueger mentioned to keep up the good work.

**H) Presentation by the Brown Deer Police Department**

Chief Kass gave a presentation reviewing the success of the police department and what programs have been successful, as well as highlighted areas that they are planning on advancing.

**VII. Committee Appointments**

*It was moved by President Krueger and seconded by Trustee Boschert to approve the appointment of Otto Bunge to the Board of Review. The motion carried unanimously.*

**VIII. Village President's Report**

- Went to Madison for League of Municipalities Lobby Day.

**IX. Village Manager's Report**

- Eat & Greet Celebration reminder, June 6, 2015 from 3-8 p.m.
- Farmers Market reminder starting June 10, 2015 from 9:00 a.m. – 6:00 p.m.
- The next Village Board meeting will be starting at 5:00 p.m. at the DPW

- Discussed the changes that might become effective regarding hotel tax
- Discussed where we stand with the school district regarding the memorandum of understanding

**X. Adjournment**

*It was moved by Trustee Oates and seconded by Trustee Boschert to adjourn at 8:31 p.m. The motion carried unanimously.*



Jill Kenda-Lubetski, Village Clerk