

**BROWN DEER VILLAGE BOARD  
MAY 16, 2016 MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 6:30 P.M.

**I. Roll Call**

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

Also Present: Michael Hall, Village Manager; Erin Hirn, Assistant Village Manager/Deputy Clerk; Michael Kass, Chief of Police; Susan Hudson, Treasurer/Comptroller; Colette Reinke, Village Attorney; Matthew Maederer, Director of Public Works; Nate Piotrowski, Director of Community Services

**II. Pledge of Allegiance**

**III. Public Hearing**

E. Special Assessments of Culvert & Driveway Approaches for the 2016 Ditch Rehabilitation Project

Sherry Meyer, 8246 North 52nd Street, inquired if there will be any replacements going into Churchill Lane from 52nd Street. Mr. Maederer stated that all cross culverts on 52nd Street will be replaced as well as after the water main installation. Ms. Meyer also mentioned that there is an issue with water draining into her yard. Mr. Maederer stated that he would work with her to address the issue.

Mr. Maederer read a question submitted by a resident regarding the public hearing topic. Paul Lockwood, 5136 West Goodrich Avenue, asked what the thickness of base and top coat of asphalt, asphalt warranty, and payment process. Mr. Maederer responded that the thickness of asphalt is 3 inches with a standard one-year warranty. Regarding the payment process, bills will go out in October of 2016 and be due by October of 2017. Payments can be made in installments. If the amount is not paid by October 2017, the outstanding amount will be rolled onto the resident's tax bill.

President Krueger mentioned he had spoken with many residents who had stated that their culverts were fine and did not need to get replaced. Mr. Maederer vocalized that there has been a thorough inspection and rating of the culverts and it had been determined this was the best time for these pipes to get replaced.

Dan Dziewik, 8247 North 52nd Street, was concerned about getting a new culvert because the traffic bond has been there for 10 years and has settled nicely. He mentioned that he was concerned on the one-year warranty. Mr. Maederer reassured him that the asphalt will be put down where there is now gravel and everything will be pulled out and replaced and will be raising the road for extra cover.

Anissa Perkins, 8687 North 56th Street, asked for further information on the one-year warranty, description of the transition from asphalt to driveway, and if there is any credit for those who have to pay multiple assessments. Mr. Maederer explained that the warranty covers pipe shifting and major cracking and will take effect at the completion of the project in August. The transition from driveway to asphalt will be cut and replaced at the property lines so there will be a smooth transition. Regarding the assessment, there are no credits for special assessments, these include those with larger driveways and those on corner lots who have multiple driveways.

Public hearing was closed at 6:41pm.

**IV. Persons Desiring to be Heard**

John Buckley, 9454 Oak Court, is opposed to the 24-hour operation of a gas station and suggested the Village Board follow their due diligence when making a decision. Mr. Buckley also spoke

about the increase in crime and accidents at Walmart.

**V. Consent Agenda – All items listed under Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Trustee so requests, in which event the item will be removed from the general order of business and considered at this point in the agenda.**

- A) Consideration of Minutes: May 2, 2016 Regular Meeting
- B) Resolution No. 16-, “Declaring May 15th Peace Officers’ Memorial Day and the Week of May 15th as National Police Week”
- C) Resolution No. 16-Declaring May 15th through May 21st, 2016 as National Public Works Week
- D) Ordinance No. 16-, “Amending Section 62-4 of the Brown Deer Village Code Relating to the Through Streets; Stop or Yield Streets; Turns Prohibited in Certain Locations” (Turn Restriction from the NE Entrance/Exit to the Brown Deer Elementary School, No Left Turn from 7:30 a.m. to 4:30 p.m. Daily)
- E) March 2016 Financial Report
- F) April 2016 Vouchers

*It was moved by Trustee Springman and seconded by Trustee Schilz to approve consent agenda items A through F. The motion carried unanimously.*

**VI. New Business**

**A. Resolution No. 16-, “Initial Resolution Authorizing \$1,565,000 General Obligation Bonds for Street Improvement Projects”**

Brad Viegut, Managing Director from BAIRD gave the presentation regarding financing for capital improvement projects for 2016 and 2017.

*It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution 16-, “Initial Resolution Authorizing \$1,565,000 General Obligation Bonds for Street Improvement Projects”. The motion carried 6-0 with one abstention by Trustee Awe.*

**B. Resolution No. 16-, “Initial Resolution Authorizing \$340,000 General Obligation Bonds for Community Development Projects in Tax Incremental District No. 3”**

*It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution 16-, “Initial Resolution Authorizing \$340,000 General Obligation Bonds for Community Development Projects in Tax Incremental District No. 3”. The motion carried 6-0 with one abstention by Trustee Awe.*

**C. Resolution No. 16-, “Initial Resolution Authorizing \$280,000 General Obligation Bonds for Water System Projects”**

*It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution 16-, “Initial Resolution Authorizing \$280,000 General Obligation Bonds for Water System Projects”. The motion carried 6-0 with one abstention by Trustee Awe.*

**D. Resolution No. 16-, “Initial Resolution Authorizing \$180,000 General Obligation Bonds for Sanitary Sewer Projects”**

*It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution 16-, “Initial Resolution Authorizing \$180,000 General Obligation Bonds for Sanitary Sewer Projects”. The motion*

carried 6-0 with one abstention by Trustee Awe.

**E. Resolution No. 16-, “Initial Resolution Authorizing \$340,000 General Obligation Bonds for Storm Sewer Projects”**

*It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution 16-, “Initial Resolution Authorizing \$340,000 General Obligation Bonds for Storm Sewer Projects”. The motion carried 6-0 with one abstention by Trustee Awe.*

**F. Resolution No. 16-, “Initial Resolution Authorizing \$420,000 General Obligation Bonds for Fire Department Projects”**

*It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution 16-, “Initial Resolution Authorizing \$420,000 General Obligation Bonds for Fire Department Projects”. The motion carried 6-0 with one abstention by Trustee Awe.*

**G. Resolution No. 16-, “Initial Resolution Authorizing \$95,000 General Obligation Bonds for Police Facilities”**

*It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution 16-, “Initial Resolution Authorizing \$95,000 General Obligation Bonds for Police Facilities”. The motion carried 6-0 with one abstention by Trustee Awe.*

**H. Resolution No. 16-, “Initial Resolution Authorizing \$45,000 General Obligation Bonds for Capital Improvements Relating to Dispatch Center”**

*It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution 16-, “Initial Resolution Authorizing \$45,000 General Obligation Bonds for Capital Improvements Relating to Dispatch Center”. The motion carried 6-0 with one abstention by Trustee Awe.*

**I. Resolution No. 16-, “Resolution Providing for the Sale of \$3,265,000 General Obligation Corporate Purpose Bonds”**

*It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution 16-, “Resolution Providing for the Sale of \$3,265,000 General Obligation Corporate Purpose Bonds”. The motion carried 6-0 with one abstention by Trustee Awe.*

**J. Approval of the Contract Award for the TID# 2 Roadway Lighting Improvement Project to Outdoor Lighting Construction Co., Inc.**

Mr. Maederer described the reason for the delay in the project is because a formal bid needed to take place due to the current bidding laws. The project should be finished by the end of summer. Trustee Baker asked about whether we had replacement parts. Mr. Maederer confirmed that it was in the agreement that they have a certain amount of replacements in stock. Trustee Schilz mentioned whether it would be a good idea to decrease the speed limit on Bradley Road. Mr. Maederer confirmed that this would be a good time to bring this to Traffic and Public Safety.

*It was moved by Trustee Awe and seconded by Trustee Oates to approve the Contract Award for the TID#2 Roadway Lighting Improvement Project to Outdoor Lighting Construction Co., Inc. The motion carried unanimously.*

**K. Approval of the Contract Award for the Village Hall/Police Dept. Roof Replacement Project to Kaschak Roofing, Inc.**

Mr. Maederer briefly discussed the background of the project. The project should be completed in the next month. Trustee Springman made mention of a correction needing to be made of the date of the bidding documents. Mr. Maederer noted the correction

*It was moved by Trustee Springman and seconded by Trustee Oates to approve the Contract Award for the Village Hall/Police Dept. Roof Replacement Project to Kaschak Roofing, Inc. not to exceed \$90,000. The motion carried unanimously.*

**L. Resolution No. 16-, “Assessing of the Culvert and Driveway Approach Costs of the 2016 Ditch Rehabilitation Projects”**

President Krueger noted the Public Hearing Meeting just took place. Mr. Baker asked about those who have a net zero account balance. Mr. Maederer clarified that residents who have had their culverts replaced recently, meaning in the last four years by the Village, would not have to pay for it to happen again.

*It was moved by President Krueger and seconded by Trustee Boschert to approve Resolution 16-, “Assessing of the Culvert and Driveway Approach Costs of the 2016 Ditch Rehabilitation Projects”. The motion carried unanimously.*

**M. Approval of the Contract Award for the 2016 Roadway Re-Paving Program to Stark Pavement Corp.**

Mr. Maederer briefly described the project and made mention that the asphalt bid came in lower than expected. Trustee Schilz asked if we still publish the pacer ratings for public viewing. Mr. Maederer said that it is located on our website under Public Works.

*It was moved by Trustee Boschert and seconded by Trustee Springman to approve the Contract Award for the 2016 Roadway Re-Paving Program to Stark Pavement Corp. ”. The motion carried unanimously.*

**N. Resolution No. 16-, “In the Matter of the Vacation and Discontinuance of a Portion of North 42<sup>nd</sup> Street Public Right of Way in the Northwest ¼ of Section 12, Town 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin Adjacent to 8520 N. 43<sup>rd</sup> Street”**

Mr. Piotrowski reported that last week the Plan Commission recommended this resolution to turn over the right of way land to Mr. Dale Galloway who was present. He explained that Mr. Galloway has been taking care of this land for many years and the Village has no plans for future use of this land.

*It was moved by Trustee Boschert and seconded by Trustee Baker to approve Resolution 16-, “In the Matter of the Vacation and Discontinuance of a Portion of North 42<sup>nd</sup> Street Public Right of Way in the Northwest ¼ of Section 12, Town 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin Adjacent to 8520 N. 43<sup>rd</sup> Street”. The motion carried unanimously.*

**O. Approve a Conditional Use Permit for an Automobile Service Station, Convenience Store, Automobile Laundry, and Drive-Thru at 9001 N. Green Bay Road**

Mr. Piotrowski reported that the conditional use permit had been approved by the Plan Commission. There are items that need additional review by the Plan Commission; however, they will be brought back to the Village Board at a later date. The owner of the proposed gas station, Mr. Rick Walia, was present during the meeting for questions.

Trustee Boschert voiced his concern regarding the demand for a gas station, security, extra apartments,

and trash cleanup. Mr. Walia responded that he has conducted studies that have said that the demand for a gas station is there. He also explained that this will be his main headquarter which means he will be on site frequently and the hope of him having a 24-hour gas station is to increase the security of those at the pump and possible suspicious situations.

Trustee Baker brought up a topic that was discussed during the Plan Commission regarding security of 24-hour businesses. Mr. Hall reminded the Village Board that the 24-hour issue still needs to be brought before the Plan Commission and is not part of tonight's approval request. Chief Kass confirmed that he spoke with police chief's in multiple areas including Milwaukee, Glendale, Mequon, South Milwaukee, Cudahy, and Fox Point (previously 24-hours, changed only based on owner's request). Chief Kass said that there were no bad reports of increase in crime when a business stays open 24-hours.

Trustee Baker also asked what the benefit was to stay open 24-hours. Mr. Walia said that convenience stores, based on studies, have a 20% increase in business throughout the day when they are also open at night because individuals do not have to worry about whether the store is open or closed.

Trustee Springman commented that he would prefer not to approve anything until everything has gone through the approval process with the Plan Commission. It was the consensus of the Trustees to not approve anything this evening until the Plan Commission has reviewed everything.

Attorney Fuchs made a suggestion that his office will provide a memo to the Village Board regarding the limitations of their purview on issues regarding anything that is recognized permitted or conditional use.

*It was moved by Trustee Baker and seconded by Trustee Schilz to refer the Conditional Use Permit for an Automobile Service Station, Convenience Store, Automobile Laundry, and Drive-Thru at 9001 N. Green Bay Road back to the Plan Commission until all issues are settled. The motion carried 6-1.*

#### **P. Trustee Assignments**

President Krueger asked if any of the Trustees wanted to change committees. There were no changes desired.

#### **VII. Village President's Report**

- Toured fire stations for North Shore Fire Department approvals
- ICC met to discuss radio program

#### **VIII. Village Committee Chairperson Report**

- Trustee Oates spoke regarding Arbor Day event at Badger Meter River Park

#### **IX. Village Manager's Report**

- Reminded everyone of the Appreciation Dinner on Friday at Tripoli
- Mentioned bimonthly managers' report
- Joint Committee Meeting on May 18th at 5:30 p.m.

#### **X. Recess into Closed Session pursuant to §19.85(1) (g) (e) Wisconsin Statutes for the following reasons:**

(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

(e) Deliberating or negotiating the purchasing or public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

**a) DPW Property Financing**

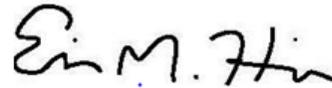
*It was moved by Trustee Springman and seconded by Trustee Awe to Recess into Closed Session. The motion carried unanimously.*

**XI. Reconvene into Open Session**

*It was moved by Trustee Springman and seconded by Trustee Baker to Reconvene into Open Session. The motion carried unanimously.*

**XII. Adjournment**

*It was moved by Trustee Springman and seconded by Trustee Schilz to adjourn at 9:09 p.m. The motion carried unanimously.*



Erin M. Hirn, Assistant Manager/Deputy Clerk