

BROWN DEER VILLAGE BOARD
August 15, 2011 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE

The meeting was called to order by Village President Krueger at 6:31 P.M.

I. Roll Call

Present: Village President Krueger, Trustees: Baker, Boschert, Oates, Springman, Weddle-Henning

Absent: Trustee Schilz

Also Present: Russell Van Gompel, Village Manager; Matthew Janecke, Assistant Village Manager; Larry Neitzel, Operations Superintendent; Nate Piotrowski, Community Services Director/Planning and Zoning Specialist; Chad Hoier, Park and Recreation Director; John Fuchs, Village Attorney

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Mr. Hoier gave a brief description of the “Dog Swim” event that was happening in the park that evening. He gave credit and thanked Kelly Yogerst for coming up with the idea and also noted they will be donating one-half of the proceeds to the Humane Society.

Joe Klucarich, 6020 Creekside Drive, asked to be heard during agenda item V. H) 2) regarding the proposed Development Agreement for the community center. The Village Board agreed.

Don Uebelacker, 6195 West Plaza Circle, asked to be heard during agenda item V. H) 2) regarding the proposed Development Agreement for the community center space. The Village Board agreed.

IV. Consideration of Minutes: August 1, 2011 – Regular Meeting

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the minutes of the August 1, 2011 regular meeting. The motion carried unanimously.

V. Committee Reports

A) Building Board – Trustee Weddle-Henning

No meeting.

Trustee Weddle-Henning reported that there will be a new member. Mr. Van Gompel announced the new member’s name is Tony Snow.

B) Beautification Committee – Trustee Oates

No meeting. The regular meeting was rescheduled to August 16th due to the special recall election.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman discussed the program enrollments for the summer and stated that the Park and Recreation Department had not tallied the final pond attendance numbers. Trustee Springman also mentioned that the number of registrations for the Summer Programs was down this year.

D) 4th of July Committee – Village President Krueger

No Meeting.

E) Traffic and Public Safety – Trustee Boschert

Trustee Boschert reported on the project at North 60th Street and West Brown Deer Road and mentioned there was not a left turn signal going east bound but there was one for the west bound lane. Trustee Boschert mentioned staff had received an inquiry asking if a left turn signal could be added at this intersection. The State Department of Transportation did not think the intersection warranted a left turn and the reason for having a left turn signal would be for timing and to keep the flow of traffic on West Brown Deer Road steady. Staff was instructed to ask if a left turn signal could be put there.

F) Library Board – Trustee Baker

Trustee Baker provided an update of the HVAC project taking place at the library.

Trustee Baker mentioned the two events that are going to be taking place at the library in the near future: Used Book Sale on August 26 and 27 and the annual auction on November 10.

Trustee Baker said the Library Board had a brief discussion over self checkout and staff was looking into the equipment needed for the self-checkout process.

G) Community Development Authority – Village President Krueger

No meeting.

H) Plan Commission – Village President Krueger**1) Conditional Use Permit – Badger Automotive, 4685 West Bradley Road**

Mr. Piotrowski gave an overview for the suitable area for the propane storage container. He stated that the northeast corner of the site, near Bradley Road, was declared the preferred location for fire safety by the North Shore Fire Department. He also indicated the location was approved by the Community Services Department, Police Department, and the Plan Commission with the motion carrying on a 6-1 decision.

Trustee Oates asked Attorney Fuchs to give his legal opinion on the matter. Attorney Fuchs replied by stating he does not agree with the location of the storage container as an operational location if one employee is on duty.

Trustee Boschert asked why the propane container has to be away from the building while others in Brown Deer are not. Mr. Piotrowski said the location provides for better safety in case of an explosion, while other locations in the community would result in less structural damage if an explosion occurred.

It was moved by President Krueger and seconded by Trustee Weddle-Henning to approve the Conditional Use Permit – Badger Automotive, 4685 West Bradley Road. The motion carried 3-2 with Trustees Baker and Oates in opposition.

2) Development Agreement – Bradley Crossing, 4375 West Bradley Road

Mr. Piotrowski reviewed the proposal and noted the Planning Commission heard the presentation from General Capital, and that Sig Strautmanis is present at the meeting to answer any further questions the board may have.

Mr. Strautmanis described the development agreement and asked if based on their working relationship with the Village, would the board be willing to waive the \$5,000 letter of credit? Mr. Van Gompel clarified and added that based on the Village's working relationship with General Capital, he and staff recommend waiving the letter of credit. Mr. Van Gompel suggested that if the Village Board approves the waiving of the letter of credit, that they also remove clause 29 from the development agreement. Attorney Fuchs gave his legal opinion on waiving the letter of credit.

Trustee Weddle-Henning asked if the Wisconsin Housing and Economic Development Authority (WHEDA) loan has been approved. Mr. Strautmanis replied by stating they are in negotiations over the loan details. Mr. Strautmanis added they would like to break ground on the project before Thanksgiving.

Trustee Oates asked Mr. Strautmanis if he has asked for a letter of credit exception from any other municipalities. Mr. Strautmanis said Brown Deer is the first municipality they asked for this exception this year.

Trustee Oates asked Mr. Strautmanis what guarantees General Capital to complete the project if the letter of credit is waived. Mr. Strautmanis says they are a local company and another legal agreement holds them to the completion of the project.

Joe Klucarich asked President Krueger to explain the development agreement. Mr. Klucarich expressed concern over: ample meeting and parking space, storage areas, and making sure handicapped accessibility is maintained.

Trustee Weddle-Henning said three handicap spaces are inadequate and asked the remote parking grounds be graded for potential spaces.

Mr. Piotrowski replied to Trustee Weddle-Henning's questions by stating the ground will be graded for potential parking spaces to be added if necessary and staff had felt that making more than three handicap parking spaces would prevent other people from using the spaces nearest the building.

Don Uebelacker told the Village Board Mr. Klucarich had addressed all of his concerns.

It was moved by President Krueger and seconded by Trustee Baker to approve the Development Agreement – Bradley Crossing. The motion carried unanimously.

3) Certified Survey Map – 4300 – 4400 block of West Bradley Road

Mr. Piotrowski gave a brief overview of the request and said it is essential for development. He summed up the request by saying with the approval, it basically is erasing property lines.

It was moved by President Krueger and seconded by Trustee Springman to approve the Certified Survey Map. The motion carried unanimously.

I) Finance and Public Works Committee – Trustee Oates

1) Burial of Power Lines as part of the Original Village Streetscape Project

Trustee Oates gave a brief explanation of the project and added they had received three bid proposals for the overhead power line burial project in the Original Village. Village Staff worked with three contractors to submit cost estimates and scope of services; Uihlein, Staff Electric, and Lemberg Electric. At the cost estimates provided, Mr. Piotrowski recommends the Village work with Uihlein Electric. Uihlein came in with the lowest bid contract at \$23,100, a third less than asking bid price.

Mr. Piotrowski remarked that Jon Fischer, the Village Electrical Inspector, approved the quality of work for Uihlein.

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the contract with Uihlein Electric for a Contract of Electrical Service Changes in the Original Village for \$23,100 with a contingency not to exceed \$35,000. The motion carried unanimously.

2) 2011 Testing and Sealing Contract

Mr. Neitzel gave a brief description of the Sanitary Sewer Work Plan and reported the Village continues with the inspection of improvements of its sanitary sewer system in compliance with the rules of MMSD and WDNR. Mr. Neitzel recommended awarding the bid contract to Great Lakes TV-Seal, Inc.

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the 2011 Testing and Sealing Contract to Great Lakes TV-Seal, Inc. The motion carried unanimously.

3) Consideration of Vouchers

Mr. Van Gompel briefly discussed the check cutting process, noting that there will be two separate categories for writing checks. One is for the prepaid bills, which are written on a weekly basis consisting of recurring monthly payments that are approved by the Treasurer/Comptroller. Vouchers are all the other payments and are written monthly and mailed after Committee and Village Board approval. The purpose of this is to have a checks-and-balances system.

It was moved by Trustee Oates and seconded by Trustee Springman to approve the payment of the vouchers. The motion carried unanimously.

J) Personnel Committee – Trustee Baker

Trustee Baker noted that action was not needed on the items handed out at that time, but consideration needed to be given to the grievance proceedings if the Village Board is to adopt them by October 1. Mr. Van Gompel clarified and stated the grievance proceedings handed out are for review only and no action is necessary, however, they will be an item on the Village Board meeting agenda on September 21, 2011. The grievance proceedings are in accordance with Acts 10 and 32.

Trustee Oates asked Mr. Van Gompel if the village will receive a penalty if the village board does not adopt the grievance proceedings at the meeting on September 21, 2011. Mr. Van Gompel addressed the question by stating if the grievance proceedings are not adopted, the Village will not be in accordance with state law, however, no penalty will result.

A brief discussion ensued about the grievance proceedings for different employees.

VI. Unfinished Business

None.

VII. New Business**A) 2012 Budget Work Session Dates**

A brief discussion ensued about the dates for the 2012 Budget Works Sessions.

It was the consensus of the Village Board to proceed with the Budget Work Shop Sessions on October 12, 13, 24 and 25, 2011.

B) Discuss ICMA Webinar, "Building Great Council Member Relationships"

Mr. Van Gompel gave a description of the presentation and noted the attendance of President Krueger, Bridget Souffrant, Matt Janecke, and himself.

President Krueger asked about the possibility of meeting outside of Village Hall, perhaps in a casual meeting. Attorney Fuchs gave his legal opinion about meeting outside of the established Village Board meeting times and place.

C) Resolution No. 11-, "A Resolution Abandoning Sanitary Sewer and Water Main Easement in the 4300 – 4400 Block of West Bradley Road"

Mr. Van Gompel described the proposed resolution and stated the easements are not necessary because they were proposed for General Capital's original condominium development and are no longer needed with the Jewish Family Services Bradley Crossing Development.

It was moved by President Krueger and seconded by Trustee Weddle-Henning to approve Resolution No. 11-, "A Resolution Abandoning Sanitary Sewer and Water Main Easement in the 4300 – 4400 Block of West Bradley Road". The motion carried unanimously.

VIII. Committee Appointment

It was moved by President Krueger and seconded by Trustee Weddle-Henning to appoint Tony Snow to the Building Board. The motion carried unanimously.

IX. Village President's Report

Village President Krueger reported on the following:

Letter sent to Carol Croegaert and Family

X. Village Manager's Report

Mr. Van Gompel reported on the following:

The Capital Improvement Plan for the 2011 Budget
The Wisconsin Senate Recall Election held on August 9, 2011

Trustee Baker asked if the car wash sign reconstruction on Teutonia Avenue was an approved project. Mr. Van Gompel responded by stating they were instructed to make the change a while back in order to comply with Village ordinance.

XI. Recess into Closed Session pursuant to §19.85(1) (c) and (e) Wisconsin Statutes for the following reasons:

- (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- (e) 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 on which it is or is likely to become involved.

It was moved by Trustee Springman and seconded by Trustee Oates to recess into Closed Session at 8:34 p.m. The motion carried unanimously.

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to reconvene into Open Session at 9:44 p.m. The motion carried unanimously.

XII. Possible Action from Closed Session

None.

XIII. Adjournment

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to adjourn at 9:45 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager