

**BROWN DEER VILLAGE BOARD
DECEMBER 6, 2010 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 6:33 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; Lt. Lisa Kumbier, Brown Deer Police Department; Bridget Souffrant, Treasurer/Comptroller; John Fuchs, Village Attorney

Excused: Trustee Weddle-Henning

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Gary Springman, 9185 North 60th Street, inquired about a donation box outside of Applebee's restaurant. Mr. Van Gompel indicated that staff will look into the matter and report back.

It was the consensus of the Village Board to move to agenda item VI. while waiting for Attorney Alan Marcuvitz to arrive for the closed session discussions.

VI. Consideration of Minutes: November 15, 2010 – Regular Meeting

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the minutes of the November 15, 2010 regular meeting. The motion carried unanimously.

VII. Unfinished Business

None.

VIII. New Business

- B) Ordinance No. 10-, “An Ordinance Creating Section 34-5 of the Brown Deer Code Defining Negligence and Relating to Miscellaneous Offenses and Creating Section 62-5 Relating to Traffic and Vehicles”**

Attorney Fuchs reviewed the proposed ordinance and the need for the definition.

A brief discussion ensued regarding clarification of the term negligence and the enforcement of any violations.

It was moved by Trustee Boschert and seconded by Trustee Schilz to adopt Ordinance No. 10-, “An Ordinance Creating Section 34-5 of the Brown Deer Code Defining Negligence and Relating to Miscellaneous Offenses and Creating Section 62-5 Relating to Traffic and Vehicles”. The motion carried unanimously.

- C) Ordinance No. 10-, “An Ordinance Amending Chapter 14 Article 6, Pawnbrokers, Second Hand Articles and Jewelry Dealers, Section 14-358 Declaration, of the Brown Deer Village Code”**

Lieutenant Kumbier discussed the Police Department's proactive approach in having this ordinance

prepared to address the possible issues associated with certain types of businesses.

Attorney Fuchs further discussed and clarified the types of operations that would be affected by the Ordinance and what actions would trigger the need for a business to prepare a report for the Police Department.

A brief discussion ensued regarding the possible hardships the ordinance may cause for businesses and how the Village has prepared the Ordinance to mitigate such hardships while still meeting the public safety needs of the Police Department.

Trustee Springman voiced concerns of possibly limiting businesses coming to the Village.

A brief discussion ensued attempting to clarify the various types of re-sale businesses versus pawn shop operations.

Trustee Schilz asked if the Zoning Code would need to be updated to address pawn shop type operations. Mr. Van Gompel noted the existing code language and a recent approval of a re-sale shop but added that additional code language may be needed.

It was moved by Trustee Springman and seconded by Trustee Oates to refer Ordinance No. 10-, “An Ordinance Amending Chapter 14, Article 6, Pawnbrokers, Second Hand Articles and Jewelry Dealers, Section 14-358 Declaration, of the Brown Deer Village Code” to the Traffic and Public Safety Committee for further review. The motion failed on a vote of 3 -3 (opposed Trustees Schilz, Baker, and Boschert). Item will be referred to the Traffic and Public Safety nonetheless.

D) Ordinance No. 10-, “An Ordinance Amending Section 62-4(g) of the Brown Deer Village Code Pertaining to U-Turns Prohibited”

Attorney Fuchs reviewed the proposed ordinance.

A brief discussion ensued regarding how the Village was able to obtain enforcement jurisdiction from the State at the four intersections noted in the Ordinance.

It was moved by Trustee Boschert and seconded by Trustee Oates to adopt Ordinance No. 10-, “An Ordinance Amending Section 62-4(g) of the Brown Deer Village Code Pertaining to U-Turns Prohibited”. The motion carried unanimously.

E) Ordinance No. 10-, “An Ordinance Amending Section 62-51 (c) of the Brown Deer Village Code Pertaining to Parking Prohibited”

Attorney Fuchs reviewed the proposed ordinance and how it is similar to the previously adopted language governing fire lanes.

Trustee Schilz inquired about the process to update the listing of no parking designated areas. Attorney Fuchs noted that a resolution would be required; however, the Code would no longer need to be updated with each change.

It was moved by Trustee Boschert and seconded by Trustee Springman to adopt Ordinance No. 10 -, “An Ordinance Amending Section 62-51 (c) of the Brown Deer Village Code Pertaining to Parking Prohibited”. The motion carried unanimously.

F) Resolution Designating No Parking Zones Under Section 62-51(c) of the Village Code”

It was moved by President Krueger and seconded by Trustee Boschert to adopt Resolution No. 10-, Designating No Parking Zones Under Section 62-51(c) of the Village Code”. The motion carried unanimously.

It was the consensus of the Village Board to have Staff carry out a comprehensive review of the section of the Code pertaining to No Parking Zones.

G) Auditors Communication Letter for 2010 audit

Ms. Souffrant reviewed the letter received from the Auditors and noted that no action was needed from the Village Board.

The Village Board revisited the previously skipped agenda items.

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

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

It was moved by President Krueger and seconded by Trustee Oates to recess into closed session at 7:18 p.m. The motion carried unanimously.

V. Reconvene into the Regular Order of Business

It was moved by President Krueger and seconded by Trustee Springman to reconvene into the Regular Order of Business at 8:13 p.m. The motion carried unanimously.

VIII. New Business

A) Sale of Land and Development Agreement for Jewish Family Services Phase II

It was moved by President Krueger and seconded by Trustee Oates to approve the Sale of Land and Development Agreement for Jewish Family Services Phase II on the East side of Sherman Boulevard”. The motion carried unanimously.

IX. Village President’s Report

President Krueger had nothing to report.

X. Village Manager’s Report

Mr. Van Gompel reported on the following:

- The refinancing of the State Trust Fund Loan will not occur due to change in interest rates
- The newsletter delivery schedule
- The preparation of tax bills
- The meeting with WI-DOT representatives about various issues along Brown Deer Road

XI. Adjournment

It was moved by Trustee Springman and seconded by Trustee Schilz to adjourn at 8:18 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager