

**BROWN DEER VILLAGE BOARD
DECEMBER 19, 2011 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 6:34 P.M.

I. Roll Call

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

Also Present: Russell Van Gompel, Village Manager; Matt Janecke, Assistant Village Manager; Chief Steven Rinzel, Brown Deer Police Department; Bridget Souffrant, Treasurer/Comptroller; John Fuchs, Village Attorney; Nate Piotrowski, Community Services Director; Larry Neitzel, Operations Superintendent; Captain John Graeber, Brown Deer Police Department

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Russell Kotlarek, property owner of 8611/13 North Deerwood Drive, noted his frustration with the Village and their attempt to use "Adverse Possession" as a way of obtaining land to use for the Original Village Streetscape project. Some of the residents from the Original Village are disgruntled with the Village's decision. Mr. Kotlarek said he represents a group of property owners' who share his frustrations and plans to distribute 5,000 fliers. Mr. Kotlarek asked if Attorney Fuchs would meet with him tomorrow to discuss the acquisition of property through "Adverse Possession" for the project. Attorney Fuchs agreed, and asked Mr. Kotlarek to contact him so they can set up a meeting time.

Craig Epstein, 8639 North Deerwood Drive, asked if the Original Village Streetscape project calls for garbage cans to be located around his property. Mr. Epstein asked this question on behalf of the garbage that accumulates on his property from the businesses surrounding his residence. Mr. Piotrowski answered Mr. Epstein's questions by telling the plan calls for a garbage can to be located near his residence.

IV. Consideration of Minutes: December 5, 2011 – Regular Meeting

It was moved by Trustee Springman and seconded by Trustee Schilz to approve the minutes of the December 5, 2011 regular meeting. The motion carried unanimously.

V. Committee Reports

A) Building Board – Trustee Weddle-Henning

No meeting.

B) Beautification Committee – Trustee Oates

No meeting.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman announced that the fees associated with the Park and Recreation Department will remain the same for 2012.

D) 4th of July Committee – Village President Krueger

No Meeting.

E) Traffic and Public Safety – Trustee Boschert

No Meeting.

F) Library Board – Trustee Baker

Trustee Baker noted the board had discussions that pertained to the adoption of the latest revision of the Employee Handbook, the Community Room receiving new drapes, the finishing of the HVAC project and the Gates Grant. The Gates Grant went towards the purchase of new public terminals in the library to be used for CountyCat or general patron use. He also mentioned an energy study will be conducted by the State of Wisconsin on the library building.

G) Community Development Authority – Village President Krueger**1) Substitute Number 3 to TID Redevelopment Agreement with General Capital**

Mr. Van Gompel reported that a proposed Substitute Number 3 to the Redevelopment Agreement with General Capital will replace Number 2 approved on December 21, 2009. Substitute Number 3 will account for property sold to Jewish Family Services activity and will account for and satisfy the previously paid development subsidy and obligation of General Capital.

It was moved by President Krueger and seconded by Trustee Schilz to approve Substitute Number 3 to TID Development Agreement with General Capital, replacing Substitute Number 2 approved December 21, 2009. The motion carried unanimously.

H) Plan Commission – Village President Krueger

No Meeting.

I) Finance and Public Works – Trustee Oates

Trustee Oates was not at the meeting; Trustee Boschert provided the committee report.

1) Endloader Replacement

Trustee Boschert provided the details of the purchase and stated the current endloader is a 1997 model purchased used in 1999. Several endloaders were brought in for staff to demo and the consensus was to purchase the John Deere 524K. The current endloader received a trade-in value of \$27,000 which will be contributed towards the cost to purchase the endloader, making the final cost with forks \$100,122

It was moved by Trustee Boschert and seconded by Trustee Oates to approve the Purchase of a 2012 John Deere 524k Wheel Loader and Attachments from Brooks Tractor, Inc. at a price not to exceed \$100,122.00. The motion carried unanimously.

2) Resolution Establishing Sanitary Sewer Rates

Trustee Boschert provided information on the change of the volumetric rate, stating the connection will remain at \$12.50 per quarter, but the volumetric rate will raise \$0.16 from \$1.23 to \$1.39 per 1,000 gallons. The change is due to operational costs. Mr. Van Gompel clarified even further and noted that

rates did not go up last year and typically rates are raised every other to year to accommodate the rise in operational costs.

It was moved by Trustee Boschert and seconded by Trustee Springman to approve the Resolution Establishing Sanitary Sewer Rates for 2012. The motion carried unanimously.

3) Purchase Phone System

Trustee Boschert provided the background for the telephone system and the project, which includes a whole new updated phone system and will provide redundancy to the phone system, which is something the Village side of operations does not currently have.

Captain Graeber provided further detail on the project and then apologized to the board for the rushed manner in which this item was brought to the Village Board. However, in order to piggy-back on the Village of Bayside's project and realize the cost saving of year-end sales, staff had to rush the approval process for this project. As it currently stands, all the departments in the Village are ready to accept the new phone system, except for the Department of Public Works building. The Public Works building will need to be updated with Cat5e network Ethernet cable and the cost of that upgrade is included in the total cost of the project. Mr. Janecke has expressed interest in upgrading the Ethernet wiring to Cat6a network Ethernet cable for Village Hall and would like to use the difference of the phone system project costs and total amount requested to purchase the upgrade.

Trustee Baker asked if another municipality were to join this phone how would the costs be split up. Captain Graeber responded by saying the shared costs would be split up evenly between each municipality, and basically give the Village of Brown Deer a credit.

Trustee Oates expressed his concern with having a recurring cost for Smartness and UCSS and suggested the board consider capping the support agreement to three years. A brief conversation ensued between the Village Board and Captain Graeber on the specifics of the support agreement.

It was moved by Trustee Boschert and seconded by Trustee Springman to approve \$120,000 for the Development and Implementation of a New Phone System that would serve Village Hall, Police Department, Department of Public Works (DPW), and the Library; and an annual maintenance and support contract not to exceed three years. The motion carried unanimously.

4) Financial Software

Trustee Boschert informed the board of the Request for Proposal (RFP) process, and mentioned 15 RFPs were sent out to financial software vendors, seven were returned. Based on the seven proposals returned and an on-site demonstration, BS&A received the best reviews from staff. The Finance and Public Works Committee unanimously recommended BS&A approval to the Village Board. Mr. Van Gompel added that BS&A is a Michigan-based company; the Village of Brown Deer would be their first client in Wisconsin.

It was moved by Trustee Boschert and seconded by Trustee Weddle-Henning to approve the Purchase of Financial Software from BS&A, with an amount not to exceed \$103,000. The motion carried unanimously.

5) Consideration of Vouchers

It was moved by Trustee Boschert and seconded by Trustee Oates to approve the payment of vouchers and to ratify for payment the vouchers due on or before December 19, 2011. The motion carried unanimously.

J) Personnel Committee

No meeting.

VI. Unfinished Business**A) Revised Chapter 66 Article V, Sanitary Sewers and Sewage Disposal with the included Private Property Infiltration/Inflow Program (PPII)**

Mr. Neitzel made a presentation on the Private Property Inflow/Infiltration program. Attached to the Request for Consideration is a complete draft of the revised Chapter 66 – Article V. Sanitary Sewers and Sewage Disposal including Division 6 Private Property Infiltration/Inflow Program. Mr. Neitzel expressed to the Village Board that this is to only establish a program and not to set the fees.

Trustee Oates asked Mr. Neitzel, why was number eight on page 13 stricken from the ordinance. Mr. Neitzel responded by saying the Village always has the ability to change the program. This was merely redundancy and does not need to be in the ordinance.

Trustee Weddle-Henning expressed her approval for the project and stated she likes seeing the Village being pro-active with issues like this and then asked if there were other municipalities with similar. Mr. Neitzel said Mequon, Germantown, and Fox Point all have similar programs; however, they are customized to fit their municipality. Trustee Weddle-Henning then asked what can be done to reduce costs that some residents might gain over others by having longer laterals. Mr. Neitzel responded by saying other municipalities have a 50% cost share with the municipality, however, there is not much variance in the length of laterals throughout the village. Mr. Van Gompel added that the way the Village has set-up the program is consistent with other municipalities

It was moved by Trustee Weddle-Henning and seconded by Trustee Springman to approve the Adoption of the proposed revised Chapter 66 Article V. Sanitary Sewers and Sewage Disposal with the included Private Property Infiltration/Inflow Program. The motion passed 6-1, with Trustees Oates voting in opposition.

VII. New Business**A) Resolution No. 11-,"A Resolution Assessing Service Charge for Recycling and Yard Waste Collection**

Mr. Van Gompel noted a discussion took place during the 2012 budget process and a fee like this needs to be adopted through a formal resolution and not through the adoption of the budget in order for it to be applied to the tax bills.

It was moved by President Krueger and seconded by Trustee Baker to adopt a Resolution Assessing Service Charges for Recycling and Yard Waste Collection on Residential Units. The motion passed 5-2, with Trustees Oates and Boschert voting in opposition.

B) Update on Remodeling of Dispatch Area

Chief Rinzel provided an update on the dispatch remodeling project. The remodeling of the dispatch area is scheduled to begin on January 3, 2012. Once remodeling has started, the dispatchers will be relocated to the Village of Bayside. The lobby, including access to the Police Department, will be closed at 4:30 p.m. Anyone wishing to contact the Police Department during the day will have to wait in Administrative Services area until an officer is available to assist them. Remodeling is expected to last four to six weeks. During this time, calls to 911 and the non-emergency number will be answered by a Village employee

stationed at the Village of Bayside. Once the remodel is complete, the Police Department will be accessible from 8:00 a.m. to 8:00 p.m., Monday through Friday, except for holidays

C) Resolution No.11-,"A Resolution of Appreciation for Robert (Bob) Premo"

It was moved by President Krueger and seconded by Trustee Weddle-Henning to adopt a Resolution of Appreciation for Robert (Bob) Premo. The motion carried unanimously.

D) Resolution No.11-,"A Resolution of Appreciation for David Mulhollon"

It was moved by President Krueger and seconded by Trustee Weddle-Henning to adopt a Resolution of Appreciation for David Mulhollon. The motion carried unanimously.

E) Resolution No.11-,"A Resolution of Appreciation for Elizabeth (Betty) Bennett"

It was moved by President Krueger and seconded by Trustee Weddle-Henning to adopt a Resolution of Appreciation for Elizabeth (Betty) Bennett. The motion carried unanimously.

F) Resolution No.11-,"A Resolution of Appreciation for Peggy Duehring"

It was moved by President Krueger and seconded by Trustee Weddle-Henning to adopt a Resolution of Appreciation for Peggy Duehring. The motion carried unanimously.

G) Request from Tripoli Country Club for Fireworks on New Year's Eve

Mr. Van Gompel reviewed the request from Tripoli and explained to the board what their options are with the possible actions. If the request is approved, an ordinance will have to be adopted changing the Village Code. Mr. Van Gompel is recommending to deny Tripoli's request. Abbey Paprocki, Tripoli's Special Events Coordinator, was in attendance to answer any questions the board may have.

Trustee Boschert mentioned fireworks are not common this time of year, as opposed to the summer season. He is not in favor of this request.

Trustee Oates asked Ms. Paprocki if they had poled any of the surrounding residents to get their opinion on having fireworks at midnight New Year's Eve. She had not. Trustee Schilz commented that the residents surrounding Tripoli Country Club are older and may not appreciate having fireworks at midnight.

Trustee Springman said there is a lot of noise during New Year's Eve and does not see it being a nuisance to have fireworks at midnight. Trustee Baker and Weddle-Henning agreed with Trustee Springman, and suggested that requests should be presented in a more timely basis.

A brief conversation ensued about the area surrounding Tripoli Country Club and the residents' expectations on New Year's Eve.

It was moved by Trustee Schilz and seconded by Trustee Boschert to deny Tripoli Country Club's request to have a fireworks display at midnight on December 31st. The motion failed 3-4 with Trustees Baker, Springman, Weddle-Henning and Village President Krueger in opposition.

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to approve Tripoli Country Club's request to have a fireworks display at midnight on December 31st; and to direct staff to prepare an ordinance to amend the Village Code and to create a permit process . The motion passed 4-3 with Trustees Boschert, Oates and Schilz in opposition.

VIII. Village President's Report

Village President Krueger reported on the following:

Seeking Appointment on MMSD board

Being contacted by Supervisor Rice about reconsidering having a resolution be placed back on the agenda concerning size and compensation of the Milwaukee County Board of Supervisors on the Election Ballot in April.

IX. Village Manager's Report

Mr. Van Gompel reported on the following:

The Village's participation in the United Way Combined Giving Campaign

Tax bills being sent out

Update on recognizing the flood plain area in the Village

Closing of both Jewish Family Services projects

Building Inspection services

X. 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) Deliberating or negotiating the purchase of public property, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require closed sessions.

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to recess into Closed Session at 8:46 p.m. The motion carried unanimously.

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to reconvene into Open Session at 9:20 p.m. The motion carried unanimously.

XI. Reconvene into Open Session for Possible Action on Closed Session Deliberations

- 1) Substitute Number 3 to TID Redevelopment Agreement with General Capital

No Action taken.

XII. Adjournment

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to adjourn at 9:21 p.m. The motion carried unanimously.