

**BROWN DEER VILLAGE BOARD
FEBRUARY 15, 2010 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by Trustee Schilz at 6:30 P.M.

I. Roll Call

Present: Trustees: Baker, Boschert, Oates, Schilz, Springman, Weddle-Henning

Also Present: Russell Van Gompel, Village Manager; Jesse Thyges, Assistant Village Manager/Community Services Director; Captain John Graeber and Lieutenant Pete Nimmer, Brown Deer Police Department; Nate Piotrowski, Planning/Zoning Specialist; John Fuchs, Village Attorney

Excused: Village President Krueger

II. Pledge of Allegiance

III. Persons Desiring to be Heard

None.

IV. Consideration of Minutes: January 25, 2010 – Regular Meeting

It was moved by Trustee Oates and seconded by Trustee Baker to approve the minutes of the January 25, 2010 regular meeting. The motion carried unanimously.

V. Committee Reports

A) Building Board – Trustee Weddle-Henning

No meetings.

B) Beautification Committee – Trustee Oates

Trustee Oates stated that the meeting was rescheduled due to weather.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman reported on the committee's discussions about co-sponsoring a sports clinic with Wisconsin Sports Academy and the use of public facilities versus private facilities.

Trustee Schilz asked what would happen if the clinic was not co-sponsored by the Park and Recreation Department. Trustee Springman indicated that the clinic would have to pay fees to use school district facilities.

Trustee Oates asked how much fee revenue would be lost and if there have been any other co-sponsorships. Trustee Springman replied that he did not have any information about the lost fees but noted that there have been other co-sponsorships in the past; however, most of them were held in private facilities.

Trustee Springman noted that the committee had directed staff to research the co-sponsoring policy and to review the findings with the Park and Recreation committee at a future meeting. Trustee Springman added that this item did not require Village Board action.

D) 4th of July Committee – Village President Krueger

No report.

E) Traffic and Public Safety – Trustee Boschert

1) Act 97 – U-Turns at Controlled Intersections

Trustee Oates reviewed the committee's discussions about the recent law change and the proposed submittal of a request to the State Department of Transportation to prohibit U-turns along Brown Deer Road and Green Bay Road.

Lieutenant Nimmer discussed the Police Department's review of the matter and their recommendation to prohibit U-turns at controlled intersections.

Mr. Van Gompel noted the committee's recommendation for approval as well.

It was moved by Trustee Boschert and seconded by Trustee Oates to adopt an Ordinance Regulating U-Turns at Controlled Intersections and to submit it to the State Department of Transportation. The motion carried unanimously.

Trustee Boschert reported on the committee's other discussions from the meeting, including a review of possible signage at the crossing in the 8100 block of North 60th Street.

A brief discussion ensued regarding the cost and style of the signage that was reviewed as well as the lighting in the area and past incidents.

Trustee Weddle-Henning asked if the school district had any concerns. Barb Fleming, Brown Deer School District, noted the concerns and that they were scheduling a meeting with the Police Department to further discuss the matter.

It was the consensus of the Village Board to refer the matter back to the Traffic and Public Safety Committee for further review.

F) Library Board – Trustee Baker

Trustee Baker reported on the performance of the MCFLS delivery system and the increase in patron traffic due to the Mill Road library's cut in hours.

G) Community Development Authority – Village President Krueger

No meeting.

H) Plan Commission – Village President Krueger

1) Extension of the Use of the Modular Classrooms at Dean Elementary School

Mr. Piotrowski reviewed the proposed three-year extension and the Plan Commission's recommendation.

Trustee Weddle-Henning inquired about the lease associated costs. Barb Fleming, Brown Deer School District, stated that the rates would remain the same.

Trustee Oates asked if the District had any contingency plans. Ms. Fleming discussed how the use of other buildings could be an option.

Trustee Oates asked if the modular classrooms could become a permanent structure. Mr. Piotrowski referenced the durability of the structures but noted that having them become a permanent fixture is not the intention of the School District.

Trustee Schilz reviewed the Plan Commission's discussion about the matter.

A brief discussion ensued regarding the age and the costs associated with the units as well as the lease terms.

Mr. Van Gompel reminded the Board that the issue should only be reviewed on the merits of land-use.

It was moved by Trustee Boschert and seconded by Trustee Weddle-Henning to Approve the Extension of the Use of the Modular Classrooms at Dean Elementary School. The motion carried unanimously.

2) Certified Survey Map – 8710 North Deerwood Drive

Mr. Piotrowski noted that the Certified Survey Map was not ready for adoption since additional information was required to finalize the map.

No action was taken by the Board.

I) Finance and Public Works Committee – Trustee Oates

1) Renewal of Professional Engineering Agreement with Ayres & Associates

Mr. Thyges reviewed the proposed agreement and the committee's recommendation.

It was moved by Trustee Oates and seconded by Trustee Boschert to renew the Professional Engineering Agreement with Ayres & Associates. The motion carried unanimously.

2) Amendments to the Original Village Streetscaping Project

Mr. Thyges provided a summary of the proposed amendments to the project due to unforeseen circumstances.

Trustee Springman asked about the types of title searches that are needed. Trustee Oates discussed the two types of searches that would be carried out.

Trustee Boschert asked about the survey work differing from actual conditions. Mr. Thyges reviewed how such a situation could be addressed.

Trustee Weddle-Henning asked if the survey work was only for the project. Mr. Thyges stated that the information gathered would be public record but that it would only be used by the Village in the context of the streetscape project.

Trustee Schilz asked why this was not included in the original contract. Mr. Piotrowski noted that the original searches had turned up the historical inaccuracies that were unbeknownst to staff at the beginning of the project.

It was moved by Trustee Oates and seconded by Trustee Weddle-Henning to approve the Amendments to the Original Village Streetscaping Project in an amount not to exceed \$13,000. The motion carried unanimously.

3) 2010 Squad Bids

Captain Graeber reviewed the bid that was received and how it very favorably compared to previous years results. Mr. Van Gompel further discussed the bid process and the committee's favorable recommendation.

A brief discussion ensued regarding the trade-in practices and whether or not Ford would continue production of the Crown Victoria model.

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the 2010 Squad Bids in an amount not to exceed \$30,202. The motion carried unanimously with Trustee Weddle-Henning abstaining.

4) Consideration of Vouchers

It was moved by Trustee Oates and seconded by Trustee Weddle-Henning to approve the payment of the vouchers and to ratify for payment invoices due on or before February 15, 2010. The motion carried unanimously.

J) Personnel Committee – Trustee Baker

No meeting.

VI. Unfinished Business

The discussion for the following items was handled concurrently since they are related.

A) Hearing for Bradley's' Jazz Club, 4740 West Bradley Road

B) Class B Liquor and Beer License by Theresa Wigley – 4740 West Bradley Road

Mr. Van Gompel reviewed the scheduling of a circuit court hearing regarding the ownership of the 4740 West Bradley Road property and the proposed transfer of the liquor license. Mr. Van Gompel went on to discuss the applicant's background and her meeting with staff to discuss her business proposal.

Attorney Fuchs noted that proof of the leasehold by Ms. Wigley would have to be provided in order for the liquor license to be transferred. Mr. Van Gompel added that the entertainment license would be a completely separate matter.

Attorney Fuchs reviewed the letter submitted by Lewis Anyanwu surrendering his liquor license and transferring it to Theresa Wigley. Attorney Fuchs added that if the transfer is approved, a demerit hearing for Bradley's Jazz Club would not be needed.

Trustee Schilz opined that a written business plan for Ms. Wigley's supper club proposal was required. Mr. Van Gompel reviewed the discussion between Ms. Wigley and staff about the proposed operations.

Trustee Baker asked if a letter was sufficient documentation for the surrendering of a liquor license. Attorney Fuchs stated that it is.

Trustee Weddle-Henning opined that a fresh start with a new operator would be beneficial.

Mr. Van Gompel introduced Theresa Wigley and her business partners. Ms. Wigley and her partners gave a brief presentation about their supper club proposal for the site.

Trustee Oates inquired about her catering experience. Ms. Wigley discussed the longevity of her service contracts and the number of schools that she serves.

It was moved by Trustee Schilz and seconded by Trustee Weddle-Henning to table the Hearing for Bradley's' Jazz Club, 4740 West Bradley Road. The motion carried unanimously.

Attorney Fuchs reviewed how the hearing matter could be re-introduced by the Board at a future date should they want to revisit the issue.

A brief discussion ensued regarding the timeframe for Ms. Wigley to start her supper club business.

It was moved by Trustee Weddle-Henning and seconded by Trustee Boschert to approve the transfer of the Class B Liquor and Beer License to Theresa Wigley – 4740 West Bradley Road on the condition that a proof of leasehold is provided to the Village Attorney. The motion carried unanimously.

VII. New Business

Brad Viegut, R.W. Baird, reviewed the proposed borrowing and the need for the separate resolutions. Mr. Van Gompel further reviewed the resolutions in detail and noted the effects on the tax bills.

Trustee Baker inquired about the costs associated with filing the forms. Mr. Viegut discussed the premium on tax exempt debt applications and the other issuance costs that are listed on the individual resolutions.

Trustee Weddle-Henning asked if there was a down side to pursuing the Build America Bonds. Mr. Viegut noted that Congress could change the law that affects that particular bond program.

Trustee Oates asked who administers the Build America Bonds program and who is eligible. Mr. Viegut replied that the IRS oversees the program and that the program is open to everyone.

Trustee Schilz asked if the funds could be reallocated. Mr. Van Gompel noted that funds could only be used for like projects. Mr. Viegut added that unused funds would then be used to repay the debt.

Trustee Oates inquired about the demand for such bonds. Mr. Viegut stated that the demand is very strong, especially with a favorable credit rating like the Village's

A) Resolution No. 10-, "Initial Resolution Authorizing \$110,000 General Obligation Bonds for Parks and Public Grounds"

It was moved by Trustee Springman and seconded by Trustee Oates to approve Resolution No. 10-, "Initial Resolution Authorizing \$110,000 General Obligation Bonds for Parks and Public Grounds". The motion carried unanimously.

B) Resolution No. 10-, "Initial Resolution Authorizing \$785,000 General Obligation Bonds for Street Improvement Projects"

It was moved by Trustee Weddle-Henning and seconded by Trustee Boschert to approve Resolution No. 10-, "Initial Resolution Authorizing \$785,000 General Obligation Bonds for Street Improvement Projects". The motion carried unanimously.

C) Resolution No. 10-, “Initial Resolution Authorizing \$4,020,000 General Obligation Bonds for Community Development Projects in Tax Incremental District No. 4”

It was moved by Trustee Boschert and seconded by Trustee Oates to approve Resolution No. 10-, “Initial Resolution Authorizing \$4,020,000 General Obligation Bonds for Community Development Projects in Tax Incremental District No. 4”. The motion carried unanimously.

D) Resolution No. 10-, “Initial Resolution Authorizing \$325,000 General Obligation Bonds for Library Projects”

It was moved by Trustee Oates and seconded by Trustee Baker to approve Resolution No. 10-, “Initial Resolution Authorizing \$325,000 General Obligation Bonds for Library Projects”. The motion carried unanimously.

E) Resolution No. 10-, “Initial Resolution Authorizing \$220,000 General Obligation Bonds for Building for the Housing of Machinery and Equipment”

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to approve Resolution No. 10-, “Initial Resolution Authorizing \$220,000 General Obligation Bonds for Building for the Housing of Machinery and Equipment”. The motion carried unanimously.

F) Resolution No. 10-, “Resolution Providing the Sale of \$5,460,000 General Obligation Corporate Purpose Bonds”

It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution No. 10-, “Resolution Providing the Sale of \$5,460,000 General Obligation Corporate Purpose Bonds”. The motion carried unanimously.

G) Change of Agent for Liquor License at Courtyard by Marriott, 5200 West Brown Deer Road

Mr. Van Gompel reviewed the application and the positive recommendation.

It was moved by Trustee Weddle-Henning and seconded by Trustee Springman to approve the Change of Agent for Liquor License at Courtyard by Marriott, 5200 West Brown Deer Road. The motion carried unanimously.

VIII. Village President’s Report

No report.

IX. Village Manager’s Report

Mr. Van Gompel reported on the following:

- Attending the ICC meeting
- Attending the North Shore Fire Department Board of Directors meeting
- Reported on the progress of the recruitment for a new Treasurer/Comptroller

Trustee Weddle-Henning asked about the scheduled Brown Deer Road analysis by the Department of Transportation. Mr. Van Gompel noted that the letter was received earlier in the day and discussed the project.

X. Adjournment

It was moved by Trustee Oates and seconded by Trustee Boschert to Adjourn at 9:22 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager