

**BROWN DEER VILLAGE BOARD  
FEBRUARY 21, 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 6:30 P.M.

**I. Roll Call**

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

Also Present: Russell Van Gompel, Village Manager; Chief Steven Rinzel; Bridgett Souffrant, Treasurer/Comptroller; Susan Hudson, Deputy Treasurer/Comptroller; Nate Piotrowski, Planning and Zoning Specialist; Larry Neitzel, Public Works Superintendent; John Fuchs, Village Attorney

**II. Pledge of Allegiance**

**III. Persons Desiring to be Heard**

Bridget Souffrant and Richard Marchel, Actuarial & Health Care Solutions, LLC, presented the Village of Brown Deer Other Postemployment Benefits Actuarial Valuation Report For the Fiscal Year Beginning January 1, 2010. Ms. Souffrant noted that the Village implemented GASB Statement No. 45 and as such needed to update the original report dated January 1, 2008. The report stated the Actuarial Present Value is \$1,059,622 and the Actuarial Accrued Liability is \$575,566. The annual required contribution for the liability is \$55,701 or \$39,253 on a pay-as-you-go basis. Ms. Souffrant also noted that the 2011 budget includes payment of \$15,600 for current retirees who remain covered by the Village health insurance policy. Mr. Van Gompel commented that a summary of retiree health benefits are included on page 26 of the report.

Michael Simpson, legal counsel for Bank Mutual, addressed the Village Board regarding the signalization of North Arbon Drive and West Brown Deer Road. He stated that Bank Mutual had no objections to the proposed project, but that the company had concerns regarding the cost and allocation of the project. He noted that the original engineer estimate was \$160,000 and the project as bid in the summer of 2010 was for \$280,000. The bid in 2010 was rejected by the Village. Mr. Simpson also commented that the traffic signals at the intersection benefited the properties to the north of the intersection, including the traffic created by the Village. He opined that the Village should participate in the project. Mr. Simpson also suggested that an up-to-date traffic study be performed.

**IV. Public Hearing – Sign Regulations and the Display Guidelines of Multiple Tenant Signs with Section 121, Article IX of the Brown Deer Village Code**

Nate Piotrowski provided a brief summary of the changes. There were no appearances regarding the public hearing. The Village President announced that the public hearing was closed.

**V. Consideration of Minutes: February 7, 2011 – Regular Meeting**

*It was moved by Trustee Boschert and seconded by Trustee Oates to approve the minutes of the February 7, 2011 regular meeting. The motion carried unanimously.*

**V. Committee Reports**

**A) Building Board – Trustee Weddle-Henning**

No meeting.

**B) Beautification Committee – Trustee Oates**

Trustee Oates noted that the Committee reviewed their financial status, discussed the Arbor Day/Earth Day/Keep Greater Milwaukee Beautiful Clean-up day. Trustee Oates reported that the Landscape Awards Recognition will be held on Tuesday, September 27th.

**Resolution No. 11 – “A Resolution Proclaiming May 7, 2011 as Arbor Day**

*It was moved by Trustee Oates and seconded by Trustee Weddle-Henning to adopt Resolution No. 11– “, A Resolution Proclaiming May 7, 2011 as Arbor Day. The motion carried unanimously.*

**C) Park and Recreation Committee – Trustee Springman**

No meeting.

**D) 4th of July Committee – Village President Krueger**

Village President Krueger noted that the theme and musical entertainment was booked. He also stated that there will be two bands in the afternoon. He also reported on the significant donation from the Kass Family will fund the fireworks display and that the Kass Family will be the Grand Marshall for the parade.

**E) Traffic and Public Safety – Trustee Boschert**

Trustee Oates reported on the process of reviewing the No Parking Ordinance and the two items for action.

**1) Ordinance No. 11-, “An Ordinance Amending Chapter 14 Article 6 Pawnbrokers, Second Hand Articles & Jewelry Dealers, Section 14-358 Declaration, of the Brown Deer Village Code**

Trustee Boschert reported that the item was referred to the Committee for their review and that second hand dealers and pawnbrokers are regulated by the State, but the State allows for additional items. This ordinance would require that all transactions be reported through a website. Most agencies in the State currently utilize the Northeastern Wisconsin Property Reporting System. Even though there are no businesses which would be impacted by the ordinance, the Traffic and Public Safety Committee members desired to have an ordinance in place prior to a business of this type being located within the Village.

*It was moved by Trustee Boschert and seconded by Trustee Springman to adopt Ordinance No. 11-, “An Ordinance Amending Chapter 14 Article 6 Pawnbrokers, Second Hand Articles & Jewelry Dealers, Section 14-358 Declaration, of the Brown Deer Village Code. The motion carried unanimously.*

**2) Crossing Guard Agreement**

Trustee Boschert explained that the School District officials approached the Village about assisting with training and supervising crossing guards after the School District decided to end a contractual relationship between the School District and a third party provider. Village Fuchs prepared an Intergovernmental Cooperation Agreement between the Village and the School District of Brown Deer to cover the terms and conditions of the School District employing persons to serve as crossing guards and for the Village to supervise and train them. Trustee Oates questioned why the School District decided to contract with a third party provider in the first place. Dr. Deb Kerr responded that the School District didn't have the capabilities to train and supervise employees so they decided to contract out the service and that crossing guards who were employed by the Village had an opportunity to work for the third party provider and decided not to. Since the School District was receiving poor service, they decided to end their contract with the service provider. Village President Krueger questioned the liability exposure in items #6 and #7

of the agreement. Village Attorney Fuchs responded that the School District is responsible for the actions of their employees and the Village would be responsible for the actions of the Village employees.

*It was moved by Trustee Boschert and seconded by Trustee Springman to approve the Intergovernmental Cooperation Agreement/Crossing Guards with the Brown Deer School District. The motion carried unanimously.*

**F) Library Board – Trustee Baker**

Trustee Baker noted the Village Manager attended the Library Board meeting to discuss the impact of the Tax Levy and the status of the current budget situation. The Library Board also reviewed the HVAC project and scheduling.

**G) Community Development Authority – Village President Krueger**

No meeting.

**H) Plan Commission – Village President Krueger**

**1) Certified Survey Map – 8716 North 43<sup>rd</sup> Street**

Mr. Piotrowski reviewed the requested Certified Survey Map. He noted two considerations that should be made regarding the request. One is the opportunity to use the site for a potential new residential use or a small commercial building. The other possible consideration is that the subdivision would create an encumbrance to a larger scale development.

*It was moved by Village President Krueger and seconded by Trustee Boschert to approve the Certified Survey Map for 8716 North 43rd Street on the condition that a sewer lateral and 4” water lateral be installed to the lot line. The motion carried unanimously.*

**2) Conditional Use Permit – 7725 North Teutonia Avenue, Offices and Shop**

Mr. Piotrowski noted that there was exterior storage issues with the site but that all issues were now corrected and both conditional uses were recommended for permanent approval from the Plan Commission.

*It was moved by Village President Krueger and seconded by Trustee Weddle-Henning to approve the permanent conditional use permit for contractor offices and shop at 7725 North Teutonia Avenue. The motion carried unanimously.*

**3) Conditional Use Permit – 7725 North Teutonia Avenue, Public Garage**

*It was moved by Village President Krueger and seconded by Trustee Springman to approve the permanent conditional use permit for a public garage at 7725 North Teutonia Avenue. The motion carried unanimously.*

**I) Finance and Public Works Committee – Trustee Oates**

Trustee Oates reported that the Village earned a Certificate of Achievement for Excellence in Financial Reporting for the 2009 Comprehensive Annual Financial Report. He further noted that based on a review of the Village's phone system and communications line, the Village will receive over \$35,000 for their share of refunds.

### 1) Sanitary Sewer Transfer

Mr. Neitzel reported that staff has been working with MMSD to transfer three segments of sanitary sewer from MMSD back to the Village. The three segments serve only the local Brown Deer sewers and do not meet the MMSD definition of an interceptor system. Staff has reviewed the plans and inspection reports and found the sewers to be in good condition,

*It was moved by Trustee Boschert and seconded by Trustee Oates to approve the Intergovernmental Cooperation Agreement with MMSD for the conveyance of sewer segments subject to the review of the easements by the Village Attorney. The motion carried unanimously.*

### 2) Resolution No. 11-, “Resolution to Approve Commitment of Fund Balances pursuant to GASB 54 Definitions

Ms. Souffrant briefly explained the resolution and GASB 54.

*It was moved by Trustee Oates and seconded by Trustee Weddle-Henning to approve Resolution No. 11-, “A Resolution to Approve Commitment of Fund Balances pursuant to GASB 54 Definitions. The motion carried unanimously.*

### 3) Resolution No. 11-, “Resolution to Approve Assignment of Fund Balances pursuant to GASB 54 Definitions

Ms. Souffrant briefly explained the resolution and GASB 54.

*It was moved by Trustee Oates and seconded by Trustee Weddle-Henning to approve Resolution No. 11-, “A Resolution to Approve Assigned Fund Balances pursuant to GASB 54 Definitions. The motion carried unanimously.*

### 4) Financial Policy

Ms. Souffrant briefly explained updates to the first portion of the Financial Policy/Procedure Manual. The first portion includes the Capital Fixed Asset, Purchasing, Village Issued Purchasing Card, Capital Improvement Planning Process, and Capital Improvement Budget Policies. Ms. Souffrant noted most of the changes were minor in nature and that the Village Issued Purchasing Card Policy was not previously part of the Financial Policy Manual, but was adopted by a separate resolution. Mr. Van Gompel reported that the timing for the Capital Improvement Budget was moved from a fall timetable to spring.

*It was moved by Trustee Oates and seconded by Trustee Weddle-Henning to approve the first portion of the Financial Policy/Procedure Manual which includes the sections mentioned above. The motion carried unanimously.*

### 5) Consideration of Vouchers

*It was moved by Trustee Oates and seconded by Trustee Boschert to approve the payment of the vouchers and to ratify for payment the vouchers due on or before January 28, 2011. The motion carried unanimously.*

### J) Personnel Committee – Trustee Baker

Trustee Baker noted that one item from the Committee is scheduled for closed session discussions. The Committee is recommending an adjustment in the Salary Plan for Non-Represented Employees.

### 1) Salary Plan for Non-Represented Employees

*It was moved by Trustee Baker and seconded by Trustee Springman to adopt the 2011 Salary Plan for Non-Represented Employees. The motion carried unanimously.*

#### VI. Unfinished Business

None.

#### VII. New Business

##### A) Original Streetscape Project

Mr. Van Gompel reviewed the Original Streetscape Project and the informational meeting held on February 17, 2011. Some residents and property owners expressed their concern with the sidewalks and the amount and placement of parking included in the project. Mr. Piotrowski reported that only a small number of residents had returned the necessary documents to correct the delineation between right-of-way and private properties. He also noted that Ayres and Associates will be working on preparing modifications to the project based on concerns raised at the hearing. Trustee Boschert asked if there were any alternatives and if the project could proceed without the clarification of right-of-way lines. Mr. Van Gompel noted the efficiencies of construction if the project was bid and constructed at one time versus dividing the project into two smaller projects. Attorney Fuchs advised the Board that the property lines should be clarified prior to construction. Mr. Van Gompel reported that staff was working on a citizen survey for the project area and, that based on the time to correct the property lines and to allow for changes in the design, it was very likely that the project would not proceed in 2011.

*No formal action was taken by the Village Board.*

##### B) Ordinance No 11-, “An Ordinance to Amend the Administration of Sign Regulations and the Display Guidelines of Multiple Tenant Signs within Section 121, Article IX of the Brown Deer Village Code”

Mr. Piotrowski reviewed the changes.

*It was moved by Village President Krueger and seconded by Trustee Weddle-Henning to adopt Ordinance No. 11-, “An Ordinance to Amend the Administration of Sign Regulations and the Display Guidelines of Multiple Tenant Signs within Section 121, Article IX of the Brown Deer Village Code. The motion carried unanimously.*

#### VIII. Village President’s Report

Village President Krueger reported on the following:

His attendance at the ICC meeting, which included a discussion on private property I & I and a candidate forum for the County Executive office.

The North Shore Fire Department and its ratification of a 2-year labor contract.

#### IX. Village Manager’s Report

Mr. Van Gompel reported on the following:

The Spring Primary election results are posted with Brown Deer having a 25% turnout  
Meeting with the State DOT regarding traffic issues  
The impact of the Budget Repair Bill is still being reviewed

**X. Recess into Closed Session pursuant to §19.85(1) (c) (e) (g) 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 purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
- (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.

*It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to recess into Closed Session at 8:25 p.m. The motion carried unanimously.*

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

*It was moved by Trustee Schilz and seconded by Trustee Springman to reconvene into Open Session at 9:14 p.m. The motion carried unanimously.*

- A) Possible Action on Consolidated Dispatch**
- B) Possible Action of Signal Lights at North Arbon Drive and West Brown Deer Road**

No action taken.

**XII. Adjournment**

*It was moved by Trustee Springman and seconded by Trustee Schilz to adjourn at 9:15 p.m. The motion carried unanimously.*

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Russell Van Gompel, Village Manager