

**BROWN DEER VILLAGE BOARD
JUNE 20, 2011 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; Nate Piotrowski, Planning/Zoning Specialist; Chief Rinzel, Brown Deer Police Department; Larry Neitzel; Director of Public Works; Jamie Berg, North Shore Health Department Director; John Fuchs, Village Attorney

Excused: Village President Krueger

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Stanley Martin, 9448 North 45th Street, stated that he had questions about the ditching project. Trustee Schilz noted that he could be heard during the public hearing on the matter.

IV. Public Hearing

Mr. Neitzel provided background information on the project and reviewed the special assessment charges.

Trustee Schilz opened the public hearing at 6:37 p.m.

Stanley Martin, 9448 North 45th Street, stated his concerns about the ditching project not addressing the drainage issues near his property. Mr. Neitzel noted that he would take a look at the situation and determine if a larger drainage pipe could be installed.

Carol Sullivan, 4691 West Donges Lane, asked about the new culvert installation and the drainage from the nearby open field. Mr. Neitzel noted the location of the ditching project boundaries and provided cost estimates for nearby residents if they would like a culvert installed. Mr. Neitzel went on to address the concerns about the drainage from the open field through the establishment of a "no till" zone to buffer the run-off.

Matt Stanke, 9525 North 47th Street, voiced concerns with the condition of a drainage pipe along his property line. Mr. Neitzel noted that the pipe in question was installed by the original developer back in the 1960's and added that there are no plans for those pipes as there are no easements.

Mary Kust, 9445 North 47th Street, asked about marking downspouts and sump pump lines that drain into the ditch. Mr. Neitzel discussed how they should be marked and that the residents will receive notice in the mail prior to any excavation.

Mr. Van Gompel read a letter from Thomas Fischer into the record that objected to the price credit being issued as a part of the project. Mr. Neitzel noted that he had spoken with Mr. Fischer to clarify the credit issuance.

Marv Rist, 4594 West Donges Lane, asked if residents had the choice of concrete or asphalt for the driveway approaches. Mr. Neitzel explained that the project called for asphalt approaches but if a resident chose to use concrete, they would have to hire their own private contractor.

Trustee Schilz closed the public hearing at 6:50 p.m.

**V. Consideration of Minutes: May 31, 2011 – Special Meeting
June 6, 2011 – Regular Meeting**

It was moved by Trustee Weddle-Henning and seconded by Trustee Boschert to approve the minutes of both the May 31, 2011 special meeting and the June 6, 2011 regular meeting. The motion carried unanimously.

VI. Committee Reports

A) Building Board – Trustee Weddle-Henning

Trustee Weddle-Henning noted that the meetings had been cancelled due to lack of applications.

B) Beautification Committee – Trustee Oates

Trustee Oates reported on the landscape awards that were given out, a recap of the Arbor Day events and the meeting date change in July due to the possibility of a special recall election.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman briefly discussed the program enrollment report that was prepared by the Park and Recreation Director.

D) 4th of July Committee – Village President Krueger

No report.

E) Traffic and Public Safety – Trustee Boschert

No meeting.

F) Library Board – Trustee Baker

Trustee Baker reported on the presentation by the MCFLS executive director, the status of the HVAC project, and noted that the final numbers on the plant sale are still being calculated.

G) Community Development Authority – Village President Krueger

No report.

H) Plan Commission – Village President Krueger

1) Conditional Use Permit – Park View Pub, 7651 North Teutonia Avenue

Mr. Piotrowski gave a brief presentation about the beer garden activities on the site and the proposed changes to the permit. Trustee Schilz reiterated the Plan Commission's recommendation.

Trustee Boschert asked if the changes would address the nearby resident's concerns. Mr. Van Gompel stated that the changes are intended to address the concerns while still working with the business. Mr. Piotrowski added that the permit can be reviewed at any time for cause.

It was moved by Trustee Schilz and seconded by Trustee Baker to approve the amendment to the Conditional Use Permit – Park View Pub, 7651 North Teutonia Avenue. The motion carried unanimously.

2) Development Agreement – Larry’s Market, 8737 North Deerwood Drive

Trustee Schilz introduced the matter and Mr. Piotrowski provided a summary of the operation.

It was moved by Trustee Schilz and seconded by Trustee Boschert to approve the Development Agreement – Larry’s Market, 8737 North Deerwood Drive. The motion carried unanimously.

3) Conditional Use Permit – Car Wash, 8300 North Teutonia Avenue

Trustee Schilz introduced the matter and Mr. Piotrowski provided a summary of the operation.

Trustee Oates asked if there had been any noise complaints. Chief Rinzel stated that he had not received any complaints.

Trustee Baker noted that the dumpster enclosure on the site was in poor condition. Mr. Thyges stated that staff will look into the matter.

It was moved by Trustee Schilz and seconded by Trustee Weddle-Henning to approve the Conditional Use Permit – Car Wash, 8300 North Teutonia Avenue. The motion carried unanimously.

I) Finance and Public Works Committee – Trustee Oates

Trustee Oates noted that there was no meeting held. Mr. Van Gompel touched on the quarterly report that was provided and the possible budget amendment for the additional elections.

1) 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 June 20, 2011. The motion carried unanimously.

J) Personnel Committee – Trustee Baker

Trustee Baker indicated that the next meeting is scheduled for June 27th.

On other committee matters, Mr. Van Gompel noted that the minutes from the Board of Review meeting were also included in the weekly packet.

VII. Unfinished Business**A) Class “B” Intoxicating Liquor and Fermented Malt Beverage License – Park View Pub, 7651 North Teutonia Avenue**

Mr. Van Gompel discussed the change of having Jill Wargolet listed as the agent and the inclusion of the terminology from the Conditional Use Permit on the license.

Trustee Baker asked for clarification between the deck and the beer garden. Mr. Van Gompel noted that they are separate points of sale.

Trustee Oates asked why Brian Wargolet was previously listed on the license application. Ms. Wargolet stated that Brian Wargolet had made some changes to the LLC and was attempting to become the agent.

It was moved by Trustee Schilz and seconded by Trustee Boschert to Approve the Class “B” Intoxicating Liquor and Fermented Malt Beverage License – Park View Pub, 7651 North Teutonia Avenue with the addition of item #15 from the Conditional Use Permit and listing Jill Wargolet as the agent. The motion carried unanimously.

VIII. New Business**A) Assessment Resolution for 2011 Ditch Rehabilitation Project**

Mr. Van Gompel reviewed the process for creating the special assessment and noted the resolution.

Trustee Springman asked about the payment timeframe. Mr. Neitzel discussed the billing process and how the charge can be added to the tax bill if unpaid.

A brief discussion ensued to clarify the use of a private contractor for the installation of a concrete driveway approach.

It was moved by Trustee Springman and seconded by Trustee Oates to approve the Assessment Resolution for 2011 Ditch Rehabilitation Project. The motion carried unanimously.

B) Agreement For Public Health Services with the North Shore Health Department

Mr. Van Gompel introduced Jamie Berg as the interim Director of the North Shore Health Department and reviewed the proposed contract.

Trustee Schilz asked if other communities had adopted the agreement. Ms. Berg indicated that Shorewood has approved the agreement and the other communities are scheduled to review the document in the coming weeks.

Mr. Van Gompel noted that an Ordinance amendment will also be needed.

A brief discussion ensued to clarify the financial schedules within the agreement.

It was moved by Trustee Boschert and seconded by Trustee Oates to approve the Agreement For Public Health Services with the North Shore Health Department. The motion carried unanimously.

C) Resolution No. 11-, “A Resolution of Appreciation for Jane Peterson”

Mr. Van Gompel reviewed the resolution.

It was moved by Trustee Weddle-Henning and seconded by Trustee Springman to approve Resolution No. 11-, “A Resolution of Appreciation for Jane Peterson”. The motion carried unanimously.

D) Contract with the Village of Bayside for Dispatching Services

Attorney Fuchs reviewed the draft contract and his conversations with the Bayside Village Manager. Attorney Fuchs also noted the recommended action to approve the agreement.

Trustee Baker asked about the charges for overnight administrative calls. Attorney Fuchs noted that the charges were rolled into the overall operational charges and not specifically called out.

Trustee Weddle-Henning asked about the wording used to address “down time” on the system. Attorney Fuchs noted that it applies to the best efforts taken to fix any problems that arise.

Trustee Baker asked if the term “Public Service Answering Point” or PSAP was appropriate. Attorney Fuchs noted that the term was derived from the ongoing negotiations and became the common term used to identify the dispatch center.

A brief discussion about how the contract is unique since it is not a true consolidation of services.

It was moved by Trustee Springman and seconded by Trustee Boschert to approve the Contract with the Village of Bayside for Dispatching Services with the modifications to the Capital contribution schedule. The motion carried unanimously.

E) Resolution No. 11-, “A Resolution Adopting Criteria For Use In Redistricting”

Mr. Van Gompel reviewed the resolution prepared by the ICC voicing concerns over Milwaukee County’s proposed redistricting plan due to the lack of public input into the creation of the plan.

Trustee Oates asked if a resolution was needed. Mr. Van Gompel noted the concerns over the County not following State Statutes during the preparation of the plan. Attorney Fuchs added that a resolution is the formal way for the Village to voice its concerns to the County.

A brief discussion ensued about the redistricting proposals, the reduction of the County Board, and the politics involved with the process.

It was moved by Trustee Schilz and seconded by Trustee Baker to approve Resolution No. 11-, “A Resolution Adopting Criteria For Use In Redistricting”. The motion carried unanimously.

IX. Village President’s Report

No Report.

X. Village Manager’s Report

Mr. Van Gompel reported on the following:

- The status of the State Budget process
- Capital Budget requests are being compiled for the Capital Plan
- The Chamber of Commerce event in Village Park
- The installation of the play structure within Village Park

Trustee Oates requested a copy of the Library HVAC project schedule and asked about the status of the bus shelter project. Mr. Thyges indicated that a project schedule can be distributed to the Board. Mr. Van Gompel stated that he would look into the bus shelter project and report back to the Board.

Trustee Baker asked about the County’s bike trail project near Hansen Park. Mr. Neitzel reviewed the trail location.

A brief discussion ensued about the future trail links to the nearby Kohl Park.

Trustee Schilz inquired about the status of the former CITGO station at 51st Street and Brown Deer Road. Mr. Van Gompel noted that there has not been any new information from the owner of the property.

XI. Adjournment

It was moved by Trustee Springman and seconded by Trustee Oates to adjourn at 8:10 p.m. The motion carried unanimously.