

**BROWN DEER VILLAGE BOARD
NOVEMBER 15, 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 6:30 P.M.

I. Roll Call

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

Also Present: Russell Van Gompel, Village Manager; Jesse Thyges, Assistant Village Manager/Community Services Director; Bridget Souffrant, Treasurer/Comptroller; Nate Piotrowski, Planning/Zoning Specialist; Chief Steven Rinzel and Lt. Lisa Kumbier, Brown Deer Police Department; John Fuchs, Village Attorney

Excused: Trustee Schilz

II. Pledge of Allegiance

III. Persons Desiring to be Heard

IV. Consideration of Minutes: November 1, 2010 – Regular Meeting

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to approve the minutes of the November 1, 2010 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

No meeting.

D) 4th of July Committee – Village President Krueger

The meeting is scheduled for November 17th.

E) Traffic and Public Safety – Trustee Boschert

No meeting.

F) Library Board – Trustee Baker

No report.

G) Community Development Authority – Village President Krueger

Mr. Van Gompel noted the closed session discussions about TID #2.

H) Plan Commission – Village President Krueger

No meeting.

I) Finance and Public Works Committee – Trustee Oates

Trustee Oates briefly reviewed the Committee's discussions about the possible refinancing of a State Trust Fund Loan and their review of the Village's financial policies.

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 November 15, 2010. The motion carried unanimously.

J) Personnel Committee – Trustee Baker

No meeting.

VI. Unfinished Business

VII. New Business

A) Request for Extended Business Hours for Kohl's Department Store

Mr. Van Gompel reviewed the request and recommended allowing the 4:00 a.m. opening time similar to previous years.

Paul Janowiak, Kohl's store manager, further reviewed the proposal and the need to address customer comments.

Trustee Weddle-Henning asked if other Kohl's stores were proposing similar hours. Mr. Janowiak noted that it would be nation-wide.

Trustee Baker asked about the reasoning for such an early opening time. Mr. Janowiak discussed the early morning sales and the competitor's hours.

Trustee Oates voiced concerns with an early opening time.

Mr. Janowiak noted that he is the new manager for the store and added that the holiday hours proposal will be submitted earlier next year to allow more time for review by the Board if needed.

Trustee Weddle-Henning asked what the earliest opening time was. Mr. Van Gompel noted that 4:00 a.m. has been the earliest opening time approved to date and noted that the Ordinance has been in place for over 12 years and was drafted to address public safety concerns.

A brief discussion ensued regarding the jurisdiction the Village Board has in reviewing hours of operation requests.

Trustee Baker noted that if there are nation-wide advertisements stating a 3:00 a.m. opening time, then there will be people that arrive at that time even if the store is not open.

It was moved by Trustee Weddle-Henning and seconded by Trustee Boschert to approve the Request for Extended Business Hours for Kohl's Department Store per the submitted schedule. The motion carried 5-1 with Trustee Oates voting in opposition.

B) Request for Extended Hours for Papa John's Pizza

Mr. Van Gompel introduced the matter and noted the differences between the requests by retailers and the proposed delivery hours for Papa John's.

Mr. Piotrowski discussed the zoning provisions and the requirement for the applicant's to meet with the Police Department regularly to review crime prevention measures.

Ken Townsley, the business manager, discussed the policies and procedures of the operation to ensure the safety of the employees.

Chief Rinzel discussed the Police Department's review of the proposal and his level of comfort with the proposal.

A brief discussion ensued regarding exterior lighting of the building, staffing levels, and other late night operational procedures.

It was moved by President Krueger and seconded by Trustee Oates to approve the Request for Extended Hours for Papa John's Pizza with the requirement to continue crime prevention meetings with the Police Department. The motion carried unanimously.

C) Resolution No. 10-, "Resolution Adopting Original Village Relocation Order"

Mr. Piotrowski discussed the need to adopt the resolution as a part of the Original Village streetscape project.

Trustee Weddle-Henning inquired about the varying amounts of right-of-way that is shown on the map. Mr. Piotrowski discussed the on-street parking arrangement.

Attorney Fuchs discussed the statutory guidelines for the acquisition of the lands in question.

It was moved by Trustee Oates and seconded by Trustee Weddle-Henning to approve Resolution No. 10-, "Resolution Adopting Original Village Relocation Order". The motion carried unanimously.

D) Resolution No. 10-, "Resolution To Assess the Electric and Energy Maintenance Cost of the Arbon Drive – W. Green Brook Drive Lighting System"

It was moved by President Krueger and seconded by Trustee Oates to approve Resolution No. 10-, "Resolution To Assess the Electric and Energy Maintenance Cost of the Arbon Drive – W. Green Brook Drive Lighting System". The motion carried unanimously.

E) Resolution No. 10-, "Resolution To Assess the Electric and Energy Maintenance Cost of the Brown Deer Business Park Subdivision Lighting System"

It was moved by President Krueger and seconded by Trustee Oates to approve Resolution No. 10-, "Resolution To Assess the Electric and Energy Maintenance Cost of the Brown Deer Business Park Subdivision Lighting System". The motion carried unanimously.

F) Resolution No. 10-, "Resolution To Assess the Electric and Energy Maintenance Cost of the Brown Deer Corporate Park Subdivision Lighting System"

It was moved by President Krueger and seconded by Trustee Oates to approve Resolution No. 10-, "Resolution To Assess the Electric and Energy Maintenance Cost of the Brown Deer Corporate Park Subdivision Lighting System" The motion carried unanimously.

G) Resolution No. 10-, “Resolution To Assess the Electric and Energy Maintenance Cost of the N. Kildeer Court – W. Brown Deer Road Lighting System”

It was moved by President Krueger and seconded by Trustee Oates to approve Resolution No. 10-, “Resolution To Assess the Electric and Energy Maintenance Cost of the N. Kildeer Court – W. Brown Deer Road Lighting System” The motion carried unanimously.

H) Resolution No. 10-, “Resolution To Assess the Electric and Energy Maintenance Cost of the Opus North Subdivision Lighting System”

It was moved by President Krueger and seconded by Trustee Oates to approve Resolution No. 10-, “Resolution To Assess the Electric and Energy Maintenance Cost of the Opus North Subdivision Lighting System” The motion carried unanimously.

I) Resolution No. 10-, “Resolution To Assess the Electric and Energy Maintenance Cost of the Park Plaza and Addition #1 Subdivisions System”

It was moved by President Krueger and seconded by Trustee Oates to approve Resolution No. 10-, “Resolution To Assess the Electric and Energy Maintenance Cost of the Park Plaza and Addition #1 Subdivisions System”. The motion carried unanimously.

J) Resolution No. 10-, “Resolution To Establish Storm Water Rates for 2011”

Mr. Van Gompel reviewed the storm water utility rate and discussed how the quarterly rate is to be listed on the water bill.

It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution No. 10-, “Resolution To Establish Storm Water Rates for 2011” The motion carried unanimously.

K) Request for Extended Hours for Lowes

Mr. Van Gompel reviewed the proposal for extended hours during the holiday season.

It was moved by Trustee Weddle-Henning and seconded by Trustee Springman to approve the request for Extended Hours for Lowes The motion carried 5-1 with Trustee Oates voting in opposition.

L) Request for Extended Hours for Old Navy

Mr. Van Gompel reviewed the proposed holiday hours requested by Old Navy.

A brief discussion ensued regarding the proposed hours of operation as compared to other retailers within the Village.

Trustee Oates again voiced his concerns over the proposed early opening time for a retail store.

It was moved by Trustee Weddle-Henning and seconded by Trustee Springman to approve the request for Extended Hours for Old Navy as presented with the following amendments; a 3:00 a.m. opening time on 11/26/2010, and a midnight closing time on 12/23/2010. The motion carried 5-1 with Trustee Oates voting in opposition.

M) Ordinance No. 10 - , “ An Ordinance Amending Section 14-25(8)(d) of the Brown Deer Village Code Relating to Wis. Stats. §961.42 Prohibited Acts and Penalties and Creating Section 14 – 25(9) of the Brown Deer Village Code Relating to Synthetic Cannabis”

Attorney Fuchs discussed the proposed Ordinance.

A brief discussion ensued regarding the testing procedures and the proposed forfeitures when tickets are issued.

It was moved by Trustee Oates and seconded by Trustee Boschert to adopt Ordinance No. 10 - , “An Ordinance Amending Section 14-25(8)(d) of the Brown Deer Village Code Relating to Wis. Stats. §961.42 Prohibited Acts and Penalties and Creating Section 14 – 25(9) of the Brown Deer Village Code Relating to Synthetic Cannabis” The motion carried unanimously.

VIII. Village President’s Report

Village President Krueger reported on the following:

The ongoing negotiations for the North Shore Fire Department

Attending the ICC meeting

Meeting with representatives from Bayside to discuss the joint-dispatch center proposal

A brief discussion ensued regarding the resolution of support for the joint-dispatch center project and the proposed funding formula.

IX. Village Manager’s Report

Mr. Van Gompel reported on the following:

The draft version of the tax bill informational insert

The scheduled meeting with State officials regarding the Brown Deer Road study

X. Recess into Closed Session pursuant to §19.85(1)(c) (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 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 Trustee Springman and seconded by Trustee Weddle-Henning to recess into Closed Session at 8:05 p.m. The motion carried unanimously.

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to reconvene into Open Session at 9:04 p.m. The motion carried unanimously.

XI. Adjournment

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to Adjourn at 9:05p.m. The motion carried unanimously.