

**BROWN DEER VILLAGE BOARD  
OCTOBER 18, 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 6:33 P.M.

**I. Roll Call**

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

Also Present: Jesse Thyges, Assistant Village Manager/Community Services Director; Bridget Souffrant, Treasurer/Comptroller; Nate Piotrowski, Planning/Zoning Specialist; John Fuchs, Village Attorney

Excused: Trustee Weddle-Henning

**II. Pledge of Allegiance**

**III. Public Hearing on an Ordinance Amending the Vision Clearance Requirement**

The public hearing opened at 6:34 p.m.

Mr. Piotrowski discussed the proposed Ordinance and how it would affect the areas near intersections needed for proper vision clearance.

No public comment was received and the public hearing closed at 6:39 p.m.

**IV. Persons Desiring to be Heard**

None

**V. Consideration of Minutes: October 4, 2010 – Regular Meeting**

*It was moved by Trustee Boschert and seconded by Trustee Oates to approve the minutes of the October 4, 2010 regular meeting with the revision. The motion carried unanimously.*

**VI. Committee Reports**

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

Mr. Piotrowski provided a brief update on the sign approvals granted to Papa John's pizza restaurant.

**B) Beautification Committee – Trustee Oates**

Trustee Oates reported on the pending landscape plans for Tri-City Bank, the tree removal efforts of the Public Works Department and the awards reception.

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

Trustee Springman reviewed the committee's budget discussions and provided a brief update on the school district's facility and pool repair efforts.

**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 reviewed the budget discussions and the progress of the HVAC study.

A brief discussion ensued regarding possible hours of operation scenarios and subsequent budgetary effects.

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

No report.

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

**1) Development Agreement with Benson Consignments, LLC**

Village President Krueger introduced the matter and Mr. Piotrowski further discussed the proposed consignment business as well as the conditions set forth in the draft Development Agreement.

Trustee Oates inquired about the quality of the products and the applicant's experience. Linda Benson discussed the types of items that the business would be interested in selling on consignment. Mike Benson discussed their experience as long time business owners and operators.

*It was moved by Village President Krueger and seconded by Trustee Boschert to approve the Development Agreement with Benson Consignments, LLC. The motion carried unanimously.*

Village President Krueger also noted that the Plan Commission discussed the possibility of changing the start time of their meetings. No formal action was taken on the proposed change.

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

**1) Sanitary Sewer Relocation and Rehabilitation Project – Base Bid B.**

Trustee Oates reviewed the Committee's actions and the Village Board's awarding of the contract at the last meeting.

**2) Consideration of Vouchers**

*It was moved by Trustee Oates and seconded by Trustee Springman to approve the payment of the vouchers and to ratify for payment the vouchers due on or before October 18, 2010. The motion carried unanimously.*

**J) Personnel Committee – Trustee Baker**

No report.

**VII. Unfinished Business**

**A) Resolution No. 10-, "A Resolution Approving a 2011—2015 Five Year Capital Plan for the Village of Brown Deer"**

Mr. Thyges gave a brief introduction and noted that a policy is in place which requires the adoption of a

### Capital Improvement Plan.

Ms. Souffrant reviewed the purpose of and the process of establishing a Capital Improvement Plan and discussed how the plan may be modified throughout the budgeting process as well as during the financing process. Ms. Souffrant also requested direction from the Board should they decide not to adopt the Capital Improvement Plan.

Trustee Oates noted that his previous negative vote was due to the whole Board not being present at the meeting.

Trustee Boschert noted his prior concerns with adopting the Capital Improvement Plan due to the possible effects on the Operating Budget. Ms. Souffrant again discussed the differences between the Capital Improvement Plan and the capital portion of the Operating Budget.

A brief discussion ensued about the timetable of the Capital Improvement Plan process and its proximity to the Village's budgeting process.

Village President Krueger asked for clarification of the adoption timeframe. Ms. Souffrant noted that the plan should be adopted prior to the budget as the first year of the Plan is typically rolled into the Village Budget document during the budget adoption process.

Trustee Schilz noted that a further separation of the Capital planning and the Budgeting process could be favorable and also voiced concerns with the significant changes to several projects from the previous year and the debt funding in 2011.

Ms. Souffrant reviewed how the Village had bonded for certain projects and that other 2010 projects were pushed into 2011 and the funds carried a timeframe in which they would need to be spent which is why there is a proposed debt issuance in 2011.

Village President Krueger reviewed the vote that was taken at the previous meeting and briefly reviewed his discussions with the Village Manager about the timing of the approval for the Capital Improvement Plan.

Trustee Oates asked if the Capital Improvement Planning Policy could be reviewed by the Finance and Public Works Committee. Mr. Thyges stated that it could be referred to the Committee and Attorney Fuchs added that a motion should be made regarding the referral.

A brief discussion ensued regarding the proposed projects listed within the Capital Improvement Plan as well as the project timeframes and budgeting.

Trustee Oates opined that he felt pressured to adopt the Capital Improvement Plan. Mr. Thyges stated that it is at the sole discretion of the Board as to what action they wanted to take on the matter. Attorney Fuchs noted the possible actions that the Board could take, including; adoption, rejection, or lay over for the next meeting.

Trustee Schilz noted that the Capital Improvement Plan items are by no means finalized with the adoption of the Plan and that the Board and Staff should make this clear so as to avoid a negative public perception.

*It was moved by Trustee Boschert and seconded by Trustee Baker to approve Resolution No. 10-, "A Resolution Approving a 2011—2015 Five Year Capital Plan for the Village of Brown Deer". The motion carried 5-1 with Trustee Oates voting in opposition.*

*It was moved by Trustee Oates and seconded by Trustee Boschert to refer the Capital Improvement Plan fiscal policy to the Finance and Public Works Committee for review and recommendation. The motion carried 5-1 with Trustee Baker voting in opposition.*

### **VIII. New Business**

#### **A) Ordinance No. 10-, “An Ordinance Amending the Vision Clearance Requirement in the Village Code”**

Mr. Piotrowski provided information about the reasoning for and the coordination in drafting the proposed Ordinance.

*It was moved by Village President Krueger and seconded by Trustee Boschert to approve Ordinance No. 10-, “An Ordinance Amending the Vision Clearance Requirement in the Village Code”. The motion carried unanimously.*

#### **B) Business Hours of Operation for Jordan Child Care, 5091 West Bradley Road**

Mr. Piotrowski provided a brief presentation regarding the proposed change to the hours of operation being requested by the new child care center operators. Mr. Piotrowski reported that because the building, formerly KinderCare, was being re-opened as another child care center that a supplemental development agreement was being drafted to set forth the proposed hours and crime-prevention conditions as recommended by the Police Department.

Trustee Baker asked about the hours of operation of other child care centers within the Village. Mr. Piotrowski noted that this was a unique proposal. The applicant added that the additional hours would not occur unless there was a specific customer need.

Trustee Schilz inquired about the overall review process and opined that the change of hours was significant enough to warrant a review by the Plan Commission. The applicant stated that the operation is licensed for fewer children than KinderCare and again noted that the extended hours would only occur should there be a specific customer need. Mr. Piotrowski noted the staff’s review process.

*It was moved by Trustee Boschert and seconded by Trustee Oates to refer the matter to the Plan Commission for a review and recommendation. The motion carried unanimously.*

#### **C) Fire Lane Parking Regulations**

Attorney Fuchs reviewed the matter for the Board and asked for direction in drafting an ordinance to create a new procedure for establishing and changing fire lanes.

Trustee Oates asked if other communities addressed fire lanes without ordinances. Attorney Fuchs noted that there are other communities that establish or change fire lanes with a Resolution instead of an Ordinance.

*It was the consensus of the Village Board to direct Attorney Fuchs to draft an Ordinance which allows the Village Board to establish or amend fire lanes through the adoption of a Resolution.*

#### **D) Resolution No. 10-, “Resolution Adopting Right-of-Way Plat”**

Attorney Fuchs reviewed the proposed Right-of-Way Plat for the Original Village area.

Trustee Oates inquired about the surveyor and if there was any consideration for the property owners. Mr. Piotrowski discussed John Favorite’s background with Ayres and Associates and Attorney Fuchs noted that the plat provided a clear picture of the small areas that may need to be acquired and that the

property owners will be approached in the future.

*It was moved by Village President Krueger and seconded by Trustee Boschert to approve Resolution No. 10-, “Resolution Adopting Right-of-Way Plat”. The motion carried unanimously.*

**IX. Village President’s Report**

Village President Krueger reported on the following:

Attending the North Shore Fire Department meeting and the discussions about negotiations  
Attending the ICC meeting and the discussions about Milwaukee County government

Attorney Fuchs and Village President Krueger reviewed the Open Meetings Law requirements for the Board.

**X. Village Manager’s Report**

Mr. Thyges reported on the distribution of information to the residents and business owners in the area of the sanitary sewer relocation project.

**XI. Adjournment**

*It was moved by Trustee Springman and seconded by Trustee Schilz to Adjourn at 8:28 p.m. The motion carried unanimously.*

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Russell Van Gompel, Village Manager