

**BROWN DEER VILLAGE BOARD
APRIL 19, 2021 MEETING MINUTES
VIRTUAL MEETING BY PHONE DUE TO COVID-19 PANDEMIC**

The meeting was called to order by President Montgomery at 6:30 P.M.

I. Roll Call

Present: Village President Montgomery; Trustees: Baker, Booker, Cherry, Quirk, Spencer, Springman

Also, Present: Michael Hall, Village Manager; Susan Hudson, Comptroller; John Fuchs, Village Attorney.

II. Persons Desiring to be Heard – Nancy Hoppe – 8560 N 64th St, Brown Deer – requested the dates and by whom the following employees were sworn in as Deputy Clerk for the Village.

Susan Hudson – Deputy Clerk in 2011

Elizabeth Spaulding – Deputy Clerk 9/2020

Miranda Etzel – Deputy Clerk (twice). March 2020 when Jill hired her to fill in for Cyndee and then again in January of 2021 as interim deputy clerk.

III. Elected Officials & Staff Reports – No Discussion or Actions will be taken on reports.

IV. Consent Agenda for Village Board

A) Consideration of Minutes: April 5, 2021 – Regular Meeting

B) February 2021 Financial Reports

C) Consideration of March 2021 Vouchers

It was moved by Trustee Spencer and seconded by Trustee Cherry to approve the consent agenda items. The motion carried unanimously.

V. New Business

A) Resolution No. 21-, Resolution of Appreciation for Gary Springman

Gary Springman was recognized for his service as a trustee for the Village of Brown Deer.

It was moved by Trustee Quirk and seconded by Trustee Booker to approve the resolution of appreciation for Gary Springman. The motion carried unanimously.

B) Discussion and Action to Appoint a New Village Clerk

There was a misunderstanding as to who should appoint the new Village Clerk. Attorney Fuchs explained how and why the changes that took place from going from elected to appointment of Village Clerk. There was a discussion on how to proceed with this appointment. The Village is requested to have someone appointed in this position.

It was moved by Trustee Springman and seconded by Trustee Baker to appoint Miranda Etzel as the next Village Clerk. The motion didn't carry 3-4. With President Montgomery, Trustees Booker, Cherry and Spencer voting against.

C) Discussion and Action to Adjourn Board of Review to a Date outside of the State-Mandated 45-Day

Window (schedule for June 17, 2021)

The State of Wisconsin requires the Board of Review to meet annually within a forty-five (45) day period, starting the fourth (4th) Monday of April; no sooner than seven (7) days after the last day the assessment roll is open for examination. In the past, the Board of Review would be called to meet briefly in May, only to adjourn to August or September. In lieu of this, the Village Board can make a motion to adjourn the Board of Review to a date outside of the forty-five (45) day window—to June 17, 2021.

It was moved by President Montgomery and seconded by Trustee Cherry to adjourn Board of Review until June 17, 2021. The motion carried 5-2. With Trustees Baker and Springman voting against.

D) Request for Kevin Rorabeck to Receive a Temporary Increase in Pay for Interim Director of Health Department

The Village requests a temporary pay increase from his current pay of \$32.47 to \$36.00 per hour for the additional responsibilities and work he has been appointed to perform in the role of Interim Director of the North Shore Health Department. On March 23, 2021, Kevin Rorabeck was assigned by Ann Christiansen to serve as Interim Director of the North Shore Health Department, until a new Director is onboarded. The role of Interim Director carries with it the expectation to run not just the Health Department located in the Village of Brown Deer, but the Health Department located in the Village of Shorewood, as well. The North Shore Health Department serves all 7 communities in the North Shore. In addition to the increased responsibilities and liabilities as the Interim Director, he is still responsible for his workload as Public Health Manager.

It was moved by Trustee Quirk and seconded by Trustee Booker to approve Kevin Rorabeck's temporary increase in pay for Interim Director of Health. The motion carried unanimously.

E) Discussion and Possible Action Regarding Policy of Bringing a Request to the Village Board for Interim Department Heads Receiving a Temporary Increase in Pay

Village Staff is requesting a policy to be put on file for future Interim Department Heads to receive a temporary pay increase. In the past, when a Department Head retires, resigns, etc., that position is typically filled by the next-highest ranking person on an interim basis. We ask that if and/or when this should happen in the future with another Department Head, a temporary pay increase is automatically granted to the Interim Department Head for the additional responsibilities and duties that person should bear. If or when that person no longer serves as an Interim Department Head, that person's pay will automatically be brought back to the original amount.

It was moved by President Montgomery and seconded by Trustee Quirk to approve a policy change to allow the Village Manager the right to increase based on Interim Department Head without Board approval first. The motion carried unanimously.

F) Approve the Bid Results for the WisDOT W. Brown Deer Road/STH 100 Reconditioning Project (State Project ID No. 2150-00-71) – Streetscaping Items

The bid letting for the WisDOT W. Brown Deer Road/STH 100 project was on February 9th, 2021. WisDOT has awarded the project to Payne & Dolan Inc. The Village participation items per the approved SMA include the following:

- streetscaping work, sidewalk additions (20% participation), new traffic signals (30% participation, sanitary sewer adjustments (100% sewer utility), water main/valve adjustments (100% water utility)

The Board approved the Brown Deer Road/STH 100 State Municipal Agreement (SMA) on October 19th, 2020. As a reminder the Brown Deer Road project will be completed this year 2021 w/ landscaping and finishing likely in 2022. The Green Bay Road project will be completed next in 2022 (landscaping and finishing in 2023).

It was moved by Trustee Booker and seconded by Trustee Spencer to approve the Streetscaping items for the State Project ID No. 2150-00-71. The motion carried unanimously.

G) Contract Award to Mid-City Corporation for the 2021 Water Main Relay Project

Ahead of the 2021 roadway re-paving program and 2021 ditch rehabilitation program the Water Utility will be completing a water main relay. The project limits are as follows: N. 50th Street o from W. Churchill Lane to W. Dean Road. Within the project limits the existing water main, 6-inch cast iron (CI), will be replaced with new 8-inch PVC pipe. Additionally, new fire hydrants, gate valves, hydrant leads, and service re-connections will all be installed.

It was moved by Trustee Quirk and seconded by Trustee Springman to approve the award of 2021 Water Main Relay project to Mid-City Corporation. The motion carried unanimously.

H) Approve Resolution No. 21-, "In the Matter of the Special Assessment of Culvert and Driveway Approach Costs for the 2021 Ditch Rehabilitation Project"

In 2001 the Village Board held public hearings for input on the proposed "Drainage Ditch Rehabilitation Policy" prior to its adoption. On May 21, 2001, the Village Board adopted the policy by Resolution No. 01-08. The policy requires that the net cost of culvert and driveway approach replacements, required by the rehabilitation of roadside ditches, be assessed against the benefiting property. This was included in the policy since the culvert and driveway approach are owned by the adjacent property and would be totally paid by the property owner when replaced. Each culvert and driveway approach would be reviewed, and a depreciated value determined and credited towards the replacement cost. The policy also states that the assessment will be conducted in accordance with State Law.

It was moved by Trustee Quirk and seconded by Trustee Spencer to approve Resolution No. 21- "In the Matter of the Special Assessment of Culvert and Driveway approach cost for 2021 Ditch Rehabilitation Project". The motion carried unanimously.

I) Review & Comment on the WPDES NR216 and MMSD Ch. 13 Annual Report for the Activities for Calendar Year 2020

The Village of Brown Deer submitted a joint application with the other North Shore communities for a Wisconsin Pollutant Discharge Elimination System (WPDES) Permit to the Wisconsin Department of Natural Resources in accordance with State Statutes and Chapter NR216. On June 12th, 2013 the Village of Brown Deer in conjunction with the City of Glendale, Villages of Bayside, Fox Point, River Hills, Shorewood and Whitefish Bay (referred to as the North Shore Group) was reissued a Wisconsin Pollutant Discharge Elimination System Permit No. W1-S061565-03 from the Wisconsin Department of Natural Resources which expired midnight June 11th, 2018 (the group is currently operating under the old permit until the new permit is issued later this summer in June of 2021). Part III, Subsection H. Annual Report of said WPDES Permit requires the submittal of an annual report to the Wisconsin Department of Natural Resources for its review to determine progress on the implementation of the storm water management program and compliance with the conditions of the North Shore Group WPDES Permit. The Village as part of the North Shore Group submitted a Notice of Intent (NOI) to the WDNR in April of 2019. The NOI will be used as the basis for the newly issued permit. The Village is also under contract with the engineering consultant firm Ruckert-Mielke to update the Village's Stormwater Management Plan (SWMP) which was last completed in March of 2000. The minutes of the Village Board review are the Village's proof of

compliance with the public review requirement of the permit and NR216.

No action required.

- J) Approve Resolution No. 21-, "A Resolution Recognizing Arbor Day on May 7, 2021"

As part of the Village's "Tree City" designation (2021 will be the Village's 24th year as Tree City) we hold an annual Arbor Day celebration. However, due to the continuing COVID-19 pandemic the celebration will be smaller and performed by DPW staff along with members of the Beautification Committee. The tree planting ceremony will take place on Friday, May 7th, 2021 at Village Hall. A symbolic Arbor Day tree will be planted and designated with a sign and the "Tree City" flag. The tree planting will be video recorded (or broadcast via Facebook Live) and posted to the Village's website, Village Facebook page, and Beautification Committee Facebook page. The tree to be planted, as selected by the Beautification Committee, is a Ginkgo (AKA Maidenhair) tree and was donated by American Transmission Company (ATC) who gave \$250 towards the purchase of the tree. The tree planting location will be just west of last year's Arbor Day tree and west of the new monument sign. The location will be in the terrace west of the new Village monument sign where the ash trees were removed in 2018 & 2019.

It was moved by Trustee Quirk and seconded by Trustee Spencer to approve Resolution No. 21-, "Recognizing Arbor Day on May 7, 2021" The motion carried unanimously.

- K) Review and Possible Approval of an Amended Development Agreement with Urban Beets at 5091 West Brown Deer Road

The Village has an existing development agreement with Urban Beets that helped with the purchase and redevelopment of the property (including drive thru) at 5091 W. Brown Deer Road. This agreement included the requirement that the restaurant be opened by May 2021 with a final occupancy by July of 2021. The pandemic caused delays in moving the project forward. It is now moving through permit approval and will be under construction shortly. Given this delay it is proposed to extend the deadline for opening to Jan. 1, 2022 and final occupancy until July 1, 2022.

It was moved by Trustee Baker and seconded by Trustee Quirk to approve the amended development agreement with Urban Beets at 5091 W Brown Deer Rd. The motion carried unanimously.

- L) Review and Possible Approval of a Conditional Use Permit for Outdoor Restaurant Seating and a Special Accessory Patio at 4102 West Bradley Road

It was moved by Trustee Baker and seconded by Trustee Quirk to approve a conditional use permit for outdoor restaurant seating and special accessory patio at 4102 W Bradley Rd. The motion carried unanimously.

- M) Review and Possible Approval of a Conditional Use Permit for Outdoor Restaurant Seating and a Special Accessory Patio and drive thru at 5091 West Brown Deer Road

It was moved by Trustee Baker and seconded by Trustee Booker to approve a conditional use permit for outdoor restaurant seating and special accessory patio at 5091 W Brown Deer Rd. The motion carried unanimously.

- N) Review and Possible Approval of an Amended Development Agreement for a Building Addition with Rogers Behavioral Health at 4600 West Schroder Drive

It was moved by Trustee Baker and seconded by Trustee Quirk to approve an amended development agreement for a building addition with Rogers Behavioral Health at 4600 W Schroeder Dr. The motion carried unanimously.

VI. Adjournment

It was moved by President Montgomery to adjourn at 8:35 p.m.


Susan Hudson, Deputy Village Clerk