

**BROWN DEER VILLAGE BOARD  
JULY 18, 2011 MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by Village President Krueger 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; Bridget Souffrant, Treasurer/Comptroller; Chad Hoier, Park and Recreation Director; Chief Rinzel, Brown Deer Police Department; John Fuchs, Village Attorney

**II. Pledge of Allegiance**

**III. Persons Desiring to be Heard**

**A) Presentation of 2010 Comprehensive Annual Financial Report and Audit**

Wendi Unger, Baker Tilly, reviewed the Comprehensive Annual Financial Report (CAFR) for the Board and noted the overall fiscal health of the Village.

Trustee Oates asked if the total net assets included depreciation and for clarification of the disclaimer language contained in the report. Ms. Younger noted that depreciation was included and further clarified the disclaimer by discussing the intended audience in which the CAFR is intended for.

Trustee Baker asked about the fund balance reserve. Ms. Younger further explained the amount of uncollected receivables.

President Krueger asked about the notes payable to other communities. Mr. Van Gompel discussed the debt assumed for capital payments towards the North Shore Fire Department.

Other persons desiring to be heard included:

Joe Klucarich, 6020 Creekside Drive, asked to be heard during agenda item V. G) 2) regarding the proposed community center space. The Village Board agreed.

Don Uebelacker, 6195 West Plaza Circle, asked to be heard during agenda item V. G) 2) regarding the proposed community center space. The Village Board agreed.

**IV. Consideration of Minutes: June 20, 2011 – Regular Meeting**

*It was moved by Trustee Schilz and seconded by Trustee Boschert to approve the minutes of the June 20, 2011 regular meeting. The motion carried unanimously.*

**V. Committee Reports**

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

Trustee Weddle-Henning reported on three items that came forward for review, including the re-siding of a detached garage, a three-season room addition, and signage for Forward Dental. Trustee Weddle-Henning noted that all three items were approved.

**B) Beautification Committee – Trustee Oates**

Trustee Oates noted the re-election of Sandy Manning as the chairperson, the thank you letters that were sent out to those that helped with the Village Clean up event, and the landscape award winners that were chosen.

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

No meeting.

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

President Krueger noted that no meeting was held. Mr. Hoier stated that the 4th of July event was successful and that final revenue numbers were being calculated.

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

No meeting.

**F) Library Board – Trustee Baker**

No meeting.

**G) Community Development Authority – Village President Krueger****1) Development Agreement – JFS Housing, Deerwood Crossing Phase II**

Mr. Van Gompel reviewed the discussions and recommendations from the Community Development Authority as well as the general project scopes.

Trustee Oates asked if there is a construction schedule for Phase II. Steve Schnoll, General Capital, discussed the financing process and the timetable.

Trustee Weddle-Henning asked for clarification of the qualifying standards for residents. Mr. Schnoll discussed how income levels and disabilities are factored into the qualification process.

Trustee Oates asked if there were any personal guarantees involved. Mr. Schnoll indicated that Jewish Family Services is heavily vested in the projects.

Trustee Springman asked about the Village contribution towards the Community Center space. Mr. Van Gompel noted that the contribution would be \$105,000.

Trustee Boschert asked if the School District had been notified of the plans for a Community Center space. Mr. Hoier noted his meetings with School district staff and their positive opinion of the proposal.

A brief discussion ensued about the hours of operation, the scheduling of Park and Recreation programs in the space and coordination with Jewish Family Services.

Village President Krueger asked if it could be used for voting purposes. Mr. Van Gompel indicated that the Community Center could be used as a polling place.

Mr. Van Gompel and Mr. Piotrowski discussed the ongoing planning efforts in designing the space with General Capital.

Trustee Baker asked about the term of the lease. Mr. Schnoll noted that in essence the lease term is 99-years. Attorney Fuchs further clarified the lease term language from the agreement.

A brief discussion ensued comparing the proposed community center space with what has been used by the senior citizen club in the past.

Joe Klucarich and Don Uebelacker took turns voicing concerns of the Senior Citizens Club and asked that they be addressed during the planning of the community center space. The concerns included: adequate kitchen facilities for the meal program, ample meeting and storage areas, ensuring that handicapped accessibility be maintained, and that ample parking be available.

Village President Krueger reiterated the positive recommendations on the three matters from the Community Development Authority.

*It was moved by President Krueger and seconded by Trustee Schilz to approve the Development Agreement – JFS Housing, Deerwood Crossing Phase II. The motion carried unanimously.*

Trustee Boschert noted that he had questions about the remaining two items and requested a closed session discussion. The Board agreed.

**2) Development Agreement – Bradley Crossing**

**3) Purchase Contract for Village Property on the east side of Sherman Boulevard**

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

**1) Conditional Use Permit – Badger Automotive, 4685 West Bradley Road**

Mr. Piotrowski discussed the tabling of the matter by the Plan Commission to allow for further staff review.

Trustee Baker asked for clarification of the proposed motion to deny. Trustee Schilz discussed his concerns and clarified his reasoning for the motion to deny at the Plan Commission meeting.

A brief discussion ensued regarding potential Village Board actions and how the situation can be addressed in the mean time.

*It was moved by Trustee Boschert and seconded by Trustee Weddle-Henning to layover the matter until the August 1st Village Board meeting. The motion failed 3-4, with President Krueger and Trustees Baker, Springman, and Oates voting in opposition.*

**2) Agreement for Outdoor Seating – Brown Deer Lanes, 4715 West Bradley Road**

Mr. Piotrowski provided a summary of the draft development agreement and the Plan Commission's recommendation to the Board.

Kim Starz-Nicholas, the business owner, noted the positive track record in addressing neighbor's concerns and also discussed the need to provide an attractive space to patrons that smoke.

Chief Rinzel noted his concerns with potentially setting a precedent for other businesses.

President Krueger reiterated the Plan Commission's discussions.

Trustee Oates asked if neighboring properties were notified. Mr. Piotrowski indicated that they were not.

A brief discussion ensued to clarify the location of the outdoor seating area and how it would relate to the location of the volleyball courts.

*It was moved by Trustee Weddle-Henning and seconded by President Krueger to approve the Agreement for Outdoor Seating – Brown Deer Lanes, 4715 West Bradley Road. The motion carried 4-2 with Trustees Oates and Boschert in opposition.*

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

**1) Burial of Power Lines as part of the Original Village Streetscape Project**

Trustee Oates introduced the project and noted the Committee's recommendation. Mr. Piotrowski further discussed the project scope and the contract with We Energies. Mr. Piotrowski also noted that the estimated cost was well within the budgeted amount.

Trustee Baker inquired about how the project scope was determined. Mr. Piotrowski discussed how burial locations were identified and prioritized.

Mr. Van Gompel discussed the scheduling of the next public informational meeting.

Mr. Piotrowski touched on the scheduling of meetings with individual property owners about the burying of the power lines and associated restoration work.

Trustee Schilz inquired about the funding for the project. Mr. Van Gompel indicated that it was a part of the initial borrowing package.

*It was moved by Trustee Oates and seconded by Trustee Springman to approve the contract with We Energies for the burial of Power Lines as part of the Original Village Streetscape Project in an amount not to exceed \$126,552.59. The motion carried unanimously.*

**2) Resolution No. 11-, “A Resolution Amending the 2011 Budget”**

Trustee Oates reviewed the proposed budget amendment to address the additional costs associated with the recall elections. Mr. Van Gompel further clarified the draw down from reserved funds.

*It was moved by Trustee Oates and seconded by Trustee Boschert to approve Resolution No. 11-, “A Resolution Amending the 2011 Budget”. The motion carried unanimously.*

**3) Consideration of Vouchers**

*It was moved by Trustee Oates and seconded by Trustee Weddle-Henning to approve the payment of the vouchers and to ratify for payment the vouchers due on or before July 18, 2011. The motion carried unanimously.*

**J) Personnel Committee – Trustee Baker**

Trustee Baker noted that there are discussion items for closed session.

**VI. Unfinished Business**

**VII. New Business**

**A) Agreement with Milwaukee County for a Stormwater Facility at N. 43<sup>rd</sup> Street and N. Teutonia Avenue**

Mr. Piotrowski discussed the pond locations and the role of the agreement in addressing encroachment into County right-of-way and ongoing maintenance issues.

Trustee Oates asked if there was any financial consideration involved. Mr. Piotrowski stated that there was not any financial consideration but the agreement allows for use of the pond by Milwaukee County if needed.

A brief discussion ensued regarding whether or not the pond should be fenced. In the end, the existing Village policy of not installing fences around stormwater ponds was the best approach.

Trustee Schilz asked if the agreement governed both stormwater ponds in the Original Village. Mr. Piotrowski stated that the agreement was for the pond on the south end of 43rd Street only.

*It was moved by President Krueger and seconded by Trustee Schilz to approve the Agreement with Milwaukee County for a Stormwater Facility at N. 43rd Street and N. Teutonia Avenue. The motion carried unanimously.*

**B) Resolution No. 11-, “A Resolution Creating Wards for the 2012 Redistricting Plan for the Village of Brown Deer.”**

Mr. Van Gompel reviewed the proposed redistricting plan for the Village.

A brief discussion ensued regarding the effects of the redistricting.

*It was moved by President Krueger and seconded by Trustee Schilz to adopt Resolution No. 11-, “A Resolution Creating Wards for the 2012 Redistricting Plan for the Village of Brown Deer.”. The motion carried unanimously.*

**C) Schedule Strategic Thinking Session with Village Board and Department Heads for August 1**

Mr. Van Gompel reviewed the proposed structure of the thinking session, the potential for utilizing an outside facilitator, and noted that it is intended as a prelude to the budget process.

Trustee Oates asked who would be the facilitator. Mr. Van Gompel noted that the UW-Extension offers the service free of charge.

A brief discussion ensued regarding the goals and objectives of the activity.

*It was the consensus of the Village Board to proceed with the Strategic Thinking Session on August 1, 2011 without an outside facilitator.*

**D) Joint meeting with Brown Deer School District**

Mr. Van Gompel reviewed the meeting request from the school district and the proposed agenda items for the July 25th meeting.

A brief discussion ensued regarding potential agenda items, including the topic of polling places.

Mr. Van Gompel asked for an email or phone call should a board member want a particular topic on the agenda.

**E) WRS Contributions**

President Krueger tabled this matter as the Village's labor attorney was unable to attend.

### **VIII. Committee Appointment**

*It was moved by President Krueger and seconded by Trustee Oates to appoint Elizabeth Smith to the Beautification Committee. The motion carried unanimously.*

### **IX. Village President's Report**

Village President Krueger reported on the following:

Attending the ICC meeting and the County's redistricting discussions  
Attending the North Shore Fire Department meeting

### **X. Village Manager's Report**

Mr. Van Gompel reported on the following:

The status of the 51st Street project  
Milwaukee County's bike path project  
The project updates report provided by the Public Works Department that was in the packet

### **XI. Recess into Closed Session pursuant to §19.85(1) (c) and (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 purchase of public property, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require closed sessions.

*It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to recess into Closed Session at 9:00 p.m. The motion carried unanimously.*

*It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to reconvene into Open Session at 11:25 p.m. The motion carried unanimously.*

### **XII. Possible Action from Closed Session**

*It was moved by Trustee Schilz and seconded by Trustee Oates to approve the Development Agreement – JFS Housing, Bradley Crossing. The motion carried unanimously.*

*It was moved by Trustee Weddle-Henning and seconded by Trustee Oates to approve the Purchase Contract for Village Property on the east side of Sherman Boulevard with JFS Housing Inc. The motion carried unanimously.*

*It was moved by Trustee Springman and seconded by Trustee Baker to approve the Reorganizational Plan presented by the Village Manager by creating the position of Community Development Director in Pay Grade 5 and eliminating the position of Planning and Zoning Specialist and by revising the position description for the Assistant Manager and reclassifying the position from Pay Grade 6 to Pay Grade 4. The motion carried unanimously.*

It was moved by Trustee Springman and seconded by Trustee Baker as follows:

- 1) *That the Village Manager prioritize the provision of complete, timely, and accurate information to the Village Board with respect to the conduct of all Village business and operations, and further implement Village Board directives in a timely and thorough manner.*
- 2) *To authorize a salary increase for the Village Manager of 1% retroactive to January 1, 2011 and an additional 1% commencing July 1, 2011.*
- 3) *That the Village Manager further pursue goals and objectives as he has presented to the Personnel Committee. The motion carried 5 – 2 with Trustees Boschert and Oates opposed.*

### **XIII. Adjournment**

*It was moved by Village President Krueger and seconded by Trustee Schilz to adjourn at 11:30 p.m. The motion carried unanimously.*

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Russell Van Gompel, Village Manager