

**BROWN DEER VILLAGE BOARD
JANUARY 21, 2019 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 6:32 P.M.

I. Roll Call

Present: Village President Krueger; Trustees: Baker, Montgomery, Quirk, Schilz, Springman, Wedward

Also Present: Michael Hall, Village Manager; Jill Kenda-Lubetski, Village Clerk; John Fuchs, Village Attorney; Mike Kass, Chief of Police; Erin Hirn, Assistant Village Manager; Susan Hudson, Comptroller, Matthew Maederer, Public Works Director

II. Pledge of Allegiance

III. Persons Desiring to be Heard

President Krueger stated today was Martin Luther King, Jr.'s birthday, a federal holiday, and that events were taking place around the area all day recognizing and remembering him.

Trustee Montgomery followed up President Krueger's comments with a quote from Dr. King, "What are we doing for others?". She also stated Dr. King would have been 90 years old.

Mr. Maederer introduced Elena Rossa, the new Engineering Technician. He reported that Ms. Rossa will be working on paver ratings, right-of-way permits, culvert grades and other various engineering projects.

IV. Consent Agenda

- A) Consideration of Minutes: January 7, 2019 – Regular Meeting
- B) December 2018 Vouchers
- C) November 2018 Financial Report

Trustee Montgomery stated she has two questions about the Revenue and Expenditure Report. The first is under Village Manager, Employee Recognition, has ZERO for 2017 and close to \$3,000 for 2018. The second question pertains to unemployment benefits. Are there individuals receiving unemployment benefits from the Village? Ms. Hudson stated there is one person receiving unemployment compensation. She also stated that we do not pay anything into unemployment but must pay for any benefits that are disbursed.

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

V. New Business

- A) Discussion and Possible Approval to Expand the Designation of Alcohol License at Pick N Save Located at 9200 North Green Bay Road**

Dan Farrell, Vice-President of Real Estate for Roundy's Supermarkets, Inc., provided an overview of a new feature being offered at Pick 'n Save grocery stores called Click List. Briefly, a customer will go online, place an order for groceries, pull up to one of the two designated Click List parking spaces, call a telephone number to announce they are picking up their order. Roundy's/Kroger would also like to offer and include the sale of alcoholic beverages with the online ordering. He said approximately 80 stores are currently offering this service, with 95% experiencing success.

Mr. Farrell stated that liquor sales will be handled by a policy that is similar to making an alcohol purchase in the store. Individuals that have taken a Responsible Beverage Servers Course and have received an

Operator's License from the Village will be allowed to process and complete the sale, including the purchase of alcohol. Mr. Farrell stated they want to abide by state laws for the sale of alcohol and, therefore, is formally requesting an amendment to the liquor license issued to Pick 'N Save to include the Click List sale of alcohol.

President Krueger asked the Chief of Police if he had any concerns about these types of sales. Chief Kass responded that his only concern was the distribution of "free samples" of alcohol. Mr. Farrell confirmed that there will be no "free samples" provided for any Click List sales.

Trustee Montgomery questioned the times that Click List is being offered, 8:00 a.m. to 8:00 p.m. She was wondering if a shopper who placed an order arrives at 7:59 p.m. to pick it up, would staff honor this person's order? Mr. Farrell stated they will be instructed to honor orders being picked up at these late times and this is also the reason why there are two parking spaces designated exclusively for Click List shoppers.

Trustee Schilz stated, in his opinion, there would need to be quite a few employees who have been issued an Operator's License to complete the Click List orders that included alcohol. The Village Clerk confirmed that there are many licensed employees for the Brown Deer Pick 'N Save.

Trustee Springman asked if there would be any CASH transactions allowed. Mr. Farrell responded that all sales are with a credit card. He stated that when you sign up for the Click List program, you must provide a credit card number that will be utilized to pay for online orders.

Trustee Montgomery was wondering if Brown Deer amends the liquor license for Pick 'N Save, can we promote that we offer this type of service in the North Shore? Mr. Farrell responded that he did not think it would be necessary as the Cities of Mequon and Glendale have amended the liquor license for the Pick 'N Save store in their respective communities.

Attorney Fuchs stated that there are ever increasing requests for this type of service. He said the Point of Sale (POS) is where the actual transaction takes place. He is proposing the Village Board accept the Click List sale of alcohol and amend the liquor license issued to Mega Marts with four stipulations:

1. Segregate age restricted items of sale.
2. Require some customer checking, serving and monitoring practices as are applied interior.
3. No "free samples" outside.
4. Sales restricted from 8:00 a.m. to 8:00 p.m.

Mr. Farrell stated that the diagram showing the two proposed Click List parking stalls was incorrect and that they would remain in the same location but across the aisle.

Trustee Schilz asked if other Pick 'N Save stores in the area are participating with the Click List program. Mr. Farrell confirmed they are; all but three stores in the immediate surrounding area have approved the program.

Trustee Wedward questioned if they have received any opposition to the program from any of the stores. Mr. Farrell said they have and are working with these stores.

Trustee Quirk questioned if Otto's and/or Walmart might also ask for the same?

Trustee Quirk opined that online ordering is the way of the future!

It was moved by Trustee Springman and seconded by Trustee Quirk to approve to expand the designation of Alcohol License at Pick 'N Save Located at 9200 North Green Bay Road, with the four changes as discussed. The motion carried unanimously.

B) Approve Intergovernmental Cooperation Agreement Between the Milwaukee Sewerage District and the Village of Brown Deer to Recognize Joint TMDL Implementation Initiatives

Mr. Maederer reported that this is an agreement with many municipalities, including Brown Deer, and the Milwaukee Metropolitan Sewerage District (MMSD) to establish a policy of collaboration in their joint efforts to meet the requirements of their respective permits and the recently completed Milwaukee Total Maximum Daily Load (TMDL) analysis for the District's jurisdictional streams. He said that the Village of Brown Deer is sitting very well with this and that he believes our permit will be issued in the Fall of 2019 (Menomonee will be issued first).

Trustee Schilz asked what was changing? Mr. Maederer responded the requirements, i.e., capture more pollutants before they flow into the river.

Trustee Schilz opined that the Village of Brown Deer has had a good plan in place for this since 1996.

A discussion ensued about who and how do they test for TMDL, what other areas, municipalities and rivers are included with this agreement, is SEWRPC involved and what is their role, trading of watercourse and green infrastructure credits to other municipalities, and the new set of rules the DNR is evaluating for agriculture.

It was moved by President Krueger and seconded by Trustee Schilz to approve the Intergovernmental Cooperation Agreement Between the Milwaukee Sewerage District and the Village of Brown Deer to Recognize Joint TMDL Implementation Initiatives. The motion carried unanimously

C) Approve Contract Award for Landscape Architecture Services at Former API Site with Saiki Design

Mr. Maederer reported this is a small parcel of property, located next to the North Shore Fire Department, that was purchased through a grant in 2018. An RFP was sent out to four landscaping architects to develop a concept for the space. A proposal was received from two of the four architects (Saiki Design and R.A. Smith). The property is currently being utilized as a parking area for bicyclists who want to ride the Oak Leaf Trail. Mr. Maederer also said that youth in the area are using it for skate boarding in the summer months. The intent is to develop the parcel as an open/common community space.

Staff is recommending to contract with Saiki Design based on their previous experience and expertise with similar projects. Staff is proposing to first start with a concepting phase ("phase 1") which includes a site topographic survey and public involvement components along with community engagement and public information meetings. Mr. Maederer said the Finance and Public Work Committee reviewed the information and approved it earlier this month.

Trustee Schilz stated this is not a big parcel of land. He is wondering how visible and how much curb appeal can we make this area from Brown Deer Road?

Mr. Maederer stated that he is hoping whomever purchases the old Department of Public Works property would incorporate some type of use for the property that would be beneficial.

It was moved by Trustee Springman and seconded by Trustee Wedward to approve and award the Landscape Architecture Services contract at the Former API Site to Saiki Design. The motion carried unanimously

D) Discussion and Approval of Creating a New Fee for Food Trucks

Mr. Hall stated that the current fee for a Transient Merchant permit is \$200 per month. There has been a lot of interest expressed to allow food trucks in the Village. Mr. Hall is proposing an annual fee of \$50 for

food trucks. The Brown Deer Police Department will do a background check on the truck/individual and the North Shore Health Department will confirm that the food truck has a valid license issued by the State of Wisconsin.

Trustee Quirk asked what the cost was for a background check. Chief Kass responded \$10-15.

Trustee Montgomery inquired if there would be any stipulation on what areas they will be allowed to sell and how often? Mr. Hall stated that they cannot obstruct traffic. She also opined that she believes an annual fee of \$50 is too low (comparing the actual of \$200/month or \$2400/annually to a one-time \$50 annual fee).

Mr. Hall stated he believes the \$50 annual fee is a fair fee amount for this permit.

Trustee Montgomery inquired how do we schedule the food trucks and is there any maximum capacity?

Trustee Schilz asked where else do the food trucks sell in the area. The area of 76th and Dean Road (the old Menards parking lot) on Mondays, Shorewood, downtown Milwaukee just to name a few known areas.

Attorney Fuchs reminded all that the fee we charge cannot be a revenue source.

Trustee Schilz asked where are these food trucks going to be located? Trustee Quirk said Otto's would be an excellent location.

Trustee Schilz opined that \$50/annual fee is too low.

Trustee Quirk opined that the community wants this type of activity in the Village.

Trustee Quirk opined that our fee should be consistent with other North Shore communities (Bayside is \$150).

It was moved by Trustee Quirk and seconded by Village President Krueger to amend and approve Creating a New Fee for Food Trucks from \$2400 to \$100. The motion carried unanimously

VI. Village President's Report

- Governor Tony Evers attended the ICC meeting on Monday, January 14, 2019 in Greendale.
- Reported the North Shore Fire Department BOD meeting was held on Tuesday, January 15, 2019.
- Attended the MMSD meeting.
- Reported he was not able to attend the first Library presentation but did attend the second presentation.

Trustee Quirk followed up President Krueger's comments about the Library presentations. She reported there was an informal consensus that the earlier (first) presentation was preferred/desired. There will be many opportunities in the future to receive input from the public, approval by the Library Board, Finance & Public Works Committee and, ultimately, the Village Board.

VII. Village Committee Report

- None.

VIII. Village Manager's Report

- The employee performance evaluations/reviews are being modified for 2018/2019. The Village is working with David Bailey of CVMIC, who will be attending the February 7th, 2019 Village Board

meeting. There will be a Closed Session at the end of the meeting to discuss the Village Manager's 2018 evaluation and, ultimately, be submitted to the Personnel Committee.

- A listing of Village Accomplishments over the last 5-6 years was distributed. This information is going to be promoted in the *Our Brown Deer* magazine, website, weekly Tracker, etc. A link will be included in the promotional article.

Trustee Schilz expressed concern that the website calendar does not include many important events and dates that are coming up this year in the Village. He mentioned the promotion of the Eat & Greet on the Street event, the Community Vibes, 4th of July, etc. Ms. Hirn responded that the first meeting of the Eat & Greet is scheduled for next week. The dates for the Vibes are still in discussion (3 or 4 events) as well as scheduling the bands. As soon as information is known and available, it will be included on the website calendar.

Trustee Montgomery stated she has some questions about the management letter from the auditors dated October 2018. Ms. Hudson responded that the letter is usually presented in July; however, she was out of the office for an extended period due to a broken arm. It was suggested that Trustee Montgomery schedule a meeting with the Village Manager and Comptroller to address her questions.

IX. Adjournment

It was moved by Trustee Springman and seconded by Trustee Wedward to adjourn at 7:54 p.m. The motion carried unanimously.

Jill Kenda-Lubetski, Village Clerk