



**BROWN DEER VILLAGE BOARD
FEBRUARY 21, 2022, MEETING MINUTES
VIRTUAL MEETING BY COMPUTER AND PHONE - 6:30PM**

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

I. Roll Call

Present: Village President Montgomery, Trustees Baker, Booker, Owens, Quirk, and Siegrist

Also Present: Village Attorney Nathan Bayer, Attorney John Fuchs, Village Manager Tyler Burkart, Police Chief Peter Nimmer, Treasurer Susan Hudson, Community Development Director Nate Piotrowski, Parks & Recreation Director Dani Gross and Village Clerk Caren Brustmann

II. Persons Desiring to be Heard – *There were no persons desiring to be heard.*

III. Elected Officials & Staff Reports – *No discussion or action was taken.*

A) Introduction by Parks and Recreation Director Danielle Gross

Village Manager Burkart introduced Parks & Rec Director Dani Gross to the Board. Dani Gross thanked the Board for their welcoming and is looking forward to working for the Village again.

Village Manager Burkart provided an update regarding the Black History Celebration on February 26th. He thanked all those involved for their efforts. Residents were also encouraged to reach out to him should they have any further questions regarding the event.

IV. Consent Agenda

- A) Consideration of Minutes – February 7th, 2022
- B) December 2021 Financial Reports
- C) Consideration of January 2022 Vouchers
- D) Consideration of Trustee Owens Appointment to the Personnel Committee

It was moved by President Montgomery and seconded by Trustee Siegrist to approve the consent agenda as presented. The motion carried unanimously.

V. New Business

A) Review and Possible Action on an Amended Development Agreement with Fiduciary Real Estate for The Bevy Apartment project

Attorney Fuchs provided a background of the original and amended Development Agreement with Fiduciary Real Estate.

It was moved by Trustee Booker and seconded by Trustee Owens to approve the amended Development Agreement with Fiduciary Real Estate for the Bevy Apartment Project. The motion carried unanimously.

B) Review and Possible Action on a Lease Addendum with F Street BD LLC for a beer garden at

8725 N. Deerwood Drive

Community Development Director Piotrowski stated a new beer garden building and community square/park is being created between Deerwood Drive and 43rd Street. The lease addendum clarifies who oversees and can prioritize reservations of these spaces. The projected opening of the beer garden is in May.

It was moved by Trustee Baker and seconded by Trustee Quirk to approve the lease addendum with F Street BD LLC for a beer garden at 8725 N. Deerwood Drive. The motion carried unanimously.

C) Public Hearing, Review and Possible Readoption of Ordinance No. 21-06 An Ordinance to Repeal and Recreate Chapter 109, Article VII, Floodplain Zoning of the Brown Deer Village Code

Community Development Director Piotrowski stated when submitting paperwork to the WI DNR, staff identified an error in the publication of notices by Gannett Newspapers, who acknowledged their error. Ordinance No. 21-06 must be readopted.

President Montgomery opened the public hearing for comments. There were no comments made by the public or by board members. It was moved by President Montgomery and seconded by Trustee Quirk to close the public hearing. The motion carried unanimously.

It was moved by Trustee Baker and seconded by Trustee Booker to adopt Ordinance No. 21-06 to Repeal and Recreate Chapter 109, Article VII, Floodplain Zoning of the Brown Deer Village Code The motion carried unanimously by a roll call vote.

D) Discussion on Possible Sale of land at 4740 W. Bradley Road to Atlas Assisted Living, LLC.

Community Development Director Piotrowski noted the 1.1 acres of land at this location has been marketed since 2017, with no plans to advance to a point of sale. A proposal was received from Atlas Assisted Living, LLC for the development of a 17-bed assisted living facility at a projected cost of \$1.5 million.

Emil & Natalee Ovbiagele, owners of Atlas Assisted Living, LLC were present and provided a proposed site plan and building design for the assisted living facility and addressed any questions or concerns from the Board.

It was moved by Trustee Booker and seconded by Trustee Owens to recommend staff and the Village Attorney move forward with negotiations for a contract with Atlas Assisted Living, LLC for sale of the land at 4740 W. Bradley Road. The motion carried unanimously.

E) Discussion and Possible Consideration of Public Administration Associates (PAA) Recommendations to Be Deferred to The Personnel Committee and Establish Goals For Village Manager

Village Manager Burkart noted the Village Board may discuss how to proceed with the recommendations submitted by Interim Village Manager Chris Swartz with PAA as well as identify goals for the Village Manager. Discussion followed by the Board as to whether they should defer it to the Personnel Committee and bring the item back for discussion by the Board or to handle these items directly with staff.

It was moved by President Montgomery and seconded by Trustee Siegrist to defer the recommendations from PAA, as well as the document that the Village Board had prioritized their top 3-5 traits/characteristics for the Village Manager, to the Personnel Committee and to bring this item back for discussion at the first meeting in April. The motion carried unanimously.

VI. Recess into Closed Session Pursuant to Wis. Stat. §19.85(1)(e) for the Following Reasons:

- (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.

- A.) Possible Action Regarding the Termination of the Limited License with Containers Up at 4429 W. River Lane
- B.) Consideration of Lateral Transfer Side Agreement With the Police Union

It was moved by Trustee Quirk and seconded by Trustee Booker to recess into Closed Session Pursuant to Wis. Stat. §19.85(1)(e) for the following reasons: 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 in regards to possible action regarding the termination of the limited license with Containers Up at 4429 W. River Lane and the consideration of Lateral Transfer Side Agreement with the Police Union. The motion carried unanimously.

VII. Reconvene into Open Session for Possible Action on Closed Session Deliberations

It was moved by Trustee Owens and seconded by Trustee Booker to reconvene into open session for possible action on closed session deliberations.

A) It was moved by Trustee Quirk and seconded by Trustee Baker to advise staff to let Containers Up know the Village Board has decided to allow the lease to expire under the original agreement. The motion carried unanimously.

B) It was moved by Trustee Baker and seconded by Trustee Quirk to approve the lateral transfer side agreement with the Police Union. The motion carried unanimously.

VII. Adjournment

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

s/ Caren Brustmann
Caren Brustmann
Village Clerk