



**BROWN DEER VILLAGE BOARD
MARCH 6, 2023 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

Trustee Booker chaired this meeting as President Montgomery was excused.

The meeting was called to order by Chairperson Booker at 6:00pm.

I. Roll Call

Present: Trustees Booker, Johnson, Owens, Quirk, Thompson, and Woods

Also Present: Village Attorney Bayer, Village Manager Burkart, Finance Director Danner, Director of Public Works/Village Engineer Maederer, Community Services Director Piotrowski, and Village Clerk Brustmann

Excused: Village President Montgomery

II. Persons Desiring to be Heard

There were no persons desiring to be heard.

III. Elected Officials & Staff Reports

No action was taken.

IV. Consent Agenda

- A) Consideration of Minutes - February 20, 2023
- B) Consider a Fourth Amendment to Development Agreement with F Street Group for a Multi-Family Residential Development 8725 N. 43rd Street

It was moved by Trustee Quirk and seconded by Trustee Thompson to approve the consent agenda as presented. The motion carried unanimously.

V. New Business

A) Consider Memorandum of Understanding (MOU) with Wisconsin Department of Transportation (DOT) for driveway access at 5960 W. Brown Deer Road

Mr. Piotrowski was informed today that the developer of Starbucks does not agree with the terms of the MOU, specifically the requirements to allow the right turn out onto W. Brown Deer Road. The site plan will be modified and reviewed administratively.

No action was taken.

B) Consider an Amendment to the Conditional Use Permit for Outdoor Restaurant Seating, Special Accessory Patio and Drive Thru at 5960 W. Brown Deer Road

This item will be heard at a future board meeting. No action was taken.

C) Discuss Financing Options for TID 4.

Mr. Burkart stated the 2021 financial audit demonstrated approximately a \$5.5 million deficit for tax incremental district (TID) #4. The deficit has been growing for a number of years now for a few reasons, but the main contributing factor is a declining tax rate along with less increment being generated within the TID. Furthermore, pro formas show this problem is only going to get worse if the Village does not make a proactive change, as the size of the deficit could grow beyond \$10 million. Options to address this issue include moving debt payments from TID #4 to tax levy, removing administrative charge from TID #4, reallocating ARPA revenue as an incurred loss and redistribute to the Village's general fund balance, reducing Village expenses, and reviewing utility funds and determine ability to increase admin charge.

Board discussion followed and all are in favor of considering options 1, 2, and 3. Further discussion will take place in June after assessments are complete and further action will be sought.

No action was taken.

D) Consider Ordinance 23-0 2: An Ordinance Amending Sections 14-407 to 14-414 Regarding Peddlers, Canvassers, Solicitors, Transient and Seasonal Merchants

Mr. Burkart stated revisions were made to define food trucks or other vendors at the Farmers Market, to be exempt from obtaining a Village issued license. There is a separate Farmers Market application that collects pertinent information that coincides with required licensing or permits related to proper food handling through local and state health departments.

It was moved by Trustee Thompson and seconded by Trustee Owens to approve Ordinance 23-02 An Ordinance Amending Sections 14-407 to 14-414 Regarding Peddlers, Canvassers, Solicitors, Transient and Seasonal Merchants. The motion carried unanimously by a roll call vote.

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

(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved

1. Pursue potential litigation against Accurate Appraisal for damages and administrative costs accrued in response to the assessment error on the Marketplace parcels
2. Provide update on Library flooding and discussions with municipal property insurer on coverage

It was moved by Trustee Quirk and seconded by Trustee Thompson to recess into Closed Session Pursuant to Wis. Stat. §19.85(1)(g) for the following reasons: (g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved to pursue potential litigation against Accurate Appraisal for damages and administrative costs accrued in response to the assessment error on the Marketplace parcels and provide update on Library flooding and discussions with municipal property insurer on coverage The motion carried unanimously.

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

It was moved by Trustee Quirk and seconded by Trustee Thompson to reconvene into open session at 7:41pm. The motion carried unanimously. No action was taken.

VII. Adjournment

It was moved by Trustee Thompson and seconded by Trustee Quirk to adjourn at 7:42 p.m.



Careli Brustmann
Village Clerk