



**BROWN DEER VILLAGE BOARD
JULY 18, 2022 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

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

I. Roll Call

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

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

II. Persons Desiring to be Heard

No persons were desiring to be heard.

III. Elected Officials & Staff Reports

No discussion or action was taken.

IV. Consent Agenda

- A) Consideration of Minutes - June 20th, 2022
- B) Consideration of Appointment for Randy Jennings to CDA
- C) Consider Approval of Assignment and Assumption of Development Agreement
- D) Consider Approval of Form of Estoppel Certificate
- E) Consider Approval of Termination of Storm Drainage Easement

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 Approval of Contract to Mid-City Corporation for the 2022 Water System Adjustment Project**

Utility Superintendent Nennig noted public bids were opened for the improvement project and Mid-City's bid amount was below the engineer's estimate of \$80,000.00. Mr. Nennig added the project involves relocation of the 8-inch water main on Green Bay Rd to avoid conflicts with the proposed traffic signal bases at the Schroeder Drive intersection, along with replacement of three system valves and two hydrants.

It was moved by Trustee Siegrist and seconded by Trustee Booker to award the contract to the low bidder for the sum of \$78,800 from Mid-City Corporation for the 2022 Water System Adjustments Project. The motion carried unanimously.

B) Discuss the Simplified Rate Case (SRC) with the Public Service Commission (PSC) for a Water Rate Increase

Utility Superintendent Nennig stated at the July 12, 2022, water commission meeting, the filing of a Simplified Rate Case (SRC) with the Public Service Commission (PSC) of WI was approved. The SRC would increase water rates 4.5%. A residential customer that uses the average amount of water per quarter (12,500 gallons) would see an increase of approximately \$2.45 per quarter or \$9.80 per year.

C) Consider Authorization to Sign Release of Monsanto Class Action Lawsuit and Utilization of Funds

Village Attorney Bayer explained a “class action” lawsuit is brought on behalf of a “class” of individuals or entities that may have been harmed by Monsanto. This lawsuit alleges that as a manufacturer of PCPs, Monsanto has contaminated several waterways around the country. Because Monsanto was the manufacturer, the allegation is that they are responsible for the leakage of PCPs into waterways, including the Milwaukee River. Mr. Bayer stated the Village can consent to the approximate settlement of \$280,853.00 or “opt out” and not receive the settlement funds, not sign a release of PCP related claims, but would have the right to sue Monsanto on its own for damages. It was added that most municipalities are signing the release and accepting the funds awarded through the lawsuit. The Village has a project related to water quality that would utilize the settlement funds. The project entails plan design and reconstruction of N. 51st Street from Beaver Creek to Woodland Drive, which includes replacing the bridge over Beaver Creek.

It was moved by Trustee Thompson and seconded by Trustee Quirk to authorize the Village Manager to sign release of the Monsanto class action lawsuit and utilize the funds to complete the bridge over Beaver Creek on N. 51st St. The motion carried unanimously.

D) Consider Approval of the State Municipal Agreement (SMA) for the N. 51st Street Bridge Replacement (Beaver Creek). Bridge ID: P-40-0550.

Public Works Director/Village Engineer Maederer stated the N. 51st Street Bridge over Beaver Creek is due for replacement and will be included in the 2024 Capital Improvement Program. The total project cost is \$1,185,944 and the Village portion is \$237,989 and is scheduled for 2024.

It was moved by Trustee Quirk and seconded by Trustee Thompson to approve the State Municipal Agreement (SMA) for the N. 51st Street Bridge Replacement (Beaver Creek). Bridge ID: P-40-0550. The motion carried unanimously.

E) Consider Approval of Alcohol Beverage Retail Class “A” and Class “C” License Application for The Sale of Fermented Malt Beverages & Wine at Urban Beets, 5091 W. Brown Deer Road.

Village Attorney Bayer stated an application was received from Dawn Balistreri to serve and sell fermented malt beverages and wine at Urban Beets Cafe located at 5091 W Brown Deer Rd. It was clarified that the application applied for was a class “A” which is for off-premise consumption only. The applicant will need to apply for a class “B” license if on-premise consumption is desired.

It was moved by Trustee Siegrist and seconded by Trustee Thompson to approve the class “C” wine license for Urban Beets at 5091 W. Brown Deer Road. The motion carried unanimously.

F) Consider Approval of Co-Sponsoring Brown Deer Foundation Car Show on August 20 and Approval of Transient and Temporary Outdoor Entertainment Permit

Village Manager Burkart stated the Brown Deer Foundation is coordinating a car show as a fundraiser on Saturday, August 20. Proceeds raised from the event will be given back to the Brown Deer community. Approximately 40-50 cars will be on display for the event along with music, food trucks, and other entertainment. If approved as a co-sponsor, the Village will provide services to assist with the event.

It was moved by Trustee Thompson and seconded by Trustee Siegrist to have the Village be a co-sponsor of the Brown Deer Foundation's car show on August 20. The motion carried unanimously.

G) Discuss 2023 Budget Expectations and Schedule

Village Manager Burkart summarized the proposed schedule for the 2023 budgets. The proposed budget will be sent out to the Village Board on September 23 to begin reviewing and a proposed budget public hearing will be held at the November 21st meeting. Discussion followed regarding general services and operations, expectations as to the levy increase, and information requested to be shared prior to and during the budget sessions.

H) Swearing-in Derrick Danner as Village Treasurer

Village Clerk Brustmann swore in Village Treasurer Danner.

VII. Recess into Closed Session Pursuant to Wis. Stat. §19.85(1)(e) for the Following Reasons: Deliberating the investment of public funds as to which competitive bargaining reasons require a closed session - creation and funding of Tax Incremental Financing District Number Five.

It was moved by Trustee Quirk and seconded by Trustee Thompson to recess into Closed Session Pursuant to Wis. Stat. §19.85(1)(e) for the Following Reasons: deliberating the investment of public funds as to which competitive bargaining reasons require a closed session - creation and funding of Tax Incremental Financing District Number Five. The motion carried unanimously.

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

It was moved by President Montgomery to reconvene into open session. No action was taken.

VII. Adjournment

It was moved by Trustee Thompson to adjourn at 8:28 p.m.


Caren Brustmann
Village Clerk