

A Village Board meeting of the Village of Brooklyn was called to order at 6:40pm in the Village Hall by President Nadine Walsten. Trustees present were Todd Klahn, John McNaughton, Pat Hawkey, Zach Leavy, and Susan McCallum. Trustee Frandy was absent. Others present were Clerk Strause, PW Director Langer, Police Chief Barger, Timothy Fenner, Lori Lubinsky, Paul Johnson, Steven Zach, Marty Pilger. All stood for the Pledge of Allegiance.

**Public Comments:** Marty Pilger 330 N Rutland Ave, Brooklyn, handed out a letter pertaining to the proposed **Ordinance 22.05-01 Maintenance of Vegetation/brush**. Pilger stated the ordinance was poorly written and he questioned the intent suggesting the word bushes, garden plants, and trees be removed from the definition paragraph as many would be in violation in the Village if the wording remained in the Ordinance. Section 22.05-01(c)(1) is worded so that it applies to all property in the Village, even public property. Pilger asked if that was the intent and if the Village would be trimming all the trees in the parks and cemetery to bring into compliance? Pilger also questioned whether the Village wants to become involved in property line disputes. Many property lines can only be verified by a survey. He asked if the Village is willing to pay for a survey in order to prove violations in court. Typically municipalities treat these as civil matters between property owners. He asked the Board to reject this ordinance or refer back to committee for further refinement.

**Interviews were done at this time for a Village Attorney.** Two firms recommended by the Personnel Committee to continue the interview process are Axley Brynson, LLP and Boardman & Clark, LLP. Timothy Fenner and Lori Lubinsky from Axley Brynson Law firm were present. Fenner stated he would do most of the municipal interaction with Lubinsky doing the liability and personnel issues. Organized in 1985, the firm has various legal teams, litigation being one, business, labor, etc. Fenner stated he chairs the municipal team. Fenner emphasized he practices preventative law to keep the municipality out of the court room and guard the general fund. Their work involves zoning and development, preventative law, handling all aspects of municipal issues, appearance before PSC on utility issues, DNR regulatory issues, and TIF financials. Lubinsky has the expertise in prosecution in several municipal courts, also court structuring. Lubinsky represents the League of Municipalities and does litigation work for many municipalities statewide on claims. Their rate is \$165 per hour for the first fifty hours in six months as a learning period. The rate is \$180 after the fifty hours. Paralegal rates are \$90 to \$115. Lubinsky stated it is rare that they would use a paralegal unless in litigation. They will not charge for mileage to come to Brooklyn and do not charge to review minutes and agendas. If they have a question, they will contact the Village Clerk. Associate attorneys are at a lower rate and also unlikely to be used. Fenner was asked what they charge for meeting with a developer or business entity. He stated if there is a preliminary meeting "to lay the plan on the table", there is no charge for the first meeting, however, if a third party is responsible for the legal counsel, the rate would be higher as the fee is the special project rate. Currently they are representing a local community which required creating a distressed TIF for a blighted area, and a developer's agreement is using upfront financing. For budgeting purposes, the firm does an annual review of the rate structure each fall and will review with the Board if there is going to be an increase. In closing, Fenner again stated he believes the attorney's job is to be proactive and practice preventative law.

At 7:15 pm, the second interview was with Boardman & Clark, Attorneys Paul Johnson and Steven Zach. Zach stated Boardman & Clark is one of the oldest and largest firms in Madison. Zach joined the firm in 1981, Johnson joined three years ago with twenty one years of practice at Lathrop and Clark. (The two firms merged 3 years ago.) The office is located on the Capital square. The firm covers all areas of law but specializes on municipal law. Zach stated he does labor employment law but also does general municipal law statewide. Johnson does general law currently in four municipalities. They do whatever legal work needs to be done. They frequently provide legal counsel for land use and developer agreements, writes codes of ordinances, drafts contracts, real estate transactions, and answers day to day questions. They try to get answers for the least amount of cost trying to be aware of municipal budgets. They do not believe in reinventing the wheel, so use many forms/contracts already created and used in other municipalities. Zach stated they work with other associates in the firm that have the expertise on an issue. Zach said there needs to be a limit on who can call them to control costs and start the meter suggesting one or two have authorization to contact them. They will review all agendas and minutes. Asked how they would respond if they see an agenda item that is questionable. Johnson said they would contact the president or clerk to ask more info. Asked how they would interact with an economic development team for a business park, Johnson stated upon Village request, they could be at all meetings or get involved after an agreement has been

negotiated, whatever the Village wants. Transactions on both sides need to be done properly. Johnson would be doing most of the prosecution for the municipal court. Zach would be doing any litigation related to employment which is a significant part of his work. Rates are \$185 per hr for partners, \$170 for associates, and \$110 for paralegals. Rates could be increased for special project, i.e., PSC rate case or a complex issue; however, this would be discussed beforehand. Mileage is charged from their Madison office; however, no mileage would be charged for Zach who lives in Oregon.

Hawkey moved, second McNaughton, carried to approve the minutes of 11-10-14. Trustee Klahn abstained.

Hawkey moved, second Leavy, carried to approve the minutes of 11-19-14. Trustee McCallum abstained.

**President Walsten reported** on her meeting with Pedro Ruiz, CDBG Specialist, and David Phillips, Dane County Economic Development Director, on November 14, 2014; met with representatives of MOR Strategy Group, 11/18; met with economic development contact, Joe Stadelman, Director, and Laura Fox, Business Development, Angus Young of Janesville, 11-18; attended workshop on writing Social Media policies, Alliant Center, Madison, 11-19; attended Dane County Cities and Villages Association meeting, Fitchburg, 11-19; attended Oregon Area Chamber of Commerce meeting, Oregon, 11-20; and met with Kirk Penney, Capstone student, on downtown landscape architecture project (Planning Commission sponsors), 11-24. Announcements: End of year review of goals for committees, department should be turned in January, 2015 so that a Year End Report can be created. Genesis Housing, Inc. Board, elderly and handicapped housing, is looking for citizen members. Contact the Village Hall for interest form and contact information. Walsten stated she has put together four ordinances that represent Municipal Codes changes and organizational formatting. There will be about four more that will be in Trustee packets for the weekend. A special meeting will be held next week to review so that they can be sent off to Municipal Code.

Clerk Strause gave the **October financial balances** with income of \$76,138.38, expenses \$176,586.25 and an end of month balance of \$1,321,647.83 in all funds. Agenda item some time in New Year for restitution.

**Public Works** Director Langer stated he is awaiting information on the application for the **2015 Urban Forestry grant** and expects to be receiving an update soon. The Village applied for \$5,000 in matching funds for tree maintenance/removal/plantings on Village properties. In continuing the SCADA/computer upgrade, the Public Works Committee recommends buying a **computer not to exceed \$1500 directly from Dell** and to continue on the software design. Trustee Klahn moved, second McNaughton, carried to purchase from Dell a computer at the stated not to exceed \$1500. **Utility report:** a water main break has been repaired; a private broken water lateral was on Division St.; the frozen water policy was approved last year and Public Works will be calling residents on the annual list to notify when to start running water. It was recommended to also send a letter just to confirm the order. Sewer-phosphorus work is still being worked on; all the equipment damaged from the lightning strike at the plant has now been replaced. A sink hole near a sewer line was televised and the sewer line is ok. Emergency management will meet before year end. Berm trees have been planted with funds of \$4,000 from Alliant and \$500 from ATC. Tree city documents have been sent in.

**Safety-A DOT grant for the purchase of a new data terminal and printer for the squad car** has been approved. Barger continues to work on the background check for the hiring of a part-time officer. Barger has been meeting with **Oregon School District** officials for safety and policy updates. The elementary school will be used as a catalyst in developing updated plans that will be used in the entire Oregon school district. Barger is working on a **computer server purchase for the office**. Walsten stated she discussed a server with Computer Know How who suggested an external storage drive with large capacity would be less costly than a server. Walsten suggested Barger call CKH to discuss this. Hawkey stated location of this storage is critical with security important. A recent meeting between Dane County Law Enforcement and Public Health officials is resulting in each agency having to establish their own preparations. Barger will be looking into purchasing more equipment beyond face masks and gloves for the squad. The Safety Committee continues to work on the "Special Event Policy." McCallum reported the policy is expected to come to the Board in February. She continued that two operator licenses were reviewed at the Safety Committee but two were late coming in for meeting review. She felt a letter to businesses communicating the process would help with timely applications. Walsten questioned if it was necessary to make an applicant wait a month or purchase a provisional license waiting for the Safety Committee to meet. Barger continued his report, stating the Dane County Board recently voted to create only one Board to oversee the 9-1-1 Public Safety

Communications Center and discontinue having both a board and an advisory committee. Executive Board members from the Dane County Police Chiefs, Fire Chiefs, and EMS met with Director Dejung on November 4<sup>th</sup> to discuss these changes. Barger will report on this when he has more information. The Brooklyn Police Department trains with the Belleville, Blue Mounds, and Cottage Grove Police Departments. There was some speculation that the Cottage Grove Police Department was going to be leaving the training group because the combined town/village police department is being dissolved so the departments will be functioning independently. The municipality had released the previous Chief, will be hiring a new Chief and at this time, the Department will be staying with the current training group. Brooklyn Police Department will be participating in the WI DOT "Booze and Belts" traffic safety initiative December 12-20, 2014. Barger reported to the Safety Committee that a former Brooklyn resident is being released back into the community from the Department of Corrections. Barger has requested further information regarding the release criteria and any additional information. The Safety Committee approved Barger's attendance at the WI Chief's Mid-Winter Conference February 9-11, 2015. The Safety Committee approved Barger's subscription to IACPnet which is a resource program through the International Association of Chiefs of Police which provides policies and ordinances for law enforcement for a \$250.00 fee.

**Unfinished Business:** Discussion on the selection of legal counsel for the village, the trustees shared their views on the proposals available from both firms and interviews with their representatives, conducted earlier in the meeting. Trustee McNaughton moved, second Leavy, carried to **hire as Village counsel beginning Jan 1, 2015, Axley Brynelson**, Madison. Trustees Klahn and Hawkey voted NAY. (Did Todd vote Nay?? I thought he voted Aye) McNaughton moved, second Klahn, carried to postpone discussion on the **Capital Improvement Plan. Ordinance recodification**-In addition to the 4 ordinances distributed, Walsten will produce the remaining ordinances in Friday packets so trustees have time to review. She said some are only small amendments to existing codes. A special meeting will be held on December 16<sup>th</sup> at 6:30 to review and approve ordinances before sent to Municipal Code, a recodification company. **Municipal Court** –The first court session in Belleville is expected to begin in February, 2015. A new bond schedule needs to be approved.

**Consent Agenda:** Trustee Klahn moved, second McNaughton, carried to approve payment of all bills for December; and approve operator licenses for Alex Poppe, Sarah Unbehaun, Patrick Horn, and Jamie Hefty.

**Committee Reports: Planning & Zoning** will be meeting tomorrow night and then January 26<sup>th</sup>. Trustee Hawkey said she would like to attend this meeting; however, the disclaimer of a possible quorum of the Board is not at the bottom of the agenda. Walsten gave her permission. Hawkey recommended having it as a standard statement on every agenda, but Clerk Strause pointed out that is not advised as a policy under open meetings law. **Ordinance-Chapter 19, Fire Protection** was presented. McNaughton moved, second Hawkey, carried to approve. **Chapter 22.05-01 Maintenance of Vegetation/brush** was presented. A letter from Duane & Sue Nettum was presented stating they would like the current ordinance to remain unchanged. They also questioned the liability of Village employees on private property. Previous public comments from Marty Pilger questioned the liability also. Hawkey stated Public Works Director Langer is against having to go on private property to maintain overgrown plantings where property lines are questionable. Trustee Klahn stated there is a fine line before it becomes a civil matter. Hawkey continued that this is not isolated to just one issue, that another case exists. Walsten stated trustees are to minimize the legal risk for the village and because this has liability issues, she would like the new attorney to review before any further decisions are made. Hawkey stated a responsible property owner has the responsibility to take care of what they have planted. McCallum moved, second Leavy, carried to postpone until Atty Fenner, Axly-Brynelson, can review after January 1<sup>st</sup>. There were no reports from **Fire/EMS, Recreation, Personnel, Emergency Management, Recycling, Website. EDC** will be meeting Thurs night. **Finance**-McNaughton stated the committee recommends approving Chief Barger's request to purchase a Taser ECD and associated equipment for the Police Department at a cost of \$1522.80 with no shipping charge. 2014 funds would be used with \$761.40 to be taken equally from the training and uniform accounts. The old taser would be used for parts. Hawkey moved, second McNaughton, carried to approve the Finance Committee recommendation to purchase a Taser ECD as stated. Trustee McCallum asked what the Village is going to spend the "Restitution" fund money on and requested to discuss this at the next meeting.

Klahn moved, second McNaughton, carried to adjourn at 8:47 p.m.  
Carol A Strause, Clerk-Treas., MMC, WCMC, CMTW