

**BROWN DEER VILLAGE BOARD
OCTOBER 3, 2011 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 6:30 P.M.

I. Roll Call

Present: Village President Krueger; Trustees: Baker, Boschert, Oates, Schilz, Springman, Weddle-Henning

Also Present: Russell Van Gompel, Village Manager; Matt Janecke, Assistant Village Manager; Chief Steven Rinzel, Brown Deer Police Department; John Fuchs, Village Attorney; Nate Piotrowski, Planning and Zoning Specialist/Community Services Director

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Barb Fleming, Deb Kerr, and Emily Koczela made a presentation on the upcoming Brown Deer School District referendum on November 15 proposing a two building campus. The plan calls for Dean Elementary School to be vacated and torn down, converting the middle school to 4k through 6th grade, and adding 7th and 8th grades to the high school at a cost of \$18 million. Optional is the addition of an expanded gym with an indoor track/recreation center at the high school for the cost of \$4 million.

IV. Consideration of Minutes: September 19, 2011 – Regular Meeting

It was moved by Trustee Weddle-Henning and seconded by Trustee Springman to approve the amended minutes of the September 19, 2011 regular meeting. The motion carried unanimously.

V. Unfinished Business

None

VI. New Business

A) Ordinance No. 11-,"An Ordinance Amending Section 34-28 of the Brown Deer Village Code Relating to Firearms, Weapons, Missiles and Fireworks"

Mr. Van Gompel gave a review of the proposed ordinance and mentioned it was a topic at a round table meeting with CVMIC. CVMIC currently is in the process of developing verbiage for signs to be placed in public buildings prohibiting concealed carry.

Attorney John Fuchs gave his legal opinion of the ordinance by stating concealed carry has been illegal, is still illegal, and that the ordinance will only apply to those who have the right to conceal carry.

Trustee Boschert asked if the Village will be held liable if an emergency occurs and citizens are not able to protect themselves in a public building because concealed carry in public building is prohibited. Attorney Fuchs replied by saying the village is immune from liability because it is using discretion to disallow firearms in public buildings.

Trustee Oates asked if there is any enforcement on the policy and will there be a penalty for violators. Attorney Fuchs responded to the questions by saying it is an enforceable policy and violators are subject to penalty just like any other violation of law. Mr. Van Gompel stated signs will be posted at all the public buildings in Brown Deer, however by state statute, concealed carry is prohibited from being banned in parks and open spaces by local ordinance.

It was moved by Trustee Springman and seconded by Trustee Baker to approve Ordinance No. 11-, "An Ordinance Amending Section 34-28 of the Brown Deer Village Code Relating to Firearms, Weapons, Missiles and Fireworks". The motion carried 5-2 with Trustees Boschert and Oates voting in opposition.

B) Sidewalk/Trail Improvement Program

Mr. Piotrowski discussed the plan and the goal is to add facilities along major arterial or collector roadways where travel by foot or bicycle is more dangerous. In addition, it was identified in the Comprehensive Plan by community stakeholders that improving multi modal connectivity was a strong desire. The plan is not a mandate of capital improvements but a guiding document for future improvement.

Trustee Springman asked if skateboards will be prohibited. Mr. Piotrowski addressed the question saying it will have no language prohibiting skateboards, much like bicycles.

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to approve the Sidewalk Improvement Plan. The motion carried 6-1 with Trustee Oates voting in opposition.

C) Bids for the 2011 Cracksealing Program

Mr. Piotrowski addressed the item and stated the bid project was sent out later than usual due to the fact other projects in the village had to be completed in order for cracksealing to occur. Normally, this item would have gone before the Finance and Public Works Committee but given the time frame of other projects in the village, and the weather dependency of the project, this item is going before the Village Board. He noted the bid amount exceeds the amount set aside for cracksealing because of the difficulty to quantify the amount of cracks on the roadway surface. Staff has also requested that the Village Board authorize additional streets to be added to the project not to exceed the reserved amount.

Trustee Schilz asked if the bidders knew about adding additional streets to the project and mentioned if they had know, bids may have come in differently. Attorney Fuchs added his legal opinion and clarified that making use of extra funds in the 2011 Street Reconstruction Program does not violate law.

It was moved by Trustee Boschert and seconded by Trustee Oates to approve the contract for the 2011 Cracksealing Program be awarded to Precision Sealcoating, Inc., of Princeton, WI. The motion carried unanimously.

D) Bids for the Pedestrian Bus Pad and Bus Shelter

Mr. Piotrowski mentioned this agenda item did not go before the Finance and Public Works Committee because of the time sensitivity of the project and the concern of having the project completed before colder weather sets in. Two bids were received for the project, and the lowest one came from Poblocki Paving Corporation. Poblocki is a reputable paving company in the area and does county, municipal, local school districts and other governmental agency work. Ideally Mr. Van Gompel would like to have had the Bids for the 2011 Cracksealing Program agenda item be heard by the Finance and Public Works Committee, but due to time sensitivity he allowed an exception to normal procedures.

Trustee Oates asked if the CDBG has to be used up by the end of the year. Mr. Piotrowski said it does or it will go back to the county, and with this project, approximately \$2,000 remains unused. Trustee Oates said he would like to see both this agenda item and the "Bids for the 2011 Cracksealing Program" agenda item be items for consideration on the next Finance and Public Works Committee meeting.

A brief conversation ensued about the placement of garbage cans, ADA compliancy, and the ease of moving the bus shelters given the chance of changing bus routes.

It was moved by Trustee Baker and seconded by Trustee Oates to approve the contract for the Pedestrian Bus Pad and Bus Shelter Project be awarded to Poblocki Paving Corporation with the contingency that the remaining CDBG funds be spend on garbage cans for the bus shelters.

VII. Committee Assignments

It was moved by President Krueger and seconded by Trustee Weddle-Henning to appoint Rory Palubiski to the Building Board; Walt Baehr to the Water Commission; and Chris Dibb and Ann Griffin to the 4th of July Committee . The motion carried unanimously.

Trustee Schilz asked if Rory Palubiski is a resident of Brown Deer. Mr. Van Gompel replied that he is not, but there have been other members on the Building Board in the past that have not been residents. This exception is due to the board having a difficult time finding members. Both residents and professional members make-up the Building Board, and Mr. Palubiski would be a professional committee member.

VIII. Village President's Report

President Krueger reported on the following;

Attended the ICC meeting and discussed paramedic services in the North Shore
The Granville-Chamber of Commerce Vision Series Luncheon
The Forward Dental Ribbon Cutting
The Chain Cutting for the Oak Leaf Trail

IX. Village Manager's Report

Mr. Van Gompel reported on the following;

The Chain Cutting for the Oak Leaf Trail
The Forward Dental Cutting was well attended
Asked if a 6:00 p.m. start time was problematic for the Village Board Agenda Workshops.

Mr. Van Gompel noted that included in the packet was a Request for Consideration for information only regarding Street Sign Approval. Trustee Baker asked if "Village of Brown Deer" can be displayed on the logo. A brief conversation ensued on the design of the logo and the placement of signs.

It was moved by Trustee Baker and seconded by Trustee Springman to have the Street Sign Design approval by WDOT as an agenda item for the next Village Board meeting. The motion carried unanimously.

X. Recess into Closed Session pursuant to §19.85(1)(c) and (e) Wisconsin Statutes for the following reasons:

- (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- (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.

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to recess into Closed Session at 8:19 p.m. The motion carried unanimously.

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

It was moved by Trustee Springman and seconded by Trustee Schilz to reconvene into Open Session at 9:19 p.m. The motion carried unanimously.

XII. Adjournment

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to adjourn at 9:20 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager