

SUAMICO VILLAGE BOARD MEETING MINUTES

Monday, April 4, 2016

6:00 P.M.

1) CALL MEETING TO ORDER

Meeting was called to order at 6:00 P.M. by President Jelen.

Board members present: President Jelen, Trustee Andrews, Trustee Eckert, Trustee Nelson, Trustee Roddan and Trustee Van Rossum

Staff present: Administrator Kubacki; Dan Drewery, DPW Director; Kay Magyar, Finance Director; Steve Dunks, Zoning Administrator/Building Inspector; DEO Kowalkowski, Fire Chief Noe and Jean DeBauche.

2) APPROVE AGENDA

Motion was made by Roddan to approve the agenda; second by VanRossum, motion carried 6-0.

3) PLEDGE OF ALLEGIANCE

4) CLOSED SESSION

a) 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

i) Employee Evaluation-Non Represented & Represented

b) 19.85(1)(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.

i) Acquisition of Property

ii) Norfield Mitigation Property

Motion by Nelson to move into closed session per 19.85(1)(c) and 19.85(1)(e) to discuss the items listed above and to include Administrator Kubacki, second by VanRossum,

Roll Call Vote:

Andrews – aye

Eckert – aye

Nelson – aye

Jelen – aye

Roddan - aye

Van Rossum – aye

Motion carried 6-0.

5) RETURN TO OPEN SESSION

Motion by Roddan to return to open session, second by VanRossum,

Roll Call Vote:

Andrews – aye

Eckert – aye

Nelson – aye

Jelen – aye  
 Roddan - aye  
 Van Rossum – aye  
 Motion carried 6-0.

6) CITIZEN COMMENTS ON AGENDA ITEMS

None

7) PUBLIC FORUM

None

8) PUBLIC HEARINGS AND ACTION 7 PM

- a) Request by Pete & Connie DeWindt, 13613 Velp Ave., Suamico, WI 54173 for a Conditional Use permit to allow a duplex at 13611 & 13613 Velp Ave. SU-1004-N-112, zoned Rural Residential - located north of School Lane on the west side of Velp Ave. about 210 ft. north of Coach Ln.

Staff Report:

- A conditional Use to allow a duplex to be constructed was approved in 1994. The 3 conditions of that approval all referenced ownership and use by those asking for the Conditional Use. Catherine Garrits did pass away in December of 2013. The 2<sup>nd</sup> unit has been vacant since her passing.
- This is a 1,800 sq. ft., 3 bedroom, 2 bath unit. The occupied unit is over 2,100 sq. ft. It does not seem reasonable to expect to combine these two units into one single family home.
- There is a conditional use on this parcel for Pete's Taxidermy (Approved in 1999). Approval of a Conditional Use for the Duplex would not need to affect anything with-in that Conditional Use.
- There are a few duplex's along Velp Ave to the south. None that would cause issues with Village separation requirements.
- The private sanitary system is up to standards with Brown County. It is also on a private well.

President Jelen opened the meeting up for public hearing and no one spoke; hearing was closed.

Motion was made by Trustee Van Rossum to approve the conditional use permit for Pete and Connie DeWindt to allow full use at 13611 & 13613 Velp Ave. SU-1004-N-112 as a duplex; second by Trustee Andrews.

Motion carried 5-1, nay Nelson..

- b) Request by Wade T & Maria L. Micoley, 3035 Brookhills Place, Suamico, WI 54313 for the following;

- i) Preliminary Plat approval for Anston Road Estates, A County Plat

Staff Report:

- The property has N. Brookhills Drive which dead ends on the northern side of the property. N. Brookhills was intended to extend through this property, connecting to Brookhills Drive on the southern end. With a stream, wetlands & the ESA's present it would be difficult to complete this road. Completion of the road would also not create any substantial gain in lots. Staff believes the

minimal gain in lots would not be worth the additional 1,300+ ft. of road that would be created.

- The northern portion of the 38+ acres will be divided after official wetland delineation can be submitted for approval.
- The plat would create 8 lots, all meeting the 2 acre requirement with 164+ft of frontage on Anston Road.
- A storm water plan will be required to be submitted and approved as part of the final plat.
- All lots will be served by private sewer & wells. It is well outside of the sewer service area.
- No additional roads would be constructed.
- Because the land is zoned AG-FP, the following needs to be addressed as part of the rezone
  - The rezoned land is better suited for a use not allowed in the farmland preservation zoning district. This land is fully wooded and has not been part of an active farm for many years. Single family, large lot homes would not be a permitted use under our AG-FP zoning.
  - The rezoning is consistent with the current adopted comp plan. The comp plan shows this area as future rural residential
  - The rezoning is substantially consistent with the current certified Brown County Farmland Preservation Plan. The rezoning of this single 40 acre parcel does not substantially change the Brown County Plan. It will not create any additional “Island” effect to the plan.
  - The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland. The location of this parcel does not affect use or access to any adjacent AG-FP zoned properties. The only adjacent property zoned AG-FP is also mainly wooded lands. There are no current Ag uses on the adjacent properties.

President Jelen opened the meeting up for public hearing and no one spoke; hearing was closed.

Motion was made by Trustee Roddan to approve the preliminary plat, Anston Road Estates A County Plat, with the following conditions;

- a. Final Plat will require an approved storm water plan
- b. Approval of a rezone from AG-FP to RR
- c. Meet the requirements of all other applicable ordinances, regulations and reviewing agencies

Second by Trustee Andrews,

Motion carried 6-0.

Motion was made by Trustee Roddan to approve ordinance 2016-06, the rezoning of SU-394 from AG-FP to RR; second by Trustee Andrews.

Andrews – aye

Eckert – aye

Nelson – aye

Jelen – aye

Roddan – aye

Van Rossum – aye  
Motion carried 6-0.

9) CONSENT AGENDA

- a) Previous Minutes of the Village Board: March 21, 2016
- b) Licenses as recommended by Officers Kowalkowski and Raska:
  - i) Operator approvals: Gerri L. Cobbins, Joshua S. Seymour, Alayna M. Burch,  
Andie J. Goral, Ruth M. Stein & Ashley R. Pease
  - ii) Operator denials: None

Motion was made by Trustee Roddan to approve the consent agenda; second by Trustee Nelson.

Motion carried 6-0.

10) ADMINISTRATIVE ITEMS

- a) Discussion/Action, Ordinance 2016-03 Amending Chapter 11.42 Carrying Firearm in a Public Building (second reading)

Officer Kowalkowski spoke:

At a prior meeting, when going through the first reading, a question came up that he wasn't able to answer as it applied more to the policy of the employees.

Attorney Kimps was in attendance at this meeting to address questions.

Trustee Eckert asked a question on the wording of the ordinance.

Kowalkowski: 11.42(2) – there are still areas in public buildings that are prohibited. In this building it would be the police area and the municipal court when it is in session.

VanRossum: our current policy states that we don't allow employees to carry weapons in Suamico village vehicles, correct?

Officer Kowalkowski stated that it is correct.

Anderson: asked to clarify knives and how it all plays in effect

Kowalkowski: explained that the current ordinance covers firearms and other dangerous weapons, so what would be done by lifting restriction on this second reading is opening that up where people could carry knives or any other weapon.

Nelson: did address everyone from a constitutional point of view:

This nation has come far and there has been extensive litigation reaching up to the Supreme Court throughout history since the founding of this great nation and drew attention to two highly significant and very relevant cases in recent times; both of these cases were rulings from the United States Supreme Court recent attention to recent cases.

Motion was made by Trustee Roddan to approve Ordinance 2016-03 amending Chapter 11.42 Carrying Firearms in a Public Building, second by Trustee Nelson,

Roll Call Vote:

Andrews – nay

Eckert – aye

Nelson – aye

Jelen – aye

Roddan - aye

Van Rossum – nay

Motion carried 4-2.

Trustee Van Rossum stated for the record:

Thinks this board has a responsibility as an elected official to maintain a village hall where all citizens that come here can share ideas in an environment that they see as non-threatening. When we made the vote that we made tonight, we chose to go against that. There are going to be those who are going to look at this as I do as a much more threatening place than it was yesterday. The simple fact is that by making this vote we've condoned concealed weapons that some people are going to see as threatening and that means that there are citizens here who in all likelihood will have less propensity to come here and share those ideas. So I think just that is something for us to think about. I respect the vote of the board and I appreciate the comments you shared with us and I thank everybody.

b) Discussion/Action on Personnel Policy regarding Concealed Carry  
Staff Report:

Kowalkowski: Staff was asked to look at a personnel policy for village employees. The current policy that is in place now prohibits any employee from carrying a gun or any other dangerous weapon during the course of their employment; basically during work hours or any employee vehicle or building. When the Act was covered to allow concealed carry the Department of Administration solicited help from the Department of Justice and the Attorney General's office to come up with a policy for state employees. We looked at that and it looked like the best policy. It covered all the language and such to where a person legally to carry a CCW would be allowed to carry it in the village. It set parameters where they can notify the employer, basically plagiarize the state forms that they would inform the employer. If an employee would go into a business that is posted no weapons; they have the means to secure it. We are confident it would suit well with the Village of Suamico.

Attorney Kimps is here tonight to answer questions.  
What follows are highpoints of the discussion held.

Eckert: Is it the employee's right to be able to keep their concealed carry a secret?

Kimps: It is not a defined right to keep it secret and at this time my research has been that is not a defined right. There are some loopholes within the act or some areas within the act, and what my research defined to me was that it is not a written law, that they have the availability to keep that secret.

Eckert: What if protection is needed from your supervisor?

Kimps: The right of protection is there and the village has the ability to allow people to have to carry, unless it is going to be in there vehicle. There is limited law in this area from the standpoint that most municipalities have just elected to not allow it. My research has been that they don't allow employees to carry and so there are not a lot of cases out there and have not been a lot of changes to the law based on that.

Kowalkowski: Would strongly suggest they you would provide a means for them to secure it.

Jelen: Other than just tucking it under the seat or locking it?

Kowalkowski: I would say yes. Again, it could come to the liability issues, things do happen.

Attorney Kimps: In talking with people from the town's association and I talked to other municipalities, some larger municipalities, the basic premise in many of them has been is that they do not allow employees to carry. I was unable to find a municipality that allows their employees to carry.

Kowalkowski: I don't have a stake here, I'm a county employee. It is your village employees. There are some village employees who are uncomfortable that there are going to weapons in the building and I think by providing those lock boxes you are providing a sense, close to what Trustee Van Rossum said, you're providing a sense of security.

Jelen: Concealed means it is on your person and so nobody knows you have it.

Kowalkowski: There may be times where they may want to take that weapon off like we do. There may be times in your village where your DPW workers or your utility guys will have to take that weapon off. I would strongly suggest that you provide a place to secure them. You don't have to. There is nothing in the state law that says you have to. I think you have a duty to your employees that aren't carrying it to provide that. It is not a big expense. Basically they have the means to put it in a box. That is part of your duty again as village officials is to provide your employees with a policy and procedure where you're allowing them to do something but then there are some restrictions that you have to make them aware of. There are consequences if you violate the policy whether it is intentional or whatever.

Jelen: OK. I see this as being some different issues that we are talking about. Employees in a Suamico vehicle and/or in a village building. First of all if we're looking at employees in this building if they conceal carry; so that means that gun is on them and it's concealed, so nobody here would know they even have it. If it is their choice that they would want to remove that gun from their person and hide it in their desk or something. Is that where you are saying we should have a lock box?

Kowalkowski: You need to have a means of securing it. It is a safety thing, more toward safety then something that is required under state law or anything else

Jelen: Do the desk drawers lock?

Kubacki: Not all of them. Some of them do.

Jelen: So we would have the ability to put locks on desks and provide people with keys if necessary.

Kubacki: Sure you could do that.

I'm not in favor in having the employees with concealed carry. There have been many times where there are situations that develop that are related to personnel that get highly contentious. I would prefer not to be placed in that situation where I would not know whether a person is armed or not. I have to deal with the environment in many different manners her and for a manager not to know if an employee is carrying a concealed weapon. If you do allow that to happen in this municipality and there have been no other municipalities that Corey has been able to determine that allow that. We need to have number one secured areas and we need to have notification. That is simple as that. If you survey the employees in this building I think you would find the majority of them that would not want employees in here to conceal carry.

Kowalkowski: You can restrict where they can and can't.

Nelson: I wholeheartedly agree that the weapon should be secured if someone is going to carry. I understand we as the village are allowing the employee to carry but would there be anything to prevent us from saying look if you as the employee are going to carry you as the employee have to provide some assurance to us that you have at your expense you're going to provide the lockbox.

Kimps: We would have to determine whether or not they would have to incur a cost related to their employment that would fall under employment type of law I think.

Roddan: If we allow employees to carry, put stipulation in the policy,

This will need to be sent back to Health & Safety for their recommendations.

Motion was made by Trustee Roddan to defer 10 B back to Health & Safety Committee for further discussion with input from tonight's meeting; second by Trustee Eckert.

5-1, motion carried, nay by Van Rossum

c) Ordinance 2016-05, An Ordinance Allowing the Village Clerk Discretion in Election Official Work Hours (second reading)

STAFF REPORT:

It has come to our attention that some of our election/poll workers would like to work split shifts on election day. According to the Election Administration Manual, a municipality is allowed to do this if they pass an ordinance allowing the village clerk the discretion to hire election officials to work less than a full day on the day of the election. Some of the election workers may want to work part of the day as they have another commitment or it could be just too long of a day.

Motion was made by Trustee Nelson to approve Ordinance 2016-05 an ordinance amending Chapter 2.11 Elections, allowing the village clerk discretion in election official work hours.

Roll Call Vote:

Andrews – aye

Eckert – aye

Nelson – aye

Jelen – aye

Roddan - aye

Van Rossum – aye

Second by Trustee Eckert

Motion carried 6-0.

d) Vickery Village Planning/Design Engineering-Phase 1 Authorization, Phase 1,2 & 3 Presentation

The Vickery Village infrastructure improvement program has been under discussion for many years. We would like to proceed with Phase 1 of the Vickery Village improvement project and that would involve parking lot number 1, storm sewer construction and a pathway from parking lot 1 to the Vickery Village area. We are asking for the authorization to proceed with phase 1, the engineering design subject to the creation and the Village Board approval of a developer's agreement with all adjacent and impacted property owners, Jamie Whiting, Jerry Henry and the Village of Suamico.

Scott Flaeschel., 1201 Riverside Drive/Alpa Senior Concept: like the looks of the entire plan. This is something that we can actually end up with and be good looking and be good for the village. We need parking out here in this area.

Jerry Kapla, 12619 Velp Avenue, (owns Suamico Garage): People do park in front of my doors; have had to put up signs; do get wrecker calls and can't get into the garage and then out to the call. Parking is a problem in this area.

Motion was made by Trustee Roddan to direct staff to move forward with Phase 1 work efforts as indicated on our sheet, A, B & C plus or minus \$298,487.00; creation of the Developer's Agreement with the interested parties and bringing it back to the Village Board for approval; second by Trustee Van Rossum.

Motion carried 6-0.

e) Norfield Road Mitigation Bank Work Effort/Current/Future-Process Approval

Motion was made by Trustee Van Rossum to have Trustee Nelson to chair this item; second by Dan Roddan.

Motion carried 5-1.

President Jelen abstained.

Motion was made by Trustee Van Rossum that the Village of Suamico be named the lead agency and undertake all planning, design and construction efforts and costs; all other benefitting owners will reimburse the Village of Suamico through prorated revenue contributions noting that this revenue will offset expenditures allocated to their properties and participation in this project; second by Trustee Roddan.

Motion passed 4-1.

Nay – Trustee Eckert

President Jelen abstained.

Motion was made by Trustee Van Rossum that the Village of Suamico engage their attorney and direct staff to engage with the participants with the wetland mitigation; begin the process of wetland mitigation agreements, creating wetland mitigation developer agreements, second by Trustee Roddan.

Motion carried 4-1.

Nay – Trustee Eckert

Jelen abstained

f) Administrator's Report

i) Lineville Road Signage Update/Village Wide Way Finding Sign Update  
Trustee Roddan created a rendering of a sign for the board and Administrator Kubacki will take it to Order.

ii) Residential Subdivision Stimulation Update

- Meeting with Shore West tomorrow to discuss options and what might be available.
- Continuing to talk to some of the property owners and talk to them about some of the developer agreements
- Working on the developer agreements.

iii) Road Improvement Requirements-Specification Requirements-Update  
Looking at specification requirements and bringing them to the department of public works and have been working with staff on that.

iv) Other Items that may be Germane

**11) DISCUSSION ON FUTURE AGENDA ITEM(S)**

Move forward in selling used signs.

**12) CLOSED SESSION-CONTINUATION FROM 6 PM SESSION (IF NEEDED)**

a) 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

i) Employee Evaluation-Non Represented & Represented

b) 19.85(1)(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.

i) Acquisition of Property

ii) Norfield Mitigation Property

Motion was made by Trustee Roddan to go into closed session; second by Trustee Van Rossum.

Roll Call Vote:

Andrews – aye

Eckert – aye

Nelson – aye

Jelen – aye

Roddan - aye

Van Rossum – aye  
Motion carried 6-0.

**13) RETURN TO OPEN SESSION (IF NEEDED)**

Motion by Roddan to return to open session, second by Jelen,

Roll Call Vote:

Van Rossum—aye  
Roddan—aye  
Jelen—aye  
Nelson—aye  
Eckert—aye  
Andrews—aye  
Motion carried 6-0.

**14) POSSIBLE ACTION ON CLOSED SESSION ITEMS**

Action on Employee Evaluation-Non Represented & Represented

Motion by Nelson to approve the 2016 Salary Modifications as identified below, second by Jelen, motion carried 5-1, nay by Eckert.

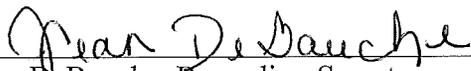
1. BI/Zoning Administrator- Steve Dunks- 2/5% increase - \$66,172
2. Finance Director-Kay Magyar-2.0% increase-\$81,125
3. Village Clerk-Bonnie Swan-4% increase-\$57,200
4. Parks & Recreation Director-1.5% increase-\$52,780
5. Director of PW-Dan Drewery-\$70,000
6. Deputy Director of Public Works-Andy Smits—4%-\$58,240
7. Deputy Treasurer-Mary Schuyltz-2%-\$51,151

Represented Employees – DPW & Clerical-2%  
Effective 01/01/2016

**15) ADJOURN**

Motion was made by Jelen to adjourn at 10:05 PM, second by VanRossum, motion carried 6-0.

Respectfully submitted,

  
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Jean DeBauche, Recording Secretary