

**Minutes of the Village Board Meeting
August 24, 2009 at 6:30 p.m.
Village Hall Board Room**

Call to Order Village President Burt R. McIntyre called the meeting to order at 6:30 p.m.

Roll Call Burt R. McIntyre, Village President; Ron Bredael, Trustee Wards 1 & 2; J. Widiger, Trustee Wards 3 & 4; G. Speaker, Trustee 5 & 6; Cathy Hughes, Trustee Wards 7 & 8; J. Lemorande, Trustee Wards 9 & 10; Kelly Crouch, Trustee Wards 11 & 12; David Steffen, Trustee Wards 13 & 14; & Dan Deppeler, Trustee Wards 15 & 16.

Also (staff): J. Smith, R. Bartelt, D. Wiese, C. Haltom, E. Janke, A. Helms and J. Pollitt

The Board recited the Pledge of Allegiance.

Approve Agenda G. Speaker moved to approve the agenda. C. Hughes seconded the motion. **The motion carried unanimously.**

Public Appearances B. McIntyre opened the public hearing.

Gary Anderson of Genius Car Wash addressed the Board regarding signage on his property. He would like to display temporary signage on his property for a longer period of time than what is currently allowed.

Marge DeCoster of 2934 Glendale Avenue addressed the Board regarding the proposed refuse and recycling cart storage ordinance. M. DeCoster asked the Board to consider the elderly and physically disabled when making a decision on the proposed ordinance. M. DeCoster would also like to see the Board focus less on aesthetics and more on the citizens.

Ken Sikora of 978 Lakeview Drive addressed the Board and asked the Board to suspend the rules during the discussion on the Roskom conditional use permit. K. Sikora also addressed the manner in which the Plan Commission made their decision. K. Sikora is concerned that the Plan Commission did not listen to residents in the neighborhood who supported a rezoning request.

Brent Cornell of 2001 Woodale Avenue addressed the Board regarding the Roskom conditional use permit. B. Cornell is concerned that J. Roskom is not using the buildings on his property for the

purpose he got approval for. B. Cornell is also concerned about the effect of the cattle on his property value.

Gary Cornell of 1270 Lakeview Drive addressed the Board regarding the Roskom conditional use permit. He is concerned about the animal waste and the associated smell and runoff from the waste.

B. McIntyre closed the public hearing.

**Future Agenda
Items**

D. Steffen requested a future agenda item regarding temporary signage for Genius Car Wash on Lineville Road.

Communications

Dawn Rihag of the Muscular Dystrophy Association addressed the Board and thanked the Howard Fire Department for their "Fill the Boot" fundraiser to assist the Muscular Dystrophy Association.

Consent Agenda

C. Hughes moved to approve the consent agenda. R. Bredael seconded the motion. R. Bredael requested to remove item 5g(v) from the consent agenda. C. Hughes requested to remove items 5g(i) and 5g(vii) from the consent agenda. **The motion carried unanimously.**

The Following Items were Approved as Part of the Consent Agenda:

Village Board Minutes from August 10, 2009

Plan Commission Minutes from August 17, 2009

Joint Review Board Minutes from August 17, 2009

CDA Minutes from August 18, 2009

Municipal Invoices from August 7 to August 20, 2009 in the amount of \$384,129.68 utilizing check numbers 209117-209225.

Operator's Licenses

- (i) Shirley Hogan, Howard
- (ii) Kendra Welty, Green Bay

Plan Commission Items

Request for a Conditional Use Permit from Taylor Dow to Construct an Outdoor Refuse and Recycling Dumpster Enclosure at 2597 Glendale Avenue (St. John the Baptist Church) with the following conditions:

1. The recycling and refuse collection center shall be located a minimum of 35 feet from the Cardinal Lane right-of way line to preserve vision clearance and to keep the enclosure from encroaching into a front yard.
2. The structure shall be a minimum of 6 feet in height to provide suitable screening but no more than 8 feet in height to comply with the fencing regulations of the Zoning Ordinance.
3. Opaque slats of an earth tone color shall be installed in the cyclone fencing to provide suitable screening.

Request for a Conditional Use Permit from Kim LaFave to Permit the Outdoor Sale of Alcohol at 1985 Velp Avenue with the following conditions:

1. The sale and consumption of alcoholic beverages shall be confined to the deck area.
2. Access to the outdoor service area shall be through the tavern only.
3. The outdoor service area shall be monitored and supervised by staff personnel at all times.
4. No music or other electronically amplified sounds shall be permitted outdoors.
5. No additional lighting or other electrical devices shall be permitted outdoors except local lighting.
6. Outdoor activities shall be limited to beverage and food consumption only.
7. Deck shall pass inspection prior to issuance of conditional use permit.
8. The conditional use permit shall expire June 30, 2010.

Request for a Conditional Use Permit from Paul Kaczrowski to Permit the Outdoor Sale of Alcohol at 1966 Velp Avenue with the following conditions:

1. The sale and consumption of alcoholic beverages shall be confined to the fenced area.
2. Access to the outdoor service area shall be through the tavern only.
3. The outdoor service area shall be monitored and supervised by staff personnel.
4. No music or other electronically amplified sounds shall be permitted outdoors.
5. No additional lighting or other electrical devices shall be permitted outdoors except local lighting.
6. Outdoor activities shall be limited to beverage and food consumption only.
7. Deck shall pass inspection prior to issuance of conditional use permit.
8. The conditional use permit shall expire June 30, 2010.

Request for a Conditional Use Permit from Rick Kops to Permit an Outdoor Event Benefitting Special Olympics on September 12th at 740 N. Memorial Drive with the following conditions:

1. Access to the outdoor event is through the existing exit on the rear of the building.
2. The event is allowed for the time period specified in the application (1p.m. to 9 p.m.)
3. Glass products (glasses, bottles, etc) are not allowed outdoors.

4. The fencing is installed not to allow the passing of items to patrons attending to anyone outside of the proposed event boundary. Six foot fence shall be required
5. The proceeds benefiting the Special Olympics are reported to the Village of Howard once the event is completed.
6. Signed parking agreements with neighboring property owners are submitted to the Code Administration Department.
7. The number of patrons allowed to attend the event is limited to a number established by the Village of Howard Public Safety Department.
8. The event is limited to September 12, 2009.

Resolution 2009-31, "Resolution Authorizing Use of First Business Bank and First Business Bank-Milwaukee as Depositors"

Special Event Permit for Amy Arndt to Host a Run/Walk at Meadowbrook Park on September 26, 2009

#5g(i)

Zegers Rezoning

C. Hughes moved to suspend the rules. G. Speaker seconded the motion. **The motion carried unanimously.**

C. Hughes moved to table the rezoning request. G. Speaker seconded the motion. **The motion carried on a 6 to 3 vote with B. McIntyre, J. Lemorande and D. Steffen dissenting.**

#5g(v)

Morrow CUP

Brian Craig addressed the Board regarding the Morrow conditional use permit. B. Craig stated he is opposed to the conditional use permit due to additional noise and poor aesthetics.

R. Bredael moved to table the item. C. Hughes seconded the motion. A roll call vote was taken. **The motion failed on 4 to 5 vote with B. McIntyre, J. Widiger, D. Deppeler, J. Lemorande and D. Steffen dissenting.**

D. Steffen moved to approve with the following conditions:

1. The outdoor storage area shall be screened from public view by fences, hedges, berms or combination thereof. A screening plan shall be approved by the building inspector prior to installation.
2. No storage shall be permitted closer than 5 feet to a side property line or closer than 30 feet to the Park Ridge Avenue property line.
3. No additional outdoor lighting shall be permitted.
4. A parking plan shall be submitted to and approved by the building inspector within 60 days of approval of the conditional use permit. The plan shall specify the uses of the existing buildings on the property, the maximum number of employees on the property at

any one time (both buildings) and where all required parking spaces will be located.

5. All parking drive and loading areas on the property shall be paved within one year of approval of the conditional use permit.
6. All required parking spaces on the property shall be identified with paint striping within 60 days after paving is complete.
7. Yard waste and landscape waste shall not be permitted on the property.

K. Crouch seconded the motion. The Board discussed the motion. A roll call vote was taken. **The motion carried on 6 to 3 vote with R. Bredael, C. Hughes, and G. Speaker dissenting.**

#5g(vii)
Roskom CUP

C. Hughes moved to suspend the rules. D. Steffen seconded the motion. **The motion carried unanimously.**

Brent Cornell of 2001 Woodale Avenue addressed the Board regarding the Roskom conditional use permit. He stated he is opposed to the conditional use permit.

Gary Cornell of 1270 Lakeview Drive addressed the Board regarding the conditional use permit. G. Cornell is concerned about the smell of the manure and the flies.

Ken Sikora of 978 Lakeview Drive addressed the Board regarding the conditional use permit. K. Sikora is concerned about the potential of cattle waste draining into the marsh.

J. Lemorande moved to return to regular order of business. G. Speaker seconded the motion. **The motion carried unanimously.**

D. Steffen moved to table the item. C. Hughes seconded the motion. **The motion carried unanimously.**

REPORTS OF VILLAGE OFFICIALS

#6a

President Report

Chief Executive Workshop

President McIntyre reported on the League of Wisconsin Municipalities' Chief Executive Workshop he attended last week.

#6b
Administrator
Report

Decorative Light Fixtures

J. Smith reported that the Woodale Avenue/Cardinal Lane roundabout is open to traffic. J. Smith further stated that the light fixtures which were used at the Glendale/Hillcrest will be used at the Woodale/Cardinal roundabout and should be installed in late September or early October.

Dog Parks

J. Smith reported on several dog parks he and Trustee Bredael visited in southeast Wisconsin. The Village Board will continue to discuss the creation of a dog park during budget discussions.

#6b
Assistant
Administrator
Report

Cardinal/Woodale Roundabout

B. Bartelt also reported that the Woodale Avenue/Cardinal Lane roundabout is open. R. Bartelt also reported on student drop-off arrangements at Bay View Middle School.

Woodale Sidewalk Project

B. Bartelt reported on the Woodale Avenue sidewalk project. B. Bartelt stated that the sidewalk project will be delayed another year due to environmental restrictions placed on the grant by the federal government.

Recycling Carts

B. Bartelt reported that the recycling carts were delivered last week. He stated that the complaint he is hearing the most is that the carts aren't large enough to hold all of the recyclables.

#6c
Assistant
Administrator
Report

Highway Maintenance Performance Measurement

A. Helms reported on the fiscal year 2008 highway maintenance performance measurement data from the International City/County Manager's Association's Center for Performance Measurement.

#6d
**Administrative
Services Report**

July Financial

C. Haltom presented the July 2009 financial report.

#6d
**Community
Development
Services Report**

Brown County Planning Commission

D. Wiese reported on the proceedings at the August Brown County Planning Commission Board of Directors' meeting. D. Wiese stated that the commission approved the fifth amendment to the Brown County Transportation Improvement program.

#6e
**L.E. O'Connor
Report**

June Sheriff's Department Report

J. Pollitt reported on the accident and crime data from the June 2009 Brown County Sheriff's Department report.

NEW BUSINESS

#7a
Everard CUP

D. Wiese reported on a request for a conditional use permit from Daniel Everard to permit a temporary tension fabric structure at 1800 Rosewood Street.

D. Everard addressed the Board regarding his request for a conditional use permit. The temporary structure is used to protect road salt for his snow plowing business from the elements.

K. Crouch moved to approve the conditional use permit with the following conditions:

1. The structure shall be moved to comply with minimum side and rear yard setback regulations.
2. A building permit shall be obtained for the structure within 15 days after approval of the Conditional Use Permit.
3. No other temporary structures shall be erected on the property as long as the subject structure exists.
4. The barrels, tires, building materials, machinery parts, trash containers, and other loose items in the vicinity of the structure be removed from the property or stored within completely enclosed buildings.

5. The grass and other vegetation in the vicinity of the structure be cut and maintained in compliance with Section 10.07 of the Howard Municipal Code.

C. Hughes seconded the motion. The Board discussed the motion.
The motion carried on an 8 to 1 vote with G. Speaker dissenting.

#7b
ITT Tech PDD
Amendment

D. Wiese reported on a request for a planned development district amendment from ITT Technical Institute to permit the installation of additional illuminated building lettering at 487 Riveridge Lane.

J. Widiger moved to approve the PDD amendment to permit the installation of additional illuminated building lettering at 487 Riveridge Lane. D. Deppeler seconded the motion. The Board discussed the motion. **The motion carried on a 7 to 2 vote with C. Hughes and K. Crouch dissenting.**

#7c
Patel Liquor
License

J. Smith reported on a request from Sumit Patel for a Combination Class A Beer and Liquor license for the Velp Avenue Mobil Mart located at 1855 Velp Ave.

D. Steffen moved to approve the request for a Class A liquor license from Sumit Patel. J. Lemorande seconded the motion. **The motion carried unanimously.**

#7d
Ordinance 2009-21 J. Smith reported on Ordinance 2009-21, "Amending section 11.07(15)(o)1 of the Howard Municipal Code relating to the screening of solid waste and recycling containers."

The proposed ordinance would require Howard residents to store their recycling or refuse carts behind their house or on the garage side of the house.

J. Lemorande moved to table the item. G. Speaker seconded the motion. **The motion carried on a 6 to 3 vote with C. Hughes, B. McIntyre and K. Crouch dissenting.**

#7e
Resolution
2009-33

J. Smith reported on Resolution 2009-33, "Adopting 2009 Plan Amendment to Tax Increment District No. 2 to Allocate or Redirect Tax Increment Revenues to Tax Increment District No. 4."

R. Bredael moved to approve Resolution 2009-33 with Attorney Duffy's comments. J. Widiger seconded the motion. **The motion carried unanimously.**

#7f
Capital Projects

J. Smith reported on potential capital projects for fiscal year 2010 and 2011. Potential projects scheduled for 2010 include water and sewer improvements on Taylor St and Velp Avenue, right-of-way acquisition on Velp Avenue, a new roof for the open-air shelter at Meadowbrook Park, Glendale Avenue reconstruction and the Gordon Nauman Dog Park. Potential capital projects for 2011 include water and sewer improvements along old Shawano Avenue, burying utility lines along Velp Avenue, and water and sewer improvements along STH 29 (Riverdale) and Anamax Road south of STH 29.

No action was taken.

#7g
Recodification
Project

J. Smith reported on the draft manuscript of the recodified Village Code of Ordinances. Village staff also reported on the proposed changes to various chapters of the Village Code. No action was taken.

#7h
Resolution
2009-34

C. Haltom reported on Resolution 2009-34, "Establishing or amending various fees charged for services." The resolution would amend the following fees:

- Letter of Special Assessments = \$25
- Copy charge/page = \$0.20
- Local Faxes <5 pages = \$1
- Local faxes 5-10 pages = \$5
- Long distance faxes shall not exceed 5 pages = \$5
- Copy of an audio or video recording onto a tape, DVD, or CD = \$10 per recording.

G. Speaker moved to approve Resolution 2009-34. J. Widiger seconded the motion. **The motion carried unanimously.**

CLOSED SESSION

C. Hughes moved to convene to closed session. R. Bredael seconded the motion. A roll call vote was taken. **The motion carried unanimously and the Board convened to closed session at 9:10 p.m.**

OPEN SESSION

C. Hughes moved to return to open session. J. Widiger seconded the motion and the Board returned to open session at 9:55 p.m.

ADJOURNMENT

R. Bredael moved to adjourn. D. Steffen seconded the motion. **The motion carried unanimously and the meeting was adjourned at 9:56 p.m.**

Respectfully Submitted,

Adam Helms

Adam Helms
Assistant Village Administrator