

**Minutes of the Village Board Meeting
June 8, 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.

Closed Session B. McIntyre stated that at the end of the meeting the Board may convene to closed session pursuant to Wis. Stats. 19.85(1)(e).

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

Excused: J. Lemorande, Trustee Wards 9 & 10 and G. Speaker, Trustee 5 & 6

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

The Board recited the Pledge of Allegiance.

Approve Agenda R. Bredael moved to approve the agenda. D. Steffen seconded the motion. B. McIntyre requested to move item 7a after 4c, move item 8n after 7a and stated item 8b (Serrano Liquor License Application) had been withdrawn by the applicant. **The motion carried unanimously.**

**Public
Appearances**

B. McIntyre opened the public hearing.

Dick Boyer of 811 Krause Road addressed the Board regarding an article written in the Howard Press by Trustee Crouch. D. Boyer asked if the Board would be investigating the issue further.

B. McIntyre closed the public hearing.

**Future Agenda
Items**

None

Communications R. Bredael moved to receive the communications and place on file. J. Widiger seconded the motion. **The motion carried unanimously.**

OLD BUSINESS

#7a

Ordinance 2009-9 J. Smith reported on ordinance 2009-9, "Amending Section 1.03(2)(a) of the Howard Municipal Code relating to Plan Commission membership."

J. Widiger moved to approve. D. Steffen seconded the motion. **The motion carried on a 6 to 1 vote with B. McIntyre dissenting.**

NEW BUSINESS

#8n

Contract for Professional Land Use Services

J. Smith reported on a request to allow staff to negotiate a contract for professional services regarding land use issues based on the recommendation by the Community Development Authority.

Debbie Tomczyk of Reinhard Law Offices addressed the Board regarding her proposal to the CDA to provide land use attorney services.

J. Widiger moved to authorize staff to begin negotiating a contract for professional services for land use issues. D. Steffen seconded the motion. **The motion carried unanimously.**

Consent Agenda

D. Steffen moved to approve the consent agenda. J. Widiger seconded the motion. C. Hughes requested to remove items 5(i)(ii), (viii), (xiii), (xv), (xx), (xxi), (xxii), (xxvi), and (xxvii). **The motion carried unanimously.**

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

Approve Village Board Minutes from May 11 & May 29, 2009 meetings

Accept Sex Offender Residency Appeals Board Minutes from May 13, 2009 meeting

Accept Plan Commission Minutes from May 18, 2009 meeting

Accept Board of Review Minutes from May 20, 2009 meeting

Accept Go Green, Save Green Minutes from May 19, 2009 meeting

Accept CDA Minutes from May 27 meeting

Accept Small Biz Partnership Minutes from May 28, 2009 meeting

Approve Municipal Invoices from May 8 to June 4, 2009 utilizing checks #208399-208551 totaling \$673,913.75.

Approve Operator's Licenses

Operator licenses, per s. 125.17 of the *Wisconsin Statutes*, if approved, are valid for a period of two years expiring on June 30.

- (i) Marla Berg, Howard
- (ii)
- (iii) Jeffrey Chadwich, Green Bay
- (iv) Adam Ernst, Howard
- (v) Lisa Falk, Howard
- (vi) Matthew Fischer, Howard
- (vii) Russ Gregorosh, Green Bay
- (viii)
- (ix) Gary Heuvelmans, Green Bay
- (x) Linda Higginbotham, Green Bay
- (xi) Kerri Ingersoll, Denmark
- (xii) Bernard Karls, Green Bay
- (xiii)
- (xiv) Sara Lechleitner, Green Bay
- (xv)
- (xvi) Dell Lubenske, Crivitz
- (xvii) Patricia Miler, Green Bay
- (xviii) Adam Mommaerts, Howard
- (xix) Carol Nelson, Green Bay
- (xx)
- (xxi)
- (xxii)
- (xxiii) Michael Schoen, De Pere
- (xxiv) John Seroy, Green Bay
- (xxv) Susan Snouffer, Green Bay
- (xxvi)
- (xxvii)

Village President Appointments

The Village President nominates individuals for appointment to various committees.

The nominations are subject to Village Board approval.

- (i) John Jauquet, Police & Fire Commission, 5-year term
- (ii) Michael Soletski, Zoning Board of Appeals (Alternate), 2-year term
- (iii) Mike Berg, Plan Commission, 3-year term
- (iv) Jay Faikel, Plan Commission, 3-year or 1-year term (subject to Village Board action on Ordinance 2009-9)
- (v) Brian Mittag, Small Biz Partnership, 2-year term

Renewal of Existing Liquor Licenses

Per State Statutes, existing liquor licenses renewal applications received in the month of April must be approved annually prior to May 15th.

The Village of Howard Board of Trustees has received the following 2009-2010 Class A beer license applications:

Establishment

Applicant

Lineville Travel Mart, 1575 Lineville Rd.
Townline Citgo, 1773 Cardinal Lane

Mary Barlament, 706 Frederic Ct.
Harold Peterson, 2565 St. Pats Dr.

The Village of Howard Board of Trustees has received the following 2009-2010 Class B beer and liquor license applications:

Establishment

Applicant

Barley's Deerfield Diner, 1780 E. Deerfield Ave.

Sue M Mier, 3519 Cty J, Abrams, WI
54101

JR's Saloon, 1673 Velp Ave.

Bonnie Darrow, 1737 Velp Ave. #6

Kropp's Supper Club, 4570 Shawano Ave.

Sandra Kay Sheedy, 3033 Westline Rd.

Rite View LTD, 2130 Velp Ave.

Nancy Van Rite, 2110 Velp Ave.

Rivers Bend Steak & Seafood Restaurant,
792 Riverview Dr.

Jess Senn, 1627 Gasertfield Ct.,
Suamico

Juan's, 2436 Glendale Ave.

Juan Maldonado, 2436 Heather Rd.

Plan Commission Items

Approve Ordinance 2009-11, "Creating Section 17.03(23) of the *Howard Municipal Code* Relating to the Regulation of Temporary Outdoor Sales"

Approve a Request for Site Plan Approval from Charles Hooglad, Representing Family Video to Permit the Construction of a Refuse Container Enclosure Located at 2598 Glendale Avenue

Change Orders

Approve Change Orders #1 & #2 (Musco Lighting) for Akzo Nobel Ball Diamond Lighting Project in the Amount of \$804.38

Approve Change Order #2 (Faith Technologies) for Akzo Nobel Ball Diamond Lighting Project in the Amount of \$2,570.00

Special Event Permit

Approve a Special Event Permit for St. John's Church to Host a 5k Run in Meadowbrook Park on July 25, 2009.

Temporary Liquor License

Approve a Temporary Class B Liquor License for a HYSA Softball Tournament June 19-21, 2009.

#5(i)

Operator Licenses C. Hughes moved to table the following operator license applications and return them to the applicants to be filled out correctly: (ii), (viii), (xiii), (xv), (xx), (xxi), (xxii), (xxvi), and (xxvii). K. Crouch seconded the motion. A roll call vote was taken. **The motion failed on a 3 to 4 vote with J. Widiger, D. Steffen, D. Deppeler, and R. Bredael dissenting.**

Need vote that passed the Licenses

#6a

Trustee Reports This report will be presented at the June 22, 2009 Village Board meeting.

#6b

Administrator Reports

Dog Park Update

J. Smith reported on a proposed dog park at the Gordon Nauman Conservation Area. J. Smith reported that Village Staff will be meeting with Brown County to discuss a partnership for the development of a dog park at the Gordon Nauman Conservation Area.

Introduction of Jennifer Pollitt

J. Smith introduced Jennifer Pollitt, the Village of Howard L.E. O'Connor Fellow. J. Pollitt will be a graduate fellow for the Village through May 31, 2010.

Brown County Sheriff's Report

J. Pollitt reported on Brown County Sheriff's Department monthly police statistics. Each month, the Sheriff's Department sends a report to the Village detailing each police call it received from within the Village of Howard. J. Pollitt will be organizing and analyzing the data throughout the year.

#6c
Ass't. Admin./
Director of Public
Works Report

Cardinal/Woodale Roundabout

R. Bartelt reported on the construction timeline for the Cardinal Lane/Woodale Avenue roundabout construction project. Brown County will begin construction and close the intersection beginning Monday, June 15th and it is scheduled to be completed in mid-August.

#6d
Ass't. Admin/
Performance &
Information Svcs.
Report

FY 2008 Code Enforcement Performance Measurement Data

A. Helms reported on FY 2008 performance measurement data for the code enforcement service area. A. Helms will report on one or two services areas at each Village Board meeting for approximately the next four months in preparation for FY 2010 budget discussions.

Child Protection Ordinance Amendment

A. Helms reported on an ordinance amendment proposed by the Sex Offender Residency Appeals Board regarding implementing a six month, re-application waiting period for sex offenders who were denied residency during their initial appeal.

#6e
Exec. Director
Of Community
Development
Services Report

Building Permit Activity Report

D. Wiese presented the May 2009 building permit activity report. The Village issued 20 building permits in the month of May.

CDA Update

D. Wiese reported on recent Community Development Authority meeting proceedings including a CDA bus tour, the election of chairman and vice-chairman, and a helicopter tour of the Village.

Brown County Planning Commission

D. Wiese reported on proceedings of the Brown County Planning Commission Board of Directors' meeting. D. Wiese stated Brown County has withdrawn funding for the Bay Lakes Regional Planning Commission.

Woodfield Village Correspondence

D. Wiese reported on a letter the Village received from the Woodfield Village condominium homeowner's association relating to future development in the Village Center.

#6f

**Exec. Director
Of Administrative
Services Report**

May Financial Report

C. Haltom presented the May 2009 financial report.

#6g

**Village Attorney
Report**

Chronic Nuisance Ordinance

D. Duffy reported on potentially creating a chronic nuisance ordinance which would impose more stringent penalties for property owners who habitually violate the Village of Howard's nuisance ordinance.

NEW BUSINESS

#8a

**AM Investments
Liquor License**

C. Haltom reported on a request for a Class B beer and liquor license from AM Investments d/b/a Anduzzi's Sports Club at 2555 Lineville Road.

Andy Somanski of AM Investments addressed the Board regarding his request for a Class B beer and liquor license. A. Somanski requested the Board extend the date for guaranteeing a \$1 million valuation to December of 2010.

J. Widiger moved to approve the issuance of a Class B beer and liquor license to AM Investments d/b/a Anduzzi's Sports Club at 2555 Lineville Road. D. Deppeler seconded the motion. The Board discussed the motion. **The motion carried unanimously.**

#8b

**Serrano's Liquor
License**

This item was withdrawn by the applicant.

#8c
Mountain Lake
Final PDD

D. Wiese reported on a request for final approval of a planned development district from Steve Bieda representing Mountain Lake Development, LLC to construct seventy-two apartment units and fourteen single-family homes at 1316 Cardinal Lane.

Michelle Stimpson of Mountain Lake Development, LLC addressed the Board regarding the request for final planned development district approval.

K. Crouch moved to approve with the following conditions:

1. Bayport Terrace stub and utilities shall be removed at the developer's cost.
2. The recycling and garbage shall be screened with the same brick as the principal structures and have a vinyl fence or iron gate.
3. All lighting except for decorative lighting shall be recessed or 90 degree cut-off.
4. No outside storage of any type other than the parking of vehicles in designated parking stalls shall be permitted in the complex.
5. Curb and gutter shall be installed where private drives intersect and on all curve areas.
6. In addition to the landscape plan, additional large maturing shade trees (15 to 20 trees with sizes of 2" - 3" cal.) shall be planted in common spaces, especially around the stormwater pond and along the southern & western portion of the site.
7. A stormwater drainage plan with a two-foot berm along southern border of lots 8 through 14 shall be submitted prior to issuance of building permits.
8. Exterior building materials shall be a minimum of 90% brick on all fronts and sides of all apartment buildings which are visible from the street and 100% brick on 6 stall garage located at the northwest corner of property.
9. Single family homes shall be subject to architectural review by staff.
10. The rear yard setbacks for lots 8 through 14 shall be forty feet.
11. Garage doors shall be almond in color and not white.
12. Any siding on the buildings shall be 5 inches in width.
13. All railings on the decks of the apartments shall be cast aluminum.
14. An agreement entered into with the condominium owners of Whitehawk for the construction of the berm prior to building permit issuance.

15. The Village of Howard will enter into a developer agreement or become signatory to the restrictive covenants that regulate the single family home construction.
16. All development taking place will be consistent with materials submitted with the final PDD application.

R. Bredael seconded the motion. The Board discussed the motion.

D. Steffen moved to amend the original motion by inserting the following conditions:

1. North wall of unit of 5 shall be a minimum of 90% brick.
2. South wall of unit 3 shall be a minimum of 90% brick.
3. West side of unit 2 shall be a minimum of 90% brick.
4. East side of unit 1 shall be a minimum of 90% brick.
5. Southeast side of unit 10 shall be a minimum of 90% brick.
6. All buildings shall have a minimum of a 3-foot strip of brick along the bottom on all sides.
7. The cost for landscaping the berm on the southern property line behind lots 8-14 shall be shared 50/50 up to \$5,000 per party with the adjacent White Hawk condominium development.
8. 5 existing trees along stormwater pond shall be relocated and planted along the southern border of lots 9-14 to screen the associated single-family homes from the existing condominiums.
9. Existing landscaping at the northwest corner of the property shall be planted in a manner to provide appropriate light screening for the homes located at 1342, 1374, and 1380 Cardinal Lane.

J. Widiger seconded the motion. A roll call vote was taken. **The motion carried on a 5 to 2 vote with C. Hughes, K. Crouch and R. Bredael dissenting.**

The Board voted on the original motion including the amendments listed above. A roll call vote was taken. **The motion carried on a 6 to 1 vote with K. Crouch dissenting.**

#8d
Ordinance
2009-12

C. Hughes moved to approve Ordinance 2009-12, "Amending Section 1.08(8) of the *Howard Municipal Code* Relating to Trustee Districts Created." R. Bredael seconded the motion. **The motion carried unanimously.**

#8e
Woodman's
Development
Agreement

Amendment

K. Crouch excused himself from the discussion and ~~voted~~ **voting** due to a personal relationship with the developer of Woodman's Food Market, Inc.

D. Wiese reported on the sixth amendment to a development agreement between the Village of Howard and Woodman's Food Market, Inc.

R. Bredael moved to approve the sixth amendment to the developer agreement between the Village of Howard and Woodman's Food Market, Inc. D. Steffen seconded the motion. **The motion carried unanimously.**

#8f
Resolution
2009-22

K. Crouch returned to the Board Room.

R. Bartelt reported on Resolution 2009-22, "Addendum to Village of Howard Recycling Collection Contract with Veolia." If approved, the resolution would authorize the purchase of 5,600, 90-gallon recycling carts at a cost of \$43.25.

J. Widiger moved to approve with the stipulation that the one time charge appear on the tax bill as a one-time garbage fee and that the fee shall be refundable. C. Hughes seconded the motion.

D. Steffen moved to suspend the rules. J. Widiger seconded the motion. **The motion carried unanimously.**

Bruce Steiner of 801 Meadowbrook Drive addressed the Board and asked how the recycling vendor will know what is in the container.

D. Steffen moved to return to regular order of business. J. Widiger seconded the motion. **The motion carried unanimously.**

The Board voted on the original motion. **The motion carried unanimously.**

#8g
Resolution
2009-23

C. Haltom reported on Resolution 2009-23, "Petition for Bridge and Culvert Aid in the Amount of \$20,000."

R. Bredael moved to approve Resolution 2009-23. D. Steffen seconded the motion. **The motion carried unanimously.**

#8h

**Ordinance
2009-14**

J. Smith reported on Ordinance 2009-14, "Creating Section 2.01(2)(a) of the Howard Municipal Code relating to fees for special Village Board meetings." If approved, a fee of \$250 would be charged to private parties requesting special Village Board meetings.

D. Steffen moved to approve with the following amendment, "private parties shall be changed to non-resident." D. Steffen withdrew his motion.

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

**#8i
Ordinance
2009-15**

R. Bartelt reported on Ordinance 2009-15, "Creating Section 7.05(1)(jj) of the Howard Municipal Code relating to Parking Regulations." If approved, this ordinance would prohibit on-street parking on the south side of Maplewood Avenue.

J. Widiger moved to table the ordinance. R. Bredael seconded the motion. **The motion carried unanimously.**

**#8j
Amending TIF #2**

C. Haltom reported on a request from staff to begin amending TIF #2 to provide financial assistance to TIF #4 for various redevelopment projects in the US 41/STH 29 Redevelopment Plan Area.

J. Widiger moved to approve the request to begin amending TIF #2. R. Bredael seconded the motion. **The motion carried unanimously.**

**#8k
Revised Mission &
Vision Statement**

J. Smith reported on the proposed revised mission and vision statements.

C. Hughes moved to approve the revised statements as follows:

Mission: Delivering quality services in a courteous, cost-effective & efficient manner.

Vision: Providing transparent, accountable government while practicing Service Excellence

D. Steffen seconded the motion. **The motion carried unanimously.**

#8l

Hansen Letters

J. Smith reported on two letters the Village received from Scott Hansen of 1620 Pinecrest Road relating to light mitigation from his perceived nuisances created from the Akzo Nobel Sports Complex ball diamond lights.

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

Scott Hansen of 1620 Pinecrest Road addressed the Board regarding the light spill on his property from the Akzo Nobel ball diamond lights.

Laura Scherlend of 1620 Pinecrest Road addressed the Board regarding the light spill on her property from the Akzo Nobel ball diamond lights.

K. Crouch moved to return to regular order of business. C. Hughes seconded the motion. **The motion carried unanimously.**

K. Crouch moved to table the item and requested staff come back with a recommendation for tree plantings and room darkening shades. D. Deppeler seconded the motion. **The motion carried unanimously.**

#8m

**Request to Waive
Assessments**

J. Smith reported on a request from Toonen Properties to waive future assessments relating to improvements of Fredrick Court.

C. Hughes moved to not waive the future assessments on Fredrick Court. R. Bredael seconded the motion. **The motion carried unanimously.**

ADJOURNMENT

R. Bredael moved to adjourn. C. Hughes seconded the motion. **The motion carried unanimously and the meeting was adjourned at 9:45 p.m.**

Respectfully Submitted,

Adam Helms

Adam Helms
Assistant Village Administrator