

**Minutes of the Village Board Meeting  
July 27, 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, D. Wiese, R. Bartelt, C. Haltom, E. Janke, J. Pollitt, and A. Helms.

**The Board recited the Pledge of Allegiance.**

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

**Future Agenda**

**Items**

D. Steffen requested that the Village's Room Tax Commission representative provide an update on Room Tax Commission proceedings.

D. Steffen requested that the Village Board review and take action on Leisure Services programming at a future meeting.

D. Steffen requested the Village Board discuss potential marketing opportunities for Village services and information.

**Communications**

**#4a** C. Hughes moved to receive a letter from Jean Frey regarding the ethics investigation of Trustee Crouch and place it on file. D. Steffen seconded the motion. **The motion carried unanimously.**

**Consent Agenda** J. Lemorande moved to approve the consent agenda. J. Widiger seconded the motion. C. Hughes requested to remove items 5fi, iv, v, x, and xi. **The motion carried unanimously.**

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

**Approve Village Board Minutes** from July 13, 2009

**Accept Plan Commission Minutes** from July 20, 2009

**Accept Plan Commission Training Minutes** from July 20, 2009

**Accept Tree Board Minutes** from July 20, 2009

**Approve Municipal Invoices** from July 10 to July 23, 2009 utilizing checks #208896 – 208984 in the amount of \$233,328.45.

**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) Aaron Ehlinger, Green Bay
- (ii) Grant Hest, Suamico
- (iii) Kari Hnilicka, Green Bay
- (iv) Laurie Jarvey, Suamico
- (v) Christine Kelly, Green Bay
- (vi) Lorraine Knutson, Green Bay
- (vii) Sussan Matthais, Green Bay
- (viii) Emily Piontek, Howard
- (ix) Sandra Price, Green Bay
- (x) Hugh Swanson, Seymour
- (xi) Adam Van Deurzen, Denmark
- (xii) Patricia Zeitler, Green Bay
- (xiii) Tammy Zuleger, Seymour

**Plan Commission Items**

Approve Ordinance 2009-20, "An Ordinance Rezoning Parcel VH-230 Located at 3540 Shawano Avenue, Village of Howard, Brown County, Wisconsin from Rural Estate (R-5) to Single Family (R-1)

Approve a Request from David E. Lintz representing Prestige Realty, Inc. for Approval of a Preliminary Planned Development District to Construct a Hotel, Retail and Condominium Mixed Use Development at 1966 Velp Avenue (Black Forest Restaurant)

Approve a Request from Sheila Derpinghaus to Permit the Outdoor Sale of Alcohol at 4054 Shawano Avenue (BS's Bar & Grill) with the Following Conditions:

- 1) The outdoor service area shall be enclosed within an opaque fence at least 6 feet in height.
- 2) The sale and consumption of alcoholic beverages shall be confined to the fenced area.
- 3) Access to the outdoor service area shall be through the tavern only and one emergency exit shall be provided in the outdoor service area.
- 4) The outdoor service area shall be monitored and supervised by staff personnel at all times.
- 5) No music or other electronically amplified sounds shall be permitted outdoors.
- 6) No additional lighting or other electrical devices shall be permitted outdoors except for local lighting.
- 7) Outdoor activities shall be limited to food and beverage sales and consumption only.

Approve a Request from Steven Van Straten to Permit the Outdoor Sale of Alcohol at 1745 Velp Avenue (Avenue Bar) with the Following Conditions:

- 1) The outdoor service area shall be enclosed within an opaque fence at least 6 feet in height.
- 2) The sale and consumption of alcoholic beverages shall be confined to the fenced area.
- 3) Access to the outdoor service area shall be through the tavern only and one emergency exit shall be provided in the outdoor service area.
- 4) The outdoor service area shall be monitored and supervised by staff personnel at all times.
- 5) No music or other electronically amplified sounds shall be permitted outdoors.
- 6) No additional lighting or other electrical devices shall be permitted outdoors except for local lighting.
- 7) Outdoor activities shall be limited to food and beverage sales and consumption only.
- 8) The patio/deck shall not exceed 400 square feet in size.

**#5f(iv) & (xi)**

**Operator License** C. Hughes moved to send back iv and xi for the applicants to fill out the form correctly. K. Crouch seconded the motion. The Board discussed the motion. A roll call vote was taken. **The motion failed on a 3 to 6 vote with J. Widiger, G. Speaker, B. McIntyre, D. Steffen, D. Deppeler and R. Bredael dissenting.**

**#5f(i), (v) & (x)**

**Operator License** C. Hughes moved to deny items 5f i, v, and x. K. Crouch seconded the motion. The Board discussed the motion. A roll call vote was taken. **The motion failed on a 2 to 7 vote with G. Speaker, B. McIntyre, J. Lemorande, D. Steffen, D. Deppeler, R. Bredael, and J. Widiger dissenting.**

D. Steffen moved to approve all the operator licenses which were removed from the consent agenda. D. Deppeler seconded the motion. **The motion carried on a 7 to 2 vote with K. Crouch and C. Hughes dissenting.**

**Public  
Appearances**

B. McIntyre opened the public hearing.

There were no comments from the public.

B. McIntyre closed the public hearing.

**REPORTS**

**#6a  
Public Works  
Services Report**

Woodale/Cardinal Roundabout

B. Bartelt reported on the construction of the Woodale/Cardinal roundabout. The roundabout is on schedule to be open to traffic on August 14<sup>th</sup>.

Single-Stream Recycling Report

B. Bartelt reported that the 90-gallon, automated, single-stream recycling carts will be delivered to residents beginning on August 19<sup>th</sup>. Residents will be charged a one-time, refundable fee of \$43.25 on their property tax bills for the cart.

Signage at Village Limits

B. Bartelt reported on existing signage at the Village limits. The existing signs are green with white lettering and list the population. At the last meeting a Trustee requested the possibility of placing state champion signs at the Village limits. The cost would be approximately \$160 per sign and the Village would need five signs. J. Widiger requested that the item be brought back as an action item on a future agenda.

Parking on Maplewood Avenue

B. Bartelt reported on parking on Maplewood Avenue. There is a bus that is partially blocking the road during the day. B. Bartelt contacted Lamers and Lamers stated that they will no longer allow the bus to park on this street during the school year.

**#6b**  
**Performance &  
Information  
Services Report**

Facilities Management Performance Measurement Data

A. Helms reported on the fiscal year 2008 facilities management performance measurement data.

**#6c**  
**Community  
Development  
Services Report**

Plan Commission Training

D. Wiese reported on a training session that was held for the Plan Commission prior to their July 20, 2009 meeting.

**#6d**  
**L.E. O' Connor  
Fellow Report**

J. Pollitt reported on the Village's utility costs to date and compared them to last years numbers. In the first six months of the year the Village has saved over \$6,000 primarily due to energy efficiency updates.

J. Pollitt also updated the Board on the proceedings of the July 21, 2009 Go Green, Save Green Task Force meeting. The Task Force may be requesting bike rack bollards in the fiscal year 2010 budget.

**OLD BUSINESS**

**#7a**  
**HPMP, LLC  
Liquor License**

J. Smith reported on a request for a combination Class B liquor license from HPMP, LLC for a proposed sports bar and grill at 1773 Cardinal Lane.

Harold Peterson of St. Pats Drive addressed the Board regarding his request for a Class B liquor license.

J. Widiger moved to approve the combination Class B liquor license for HPMP, LLC. D. Steffen seconded the motion. **The motion carried on an 8 to 1 vote with C. Hughes dissenting.**

## **NEW BUSINESS**

### **#8a**

#### **Murphy CUP**

- C. Hughes moved to approve with the following conditions:
1. The existing location of the structure be recognized and specifically approved per Section 17.03(18)(c)2. of the Zoning Ordinance. As an alternative, the Plan Commission could recommend that the structure be moved to another location on the property.
  2. The permitted use of the structure be specifically established per Section 17.03(18)(c)2. of the Zoning Ordinance.
  3. The permitted duration of use be limited to two years from the date of approval of the CUP.
  4. A building permit shall be obtained for the structure within 15 days after approval of the Conditional Use Permit.
  5. No other temporary structures shall be erected on the property as long as the subject structure exists.
  6. The building shall only be used for the storage of a snow-plow truck.
  7. The structure shall be taken down on May 1, 2011.

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

### **#8b**

#### **Soletski CSM**

D. Wiese reported on a proposed certified survey map from Mike Soletski to divide the existing property at 3540 Shawano Avenue into three lots. J. Widiger moved to approve the CSM and authorize that assessments shall be payable at the time of sale of the property. G. Speaker seconded the motion. **The motion carried unanimously.**

### **#8c**

#### **Operator License Application Form**

C. Hughes reported on a revised operator license application. C. Hughes moved to approve the revised operator license application with the inclusion of question number one on the existing application form. K. Crouch seconded the motion. The Board discussed the motion.

J. Widiger moved to suspend the rules. R. Bredael seconded the motion. **The motion carried unanimously.**

Harold Peterson of 2565 St. Pats Drive addressed the Board regarding the proposed operator license application form. H. Peterson stated that he was insulted as a convenience store and bar owner by the

proposed operator license form. H. Peterson stated that the previous form allowed Howard police officers to discuss past violations of potential employees with Mr. Peterson.

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

A roll call vote was taken on the original motion. **The motion failed on a 2 to 7 vote with J. Lemorande, D. Steffen, D. Deppeler, R. Bredael, J. Widiger, G. Speaker and B. McIntyre dissenting.**

**#8d**  
**Resolution**  
**2009-32**

C. Haltom reported on Resolution 2009-32, "Revisions to the Village's Federal Family Medical Leave Act (FMLA) and Wisconsin Family Medical Leave Act (WFMLA) Policy."

J. Widiger moved to approve Resolution 2009-32. G. Speaker seconded the motion. The Board discussed the motion. **The motion carried unanimously.**

**#8e**  
**Resolution**  
**2009-33**

C. Haltom reported on Resolution 2009-33, "Authorizing the Representative to File the Recycling Grants to Responsible Units and Recycling Efficiency Incentive Grant Applications."

C. Hughes moved to approve Resolution 2009-33. J. Widiger seconded the motion. **The motion carried unanimously.**

**#8f**  
**DOT Letter**

J. Smith reported on a letter requesting WisDOT to construct a road connecting Packerland Drive to Taylor Street as part of the US 41 reconstruction project.

R. Bredael moved to approve the letter and send it to WisDOT. J. Lemorande seconded the motion. The Board discussed the motion. **The motion carried unanimously.**

**#8g**  
**Decorative Light**  
**Fixtures**

R. Bartelt reported on potentially purchasing decorative street light fixtures for Woodale Avenue/Cardinal Lane roundabout.

K. Crouch moved to approve the purchase, installation and maintenance of six decorative street lights and poles for the Woodale

& Cardinal roundabout. D. Steffen seconded the motion. The Board discussed the motion. **The motion carried unanimously.**

**#8h**  
**Archaeological**  
**Permit**

J. Smith reported on a Wisconsin Public Lands Archaeological Permit. This permit allows a certified archaeologist to conduct a phase I survey for archaeological remains in the path of the proposed US 41 highway corridor.

J. Lemorande moved to approve the archaeological permit. D. Steffen seconded the motion. **The motion carried unanimously.**

**#8i**  
**Budget Timeline**

D. Steffen moved to table the item. J. Widiger seconded the motion. **The motion carried unanimously.**

**#8j**  
**Recodification**

J. Smith reported on a recodified draft manuscript of the Howard Municipal Code of Ordinances. The Village Board and staff are currently in the process of performing a comprehensive review of the recodification. No action was taken.

**#8k**  
**Right of Way**  
**Acquisition Svcs.**  
**Contract**

B. Bartelt reported on awarding the Velp Avenue LPA right of way acquisition services contract to Moss & Associates.

G. Speaker moved to award the right of way acquisition contract to Moss & Associates. C. Hughes seconded the motion. **The motion carried on a 7 to 2 vote with K. Crouch and D. Deppeler dissenting.**

**ADJOURNMENT**

G. Speaker moved to adjourn. J. Lemorande seconded the motion. **The motion carried unanimously and the meeting was adjourned at 8:31 p.m.**

Respectfully Submitted,

*Adam Helms*

Adam Helms  
Assistant Village Administrator