

**Minutes of the Village Board Meeting  
November 10, 2008 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 go into closed session pursuant to Wis. Stats. 19.85(1)(c).

**Roll Call** Burt R. McIntyre, Village President; Ron Bredael, Trustee Wards 1 & 2; James Widiger, Trustee Wards 3 & 4; Cathy Hughes, Trustee Wards 5 & 6; George Speaker, Trustee Wards 7 & 8; Jim 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, M. Pigeon, J. Dagneau, J. O'Connor, D. Duffy and A. Helms

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

**Approve Agenda** C. Hughes moved to approve the agenda. G. Speaker seconded the motion. K. Crouch requested to move item 11b ahead of 11a. **The motion carried unanimously.**

**Public Appearances** B. McIntyre opened the public hearing.

There were no comments from the public.

B. McIntyre closed the public hearing.

**Future Agenda Items** D. Steffen requested staff or the Historical Society to give a presentation on the renovations at the Maywood Water Works building, which is currently being leased by the Howard Suamico Historical Society.

B. McIntyre requested that staff prepare an ordinance relating to follow-up requirements on conditional use permits.

**Communications** G. Speaker moved to approve the communications. J. Lemorande seconded the motion. **The motion carried unanimously.**

**Consent Agenda** D. Steffen moved to approve. D. Deppeler seconded the motion. **The motion carried unanimously.**

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

- a. Approve Village Board Minutes
  - i. October 27, 2008 Village Board Minutes
  - ii. October 29, 2008 Village Board Minutes
  - iii. November 5, 2008 Village Board Minutes
- b. Accept Sewer & Water Utility Appeals Committee Minutes
  - i. October 28, 2008 S&W Appeals Minutes
- c. Accept Veterans' Memorial Ad-Hoc Minutes
  - i. November 5, 2008 VMAC Minutes
- d. Municipal Invoices
  - i. October 24, 2008 to November 6, 2008 in the amount of \$112,052.04 utilizing checks numbered 206787-206866
- e. Approve Operator's Licenses
  - i. Sandra Hilber, Howard
- f. Sewer & Water Utility Appeals Committee Items
  - i. Approve Recommendation from Sewer & Water Utility Appeals Committee to Waive Finance Charges in the amount of \$17.09 for the Property Located at 2519 Woodale Ave
- g. Village President Appointments
  - i. David Steffen, Go Green Save Green (Chair)

**#9a(i)**

**Dir. of Pub. Works  
Reports**

Glendale Avenue Reconstruction Project

R. Bartelt stated that the Glendale Avenue reconstruction project will be completed by the end of the week.

**#9b(i)**

**Dir. of Parks, Rec  
& Snr. Services**

M. Pigeon reported on the fall Senior Dinner & Dance. She stated that 91 people attended the event at the Black Forest Restaurant.

**OLD BUSINESS**

**#10a**

**Payne CUP**

D. Wiese reported on a request for a conditional use permit from Amy Payne to permit the construction of three agricultural buildings at 812 Posey Court, VH-230-9.

C. Hughes moved to approve the CUP with the following conditions:

1. *Each building shall be a maximum of 8'x8' in size.*
2. *Each building shall be moved to the location shown on the site plan by 6/15/09.*
3. *A building permit shall be obtained for each building prior to the building being moved.*
4. *Each building shall be maintained in a good state of repair throughout the life of the building.*
5. *Each building shall be stained or painted to match the color of the primary dwelling and this color match shall be maintained throughout the life of the building.*
6. *White rail fencing shall be installed in a configuration substantially similar to that shown on the site plan.*
7. *The white rail fencing shall be substantially similar to that shown on pages 29-32 of this report.*
8. *No more than three miniature horses standing a maximum of 38 inches tall shall be kept on the property.*
9. *No boarding of horses shall be permitted.*

K. Crouch seconded the motion. **The motion carried unanimously.**

**#10b**

**Resolution  
2008-40**

J. Smith reported on Resolution 2008-40, "Accepting the Village of Howard Policy and Procedure Manual."

G. Speaker moved to approve Resolution 2008-40. J. Lemorande seconded the motion. **The motion carried unanimously.**

**#10c**

**Resolution  
2008-41**

J. Smith reported on Resolution 2008-41, "Approving Police Services Contract with the Brown County Sheriff's Department beginning January 1, 2009 and Ending December 31, 2012."

J. Widiger moved to approve Resolution 2008-41 with the following monetary terms for years 2009 - 2012

<u>Year</u>	<u>Amount</u>	<u>% increase</u>
2009	\$ 1,236,920.09	10.28670%
2010	\$ 1,274,027.69	3.00000%
2011	\$ 1,312,248.52	3.00000%
2012	\$ 1,416,764.08	4.50000%

G. Speaker seconded the motion. **The motion carried unanimously.**

**#10d**  
**Vega Operator**  
**License**

C. Hughes moved to approve the issuance of an operator's license to Ahsan Vega. K. Crouch seconded the motion. **The motion carried unanimously.**

**NEW BUSINESS**

**#11b**  
**Marlin Howard II,**  
**LLC PDD Amend**

D. Wiese reported on a request for a PDD amendment from Marlin Howard II, LLC to permit the installation of a 20"x 8' electronic message center on an existing monument sign located at 430 Cardinal Lane, VH-459-8.

K. Crouch moved to approve the PDD amendment to permit the construction of an electronic reader board sign at 430 Cardinal Lane contingent upon the electronic sign being constructed in the existing cabinet between the base of the cabinet and the existing "Duck Creek" sign. J. Widiger seconded the motion. **The motion carried unanimously.**

**#11a**  
**Toonen Properties**  
**Final PDD**  
**Approval**

J. Smith reported on a request from Steve Bieda of Mau & Associates representing Toonen Properties for final PDD approval of a proposed apartment and business complex located at the 793 block of Frederick Court. J. Smith stated that the applicant is seeking to add a community based residential facility to the complex.

Steve Bieda of Mau & Associates addressed the Board regarding the proposed site plan. S. Bieda stated that Toonen Properties does not want to front the apartments along Frederick Court due grade issues and aesthetic view-sheds for renters of those units.

**Comment [K.J.C.1]:** I could be wrong but I understood the motion from the Plan Commission to be slightly different. I thought it was: The reader Board must be incorporated into the cabinet they are allowed to add 24 inches to the existing cabinet.

Ask David S. what he meant, I can live with either version.

Kelly

K. Crouch moved to grant Final PDD approval for Toonen Properties to construct a apartment and business complex at the 793 block of Frederick Court with the following conditions:

1. All apartments shall be constructed as the design submitted.
2. All 204 apartments shall be completed within 36 months of CUP/PDD approval.
3. The private lake shall be constructed as shown on page 5 of 6 on the plan submittal dated October 17, 2008.
4. The Developer will install a gravel (limestone) trail to connect the private road to the "Future Parklands" area. The gravel limestone trail shall be constructed when the new private drive for the office buildings is constructed. The trail shall be constructed to the standards of the Village of Howard Public Works Department.
5. Prior to building permits being issued permanent easements shall be conveyed to the village for sewer and water lines and in the trail indicated in condition #4.
6. The "Future Parklands" area shall be dedicated to the Village of Howard (approx 1.53 acres.)
7. All lighting except for decorative lighting shall be recessed or 90 degree cut-off.
8. When Fredrick Court is reconstructed all driveways shall be constructed with concrete aprons and curb and gutter.
9. No outside storage of any type other than the parking of vehicles in designated parking stalls shall be permitted in the complex.
10. The office building site(s) are to be considered preliminary approved. Before construction, the Village of Howard must review the proposed use, site plans, building elevations, and landscape plans for Final PDD approval.
11. A minimum of 6 different species of indigenou, deciduous and coniferous trees shall be used. A maximum of 15 trees per species shall be permitted. No ash trees will be allowed.
12. A minimum of thirty, six foot tall spruce trees shall be planted on the Fredrick Court berm.
13. A minimum of forty, six foot tall spruce trees shall be planted along the Northern property line.
14. The private road when constructed shall be 30 feet (back of curb to back of curb) with a 6 inch vertical face curb, sidewalk on both sides, and have fiberglass poles with shoebox lighting spaced at intervals equal to the Village of Howard major road corridors (Cardinal Lane, Riverview Drive.)
15. Escrow cash to Village for future sidewalks. This amount will be determined by the Village Department of Public Works and shall be paid in full within sixty (60) days of an invoice being submitted to the developer.
16. Improvement Phasing – Construction by the Village of Howard

Phase 1

- a. 100% developer funding – cash or irrevocable letter of credit
- b. Extension watermain approximately 250 feet southerly along Fredrick Court
- c. Extension of approximately 1200 feet sanitary sewer on the easement dedicated by developer under the “private road”.

Phase 2

- a. Village assessment by policy for improvements on Fredrick court
  - b. Assessment to property owners on each side of Fredrick Court
  - c. Developer payment within 30 days of assessment
  - d. Sanitary Sewer
  - e. Watermain
  - f. Storm Sewer
  - g. Driveways
  - h. Roadway Construction
17. The garages along Frederick Court shall be set back 35 feet from the edge of the right-of-way and shall be landscaped as depicted on exhibit A of the site plan.
  18. All structures shall be constructed with exterior building materials using a minimum of 62% brick and the remainder shall be cement fiber board siding.
  19. Posey Court shall not be extended as a through street to the apartment complex.
  20. All buildings shall be set back 25 feet from the northern property line.
  21. The northern property line shall have a split rail fence along the length of the property line and landscaping deemed suitable by the Village Forester to act as a visual buffer.
  22. The proposed CBRF shall face Frederick Court and shall be incorporated into the site plan in concept. The CBRF must obtain PDD amendment approval from the Plan Commission & Village Board prior to construction.

J. Widiger seconded the motion. The Board discussed the motion.

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

Jeff Gates of 1321 Graceland Terrace addressed the Board regarding the proposed final PDD. Mr. Gates stated that he was concerned about additional traffic generated from the complex. Mr. Gates stated that there may be a potential conflict of interest due to the fact that the Board recently refinanced loans to Mau & Associates through the Revolving Loan Fund program. Mr. Gates was also concerned about the site plan review process and stated that the developer dictated to

the Board the conditions of approval. Mr. Gates offered his suggestions on a variety of the conditions listed in the staff report.

Mary Barlament of Frederick Court addressed the Board regarding the proposed PDD. She lives across the street and stated that she is opposed to fronting the apartments to Frederick Court because she does not want residents of the apartments looking into her home.

Charlie Dais of 770 Frederick Court addressed the Board regarding the proposed PDD. He stated that he was concerned about the garages facing his property and thereby affecting his property value. He also stated that the apartment complex is its own community and doesn't blend in well with the rest of the neighborhood.

Amy Payne of 812 Posey Court addressed the Board regarding the proposed PDD. She was concerned about the northern property line and the landscaping because it is adjacent to her property line.

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

D. Duffy clarified that there is no conflict of interest relating to the Village Board reviewing site plans proposed by Mau & Associates.

R. Bredael called the question. J. Lemorande seconded the motion. **The motion to call the question carried unanimously.**

**A roll call vote was taken on the original motion. The motion carried unanimously.**

**#11c**  
**Enterprise**  
**Funds**

C. Haltom reported on the enterprise funds for the FY 2009 budget. The Board discussed various aspects of the enterprise funds. **No action was taken.**

**CLOSED SESSION**

R. Bredael moved to convene to closed session. J. Widiger seconded the motion. A roll call vote was taken. **The motion carried unanimously and the Board convened to closed session at 8:08 p.m.**

**RETURN TO OPEN SESSION**

G. Speaker moved to reconvene to open session. R. Bredael seconded the motion. **The motion carried unanimously.**

**ADJOURNMENT**

C. Hughes moved to adjourn. R. Bredael seconded the motion. **The motion carried unanimously and the meeting was adjourned at 8:49 p.m.**

Respectfully Submitted,

*Adam Helms*

Adam Helms  
Assistant to Administrator