



MEETING MINUTES – VILLAGE BOARD (Regular)

Date/Time: Tuesday April 20th 2021

Location: Village Office, 2990 South Pine Tree Road

ROUTINE ITEMS TO BE ACTED UPON:

1. Call to order/Roll Call – The meeting was called to order by Rich Heidel at 6:00 pm. Rich Heidel, David Dillenburg, Ed Kazik and Debbie Schumacher were present. Tim Carpenter was excused.
2. Certification of the open meeting law agenda requirements and approval of the agenda – MOTION: Heidel
SECOND: Kazik VOTE: 4-0
3. Pledge of Allegiance - Those present recited the Pledge of Allegiance.

4. PUBLIC HEARINGS

A. PUBLIC HEARING - Consider Changes to I-3: Airport Industrial District – Heidel opened the public hearing at 6:04 PM. Village Administrator Aaron Kramer explained that the Board had approved Ordinance 2020-04 on March 17th 2020, which amended the current Zoning Code to create a new zoning district (I-3 Airport Industrial District) to address development in and around Green Bay Austin Straubel International Airport, and, as a result of that creation, amend the I-2 Industrial Park District zoning. He said that airport officials have reviewed the Ordinance and requested that one change be made so the code is more in line with airport and FAA regulations. No other public comments were received. Heidel closed the public hearing at 6:06 PM.

B. ACTION on aforesaid agenda item – Ordinance 2021-02 (AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN (ARTICLE XXIV – I-2 INDUSTRIAL PARK DISTRICT), ARTICLE XXIV (I-3 AIRPORT INDUSTRIAL DISTRICT)) – ACTION: To approve Ordinance 2021-02 MOTION: Dillenberg
SECOND: Kazik VOTE: 4-0

C. PUBLIC HEARING - Rezoning of Parcel HB-1491-H-5, 830 Florist Drive from R-2: Residential District to R-2-R: Rural Residential District – Heidel opened the public hearing at 6:07 PM. Director of Planning and Code Compliance Todd Gerbers explained that the property owner is proposing to rezone parcel HB-1491-H-5 from R-2: Residential District R-2-R: Rural Residential District. The lot is currently developed with a residential structure and a change to the R-2-R: Rural Residential District would bring the lot in to conformance with the Village Zoning Code based on the minimum lot size. This lot is currently 2.342 acres and the minimum lot size for a R-2 zoned lot is 2.5. The existing lot meets the Village requirements for both lot width and lot square footage to be rezoned to R-2-R. The following people addressed the Board: Tom Schmidt (2819 Dream Road) – He stated that there was a restrictive covenant in place which the Board should take action upon enforcing. Copies of said covenant had been presented to the Board; Karen Schmidt (2819 Dream Lake Road); Tammy Braun (810 Florist Drive); Kevin Gannon (2870 Dream Lake Road); Beth Schirck-Smith (760 Florist Drive), who also addressed the restrictive covenant issue. Kramer and Gerbers told the residents that the restrictive covenant was non-enforceable by the Village, but they would have to take that issue to court. Gerbers also said than an easement on the property, which several property owners addressed, would not be impacted by the change in zoning. Heidel closed the public hearing at 6:29 PM.

D. ACTION on aforesaid agenda item – Ordinance 2021-03 (AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN) – Prior to action being taken, Schumacher asked if staff would use their best efforts to notify neighboring residents if a Certified Survey Map involving the affected property is filed with the Village.

Kramer and Gerbers said they would do so, utilizing the same parameters as a public hearing notice. ACTION: To approve Ordinance 2021-03 MOTION: Heidel SECOND: Kazik VOTE: 4-0

5. CONSENT AGENDA (These items may be approved on a single motion and vote due to their routine nature or previous discussion. Please indicate to the Board President if you would prefer separate discussion and action.)

A. Payment of Invoices; B. VILLAGE BOARD: Minutes of April 7th 2021 (Regular) and April 10th 2021 (Special); C. PARK AND RECREATION COMMITTEE: Minutes of March 4th 2021 - ACTION: To approve the Consent Agenda MOTION: Dillenberg SECOND: Schumacher VOTE: 4-0

6. ITEMS REMOVED FROM CONSENT AGENDA – No items were removed from the consent agenda.

7. CITIZENS' COMMENTS, RESOLUTIONS AND PRESENTATIONS (NOTE: Please limit citizens' comments to no more than three minutes)

No public comments were received.

A. DISCUSSION AND ACTION - Resolution 2021-08 (A RESOLUTION DECLARING MAY 2ND THROUGH MAY 8TH AS PROFESSIONAL MUNICIPAL CLERKS WEEK) – ACTION: To approve Resolution 2021-08 MOTION: Kazik SECOND: Schumacher VOTE: 4-0

B. PRESENTATION – Sale of \$4,485,000 General Obligation Promissory Notes, Series 2021A and \$2,340,000 Taxable General Obligation Promissory Notes, Series 2021B - Brian Della (PMA) presented the results of the bond sale, held earlier in the day. He stated the winning bid on the tax-exempt issue was Robert W. Baird & Co., Inc. (1.1%). An original issue premium in the winning bid allowed the Village to downsize by \$60,000 to \$4,425,000. He said the winning bid on the taxable issue was Northland Securities, Inc. (1.2909%).

C. DISCUSSION AND ACTION – Resolution 2021-09 (RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$4,485,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2021A) – ACTION: To approve Resolution 2021-09 MOTION: Heidel SECOND: Kazik VOTE: 4-0

D. DISCUSSION AND ACTION – Resolution 2021-10 (RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$2,340,000 TAXABLE GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2021B) - ACTION: To approve Resolution 2021-10 MOTION: Kazik SECOND: Dillenberg VOTE: 4-0

E. DISCUSSION AND ACTION – Resolution 2021-11 (RESOLUTION AUTHORIZING THE REDEMPTION OF THE VILLAGE'S TAXABLE GENERAL OBLIGATION PROMISSORY NOTES, DATED JANUARY 28, 2014) - ACTION: To approve Resolution 2021-11 MOTION: Heidel SECOND: Dillenberg VOTE: 4-0

8. VILLAGE ADMINISTRATOR'S REPORT/COMMUNICATIONS

Kramer informed the Board that the Planning and Zoning Commission will meet in May and the Site Review Committee on Wednesday April 21st. He said the next Park and Recreation Committee meeting will be held in early May at Four Seasons Park, where the committee will review a number of proposed improvements to the park. He also said that temporary detour road for the North Overland project has been paved re-opened to traffic. An official ground-breaking for the Highway 29-County VV Interchange will likely be held the week of April 26th, with actual work to commence the following week.

9. COMMITTEE REPORTS AND ACTIONS - None

10. OLD BUSINESS - None

11. NEW BUSINESS (Including items for future agenda consideration or Committee assignment)

A. DISCUSSION AND ACTION – Traffic and Safety Improvements in Southwinds Estates subdivision/Lear Lane neighborhood – Staff presented a number of short-term and long-term projects to address the traffic and safety concerns of the residents in this area. ACTION: To suspend the rules to allow for public comment MOTION: Schumacher SECOND: Heidel VOTE: 4-0. Mike Hudak (1317 Lear Lane) and Amy

Smith (1334 Lear Lane) addressed the Board on their concerns about the traffic coming off Copilot Lane onto Lear Lane as the Southwinds Estates subdivision is developed. Hudak asked that the Village ask the developer to consider adding a second ingress/egress for the proposed apartment complex, that the Village look into lowering the speed limit near Fontaine Family Park to 15 miles per hour. ACTION: To unsuspend the rules MOTION: Heidel SECOND: Kazik VOTE: 4-0. Kramer said the staff would include the construction of Autumn Joy Drive in the planning for the 2022 Capital Projects list if the Board was in support. ACTION: To approve the proposed projects to address the traffic and pedestrian concerns in the Lear Lane-Copilot Way MOTION: Schumacher SECOND: Kazik VOTE: 4-0

B. DISCUSSION AND ACTION - Committee, Commission, and Board Renewals - Board President Rich Heidel has indicated he intends to re-appoint all individuals on the included memo. ACTION: To approve the following re-appointments: Public Works & Utilities (3-year term): Tim Carpenter, Donald Dahlstrom (alternate); Planning & Zoning Commission (3-year term): Dave Dillenburg, Jeff Ambrosius, Tom Dennee; Site Review Committee (3-year term): Dave Dillenburg, Dave Barancyk; Parks & Recreation Committee (3-year term): Laura Lear, Tammy Zittlow; Board of Fire Commissioners (5-year term): Tom Dennee; Ethics Board (3-year term): Greg Jerlinga, Jeff Johnson; Board of Review (5-year term): Rich Heidel; Board of Appeals (3-year term): Chris Iglar, Jeff Johnson MOTION: Heidel SECOND: Schumacher VOTE: 4-0

C. DISCUSSION AND ACTION – Ordinance 2021-04 (AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, SPECIFICALLY SECTION C (APPOINTMENTS) OF SECTION 5-10 (BOARD, COMMISSIONS AND COMMITTEES) OF CHAPTER 5 (ADMINISTRATION OF GOVERNMENT; ORGANIZATION OF VILLAGE)) - The purpose of this Ordinance is to amend the current code to more clearly define the process for re-appointing members to a Board, Commission or Committee, and the process where a member would not be re-appointed for service. ACTION: To approve Ordinance 2021-04 MOTION: Heidel SECOND: Schumacher VOTE: 4-0

D. DISCUSSION AND ACTION - Consider Final Plat for 5th Addition to Hemlock Creek Subdivision (HB-391-1 & HB-456) - Tosa Development is proposing a single-family plat creating 53 new single-family lots with 31 lots being located within the Village of Hobart and 23 lots being located within the Town of Lawrence. Of the lots within Hobart, they will be located on parcels currently identified as HB-391-1 and HB-456. These two parcels will need to be rezoned as the proposed final plat has reduced lot sizes similar to those of a R-1: Residential District and the current property zoning is ER: Estate Residential and A-1: Agricultural District. The review of the Preliminary Plat took place back in February 2020 where both the Village Planning & Zoning Commission and Village Board approved the revised subdivision layout containing a maximum of 53 new lots (originally proposed with 54 lots) with a minimum of 100 feet of frontage per lot along with removing the proposed cul-de-sac and extending the roadway out to a new intersection at Nathan Dr. This proposed final plat does incorporate these required items. ACTION: To approve the final plat with the following condition – (1) Securing the necessary rezoning of both parcels; (2) The approval of a written agreement between the Village of Hobart and the developer regarding the private construction of any proposed public utilities and roadways; and (3) Payment of the Park Fee of \$300.00 per lot for all lots determined to be located (assessed) within the Village of Hobart. MOTION: Heidel SECOND: Kazik VOTE: 4-0

E. DISCUSSION AND ACTION - Consider PDD Overlay 3500 Block West Mason Street/Haven Place (HB-851-1) - Chad Roffers is proposing a development plan for parcel HB-851-1, 12.34 acres. This plan includes the possibility of up to 32 building sites for “garage/live/work units”. The units would be accessed from both W. Mason St. and Haven Pl. via a private roadway that will be constructed to a minimum width of 22 feet. They have received prior approval from the WDOT for the access point on to W. Mason St. and that access point has been established. Being that this proposed project would remain one large 12.34 acre parcel with the creation of units within, it will also be required to have a Planned Development District (PDD) overlay to allow for multiple dwelling units on one parcel among a few other exceptions to the requirements in that zoning district. ACTION: To suspend the rules to allow for public comment MOTION: Heidel SECOND: Schumacher VOTE: 4-0. Jon LeRoy (Mau and Associates) answered questions on the proposal. Gary Owen (1070 Haven Place) asked a number of questions on the proposal and the process. ACTION: To unsuspend the rules MOTION: Dillenberg SECOND: Kazik VOTE: 4-0. ACTION: TO approve the preliminary PDD overlay MOTION: Heidel SECOND: Kazik VOTE: 4-0

F. DISCUSSION AND ACTION – Establish Public Hearing to Rezone 700 Block Nathan Road (HB-391-1 & HB-456) from ER: Estate Residential District & A-1: Agricultural District to R-1: Residential District – ACTION: To establish the public hearing be held on May 18th MOTION: Kazik SECOND: Dillenberg VOTE: 4-0

G. DISCUSSION AND ACTION – Establish Public Hearing to Consider Conditional Use Permit, Artificial Lake (HB-314-2 - 1570 South Overland Road) - ACTION: To establish the public hearing be held on May 18th MOTION: Heidel SECOND: Schumacher VOTE: 4-0

H. DISCUSSION - Items for future agenda consideration or Committee assignment - None

I. ADJOURN to CLOSED SESSION (8:31 PM) – ACTION: To go into closed session 1) Under Wisconsin State Statute 19.85 (1) (g): Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. RE: Fee-to-trust issues, Abandoned railroad R-O-W, Tribal Affairs and Oneida Nation v. Village of Hobart litigation; How Landscaping Services vs. Village of Hobart et al litigation; Highway 29-County VV Interchange, and 2) Under Wisconsin State Statute 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 RE: TID Projects/Development Agreements MOTION: Heidel SECOND: Kazik VOTE: 4-0

J. CONVENE into open session (9:59 PM) – MOTION: Dillenberg SECOND: Kazik VOTE: 4-0

K. ACTION from closed session – ACTION: To approve the Collateral Assignment of Development Agreement and Tax Increment Financing Payments made by and between Atkins Building Group, Inc., a Wisconsin Corporation with principal offices located at 2050 Sweet Fern Drive, Green Bay, WI 54313 and Bank First, N.A., a financial institution with an address of 402 N. Eighth Street, Manitowoc, WI 54220 MOTION: Kazik SECOND: Dillenberg VOTE: 4-0

12. ADJOURN (10:00 PM) – MOTION: Heidel SECOND: Dillenberg VOTE: 4-0

Submitted by Aaron Kramer, Village Administrator