



## **MEETING MINUTES – VILLAGE BOARD (Regular)**

**Date/Time: Tuesday August 7<sup>th</sup> 2018 - 6:00 P.M.**

**Location: Village Office 2990 S. Pine Tree Rd., Hobart WI**

### **ROUTINE ITEMS TO BE ACTED UPON:**

1. Call to order/Roll Call: Meeting called to order by Rich Heidel at 6:00pm. Roll call: David Dillenburg, Rich Heidel, Ed Kazik and Debbie Schumacher were present. Tim Carpenter excused.
2. Certification of the open meeting law agenda requirements and approval of the agenda: **Motion made by Rich Heidel, second by Ed Kazik, to approve the agenda as presented. The motion passed unanimously.**
3. Pledge of Allegiance: Those present recited the Pledge of Allegiance.

### **4. PUBLIC HEARINGS:**

**A. PUBLIC HEARING – Ordinance 2018-08 (AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF HOBART BY AMENDING CHAPTER 273.17 (REGULATIONS ON OUTDOOR USE OF WATER):**

The purpose of this section is to add an enforcement component to the current Ordinance, as well as make other minor changes. Rich Heidel opened the hearing and called for comments from those attending. There were no comments from those attending the meeting. The hearing was closed. Aaron Kramer, Administrator reviewed the changes with the Board. It is important to note that there is more than one service area and this ordinance allows the application of conservation measures in each area separately.

**B. ACTION on aforesaid agenda item: Motion made by David Dillenburg, second by Ed Kazik, to approve Ordinance 2018-08 an Ordinance to amend the municipal code regarding regulating outdoor use of water. Roll call vote: David Dillenburg, aye, Rich Heidel, aye, Ed Kazik, aye, and Debbie Schumacher, aye. Vote 4-0.**

**C. PUBLIC HEARING – Conditional Use Permit (4735 Fonda Fields, HB-2485):** Rich Heidel opened the hearing and called for comments from those attending. No comments were given. The hearing was closed. This CUP allows for Estate Fence exceeding maximum height in front yard. The Planning and Zoning Commission recommended approval of the CUP for the fence after several modifications were made to the application. Height of fencing is to not exceed 6.5' and be appropriate for surrounding neighborhood.

**D. ACTION on aforesaid agenda item: Motion made by Rich Heidel, second by Debbie Schumacher, to approve the CUP for 4735 Fonda Fields estate type fence that will not exceed 6.5' in height max. The motion passed unanimously.**

**E. PUBLIC HEARING - Conditional Use Permit (4590 Choctaw Ct, HB-1491-A-201):** Rich Heidel opened the hearing for the fencing CUP, and called for comments from those present. The planning and Zoning Commission did approve the fencing. This CUP allows for Estate Fence exceeding maximum height in front yard. The Planning and Zoning Commission did discuss this fencing and recommended approval. No comments were given from those attending. The hearing was closed.

**F. ACTION on aforesaid agenda item: Motion made by Debbie Schumacher, second by Ed Kazik, to approve the CUP for 4590 Choctaw Ct estate type aluminum/metal four (4) foot fence. The motion passed unanimously.**

**G. PUBLIC HEARING - Conditional Use Permit (Lot 2 CSM, parcels HB-950, HB-950-1, HB-950-2, HB-326, Camber Ct., Storage Warehousing):** Rich Heidel opened the Hearing and called for comments from those present. This CUP allows for storage warehousing as a portion of proposed development. Planning and Zoning Commission did recommend approval for this CUP. There were no comments given by those attending. The hearing was closed.

**H. ACTION on aforesaid agenda item: Motion made by Rich Heidel, second by David Dillenburg, to approve the Conditional Use Permit for lot 2 CSM, Parcels HB950, HB-950-1 HB-950-2, HB-326 Camber Ct., for Storage Warehousing as a portion of the proposed development, conditioned on the Developers Agreement and Site Review completion. The motion passed unanimously.**

**I. PUBLIC HEARING - Revocation of Conditional Use Permit (HB-1398, 3670 W. Mason St.):**

This public hearing was held to consider revocation of CUP approved in 2012 for semi-tractor and trailer repair, and welding fabrication shop. (Planning and Zoning Commission). Rich Heidel opened the hearing and called for comments. Mr. Kolkowski spoke to the Board about the site. He stated he has been out of the state working for 3- months and since he came back he has been cleaning up the site. He said that the fire department did stop in and do inspections, and that there are 8 – 9 items to be corrected. The building that was damaged by the snow this winter will need to be cleared. He said not all of the materials laying around are his, that some belong to Mr. Hayes. Mr. Hayes asked the board to revoke the CUP so the lot can be cleaned up and then he proposed to split the lot for his business and reapply for a CUP. He said he first has requested a variance due to the reduced frontage access for his part of the property. Mr. Hayes produced paperwork showing that he does have legal claim to a portion of the property. Rich Heidel stated that the Village has been patient and likes to work with the owners to come to an agreeable solution, however there have been numerous letters from Allyn Dannhoff, Director of Neighborhood Services, since the start of this CUP requiring action and resulting in little response. The hearing was closed.

**J. ACTION on aforesaid agenda item: Motion made by Rich Heidel, second by David Dillenburg, to revoke the CUP for 3670 W. Mason Street for the semi-tractor and trail repair and welding fabrication shop, and give 90-days for cleanup of the yard. After 90-days, citations would be issued for code violations. The motion passed unanimously.**

**K. PUBLIC HEARING – Rezoning (HB-196-1, 2037 Green Acres Ct.)**

This public hearing was held to consider rezoning to R2R as a condition of CSM approval. Rich Heidel opened the hearing and called for comments. Mr. Dave Chrouser from Mau and Associates was present and spoke for the change of zoning. He stated the lot sizes comply at the 2.5 acres of the area. The wetland delineation has been completed and that there is ample room for a home site on the parcel. The Planning and Zoning Commission did review the request and has recommended approval for the change. The hearing was closed.

**L. ACTION on aforesaid agenda item – Ordinance 2018-10 (AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN):** The purpose of this Ordinance is to re-zone property. **Motion made by David Dillenburg, second by Ed Kazik, to approve Ordinance 2018-10 amending the Zoning Ordinance of the Municipal Code to allow change of zoning to R2R for HB-196-1, and waive the second reading. The motion passed unanimously.**

**5. CONSENT AGENDA: Motion made by David Dillenburg, second by Debbie Schumacher, to remove the Minutes from Board of Appeals and approve the remaining consent agenda items as presented. The motion passed unanimously.**

**A. Payment of Invoices**

**B. VILLAGE BOARD: Minutes of July 17<sup>th</sup> (Regular) 2018 and July 30<sup>th</sup> (Special) 2018**

**C. BOARD OF APPEALS: Minutes of July 11<sup>th</sup> 2018 – Removed sent to committee.**

**D. ALCOHOL AND OPERATORS LICENSES none.**

**6. ITEMS REMOVED FROM CONSENT AGENDA:** Board of Appeals minutes of July 17, 2017 will go to committee first and then back to the Board for consideration at a future meeting.

**7. CITIZENS' COMMENTS, RESOLUTIONS AND PRESENTATIONS:** Mr. John Rather spoke about the roadwork being done. He said the landscapers have damaged the new pavement. He was told that the Board is aware of this and it is being addressed with the contractors.

**A. DISCUSSION AND ACTION – Resolution 2018-14 (A RESOLUTION ESTABLISHING VILLAGE FEE SCHEDULES):** This resolution would amend the charge for the review of a Certificate of Survey (elevation of house, grading and contouring of the site) for storm drainage purposes for the protection of the house being built, and to attempt to reasonably identify any storm water conveyance issues that would not be compliant with applicable regulations. The review will be done by the Village Engineer. The charges are a pass through from the building permit applicant to the engineering firm. **Motion made by Rich Heidel, second by Ed Kazik, to approve Resolution 2018-14. The motion passed unanimously.**

**B. DISCUSSION AND ACTION – Resolution 2018-15 (RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$1,015,000 TAXABLE GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2018B):** Mr. David Anderson, PFM spoke with the Board regarding the sale of the bonds. There were seven bidders for this project. Baird of Milwaukee was the winning bidder. **Motion by Ed Kazik, second by Rich Heidel, to approve Resolution 2018-15 and authorize the issuance and sale of \$1,015,000.00 taxable notes. Roll call vote: David Dillenburg, aye, Rich Heidel, aye, Ed Kazik, aye, and Debbie Schumacher, aye. The motion passed unanimously.**

**8. VILLAGE ADMINISTRATOR'S REPORT/COMMUNICATIONS:**

**A. Village Investment Summary:** Aaron Kramer, Administrator reported on the ADM investments for the village. There are a number of the CD's that are due to be re-invested. The interest earned with ADM has exceeded that of the Local Government Investment Pool. The S & P review approved of our investment work. Quarterly reports will be given to the Board regarding the investments. The Food Truck Rally will be at the Market Place on Centennial on August 12<sup>th</sup> and the Circus will be at Four Seasons Park on August 14<sup>th</sup>. Hobart Crossing is starting their fourth building. Upcoming meetings are Site Review August 22<sup>nd</sup>, a Variance Hearing on August 28<sup>th</sup>. The meeting for the CDA is yet to be scheduled. For the August 21<sup>st</sup> Board meeting agenda, the budget amendments and home occupations will be discussed.

**9. COMMITTEE REPORTS AND ACTIONS:**

**A. DISCUSSION AND ACTION - Certified Survey Map (HB-196-1, 2037 Green Acres Ct.):**

Staff is requesting the Board approve the CSM subdividing 6.32-acre parcel into parcels of 2.59 acres and 3.73 acres. Planning & Zoning have recommended approval of the CSM for HB-196-1. **Motion made by Rich Heidel, second by Ed Kazik, to approve the CSM for HB-196-1. The motion passed unanimously.**

**B. DISCUSSION AND ACTION – Establishing a Public Hearing (Conditional Use Permit - HB-1491-H-2, 2850 Dream Lake Road):** The applicant is seeking the CUP to allow for eight (8) animal units on the property, which is zoned ER Estate Residential. ER Zoning requires a CUP for 5-10 animal units. Staff would recommend a Public Hearing be held at the September 4<sup>th</sup> Board meeting. (Planning and Zoning Commission). **Motion made by Rich Heidel, second by Ed Kazik, to set hearing for September 4, 2018. The motion passed unanimously.**

**10. OLD BUSINESS:**

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

**A. DISCUSSION AND ACTION – Request to perform work in the Village Right-of-Way (Thornberry Creek Homeowners Association):** The Thornberry Creek Homeowners Association (TCHOA) is seeking to make improvements to the signage and landscaping at the Trout Creek Road/Windemer Lane entrance,

which is located in the village right-of-way. Mr. D. Bake was present to speak with the Board. The insurance provided by the TCHOA will have to reflect Hobart as additional insured and there will need to be a hold harmless agreement in place for the people who are doing the work. **Motion made by Rich Heidel, second by Ed Kazik, to approve the TCHOA request to work on the sign, with conformation that the village has been added as an additional insured to the contractor's insurance policy. The motion passed unanimously.**

**B. DISCUSSION - Items for future agenda consideration or Committee assignment:**

**C. ADJOURN to CLOSED SESSION: Motion made by Rich Heidel, second by Ed Kazik, to move into closed session pursuant to the following:**

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, and Special event permit litigation

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, Hobart-Lawrence Water Service, Land Purchase (Water System Improvement Project)

3) Under Wisconsin State Statute 19.85 (1) (c): Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. RE: Director of Planning and Code Compliance position. **Roll call vote: David Dillenburg, aye, Rich Heidel, aye, Ed Kazik, aye, and Debbie Schumacher, aye. The Board moved into closed session at 7:30pm.**

**D. CONVENE into open session: Motion made by Debbie Schumacher, second by Rich Heidel, to return to open session. Roll call vote: David Dillenburg, aye, Rich Heidel, aye, Ed Kazik, aye, and Debbie Schumacher, aye. The Board returned to open session at 8:29pm.**

**E. ACTION from closed session: Motion made by Ed Kazik, second by David Dillenburg, to approve the purchase of HB:614-8 from the Beverly Borg Trust for \$50,000. Vote: 4-0.**

**12. ADJOURN: Motion made by Ed Kazik, second by David Dillenburg, to adjourn. The motion passed unanimously. Meeting adjourned at 8:30pm.**