



MEETING MINUTES – VILLAGE BOARD (Regular)

Date/Time: Tuesday December 18th 2018 - 6:00 P.M.

Location: Village Office

ROUTINE ITEMS TO BE ACTED UPON:

1. Call to order/Roll Call. Rich Heidel called the meeting to order at 6:00pm. Roll call: Tim Carpenter, David Dillenburg, Rich Heidel, Ed Kazik and Debbie Schumacher were present.
2. Certification of the open meeting law agenda requirements and approval of the agenda. Motion made by Ed Kazik second by Tim Carpenter, to approve the agenda as modified. Modification was to remove items 4K and 4L. The motion passed unanimously.
3. Pledge of Allegiance. Those present recited the Pledge of Allegiance.

4. PUBLIC HEARINGS

A. PUBLIC HEARING – Ordinance 2018-17 (AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF HOBART, BY AMENDING CHAPTER 295-342 (CONDITIONAL USES), A SECTION OF ARTICLE XXXI (ADMINISTRATION AND ENFORCEMENT) OF CHAPTER 295 (ZONING)): This Ordinance amends the current Conditional Use Permit Process to comply with state law. Rich Heidel opened the hearing and called for any comments from the public. No comments were given from those attending. Aaron Kramer, Administrator gave the background for this ordinance. The State law changed regarding conditional uses, and by updating our ordinance, we now reflect the state law and case law. No further comments were given. The hearing was closed.

B. ACTION of aforesaid agenda item (Ordinance 2018-17): Motion made by Rich Heidel second by Ed Kazik, to approve Ordinance 2018-17, to amend the municipal code Chapter 295-342 regarding Conditional Uses. The motion passed unanimously.

C. PUBLIC HEARING - Ordinance 2018-18 (AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF HOBART, BY AMENDING CHAPTER 295-362 (OFF-STREET PARKING REQUIREMENTS IN B-1, B-2, I-1, I-2 AND R-4, R-5 AND R-6 DISTRICTS), A SECTION OF ARTICLE XXXIII (SITE REVIEW/DEVELOPMENT AND DESIGN STANDARDS) OF CHAPTER 295 (ZONING)): Rich Heidel opened the hearing and called for comments. Todd Gerbers, Zoning Administrator, gave the background on the ordinance. This Ordinance will allow, in B-1, B-2, I-1, I-2 and R-4, R-5 and R-6 Districts, the Site Review Committee to approve curb cuts larger than 40 feet in width for commercial and industrial developments taking into consideration the traffic flow, safety concerns, and needs of the business. No further comments were given. The hearing was closed.

D. ACTION of aforesaid agenda item (Ordinance 2018-18): Motion made by Tim Carpenter second by Ed Kazik, to approve Ordinance 2018-18 to approve curb cuts larger than 40 feet in width for commercial and industrial developments taking into consideration the traffic flow, safety concerns, and needs of the business. The motion passed unanimously.

- E. PUBLIC HEARING - Ordinance 2018-19 (AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF HOBART, BY AMENDING CHAPTER 295-215 (PARCEL REQUIREMENTS), A SECTION OF ARTICLE XIX (A-2 EXCLUSIVE AGRICULTURAL DISTRICT) OF CHAPTER 295 (ZONING)):** Rich Heidel opened the hearing and called for comments. This Ordinance will change the A-2 Exclusive Agriculture District Minimum Lot Size Requirements to five (5) acres from the current thirty-five (35). By making this change we will be working with the same acreage requirements as our neighbors. DATCAP and the Working lands initiative/ Farmland Preservation also recommend the 5-acre minimum lots size. There were no other comments given. The hearing was closed.
- F. ACTION of aforesaid agenda item (Ordinance 2018-19):** Motion made by Rich Heidel second by Debbie Schumacher, to approve Ordinance 2018-19 modifying the lot size required for Exclusive Agricultural zoning to five (5) acres from the current thirty-five (35). The motion passed unanimously.
- G. PUBLIC HEARING - Ordinance 2018-20 (AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF HOBART, BY AMENDING CHAPTER 295-8 (DEFINITIONS), A SECTION OF ARTICLE III (TERMINOLOGY) OF CHAPTER 295 (ZONING), BY DELETING THE DEFINITION OF “BED-AND-BREAKFAST ESTABLISHMENT”; BY AMENDING CHAPTER 295-30 (CONDITIONAL USES), A SECTION OF ARTICLE VI (R-1 RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING); BY AMENDING CHAPTER 295-42 (CONDITIONAL USES), A SECTION OF ARTICLE VII (R-2 RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING); BY AMENDING CHAPTER 295-55 (CONDITIONAL USES), A SECTION OF ARTICLE VIII (R-3 RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING); BY AMENDING CHAPTER 295-68 (CONDITIONAL USES), A SECTION OF ARTICLE IX (R-4 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING); BY AMENDING CHAPTER 295-83 (CONDITIONAL USES), A SECTION OF ARTICLE X (R-5 TWO-FAMILY THROUGH EIGHT-FAMILY RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING); AND, BY AMENDING CHAPTER 295-98 (CONDITIONAL USES), A SECTION OF ARTICLE XI (R-6 MULTI-FAMILY RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING)):** Rich Heidel opened the hearing and called for comments on the ordinance. This Ordinance will provide for the regulation of short-term rentals in the Village with respect to the new state law which took effect in late 2017. It removes short-term rentals (bed-and-breakfasts) as a Conditional Use, and makes it a licensed operation within the Village. The actual creation of the Short-Term Rental License will be enacted by a separate Ordinance by the Village Board. The license for each establishment will be for a 365-day term. If the property is sold, the new owner applies and a new 365-day term begins.
- H. ACTION of aforesaid agenda item (Ordinance 2018-20):** Motion made by Rich Heidel, second by Ed Kazik, to postpone to the January 2, 2019 meeting for a second reading and action. The motion passed unanimously.
- I. PUBLIC HEARING – Ordinance 2018-21 (AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF HOBART, BY ADDING A NEW CHAPTER 240, TO BE ENTITLED “SHORT-TERM RENTALS,” WHICH CHAPTER PROVIDES FOR CERTAIN LICENSES TO BE ISSUED BY THE VILLAGE, PROCEDURES FOR ISSUING THE LICENSES AND PENALTIES FOR VIOLATION OF THE CHAPTER):** Rich Heidel opened the hearing and called for comments. This Ordinance will provide for the regulation of short-term rentals with respect to the new state law which took effect in 2017. It creates a Short-Term Rental License, the procedures for such a license to be issued and the regulations for the operation of a Short-Term Rental. No further comments, the hearing was closed.
- J. ACTION on aforesaid agenda item (Ordinance 2018-21):** Motion made by Rich Heidel, second by Debbie Schumacher to postpone to the January 2, 2019 meeting for a second reading and action. The motion passed unanimously.

K. PUBLIC HEARING - Proposed Rezoning (Part of HB-239-1; Fernando Road):

The applicant is seeking to rezone two parcels from A-2 (Exclusive Agriculture) to ER (Estate Residential). Applicant pulled the request.

L. ACTION on aforesaid agenda item (Ordinance 2018-25): Applicant pulled the request. No action.

5. CONSENT AGENDA: Motion made by David Dillenburg second by Tim Carpenter, to approve the items on the Consent Agenda. The motion passed unanimously.

A. Payment of Invoices

B. VILLAGE BOARD: Minutes of December 4th 2018

C. PUBLIC WORKS AND UTILITIES ADVISORY COMMITTEE: Minutes of November 12th 2018

D. 2019-2021 Election Workers Moved to January 2nd agenda.

E. ALCOHOL AND OPERATORS LICENSES (no licenses)

6. ITEMS REMOVED FROM CONSENT AGENDA: Item D. will be placed on the January 2nd agenda.

7. CITIZENS' COMMENTS, RESOLUTIONS AND PRESENTATIONS: Donna Severson congratulated the Board on the Grant funding for the interchange.

8. VILLAGE ADMINISTRATOR'S REPORT/COMMUNICATIONS: Aaron Kramer, Administrator spoke about the kickoff meeting for the Interchange. He said that he will be in attendance to discuss the design of the interchange. Site Review will meet on December 19th to review a change to the layout for parking at Arvada and the River Valley Industries buildings. The next Village Board meeting will be January 2, 2019 as the Office is closed New Years Day.

9. COMMITTEE REPORTS AND ACTIONS:

A. UPDATE – Hillcrest School Safety Improvements (Public Works and Utilities Advisory Committee)

Jerry Lancelle, Public Works Coordinator gave an update on the discussions held by the Public Works and Utilities Committee regarding the safety crossing at Hillcrest school. The school has a policy that all children will ride the bus or parents will bring them to the school. they do not encourage walking or bike riding to school due to the Hillcrest Road crossing. Staff is gathering costs for the options discussed at the committee level. The costs will be discussed at the January meeting.

10. OLD BUSINESS: None.

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

A. DISCUSSION AND ACTION – Appointments by Village Board President

The Board President, with approval of the Board, is submitting the following for Board action:

- Appointment of John Rather to the Planning and Zoning Commission, to complete an unfinished term expiring May 1st 2020. Motion by Rich Heidel second by Tim Carpenter, to appoint John Rather to the Planning and Zoning Commission to fill the open seat. The motion passed unanimously.

B. DISCUSSION AND ACTION: – Awarding Bid for new Plow Truck:

Staff recommends the bid be awarded to Truck City for the Freightliner chassis (\$84,412) with the Olsen Plow Package (\$95,164) for a total of \$179,576. The 2019 Capital Budget included a \$180,000-line item for the plow truck. Arrival of the new plow truck will be in mid-summer 2019. The dump box for the truck will be stainless steel and the auger is a larger one so the truck can be used for shouldering as well as salting. The box has a 5-year warranty. this new vehicle will replace the 2007 Sterling. Motion made by David Dillenburg second by Ed Kazik, to approve the purchase of the truck from Truck City and Olsen Truck for the bid price of \$179,576.00. The motion passed unanimously.

C. DISCUSSION - Items for future agenda consideration or Committee assignment: January 2nd meeting will have the bid approvals for the inline booster upgrade.

D. ADJOURN to CLOSED SESSION (7:10PM) – 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, and Special event permit litigation, 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: 5-0

E. CONVENE into open session (7:40 PM) – MOTION: Carpenter SECOND: Kazik VOTE: 5-0

F. ACTION from closed session – ACTION: To approve an amended development agreement with Fieldstone Investments to construct a 60 Unit, 6 Building Leased Residence Development south of Centerline Drive (Mulliner Place) (TID #1) MOTION: Kazik SECOND: Heidel VOTE: 5-0 ACTION: To approve a development agreement with River Valley Industries, contingent on approval of the proposal by the Site Review Committee, to construct a 71,320 square foot (8 buildings) contractor / small businesses shops / self-storage complex along Camber Court in the Southeast Business Park (TID #2) MOTION: Heidel SECOND: Kazik VOTE: 5-0

12. ADJOURN (7:41 PM) – MOTION: Heidel SECOND: Carpenter VOTE: 5-0