

Minutes of the Village Board Meeting
Aug. 23, 2021
Village Hall Board Room

1. CALL TO ORDER BY VILLAGE PRESIDENT

Village President Burt McIntyre called the meeting to order at 6:30 p.m.

2. ROLL CALL

President McIntyre called for a roll call. **In Person:** Village President Burt R. McIntyre; Trustee Chris Nielsen, Wards 3-4; Trustee Cathy Hughes, Wards 5-6; Trustee John Muraski, Wards 7-8; Trustee Scott Beyer, Wards 9-10; Trustee Ray Suennen, Wards 11-12; Trustee Adam Lemorande, Wards 13-14 and 18; Trustee Craig McAllister, Wards 15-17

Trustee Maria Lasecki, Wards 1-2, attended the meeting virtually.

Staff: Paul Evert, Chris Haltom, Dave Wiese, Geoff Farr, Mike Kaster, Village Attorney Bob Gagan, Leigh Ann Wagner Kroening

3. RECITE THE PLEDGE OF ALLEGIANCE

President McIntyre led the meeting in the pledge.

4. REPORT BY THE VILLAGE PRESIDENT REGARDING COMPLIANCE WITH OPEN MEETING LAWS

President McIntyre read the following notice: Pursuant to Wisconsin Statutes 19.81-19.98, the Village Board is meeting to conduct public business. In accordance with state law, the meeting agenda was posted at Village Hall, other municipal buildings, and on the Village of Howard website and was also distributed to the local media and other requesters at least 24 business hours prior to the start of this meeting.

5. APPROVE THE AGENDA FOR THE MEETING

A. Lemorande moved to approve the agenda. C. Nielsen seconded. **The motion carried unanimously.**

6. PUBLIC APPEARANCES

- Kurt Leiterman, who owns Apple-Licious Orchard at 4541 Shawano Ave., said he wants to retain the right to hunt with a gun on his property because he hunts nuisance animals who damage the apple trees and hurt his business.
- Monica Hoff, 3701 Evergreen Ave., said she supports eliminating gun hunting on her property.

7. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS (NONE)

8. COMMUNICATIONS (NONE)

9. APPROVE CONSENT AGENDA

A. Lemorande moved to approve the Consent Agenda. R. Suennen seconded. C. McAllister pulled item 9m (iii) – the conditional use request to locate a cell tower in Spring Green Park. **The motion carried unanimously, and the following items were approved as part of the Consent Agenda:**

- a. Village Board meeting minutes from Aug. 9, 2021
- b. Receipt of the Plan Commission meeting minutes from Aug. 16, 2021
- c. Municipal Invoices with check numbers 72330 - 72435 totaling \$1,491,649.21 from the village's account at Denmark State Bank
- d. Operator's Licenses for the following individuals:
 - i. Todd D. Atkinson
 - ii. Myriah I.F. Hodgson
 - iii. Tamela S. Kelly

- iv. John T. LeCapitaine
- v. Chantal M. Martinez
- vi. Travis S. Morton
- vii. Maggie M. Ostrenga
- viii. David J. Phillips
- ix. Sierra L. Reiter
- x. Daniel S. Slack
- e. Construction Change Order #2 to Jossart Brothers, Inc. for the Hazel Estates Subdivision Utility Contract involving a \$15,816.60 decrease
- f. Construction Change Order #1 to McKeefry Excavating for the Hazel Estates Subdivision Roadway Contract involving a \$2,324.50 increase
- g. Construction Change Order #3 to Northeast Asphalt, Inc. for the 2021 Resurfacing contract involving a \$22, 532.36 increase
- h. Construction Change order #1 to American Pavement Solutions for the 2021 Cracksealing contract involving a \$131.04 increase
- i. Construction Change Order #4 to MCC, Inc. for the Regional Pond Construction contract involving a \$127,398.96 decrease
- j. Construction Change Order #8 to PTS Contractors, Inc. for the CTH VV Sanitary Sewer Construction contract involving a \$19,614.15 decrease
- k. Construction Change Order #2 to Feaker & Sons for the Crescent Hills Subdivision Utility Contract involving a \$132.20 increase
- l. Construction Change Order #2 to KCG Excavating for the Pinecrest and Evergreen Road Reconstruction Contract involving a \$3,467.50 increase
- m. PLAN COMMISSION ITEMS (The Plan Commission unanimously recommended approval of the following items.)
 - i. The conditional use request from Mark Neta for motor vehicle sales and/or repair at 4018 Velp Ave., VH-158-1
 - ii. The request from Velp Avenue Storage, LLC to rezone from B-2 Highway Commercial to Final Planned Development District to construct a new retail/office building, mini-warehouse/storage units at 1745 and 1751 Velp Ave., VH-576 and VH-578-1
 - ~~iii. The conditional use request from Vertical Bridge Development LLC to locate a cell tower at 3640 Spring Green Road, VH-204 (Spring Green Park)~~
 - iv. The request to amend Howard’s Official Map pursuant to sec. 62.23(6) Wis. Stats. and referenced in the Village of Howard Code of Ordinances, Chapter 46, Subdivision and Platting

9m (iii) The conditional use request from Vertical Bridge Development LLC to locate a cell tower at 3640 Spring Green Road, VH-204 (Spring Green Park)

C. McAllister said he pulled the item because he objects to industrializing the park by adding a cell tower, and he will be voting against it. R. Suennen moved to approve the conditional use request to locate a cell tower at 3640 Spring Green Road, VH-204. A. Lemorande seconded. **The motion carried 8-1 (No: C. McAllister).**

10. UNFINISHED BUSINESS OR OLD BUSINESS ITEMS (NONE)

11. NEW BUSINESS ITEMS

- a. **Review and take action on the request from the Green Bay Community Church for a Preliminary Planned Development District for a mixed-use development that includes first-floor retail,**

townhomes, and apartments at the corner of Cardinal Lane and Howard Commons, VH-452-3 and VH-452-4

D. Wiese explained the four-step process for Planned Development zoning and reviewed the project. Mark Ashley, a representative of Green Bay Community Church, said the church hopes to use the revenue from the commercial and residential development to support the church's ministry and programming, while also meeting some commercial and residential needs of the surrounding community. He said the church wants to be a good neighbor and has already made meaningful change to the project plans based on neighboring residents' feedback. He also clarified that the project would provide tax revenue to the village, and any commercial uses will align with the values of the church.

Eric Harrmann of AG Architecture said the applicants have revised the plans to relocate the indoor/outdoor amenity space away from the neighboring residence and have shifted the townhomes to that space to provide residential transition and barrier to the commercial space.

Aubin Toma, a real estate professional assisting with the project, reviewed the projected rental rates, which range from \$1,350 for a one-bedroom unit to \$2,200 for a townhome.

R. Suennen moved to suspend the rules to hear from the audience. C. Hughes seconded. *The motion to suspend the rules carried unanimously.* The following people spoke:

- Kasey Keup, 2529 Turnbury Road, said she objects to the project because it doesn't align with the Comprehensive Plan. She said the Plan Commission voted to approve the project only on one of the parcels but didn't include any of the conditions for approval that the residents requested during the public hearing.
- Gretchen Berg, 580 Baleshare Road, said she and her husband have owned their home since before the Community Church was built. She said she thinks the proposed project amounts to spot zoning and is concerned about the noise, traffic, and parking impacts to the neighborhood.
- Judy Felton, 2541 Turnbury Road, said she has serious concerns about the additional traffic, both to Cardinal Lane and Riverview Drive, as well as the safety of children who live in the neighborhood and attend church activities.
- Lisa Piechota, 2573 Lance St., said she worries about the additional traffic on Cardinal Lane and the proximity of the proposed buildings to her home.
- Amie Baragwanath, 2586 Prestwick Place, said her family just relocated to Howard from Montana and chose the neighborhood because it is a quiet, safe residential area to raise her young children. She said this project would totally ruin that, especially for her because her home is directly adjacent to the development.
- Ed Desotell, 2541 Lance St., said the proposed project is far too large for the piece of property. He said if the church really wants to move forward, he would like to see only two-story buildings.
- Harold Tetzlaff, 1100 Velsen Road, said he is considering purchasing a home on Baleshare Road, and he disagrees with the project for that neighborhood.
- Craig Gierczak, 2519 Turnbury Road, said the size of the proposed project and the proximity to the neighbors are ridiculous.

R. Suennen moved to return to regular order. C. Hughes seconded. *The motion to return to regular order carried unanimously.*

Mark Ashley came forward again to address the concerns that were mentioned from the neighbors. He reiterated that the project is a way to support and move forward the church's ministry, and that the applicants will continue to work with the neighbors to try to implement their feedback into any plan revisions.

The board discussed in detail. R. Suennen moved to deny the request for a Preliminary Planned Development District for a mixed-use development on VH-452-3 and VH-452-4. C. Hughes seconded. **The motion to deny carried 8-1 (No: C. Nielsen).**

b. Review and take action on the revised Village of Howard Hunting Map

C. Haltom reviewed the existing gun hunting map, as well as the properties that staff is proposing to remove from the map due to recent residential development. C. McAllister moved to approve the 2021 Hunting Boundaries Map, which authorizes removing five sections of hunting areas in the village, except for the Apple-Licious Orchard property at 4541 Shawano Ave., Parcel VH-26-11. C. Nielsen seconded. **The motion carried unanimously.**

c. Review and take action on an agreement with the Wisconsin Department of Transportation for a shared-use trail along State Highway 29

G. Farr reviewed the proposed agreement with WisDOT for a shared-use trail along State Highway 29 and explained the potential uses for the different segments of the future trail. Brad Van Hemelryk, representing Maplewood Meats, came forward to speak in opposition of the trail, which he said would cut into the business's parking lot and create snowmobile activity that would unsafely interfere with their business. The board discussed in detail. Eric Gwidt, a representative of the Sno-Birds Snowmobile Club, spoke in support of the trail and expanding snowmobile routes in the village. C. Nielsen moved to table the item. C. McAllister seconded. **The motion to table carried 8-1 (No: J. Muraski).**

d. Review and take action on the purchase of a Tool Cat

G. Farr reviewed the proposed purchase of a Tool Cat. C. Hughes moved to approve the purchase of a new Tool Cat from Bobcat Plus. A. Lemorande seconded. **The motion carried unanimously.**

12. REPORTS OF VILLAGE OFFICIALS

- a. C. Haltom reviewed the financial report for the Howard Commons Apartments for the period ending July 31, 2021. The board discussed. **No action was taken.**

13. CLOSED SESSION – J. Muraski moved to convene to closed session. S. Beyer seconded. **The motion carried unanimously, and the board convened to closed session at 8:44 p.m.**

14. RETURN TO OPEN SESSION – A. Lemorande moved to re-convene to open session. C. Hughes seconded. **The motion carried unanimously, and the board re-convened to open session at 9:01 p.m.**

ACTION: S. Beyer moved to approve the sale of a 29-foot strip of VH-747-A-24-A to JC Land Development for \$1.00. C. Hughes seconded. **The motion carried unanimously.**

R. Suennen moved to approve the proposed settlement offer in 2020CV000870. C. Nielsen seconded. **The motion carried 8-0 (C. McAllister abstained.)**

15. ADJOURN THE MEETING – J. Muraski moved to adjourn the meeting. A. Lemorande seconded. **The motion carried unanimously, and the meeting adjourned at 9:02 p.m.**

Leigh Ann Wagner Kroening
Administrative Assistant