



MEETING MINUTES – VILLAGE BOARD (Regular)

Date/Time: Tuesday, June 15, 2021 (6:00 P.M.)

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 5:59pm. 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 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.

Village President, Rich Heidel, took a moment of silence to reflect on the memory of Greg Jerlinga and to give thanks for his service on the Village's Ethics Board.

4. PUBLIC HEARINGS:

- A. Request to Rezone the following parcels (HB-47, HB-49, HB-49-1, HB-53, HB-54, HB-55, HB-58, HB-59, HB-60, HB-61, HB-62, HB-63, HB-65, HB-71, HB-73, HB-156, HB-157, HB-158, HB-159, HB-160, HB-161, HB-162, HB-164, HB-164-1-1, HB-167, HB-168, HB-168-1, HB-169, HB-169-1, HB-170, HB-171, HB-172, HB-172-1, HB-173-1, HB-173-2, HB-173-3, HB-174, HB-175, HB-176, HB-179, HB-180, HB-181, HB-182, HB-183, HB-184, HB-185, HB-186, HB-187, HB-187-1, HB-190, HB-203-1, HB-205-1, HB-206, HB-207, HB-208, HB-209, HB-211-1, HB-215, HB-318, HB-866, HB-867, HB-868, HB-869, HB-901, HB-902, HB-924, HB-925, HB-941) from A-1: Agricultural District to I-3: Airport Industrial District, and the following parcels (HB-136, HB-155, HB-218, HB-226-1) from I-1: Limited Industrial District to I-3: Airport Industrial District:**

The public hearing was opened at 6:02pm.

Director of Planning and Code Compliance, Todd Gerbers, presented the request for rezoning. He informed the village board that the Planning and Zoning Commission recommended to remove HB-184 and HB-169 from the rezoning as they are directly across from single family residences. Steve, Belmar Road, was interested in knowing if there was any development proposed on this land. The board informed him that there is currently no development proposed, and should there be in the future, it must comply with all village regulations before coming to fruition.

The public hearing was closed at 6:07pm.

- B. ACTION of aforesaid agenda item – Ordinance 2021-06 (AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN):**

Motion by Rich Heidel, second by Ed Kazik, to approve Ordinance 2021-06 (AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN) as presented with the exception of the removal of HB-169 and HB-184 from the rezoning request. The motion passed unanimously. Motion by Ed Kazik, second by Debbie Schumacher, to bill the airport the cost of the mailing and publication

immediately and postpone billing the cost of rezoning until the parcels are developed. The motion passed unanimously.

- C. Consider an Ordinance Amending the Zoning Ordinance of the Municipal Code of the Village of Hobart, Brown County, Wisconsin, Specifically Section 295-30 (Conditional Uses) of Article VI (R-1: Residential District) of Chapter 295 (Zoning), Section 295-42 (Conditional Uses) of Article VII (R-2: Residential District) of Chapter 295 (Zoning), and Section 295-55 (Conditional Uses) of Article VIII (R-3: Residential District) of Chapter 295 (Zoning):**

The public hearing was opened at 6:12pm.

Village Administrator, Aaron Kramer, presented the proposed amendment. There was no public comment.

The public hearing was closed at 6:14pm.

- D. ACTION on aforesaid agenda item – Ordinance 2021-07 (AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN, SPECIFICALLY SECTION 295-30 (CONDITIONAL USES) OF ARTICLE VI (R-1 RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING), SECTION 295-42 (CONDITIONAL USES) OF ARTICLE VII (R-2 RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING), AND SECTION 295-55 (CONDITIONAL USES) OF ARTICLE VIII (R-3 RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING):**

Motion by Ed Kazik, second by Debbie Schumacher, to approve Ordinance 2021-07 (AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN, SPECIFICALLY SECTION 295-30 (CONDITIONAL USES) OF ARTICLE VI (R-1 RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING), SECTION 295-42 (CONDITIONAL USES) OF ARTICLE VII (R-2 RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING), AND SECTION 295-55 (CONDITIONAL USES) OF ARTICLE VIII (R-3 RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING). The motion passed unanimously.

- E. Consider Conditional Use Permit for An Accessory Building (HB-829-10, 3360 Belmar Road):**

The public hearing was opened at 6:15pm.

Director of Planning and Code Compliance, Todd Gerbers, presented the conditional use permit request. Steve, Belmar Rd, commented that a neighbor requested a variance in the past for an increased building size and was interested in the reason for approval/denial. Village President, Rich Heidel, explained the difference between a variance and a conditional use permit as well as the requirements of approval/denial to be based solely on the requirements of village ordinance, and not the personal opinions of the board members.

The public hearing was closed at 6:21pm.

- F. Action on aforesaid agenda item:**

Motion by Dave Dillenburg, second by Debbie Schumacher, to approve a conditional use permit for an accessory building at HB-829-10, 3360 Belmar Road, for increased building square footage up to a total of 3,490 square feet with the following conditions:

1. Building exterior elevations of addition shall be constructed of materials similar to those on the existing accessory building;
2. Vehicles that may be stored on site shall be limited to those that are customary and incidental to a single-family residence;
3. Detached accessory building shall only be one story with a walk-up attic, not permitted to have a finished second floor/level.

The motion passed unanimously.

5. CONSENT AGENDA:

- A. Payment of Invoices
- B. Village Board: Minutes of June 1, 2021

C. Planning & Zoning Commission: Minutes of May 12, 2021

D. Public Works & Utilities Advisory Committee: Minutes of March 8, 2021 and May 13, 2021

Motion by Rich Heidel, second by Ed Kazik, to approve the consent agenda as presented with Part D removed for discussion under agenda item 6. The motion passed unanimously.

6. ITEMS REMOVED FROM CONSENT AGENDA:

Debbie Schumacher requested to remove the Public Works & Utilities Advisory Committee minutes of March 8 and May 13 of 2021. She is questioning when Dave Dillenburg replaced Tim Carpenter on the committee. Rich Heidel reminded the board that the change occurred in early 2020. Motion by Debbie Schumacher, second by Ed Kazik, to approve the Public Works & Utilities Advisory Committee Minutes of March 8 and May 13, 2021 with the condition that the March 8th minutes be changed to reflect the change in committee member from Tim Carpenter to Dave Dillenburg. The motion passed unanimously.

7. CITIZEN COMMENTS, RESOLUTIONS, AND PRESENTATIONS:

There were no comments from citizens.

A. DISCUSSION AND ACTION – Resolution 2021-16 (A RESOLUTION APPROVING THE COMPLIANCE MAINTENANCE ANNUAL REPORT FOR THE YEAR 2020)

Motion by Dave Dillenburg, second by Ed Kazik, to approve Resolution 2021-16 (A RESOLUTION APPROVING THE COMPLIANCE MAINTENANCE ANNUAL REPORT FOR THE YEAR 2020).

The motion passed unanimously.

8. VILLAGE ADMINISTRATOR'S REPORT/COMMUNICATIONS:

Staff has begun preparing the 2022 Capital Budget for future review by the village board. The Village has submitted their request for the ARPA funds, with half of the allocated amount to be received by the end of June. Proposed uses for the money will be presented in July. Staff is also in the process

9. COMMITTEE REPORTS AND ACTIONS:

Public Works & Utilities Advisory Committee looked at some bridge deterioration and staffing studies to be presented at a future board meeting.

10. OLD BUSINESS:

A. DISCUSSION AND ACTION - ORDINANCE 2021-08 (AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF HOBART, CHAPTER 264 THEREOF, ENTITLED "VEHICLES AND TRAFFIC", TO CHANGE THE PERMITTED SPEED LIMITS ON CERTAIN VILLAGE ROADS):

In a recent discussion about traffic and pedestrian safety in the Lear Lane-Copilot Way neighborhood, a resident questioned whether the speed limit adjacent to Fontaine Family Park could be lowered to 15 miles per hour. Staff has reviewed the request and is recommending the speed limit be lowered in that vicinity, when children are present, and the same speed limit be applied to the area of Jan Wos Park. The purpose of this ordinance is to amend the permitted speed limits on certain roads under the jurisdiction of the Village, specifically adding a new speed limit zone (15 miles per hour when children are present) in the vicinity of Fontaine Family Park and Jan Wos Park. At its last meeting, the Board postponed action to add Four Seasons Drive (15 miles per hour speed limit) to the ordinance. Motion by Ed Kazik, second by Dave Dillenburg, to approve Ordinance 2021-08 (AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF HOBART, CHAPTER 264 THEREOF, ENTITLED "VEHICLES AND TRAFFIC", TO CHANGE THE PERMITTED SPEED LIMITS ON CERTAIN VILLAGE ROADS). The motion passed unanimously.

11. NEW BUSINESS:

A. DISCUSSION AND ACTION – Establishing a Public Hearing to Consider the Rezoning of Parcel HB-415-1, 1486 County Line Rd., from ER: Estate Residential District to R-2-R: Rural Residential District:

Motion by Rich Heidel, second by Ed Kazik, to establish a public hearing to consider the rezoning of Parcel HB-415-1, 1486 County Line Rd., from ER: Estate Residential District to R-2-R: Rural Residential District for July 6, 2021. The motion passed unanimously.

B. DISCUSSION AND ACTION – Establishing a Public Hearing to Consider the Rezoning of a Portion of Parcel HB-655, 220 Trout Creek Rd. from A-1: Agricultural District to ER: Estate Residential District:

Motion by Ed Kazik, second by Dave Dillenburg, to establish a public hearing to Consider the Rezoning of a Portion of Parcel HB-655, 220 Trout Creek Rd. from A-1: Agricultural District to ER: Estate Residential District for July 6, 2021. The motion passed unanimously.

C. DISCUSSION – RESOLUTION 2021-15 (A RESOLUTION ESTABLISHING D2 SPORTS PUB, 530 LARSON ORCHARD PARKWAY, AS A SECOND POLLING PLACE EFFECTIVE IN 2022):

This resolution would create a second polling place for voters in Hobart, specifically those that live in the Pulaski School District, effective January 1, 2022. Motion by Ed Kazik, second by Debbie Schumacher, to approve Resolution 2021-15 (A RESOLUTION ESTABLISHING D2 SPORTS PUB, 530 LARSON ORCHARD PARKWAY, AS A SECOND POLLING PLACE EFFECTIVE IN 2022). The motion passed unanimously.

D. DISCUSSION AND ACTION – 2022 Polling Location Agreement:

This agreement would set a rental rate of \$300 per election with D2 of Hobart as a second polling place, effective in 2022. Motion by Rich Heidel, second by Ed Kazik, to approve the 2022 Polling Location Agreement with D2's of Hobart. The motion passed unanimously.

E. DISCUSSION AND ACTION – Changing of Village Office Hours:

After researching the surrounding communities and speaking with the staff, it is being requested that the Village's Business Office Hours be changed from 8:00 am – 5:00 pm with a one-hour lunch, to 7:30 am – 4:00 pm with a half hour lunch. Motion by Rich Heidel, second by Ed Kazik, to change the village office hours to 7:30am – 4:00pm effective August 1, 2021. The motion passed unanimously.

F. DISCUSSION AND ACTION – 2020 Southwind Estates – Part B (Change Order):

As part of the 2020 Southwind Estates road construction project completed to accommodate the Lexington Homes mixed-use residential development, REL (on behalf of the Village) bid Contract 2320-20-06 with two parts. Part A and B was awarded to Carl Bowers & Sons Construction Company, Inc (Bowers). Construction for Part A has been substantially completed, and Part B was being held until a reconfigured development plan was developed. Since the award of Part B, the development plan has changed from a single cul-du-sac configuration to one that has a small cul-de-sac (Gulfstream Ct) and allows for Copilot Way to continue as a through street onto Parcel HB-360-4 with an ultimate desired connection to Scheuring Rd. These changes were approved by the Village and state, and the updated plat has been recorded. Because of these changes in scope and bidding conditions, Village Board approval is desired to allow Bowers to continue the amended project. Including bid alternatives, for imported fill material for Part B, Bowers total original bid was \$1,268,308. Bowers has provided an updated cost proposal for the revised scope of work. Since the original bid was secured, cost of material, specifically PVC piping has substantially increased in price. The material cost along with a roughly 15 percent increase in roadway length has resulted in a net increase of project cost on the magnitude of \$190,000, bringing the total project value to \$1,458,000. Of the additional project costs, \$83,000 is attributed to inflationary cost changes due to material shortages, and \$107,000 because of scope changes for a longer road and additional fill requirements. Motion by Rich Heidel, second by Debbie Schumacher, to approve the change order to the Southwind Estates project – Part B. The motion passed unanimously.

G. DISCUSSION – Items for future agenda consideration or committee assignment:

None.

H. ADJOURN TO CLOSED SESSION:

- i. 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 the 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 vs. Village of Hobart litigation, Highway 29-County VV Interchange.
- ii. 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 by Rich Heidel, second by Dave Dillenburg, to adjourn to closed session at 7:27pm. The motion passed unanimously.

I. CONVENE INTO OPEN SESSION:

Motion by Ed Kazik, second by Rich Heidel, to convene into open session at 10:01pm. The motion passed unanimously.

J. ACTION FROM CLOSED SESSION:

Motion by Debbie Schumacher, second by Rich Heidel, to approve the Development Agreement with PDK Investments LLC. to develop approximately 11.25 acres of real estate (part of parcel HB: L159) within Tax Increment District #2 to construct 8 apartment buildings and a clubhouse on that property. The motion passed unanimously.

Motion by Dave Dillenburg, second by Debbie Schumacher, to approve the Development Agreement with Tosa Construction and Development, Inc., to develop approximately 13 acres of land in the Village (Hemlock Creek Fifth Addition). The motion passed unanimously.

Motion by Ed Kazik, second by Debbie Schumacher, to approve a 60-day extension to August 31, 2021 of the Option by Purchase with Hobart Family Dentistry, LLC for the development of a dental clinic at HB-3206 (565 Larsen Orchard Parkway) and that portion of HB-3209 to be determined. The motion passed unanimously.

Motion by Ed Kazik, second by Rich Heidel, to approve the settlement, pending the terms of mediation, in the How Landscaping Service vs. Village of Hobart et al litigation. The motion passed unanimously.

12. ADJOURN

Motion by Ed Kazik, second by Debbie Schumacher, to adjourn at 10:03pm. The motion passed unanimously.