

**Village of Holmen  
Board Proceedings  
September 13, 2012**

President Proctor called the Holmen Village Board meeting to order at 7:00 p.m. on September 13, 2012 at the Holmen Village Hall.

Present: Nancy Proctor, Tony Horvath, Dawn Kulcinski, Dan Moser, Mike Dunham, Ryan Olson and Neal Forde. Also present were Administrator Heinig, Park & Recreation Director Brogan, Police Chief McHugh, Public Works Asst. Director Mezera, Clerk/Treasurer Hornberg, Attorney Alan Peterson, Craig Evenson, from Boy Scout Troup 21-Joshua, Brad, David and Philip, Scott Ryan, Marilyn Pedretti and Jean Burgess.

**Public Comment**

Craig Evenson suggested that the Village should consider purchasing Viking Tool & Die.

**Minutes**

Neal Forde/Dan Moser motioned to approve the minutes of the August 9, 2012 Special Board meeting as presented. The motion carried unanimously.

Mike Dunham/Dan Moser motioned to approve the minutes of the August 9, 2012 Board meeting as presented. The motion carried unanimously.

**Public Hearings**

At 7:05 p.m. Dawn Kulcinski/Dan Moser motioned to open the public hearing on closing a portion of Corporate Drive. No one spoke in favor or in opposition to the motion. At 7:06 p.m. Ryan Olson/Tony Horvath motioned to close the public hearing. The motion carried unanimously.

At 7:06 p.m. Ryan Olson/Dan Moser motioned to open the public hearing on closing a portion of Greeno Road. No one spoke in favor or in opposition to the motion. At 7:07 p.m. Ryan Olson/Tony Horvath motioned to close the public hearing. The motion carried unanimously.

**Planning Commission**

Ryan Olson/Neal Forde motioned to approve Scott Ryan annexation – Ordinance 8-2012. Administrator Heinig explained this annexation would be for an addition to Park Lawn Estates; the annexation had been applied for some time ago but was postponed due to the comprehensive plan process that needed to occur first. The motion carried unanimously.

Ryan Olson/Mike Dunham motioned to approve Resolution #2-2012 - Adoption of an official map for the Village of Holmen per 62.23(6) Wis. Stats. The map is to indicate connectivity for roadways and right-of-ways for future development. The motion carried unanimously.

Ryan Olson/Mike Dunham motioned to approve Proposed Amendments of Article XII: Signs, Awnings, Canopies, and Billboards. Administrator Heinig commented that the process for the proposed changes had been in the works for over a year as part of the comprehensive plan update. He had the opportunity to have discussions with members of the sign community to review and address their concerns. Trustee Horvath suggested that the business community may have decided against continuing to fight the sign issues and he believes they did appreciate the opportunity to be heard.

Tony Horvath/Dan Moser motioned to amend sentence in §195-32 to read: The purpose of this article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics, *freedom of speech and business interests* by regulating the appearance, construction, location

and maintenance of all signs, awnings, canopies and billboards. Trustee Olson stated that the government has the responsibility to protect the residents and he is not aware of any remaining concerns from businesses that have not been addressed. Trustee Kulcinski agreed that since no one was in attendance to speak against the ordinance; she felt they were agreeable with the proposed changes. Trustee Forde commented that Administrator Heinig had met with all concerned businesses individually. Trustee Olson remarked that the Planning Commission is made up of local business owners so businesses indeed have a voice at that level. Trustee Horvath suggested that business owners may have not been aware that there would not be an additional public hearing regarding the changes and cautioned against reading into business owners not being in attendance. Trustee Forde commented that the sign ordinance was more restrictive in La Crosse which could only enhance economic development in Holmen. The motion failed with Horvath, Moser in favor, Kulcinski, Dunham, Forde, Proctor and Olson opposed.

Tony Horvath/Dan Moser motioned to amend §195-33 Electronic Variable Message Sign to strip out all content related to descriptions of EVM signs. Trustee Horvath felt strongly that defining content of the signs was a violation of the 1<sup>st</sup> amendment. Trustee Olson remarked that this area of the ordinance did not restrict content of messages, only gave ideas for what might be included in an EVM sign. Trustee Horvath mentioned §195-42 A which does indeed make mention of items that would not be allowed on the EVM; he expressed reservation against approving this restrictive language. Attorney Peterson was addressed and did affirm that he felt the ordinance as a whole is defensible. The motion failed with Horvath, Moser in favor, Kulcinski, Dunham, Forde, Proctor and Olson opposed.

Tony Horvath/Dan Moser motioned to amend §195.42 A. (3)(c) to read a *minimum of 2 seconds*. Trustee Olson stated the limit is to reduce potential traffic distractions, and that the limit has been brought to 3 seconds from the originally suggested 4-second delay. Trustee Horvath stated that he assumes the State of Wisconsin ran studies to verify the correct amount of time delay in order to comply with safety concerns and he feels we should comply with those same regulations. The motion failed with Horvath, Moser and Dunham in favor, Kulcinski, Forde, Proctor and Olson opposed.

Call to question the original motion by Olson/Dunham to approve Proposed Amendments of Article XII: Signs, Awnings, Canopies, and Billboards. Trustee Dunham mentioned the need for staff enforcement for the ordinance to be of any use. Administrator Heinig affirmed that when issues were brought to staff attention; they were investigated and dealt with immediately. The motion carried with Kulcinski, Dunham, Forde, Proctor and Olson in favor, Moser and Horvath opposed.

### **County Supervisor's Report**

Marilyn Pedretti reminded the Board about the solid waste tour and lunch to be held at the County waste site on Friday, September 14<sup>th</sup>.

She indicated the County was working on 2013 budget, and offered to follow up on a couple of questions/comments from the Trustees.

### **Shared Ride Committee**

Trustee Kulcinski reported that at this time she did not have anything new to share.

### **Park, Recreation and Library Committee**

Trustee Forde updated the Board on information-only items from Committee.

### **Law Enforcement Committee**

Mike Dunham/Tony Horvath motioned to approve Ordinance #19-2012 – A Resolution Specifying that the Construction of a New Police Station is the Village of Holmen's Primary Capital Facilities Priority. Trustee Forde commented that we discussed this idea in the previous capital facilities workshops and that to move this Resolution forward at this point would lead to an unfair advantage to one department's needs

over another. He feels we need to continue with site evaluation and he believes this resolution is premature. Trustee Dunham remarked that the Police Department needs were identified consistently in facility studies and that he feels it is necessary to make the statement that the Board supports that need first. Trustee Horvath suggested that community members need to be aware of other facility needs in addition to the need for a new library. President Proctor remarked on the needs of all departments in addition to the police department needs and that when planning occurs all departments should be on the same level playing field. The motion passed with Kulcinski, Dunham, Horvath and Moser in favor, Forde, Proctor, Olson opposed.

#### **Public Works Committee**

Mike Dunham/Dawn Kulcinski motioned to approve order to vacate a portion of Corporate Drive. The motion carried unanimously.

Mike Dunham/Dan Moser motioned to approve order to vacate a portion of Greeno Road. The motion carried unanimously.

Mike Dunham/Neal Forde motioned to approve seal coating costs for Briggs road in the amount of \$11,858.92. The sealcoating will be a cooperative effort with the Town of Holland in order to seal coat the entire road at once. The motion carried unanimously.

Mike Dunham/Dawn Kulcinski motioned to approve W. Legion demolition project with Robinson Brothers in the amount of \$49,800.00. The motion carried unanimously.

#### **Finance and Personnel Committee**

Ryan Olson/Dawn Kulcinski motioned to recommend payment of the claims as presented for a total amount of \$708,540.26. Trustee Olson pointed out the continued support of the La Crosse Visitors Center on I-90 which will be paid from reserved tourism funds. The motion carried unanimously.

Ryan Olson/Neal Forde motioned to approve Class B Retail Combination License for The Empty Glass, LLC, d/b/a The Pour House, agent Scott R. Burnstad located at 3210 State Rd 35, Onalaska, WI. Administrator Heinig commented on the discussions that he had with Mr. Burnstad regarding noise issues that have occurred in the past at that location and recommended changes to avoid future concerns. Trustee Olson commented that he appreciated that Mr. Burnstad attended the Finance & Personnel meeting in order to answer questions. The motion carried unanimously.

Ryan Olson/Dan Moser motioned to approve Non-Alcoholic Beverage License for The Empty Glass LLC, d/b/a The Pour House. The motion carried unanimously.

Ryan Olson/Dan Moser motioned to approve Video/Coin Operated/Amusement Machine Licenses for The Empty Glass LLC, d/b/a The Pour House. The motion carried unanimously.

Ryan Olson/Neal Forde motioned to approve Operator's License for Nancy J. Proctor – Festival Foods. The motion carried with Kulcinski, Dunham, Forde, Olson, Horvath and Moser in favor, Proctor abstained.

Ryan Olson/Neal Forde motioned to approve contract with Hawkins, Ash, Baptie & Company LLP for 2012-2014 audit services. Trustee Olson commented that the new contract contained minor increases and that we have been very pleased with the service received from the company. The motion carried unanimously.

Ryan Olson/Neal Forde motioned to approve agreement with 1<sup>st</sup> National Bank – ACH Services for direct deposit of payroll. Trustee Dunham inquired as to the safety of employee information and the process to

remedy any issues that may occur. Administrator Heinig acknowledged the concern that is always possible but assured Trustee Dunham the Village systems were very secure and that we would have resources in place to remedy any issues that may occur when processing direct deposit of payroll. The motion carried unanimously.

Ryan Olson/Neal Forde motioned to approve Resolution #20-2012 – A Resolution Adopting a Policy on Delayed Payment of Deferred Assessments for Agricultural Property. Trustee Olson commented on the purpose of the proposed resolution and he assured the Board this would not eliminate but only delay a bill until such time that development and rezoning was to occur. Discussion arose regarding the idea of the Board making these decisions on a case by case basis rather than being mandatory. The idea is to give the landowners the chance to discuss the delaying of the payments; we would not want the delay to be mandatory in the situation where the landowner prefers to take care of the assessments immediately. The Resolution also allows future Boards the right to determine what is appropriate in each situation. The motion carried unanimously.

### **Municipal Court Update**

No meeting was held; future meetings will be held soon to discuss 2013 budget.

### **Fire Board Report**

A Special Fire Board meeting is scheduled for September 20<sup>th</sup> to continue discussion on the cooperative agreement. Trustee Olson commented that recent criticism on the current agreement fails to recognize the cooperative fire departments roles at providing fire prevention and the need to have the department available whether there be 1 or 100 fires, having good equipment and staff is still necessary.

### **Other Items before the Board**

Trustee Kulcinski reminded the Board to secure their vehicles to avoid theft.

Trustee Forde complimented Chief Mc Hugh on his 1959 pursuit vehicle.

### **Closed Session**

At 9:08 p.m. Dan Moser/Ryan Olson motioned to convene into closed session per 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. *Purpose: Discussion of potential property acquisition for facilities, and Purpose: Discussion on the bargaining of the Fire Board contract* and Wisconsin State Statute 19.85(1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee. *Purpose: Discussion of 2013 Compensation and Administrator Review and Contract.* The motion carried unanimously.

At 11:03 p.m. Dan Moser/Dawn Kulcinski motioned to reconvene into open session per Wisconsin State Statute 19.85(2). The motion carried unanimously.

Ryan Olson/Dawn Kulcinski motioned to direct Administrator Heinig to have the 2013 Budget reflect contract discussions and revise the existing contract to be prepared for Committee, Board and Attorney review. The motion carried unanimously.

Mike Dunham/Ryan Olson motioned to adjourn. The motion carried unanimously. The meeting adjourned at 11:05 p.m.

Angela A. Hornberg, Village Clerk/Treasurer