

**Village of Holmen
Board Proceedings
April 14, 2016**

President Proctor called the Holmen Village Board meeting to order at 7:00 pm on April 14, 2016, at the Holmen Village Hall.

Board members present: Nancy Proctor, Steve Johnston, Rich Anderson, Dawn Kulcinski, Chuck Olson and Doug Jorstad. Bill Ebner was excused. Also present were Administrator Heinig, Park & Recreation Director Brogan, Police Chief Collins, Public Works Director Olson, Clerk/Treasurer Hornberg, Attorney Brian Weber, Chad McCathie, Carter Arndt, Grant Duchal, Sue Lynch, Ed Kondracki, Patrick Barlow, Rick Durst, Chris McArdle-Rojo, Deen Layland, Ben Quackenbush and Pat McKnight.

Public Hearing

At 7:01 pm, Rich Anderson/Doug Jorstad motioned to open the Public Hearing on Ordinance 5-2016 – Chapter 103, Social Hosting, of the Code of the Village of Holmen. The motion carried unanimously. Ed Kondracki spoke in support of the Ordinance and commented on his 48 years of experience in law enforcement where he saw many issues with underage alcohol consumption and resulting injuries and deaths. He mentioned the upcoming prom season and the problem with adults providing alcohol to minors, sometimes with the idea that it is better to provide with supervision than to have the minors obtain in another manner. He feels this Ordinance will be a tool to heighten awareness and prevention. Patrick Barlow encouraged the Board to approve this Ordinance to continue to promote a healthy, family-friendly community. At 7:08 pm, Doug Jorstad/Dawn Kulcinski motioned to close the public hearing. The motion carried unanimously.

Presentation

Carter Arndt, MSA Professional Services, gave a presentation and answered questions on the final design and plans for library construction as well as providing a timeline for the project. Trustee Anderson complimented the plan. Administrator Heinig commented that he was awaiting a decision by the County Library System to continue to be integrated into the new library plans with the understanding that as of January 1, 2018, rent payments will need to increase to allow for coverage of the debt service costs for the additional eighteen-hundred square feet of the new building. Without the County's agreement, the Board will have to make the decision to remove the administrative portion of the building or utilize the space for Village residents. Chuck Olson/Doug Jorstad motioned to move forward with final design and plans for library construction and bidding as presented, assuming an appropriate rent package is in place; if County terms are not agreeable by the beginning of May, the Board will look to modify current plans to make amendments. The motion carried with Olson, Anderson, Proctor, Jorstad and Johnston in favor; Kulcinski opposed.

Public Comment

Grant Duchal stated that he was in attendance to represent the Chifest Property item and would be available to answer any questions.

Ben Quackenbush, representing Rick Durst, commented on a letter he provided to Attorney Weber, just minutes before tonight's meeting, which outlined what they feel are missing pieces of the proposed General Development Plan. Quackenbush also stated that he was there regarding concerns related to the procedure being followed for the Brott/McCathie PUD, specifically, the lack of an additional public hearing to address what he feels are substantial changes that have been made to the original plans, including changing number of units, from that which were shown in the original General Development Plan, and previous expectations that the units would be sold and not rented. He also stated that the Village was calling the PUD, an "overlay

district,” which he does not believe is consistent with the Village’s Ordinance. He agreed that the current General Development Plan before the Board tonight was very thorough and in fact was very comprehensive. He stated that they felt just a few items were actually missing from the current General Development Plan, such as setbacks for the buildings on the site plan, the amount of actual green space which seems inconsistent with the numbers that are provided in the document, more clarity on existing and proposed gas and electric utilities, and details on any pedestrian circulation system. He suggested that the building design issues such as colors, landscaping, and specifically the lighting design, must be in accordance with the Village’s SPAR guidelines, must be included in the final plans. Quackenbush reiterated that he feels the current version of the General Development Plan is very satisfactory, and that had this proposed document been available at the first public hearing, they would not really have much issue with it, aside from the few items he expressed were missing; thus they believe it is appropriate that another public hearing should be held in order for the public to view the changes from the original for this new document. Quackenbush then suggested that thereafter, everything in its complete form can then be approved by the Village Board and we can all move forward without any further concern.

Chad McCathie stated that he was in attendance to answer questions on the Ryan Street plans; he stated that there have been no changes since the original landscaping plan and that two units were removed from the original plan to increase greenspace. He commented that a delay in the project at this point of the year would be a significant problem to the time-table of the development.

Minutes

Steve Johnston/Rich Anderson motioned to approve the minutes of the March 10, 2016, Board meeting as presented. The motion carried unanimously.

Planning Commission

Rich Anderson/Doug Jorstad motioned to approve Rezone Petition from Chifest Properties Holmen, LLC, from (B-2) General Business District and (A) Agricultural District to (B-2) General Business District with a PUD (Planned Unit Development) Zoning Overlay; to include SPAR (Site Plan & Architectural Review) of a new Festival Foods store off Hale Drive, between Main Street and Viking Avenue. The motion carried with Proctor, Jorstad, Kulcinski, Johnston and Anderson in favor; Olson abstained.

Attorney Weber responded to the document provided by, and the comments made by, Attorney Quackenbush during tonight’s meeting. He noted there was not time to fully review and research the issues in the document he received, but felt he could comment on a few of the items raised during Public Comment. Weber commented that he had reviewed the PUD Zoning documents, including the General Development Plan, and he confidently feels all elements as questioned by Quackenbush were in fact available at the beginning of the public process during the first public hearings, however those items were all in separate documents, where Quackenbush is arguing the items should all be listed in one complete document. Weber disagrees that the original General Development Plan has had substantive changes, and in fact feels the opposite, that only minor modifications have been made to the original document. The change in number of units, for example, was reductions in the number of units from twelve to ten on the west side of Ryan Street and from fourteen to twelve on the east side of Ryan Street. A reduction in density is not a substantial change, and in fact, was done to accommodate the public’s requested changes from comments that were made throughout the public process to date. Most all of the minor modifications were made to accommodate public requests that came from previous public hearings, including the requirement of a fully improved public street, and creating more green space from the reduction of units. Thus, the previous public hearings were key in shaping the current document for all who were involved. Weber mentioned that he understands the plan to support both the sale and lease of the units, thus he did not feel that was inconsistent with what had been previously discussed publicly. Weber mentioned that the comments regarding setbacks are not an issue, specifically because the underlying zoning is still active and thus unless it is noted in the PUD, the setbacks would apply to the underlying zoning, thus while the term, “overlay district,” may not actually be in

the Village's Ordinance, the Village is perfectly capable of implementing the PUD in a manner that supports the setbacks and density requirements of the underlying zoning. Weber stated that the SPAR items (design and color, etc.) were definitely included in the plan. Weber suggested that while no substantial changes had occurred to the Plan, the term, "substantial change," itself is left to interpretation as what is considered substantial; thus, that issue would need to be litigated if it were ever challenged. Weber noted that Attorney Quackenbush stated that the Plan in its final format was now satisfactory; thus Attorney Weber suggested the easiest and cleanest way to address any lingering concerns, would be to simply hold an additional public hearing to allow the public to review the modified General Development Plan, and thus avoid any legal interpretation issues. Administrator Heinig agreed it would be fair and appropriate to simply hold an additional public hearing and the modified General Development Plan could then also include any relevant corrections to any real items that were still left outstanding, pending review of Quackenbush's written remarks, and a fair comparison to the Plan contents. Heinig stated he could publish notice of a public hearing for a Special Planning Commission meeting to be held just prior to the May Village Board meeting on May 12th. Steve Johnston/Dawn Kulcinski motioned to forward Developer's Agreement with Dale Brott and Chad McCathie for the Extension of Ryan Street and Final PUD (Planned Unit Development Plan) back to Planning Commission for a public hearing on May 12, 2016. The motion carried unanimously.

County Supervisor's Report

County Supervisor Barlow updated the Board on a County highway safety analysis for County highways north of I90; he provided the Board with information regarding this study. Barlow also reported that the County Hwy 108 swap will occur soon, and that residents will be contacted regarding address changes.

Shared Ride Committee

Trustee Anderson reported that ridership had decreased by 70 (from 1371 to 1301 from February 2015 to February 2016).

Park, Recreation and Library Committee

Chuck Olson/Doug Jorstad motioned to approve the proposal for the Holmen Rotary to build a shelter at Deer Wood Park between fields A and B with an \$8,000 Village contribution. The motion carried unanimously.

Chuck Olson/Rich Anderson motioned to approve proposal to build benches on the Holland Bluffs Trail for an Eagle Scout project by Jeremiah Boardman. The motion carried unanimously.

Director Olson remarked that the West Shelter at Halfway Creek Park area has an extensive drainage issue; he has drafted a plan to address this issue, met with a contractor and is awaiting a quote on the project. He hopes to proceed with the repairs if the quote is found to be reasonable as soon as possible. Chuck Olson/Rich Anderson motioned to authorize staff to proceed with corrective action for drainage issues at the Halfway Creek Park West shelter, utilizing stormwater management funds. The motion carried unanimously.

Law Enforcement Committee

Steve Johnston/Chuck Olson motioned to approve Ordinance 5-2016 – Chapter 103 – Social Hosting. Chief Collins commented that this Ordinance would help to be pro-active rather than reactive to underage drinking. Trustee Kulcinski remarked that she is concerned that as a parent, she may not have knowledge of the underage consumption in her home. Attorney Weber stated that an adult must be aware of the situation in order to be held accountable; he cautioned that only awareness, not approval, be needed for an adult to be held responsible. The motion carried unanimously.

Public Works Committee

Doug Jorstad/Rich Anderson motioned to approve construction contract for 2016 TIF #2 Utility Extension with McCabe Construction in the amount of \$350,350.00. The motion carried unanimously.

Doug Jorstad/Rich Anderson motioned to approve engineering plans for Ryan Street extension. The motion carried unanimously.

Finance and Personnel Committee

Doug Jorstad/Steve Johnston motioned to recommend payment of the claims as presented for a total amount of \$708,181.51. Trustee Olson inquired as to when the departments seek vendor bids. Director Brogan stated that some vendors have contracts, and some vendors have specialties that other vendors could not provide. Director Olson agreed and stated that in emergency situations, incidences under \$20,000, the normal procedure is to deal with the best option that is available. The motion carried unanimously.

Administrator Heinig questioned the Board on a suggestion at Finance Committee to no longer review the monthly financial statements at Committee level; he mentioned that copies were provided to the full Board monthly. President Proctor stated that she felt the reports were helpful to keep track of the budget. Trustee Kulcinski remarked that she doesn't utilize the reports and feels the excess paper is wasteful. Trustee Johnston stated that he feels there is a responsibility to taxpayers to review this report beginning with Finance Committee before it moves to the Village Board; he stated that he feels it is very important to look at the report in detail. Johnston commented that he also would like to reduce paper, but until technology could be used appropriately at the meetings, he is against moving away from the paper records and feels all reports should be provided as usual.

Doug Jorstad/Rich Anderson motioned to approve of Operators' Licenses for Nicholas R. Miller, Wesley B. Durnen and Danielle J. Doucette-White – Smokey's Bar & Grill; Barbara L. Gilster, Madison M. Freismuth and Morgan L. Van Cleave – Features Sports Bar & Grill; Brenda L. Peterson – The Pour House. The motion carried unanimously.

Dawn Kulcinski/Rich Anderson motioned to deny Operator's License for Adam L. Bell – The Pour House; this motion is based on Chief Collins' recommendation. Trustee Anderson complimented Chief Collins on closely monitoring the license requests. The motion carried unanimously.

Doug Jorstad/Steve Johnston motioned to approve Resolution 4-2016 – Withdrawal from the Local Government Property Insurance Fund. Administrator Heinig explained that due to legislative changes, the Local Government Property Insurance Fund is no longer a safe and affordable option for the Village; therefore we need to remove ourselves from the fund and proceed with changing to Municipal Property Insurance Company, a municipal insurance created by the League of Wisconsin Municipalities, with a bid received in line with current costs and coverage. The motion carried unanimously.

Doug Jorstad/Rich Anderson motioned to approve agreement with Advanced Comfort Specialists, LLC for the Village Hall HVAC Preventative Maintenance Agreement for May 1, 2016 – April 30, 2018. The motion carried unanimously.

Municipal Court Update

Meeting will be held next week.

Fire Board Report

Informational items only.

President's Report

Informational items only.

Other Items before the Board

Chief Collins thanked the Board for approving the Social Hosting Ordinance.

Trustee Olson congratulated re-elected Board members Johnston, Olson, and Ebner and also County Supervisor Barlow.

Trustee Olson complimented staff on a good audit, and also Attorney Weber and staff for recent projects.

Trustee Johnston commented that with the historic signing of the recent Boundary Agreements, approval of the Social Hosting Ordinance, approval of a new Festival Foods and Library plan, that this is a very exciting time and he is looking forward to the future of Holmen.

Clerk/Treasurer Hornberg congratulated re-elected Board members, and mentioned that the annual Open Book session will be held on April 26th with the Board of Review to follow on May 17th.

Administrator Heinig reminded the Board that a special reorganization Board meeting will be held on April 19th at 6:00 pm.

Attorney Weber stated that the motion to dismiss the Town's incorporation petition will soon come to conclusion.

President Proctor remarked that she has received very nice comments from other municipalities regarding the recently signed boundary agreements.

Closed Session

At 8:47 pm, Doug Jorstad/Steve Johnston 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 on use of TIF dollars to support public requirements of needed pedestrian connectivity, sewer main extensions, water main extensions, fire protection (hydrants), grading and storm water utilities services and detention, to serve a commercial development area in TIF #3. The motion carried unanimously. Trustee Olson recused himself from the closed session.

At 9:06 pm, Steve Johnston/Doug Jorstad motioned to reconvene into open session per Wisconsin State Statute 19.85(2). The motion carried unanimously. Trustee Olson returned to open session.

Steve Johnston/Rich Anderson motioned to direct Attorney and Administrator to formulate an agreement with ChiFest regarding TIF subsidy to dedicate one and a half million dollars over a fifteen year time-frame for public benefited infrastructure. The motion carried with Anderson, Proctor, Jorstad, Johnston and Kulcinski in favor; Olson abstained.

Trustee Johnston asked that the Board members refrain from use of digital media, with the exception of a personal emergency; he requested that full attention and respect be given to entire agenda.

Doug Jorstad/Rich Anderson motioned to adjourn. The motion carried unanimously. The meeting adjourned at 9:13 pm.

Angela A. Hornberg, Village Clerk/Treasurer