

Village Board Meeting Minutes
August 10, 2020

NOTE: Due to COVID-19 restrictions, residents are not allowed in the Village Hall. Meeting via Webex.

1) Call to Order and Roll Call – *President Laux called the meeting to order at 6:30 p.m. with Roll Call:*

Present

Bob Benz (virtual)

Roger Kaas

Joyce Laux

David Miller

Lisa Ott

Kathy Salo

Absent

Paul Grube

Others Present

Randy Friday, Administrator

Steve Summers, Plan Commission Chair

Kathy Mader, Acting Clerk

2) Pledge of Allegiance – *Recited.*

3) Approval of the Agenda – ***Salo moved to approve the agenda. Ott seconded. Motion carried unanimously.***

4) Approval of Minutes: July 27 (Regular Meeting) – ***Benz moved to approve the July 27, 2020 Minutes. Salo seconded. Motion carried unanimously.***

5) Registered Citizen Comments on Agenda Items.

- *Tom Herrmann* *N7782 Spurline Ct* *Re item 11) b*
Questioned vote which took place at the July 27th meeting and the July Plan Commission meeting and the related minutes in regard to PUD #2019-02.

Herrmann stated he sent an e-mail to Friday on August 6. However, Herrmann explained, Friday told him he either misplaced or never received the e-mail, and it was sent after the deadline for packet material inclusion. It was not included in the Agenda Packet.

Herrmann questioned August 5, 2019 Agenda and discussion of the Concept Plan for the proposed PUD. Herrmann stated he could not find minutes from the meeting online. Staff will check into the missing minutes.

- *Dennis Pederson* *N576 Robinhood Way* *Re item 7) b*
Requested the Village Board to consider Robinhood Way residents when considering allowing commercial sized building at N364 Military Road. Pederson is concerned the proposed view will be an eye-sore, could possibly become unkempt, and uncertain future condition if sold within the next ten years.

- *Tim Halbach* *W612 Clifton Road* *Re item 11) b*
Stated four comments:

1. Questioned three-minute time limit during Public Hearing

2. *Questioned why PUD is on agenda*
3. *Noted the July 13 VB minutes reflect amended village ordinance to remove Protest Petition*
4. *Opined that if the VB votes for Rezoning PUD they will be sacrificing the homeowners on the 18th hole and their property values.*

6) Report of the Community Development Authority (July 29)

- a. Planned Unit Development for residential, age-restricted duplex units. ‘FeatherCrest Development’ seeks TID funding supporting duplex housing for 6ac along Knight Drive. ‘Incentive Commitment’ authorized pending plan approvals and construction.

Kaas stated it will be a Pay-as-you-Go incentive plan with contingencies; Incentive is not to exceed \$400,000 with 50/50 share payback of the increment created by the new development.

- b. Condon Road extension: Update. – *Received a favorable bid to move the airplane. Kaas explained a CSM combining both properties formerly known as “Hawkinson property” must be completed for the grant approval to proceed.*
- c. Wink-Mart site remediation: Update – *Deed restriction must be removed with the Calumet County Register of Deeds.*

7) Report of the Plan Commission (August 3).

- a) High Cliff Golf Course redevelopment proposal of Hole #18 into ‘The Cottages at High Cliff’ (Protest Petition filed). Note: Re-referred to Plan Commission.
 - i. RP #2019-01: Request to rezone from IR-1 to IR-2 zoning on current Hole #18 at High Cliff Golf Course (Tax ID #13425; 11.3 acres).
Plan Commission reaffirms May 18 unanimous vote.
 - ii. PUD #2019-02: Request to construct 22 buildings (44 duplex units) on current Hole #18. (Tax ID #13425; 11.3 acres) as overlay district.
Note: (May 18) Plan Commission recommends ‘denial’ of PUD overlay.
(July 13) V. Board votes ‘approval’ prompting ‘re-referral’ to P.C.
(Aug. 3) Plan Commission recommends ‘approval’ of PUD overlay.
- b) CSM #2020-03: Request (West) to re-create Tax ID #13504 (N364 Military Road; 11 ac.) as three lots. Lot #s 1&2 (1.59ac.) remain zoned IR-2. Lot #3 (9.5ac) created for development (see RP #2020-01; ‘C-2’ zoning).

Salo moved to approve CSM #2020-03, request to recreate Tax ID #13504 (N364 Military Road: 11 ac) as three lots, Lots #1 & 2 (1.59 ac. remain zoned IR-2 and Lot #3 (9.5 ac) created for development (see RP #2020-01; C-2 zoning). Kaas seconded. Motion carried. Laux – Nay.

- c) Area Development Plan (ADP #2020-01): Consider development proposal for Parcel #13697; 10.2acres; Burzynski). Note: Previous plan reviewed in 1997 for development as Sherwood Forest 2nd Addition with one lot approved, via CSM, for construction of one, single-family home.

- d) Request to amend Developer Agreement (Sanderfoot; Tax ID #31250): Request for Land Use Permit to construct addition to pre-existing, non-conforming use (warehouse) building by amending Developer Agreement (2016) on 15.09ac of R-1 (Single-family) zoned property on State Park Road.

Salo moved to amend the Developer's Agreement. No second. Motion failed.

8) Report of Village Officers.

- a. Village President – *Nothing.*
- b. Fox Cities Area Room Tax Commissioner – *Benz reported, upon Laux suggestion, all of the sport articles displayed at the Champion Center now have dates on them.*
- c. Clerk/Treasurer.
 - i. Financial Reports.
 - 1. Consent Agenda (Financials; Quarterly Budget Report; Operator's License).
 - 2. Reminders: Open Book Aug. 20, 1pm – 7pm.
Board of Review Sept. 17, 4pm – 6pm.

Kaas moved to approve the Consent Agenda. Benz seconded. Motion carried unanimously.

- 9) Village Engineer and/or Utility Operator: Updates – *Friday stated the utility operator, Bruce Genskow, MCO, will be present at the next meeting to discuss leaks, water loss reports and upgrading equipment.*

- 10) Village Administrator: Update(s): Warranty Work (Roads); Culvert extensions – *HOW Landscaping crews have been working throughout the village on warranty work.*

11) Old Business:

- a) Computer devices for Village Boards: Update – *Kaas requested to wait for face-to-face training; schedule when Benz returns from vacation.*
- b) High Cliff Golf Course – Request to redevelop Hole #18. (Protest Petition filed.)
 - i. RP #2019-01: Consider petition (Drive Fore Success, LLC) to rezone Tax ID #13425 (18th Hole; High Cliff Golf Course) from IR-1 to IR-2 zoning, allowing housing construction.
Note: Approved. At July 13 Village Board Meeting, rezoning approved (4-1), in concurrence with May 18 Plan Commission unanimous vote.
See also Item 7.a.i. above.

No action required.

- ii. PUD #2019-02: Consider Planned Unit Development (Drive Fore Success, LLC) overlay district allowing development of (22 buildings) 44 duplex units on current 18th Hole of

HCGC (11.3 acres), allowing reduced front yard set-backs and private driveway for usage of golf carts within the PUD and on golf course.

Note: Re-referred. At July 13 Village Board Meeting, V. Board does not concur with P.C. recommendation (May 18) to deny. P.C. recommends 'approval' (Aug. 3). See also Item 7.a. ii. above.

Friday stated he spoke to counsel and shared counsel opinion of the Protest Petition as it relates to the rezoning request.

Salo moved to approve PUD #2019-02, consider Planned Unit Development overlay district allowing development of 44 duplex units on current 18th hole of HCGC (11.3 ac), allowing reduced front yard set-backs and private driveway for usage of golf carts within the PUD and on golf course. Kaas seconded. Benz – Aye, Kaas – Aye, Laux – Aye, Miller – Aye, Ott – Aye, Salo – Aye. Motion carried 6-0.

Dan Rippl, HCGC, speaking virtually, stated residents' concerns will be addressed:

- *A gate will be placed at Palisades Trail for emergency personnel use only.*
- *A berm and bushes will be placed for the Spurline Ct residents' views.*
- *Willing to sign an agreement stating the golf course will not build additional units on the course beyond the proposed.*

12) New Business:

- a) Request to place memorial bench in High Cliff Cemetery (VandenHeuvel) – ***Kaas moved to approve the placement of memorial bench at the High Cliff Cemetery per Vanden Heuvel request. Miller seconded. Motion carried unanimously.***
- b) Request to use Village Facility to hold Sherwood Lion's Blood Drive – ***Salo moved to approve request to use the Community Center for Sherwood Lion's Blood Drive for the remainder of 2020 with the understanding they completely sanitize the building after use. Kaas seconded. Motion carried unanimously.***

13) Complaints & Compliments: *None.*

14) Correspondences:

- a) Free COVID Drive-thru Testing – Aug. 11 thru Aug. 13 (Calumet County; Aug. 5).
- b) (High Cliff Golf Course re-development) Letter of Support for Proposed Re-Zoning (Ambroso; Aug. 5).
- c) (2019 Levy Limit Penalty - \$6,998) Description of 'Children with Disabilities Education Boards' tax levy calculation (Valeah Foy – Wis. Dept. of Revenues; Aug. 4).
- d) (High Cliff Golf Course re-development) Concerns about Proposed Condensed Duplex Village Housing (Cook; Aug. 3).
- e) Board Absence – Excused (Benz; July 31).

f) Monthly Report – June (Calumet County Sheriff’s Dept; July 30).

15) (8:00pm) Closed Session: Clerk-Treasurer Hiring – Update; Consider hiring terms and conditions. Per Wis. Stats. §19.85(1)(c), the Village Board may move to a Closed Session when considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Benz motioned to move into Closed Session at 8:00 p.m. to discuss Clerk-Treasurer Hiring, consider hiring terms and condition. Kaas seconded. Benz – Aye, Kaas – Aye, Laux – Aye, Miller – Aye, Ott – Aye, Salo – Aye. Motion carried 6-0.

16) (8:15pm) Open Session: The Village Board may act on any item discussed in Closed Session – ***Kaas motioned to move into Open Session at 8:20 p.m. Ott seconded. Benz – Aye, Kaas – Aye, Laux – Aye, Miller – Aye, Ott – Aye, Salo – Aye. Motion carried 6-0.***

17) Adjournment – ***Salo moved to adjourn at 8:21 p.m. Kaas seconded. Motion carried unanimously.***

Respectfully submitted for review and approval by Kathy Mader, Acting Clerk