

December 3, 2013 (Village Board Meeting)

**ALLOUEZ VILLAGE BOARD MEETING
TUESDAY, DECEMBER 3, 2013
6:30 P.M., ALLOUEZ VILLAGE HALL**

CALL TO ORDER / ROLL CALL

President Vanden Avond called the meeting to order at 6:35 pm

Present: Kopish, Genrich, Green, Vanden Avond, Dart, Gast,
Zeller (arrived at 6:58 pm)

MODIFY / ADOPT AGENDA

Kopish / Genrich moved to adopt the agenda as modified. Move item #14, Site Plan Review to #8b. Motion carried (Zeller not present for vote).

ANNOUNCEMENTS

- none

PUBLIC APPEARANCES

- none

PUBLIC HEARING TO CONSIDER ADOPTION OF ZONING ORDINANCE 2013-13, AMENDING SECTION 11.03, DEFINITION OF HOME OCCUPATION, CREATING SECTION 11.04J., REGULATION OF HOME OCCUPATION, DELETING SECTION 11.05 "A" RESIDENCE DISTRICTS, A. USE REGULATIONS, (8)(g) HOME OCCUPATION AND CREATING 11.05 "A" RESIDENCE DISTRICT, A. USE REGULATIONS (10) HOME OCCUPATION (from 10/15/13)

A public hearing was held to consider adoption of Zoning Ordinance 2013-13, amending Section 11.03, Definition of Home Occupation, creating Section 11.04J., Regulation of Home Occupation, deleting Section 11.05 "A" Residence Districts, A. Use Regulations, (8)(g) Home Occupation and creating 11.05 "A" Residence District, A. Use Regulations (10) Home Occupation.

No public comment.

Hearing closed at 6:38 pm.

ADOPTION OF ZONING ORDINANCE 2013-13

Discussion:

- section 11.04J(1)(K)(1), remove the word "motorized" from first sentence
- section 11.04J(1)(K)(12), include "receiving more than one customer per hour"

Green / Kopish moved to adopt Ordinance 2013-13 as proposed with the following changes: remove the word "motorized" from first sentence in section 11.04J(1)(K)(1), and add "receiving more than one customer per hour" to section 11.04J(1)(K)(1). Motion carried (Zeller not present for vote).

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PUBLIC HEARING TO CONSIDER ADOPTION OF ZONING ORDINANCE 2013-14, REPEALING AND RECREATING SECTION 11.24, ENFORCEMENT, VIOLATION, PENALTIES

Public hearing was held to consider adoption of Zoning Ordinance 2013-14, repealing and recreating Section 11.24, Enforcement, Violation, Penalties.

No public comment.

Hearing closed at 6:42 pm

ADOPTION OF ZONING ORDINANCE 2013-14

Gast / Dart moved to adopt Zoning Ordinance 2013-14. Motion carried (Zeller not present for vote).

(Zeller arrived at 6:58 pm)

IMPLEMENTING PTO PROGRAM (from 11/19/13)

Discussion:

- number of sick days proposed
- vacation schedule
- bridging the 30 day gap until Income Continuation Insurance would kick in
- funding the 30 day gap for the first two years while employees accumulate sick leave
- employees can buy down using the long term disability option if they wish (no short term disability)
- options for employees who can't buy down insurance to 30 days
- sick leave payout to be based on 1/1/2014 rate
- cost of Income Continuation to buy down
- allowing employees to donate time to one another

Gast / Dart moved to table to the next meeting of the Village Board. Motion carried (Zeller voted nay).

BROKER LISTING FOR FORMER VILLAGE HALL SITE PROPERTY (from 11/19/13)

Gast / Zeller moved to reaffirm the initial vote which was to award the listing contract with Vander Zanden and build into the contract an exception or caveat stating there would be no commission if sold to those who previously make an offer or expressed interest in the property. Roll call vote: Kopish – nay, Genrich – aye, Green – aye, Vanden Avond – nay, Dart – aye, Gast – aye, Zeller – aye. Motion carried.

CORRESPONDENCE ASKING THE BOARD TO CONSIDER CUTTING THEIR COMPENSATION IN HALF (from 11/19/13)

Pat Collins, 2310 Greenwald Street

- asked the Board to cut their compensation in half.

Discussion:

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- questioned the reason the request was being brought forward (for improper purposes)
 - o Collins first suggested reducing the size of the Board, yet didn't suggest that when he was on the Board.
 - o Collins is asking the board to reduce their compensation which has not changed since April 2001. The last time the board considered and received a raise in salary was in 1999, to be effective April 2001 and it was at the insistence of Collins (per minutes from Nov. 30, 1999).
- rates are currently in line with surrounding communities

Zeller / Genrich moved to maintain both the Village Trustee and Village President salaries as is. Motion carried.

SEXUAL OFFENDER ORDINANCE (from 11/19/13)

Ron Munyon, 337 Beaupre Street

- asked for clarification of Section 11.04(1), Residential Density Restrictions for Designated Sex Offenders.
- asked that the Board consider giving him until the end of winter or even spring to move out.

Discussion:

- the purpose of the Density Ordinance
- Ordinance seems to be working very well
- our Ordinance is much more liberal than neighboring municipalities
- not in favor of granting variances
- allowing petitioner plenty of time to find new residence

Gast / Vanden Avond moved that the Ordinance remain in place but that the Village forbear from issuing any citation for a violation of this particular ordinance to Mr. Munyon provided that he re-locate from that unit on or before September 1, 2014. Motion carried.

ADOPTION OF RESOLUTION 2013-18, RECOGNIZNG RETIREMENT OF DAN METZNER

Green / Dart moved to adopt Resolution 2013-18, Recognizing Retirement of Dan Metzner. Motion carried.

SITE PLAN REVIEW FOR STEEPLE PROJECT AT ASCENSION LUTHERAN CHURCH, 2911 LIBAL STREET

Flucke explained the Church began with the Site Plan Review process in 2011 to put an addition on their facility. Approximately 6 months ago the church decided to put a steeple on their new addition. Due to height restrictions, the steeple was denied by our building inspector. They went before the Board of Appeals in October 2013 and a 33.5' variance was granted for the steeple. Since then Plan Commission approved their Site Plan with a few conditions.

Discussion:

- sound system was removed by the church
- steeple is considered a sign - sign code requires lighting to be shut off from 10 pm to sunrise
- parking lot lights are not guided by our sign code and can be on from dusk to dawn

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Stuart Korshavn, Council President for Ascension Lutheran Church and resident of Allouez, 3732 Libal Street

- explained the association of the steeple with churches.
- asked the Board to affirm the decision of the Board of Appeals, accept the recommendation of the Plan Commission and approve the addition of the steeple to their church building.

David McAninch, Project Manager (for the building addition)

- believes, based on Religious Land Use Act of 2000, that a steeple with a cross is religious symbol, not a sign.

Discussion:

- the height of the steeple was approved by the Board of Appeals
- lighting of the steeple (will check with village council whether the steeple should be within the sign code and subject to the restrictions or whether it is trumped by the Religious Freedom Act)
- removal of the sound system

Paul Bachhuber, 3013 Ridgeview Court

- read letter from himself and his wife stating they believe the 33.5' variance will have a negative effect on surrounding property values and will establish a precedent which could result in the need to grant many more sizable variances. They hoped the Board could minimize some of the negative effects on property values as a result of the steeple.

Gast / Genrich moved that the Board ratify the Plan Commissions approval of the site plan with deletion of the sound system. Motion carried.

RECEIVE AND ACCEPT RESOLUTION 2013-17 ADOPTED BY PLAN COMMISSION AND SCHEDULE PUBLIC HEARING FOR COMPREHENSIVE PLAN UPDATE

Green / Dart moved to adopt Resolution 2013-17 and schedule a Public Hearing on Jan. 21st for Comprehensive Plan Update. Motion carried.

ADOPTION OF ORDINANCE 2013-17, REPEALING AND RECREATING SECTION 1.10B OF THE GENERAL PROVISIONS OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE RELATING TO COURT COSTS

Gast / Genrich moved to adopt Ordinance 2013-17, Repealing and Recreating Section 1.10B of the General Provisions of the Village of Allouez Municipal Code relating to Court Costs. Motion carried.

ADOPTION OF RESOLUTION 2013-19, APPROVING THE VILLAGE OF ALLOUEZ BOND SCHEDULE, NON-TRAFFIC VIOLATIONS (SCHEDULE A)

Gast / Kopish moved to adopt Ordinance 2013-19, approving the Village of Allouez Bond Schedule, Non-Traffic Violations (Schedule A). Motion carried.

APPROVAL OF ELECTION INSPECTORS

Dart / Green moved to approve list of election inspectors (on file in Clerk's Office). Motion carried.

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LANGLADE SCHOOL PARKING REQUEST FOR PARTI GRAS

Genrich / Dart moved to approve Langlade School parking request for Parti Gras (re-occurring event). Motion carried.

CONSENT AGENDA

Genrich / Green moved to approve:

a. operator's licenses for:

Jerry L. Haltaufderheid, 2380 Hawthorne Place, Green Bay, WI 54301

Paula M. Roush, 1404 Porlier Street, Green Bay, WI 54301

Tamera L. DesJardins, 2733 Humboldt Road, Green Bay, WI 54311

b. minutes:

i. Village Board dated 10/01/13, 10/28/13, 11/05/13

ii. Economic Development Committee dated 11/01/13

iii. Plan Commission dated 10/21/13

c. accounts payable dated 11/01/13, 11/08/13, 11/14/13, 11/20/13

Motion carried.

REPORT ON DOOR KNOB DISTRIBUTORS

Roberts explained there have been minimal complaints and distribution falls within First Amendment rights. Residents could post "No Soliciting" signs on their property or ask neighbors to pick up materials left at their home when they are on vacation.

ADJOURNMENT

Genrich / Dart moved to adjourn at 9:12 pm. Motion carried.

Minutes submitted by Debbie Baenen, Clerk-Treasurer