

February 6, 2018 (Village Board Meeting)

**ALLOUEZ VILLAGE BOARD MEETING
TUESDAY, FEBRUARY 6, 2018
6:30 P.M., ALLOUEZ VILLAGE HALL**

CALL TO ORDER / ROLL CALL

President Rafter called the meeting to order at 6:35 p.m.

Present: Harris, Atwood, Rafter, Dart, Green
Also Present: Clark, Fuller, Lange, DEO Vogel
Excused: Genrich

MODIFY / ADOPT AGENDA

Harris / Atwood moved to adopt the agenda as presented. Motion carried.

ANNOUNCEMENTS

- a. St. Matthew's Men's Club Wild Game Feed at St. Matthew's Parish on March 1, 2018 from 4 – 10 pm (recurring event)
- b. Spring Primary on February 20, 2018
- c. No Village Board Meeting on February 20th due to Election

Rafter

- Hawk Crossing on Riverside Drive was activated by WisDOT today
- Thanked the Lorelei Inn for their donation of \$1,000 from Oktoberfest in 2017 and \$2,700 from the Marilyn Hack memorial fund to several area organizations

PUBLIC APPEARANCES

Jim Orourke, 2339 Oakwood Avenue

- Feels the Village is using the PDD process to rezone properties in a defacto manner
- Doesn't believe TID 1 has the funds to complete the arboretum trail

RECONSIDERATION OF ALLOUEZ WATER WORKS BUILDING LOCATED AT 535 GREENE AVENUE FROM JANUARY 16

Code 5-6 N. states any member voting with the majority may move for a reconsideration of the vote on any question at the same meeting the vote is had or at the next succeeding meeting. The motion for reconsideration shall not be considered unless all Board members present at the initial vote are again present to pass upon the reconsideration request.

In the event that all Board members present at the initial vote are not present to take up the reconsideration request, the motion for reconsideration shall automatically be tabled until such time as all such members are present.

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In the absence of Trustee Genrich who was present at the initial vote, the motion for reconsideration was automatically tabled until such time as all such members are present.

ATTORNEY RETAINER AGREEMENT

Dart / Harris moved to approve a one (1) year extension with Hanaway Ross, S.C. (which includes municipal court prosecution) at the current \$150 per hour fee as recommended by Lange. Motion carried.

REQUEST FROM LORELEI INN, INC AT 1412 S. WEBSTER AVENUE FOR A NOISE VARIANCE PERMIT AND TO ALLOW ALCOHOL TO BE SOLD AND SERVED IN THEIR PARKING LOT ON MARCH 17TH FOR A ST. PATRICK'S DAY CELEBRATION

Atwood / Green moved to open for public comment. Motion carried.

Lynn Stahl, Lorelei Inn

- Explained request for a noise variance permit and to allow alcohol to be sold and served in their parking lot under a covered tent on March 17th.
 - o Would be a beer and soda only tent.
 - o Inside band is scheduled to play from noon – 4 pm and 10 pm – 2 am. Looking for band to play under the tent, with music done by 9 and the tent closed down by 10.
 - o Smaller venue than Oktoberfest.
 - o Will have security guards.
 - o Alcohol would be allowed in the bar and from the bar into a barricaded outdoor area.

Green / Dart moved to return to regular order of business. Motion carried.

Dart / Green moved to approve request from Lorelei Inn for a noise variance permit and to allow alcohol to be sold and served in their parking lot on March 17th. Motion carried.

APPROVAL OF REQUEST FOR PROPOSAL FOR ZONING CODE REWRITE PROJECT

Discussion:

- Purpose is to align our zoning code with our Comprehensive Plan, as well as streamline development
- Funds were set aside in the 2018 budget to hire consultant to begin work on the project
- Project is estimated to take 18 – 24 months
- Plan Commission suggested solidifying the deliverables, reimbursable expenses and what planning documents should be looked at which Fuller will clarify in the language
- With the project taking 18 – 24 months, could we include that an update be provided every 6 months
- Page 3, change “translate” to “translated”
- Page 4, #3 provides for more flexibility
- Page 7, H1 amend wording from “similar sized communities” to “communities of a similar size and character”

January 16, 2018 (Village Board Meeting)

ALLOUEZ WATER WORKS BUILDING LOCATED AT 535 GREENE AVENUE

Attorney Gast stated the original offer with Erik Bertaud was to close on or before December 31st. Since that didn't happen, the Board could consider extending the closing date and financing contingency, include additional contingencies or move on with other interested parties. Mr. Bertaud is requesting an additional 30 days to obtain financing.

Genrich / Dart moved to open the meeting for public input. Motion carried.

Erik Bertaud, 810 Lime Kiln Road

- Available to answer any questions
- Explained the delay in obtaining financing (lenders are concerned with what they would do with the property if they are left with it)

Harris / Dart moved to return to regular order of business. Motion carried.

Discussion:

- Attempts to communicate with buyers Attorney have gone unanswered until recently
- Whether to extend the financing contingency and closing date by way of amendment to the prior contract and build in a contingency that if a bonafide offer comes in, the Village will give Bertaud's Attorney 24 hours to get the deal done or we take the other offer. Or do we put back on the market allowing anyone including Mr. Bertaud to make an offer on the property.
- This may be a difficult property to get financing for. Banks may be hesitant.
- Should this be held in closed session.

Atwood / Dart moved to extend the financing contingency for 30 days, the closing date for 45 days and include a provision that if the Village gets a bonafide 3rd party offer it will be presented to Bertaud's Attorney to waive all contingencies and close on within 48 hours or we are free to pursue the other 3rd party opportunity. Motion carried.

PUBLIC HEARING TO CONSIDER AMENDMENT TO ARTICLE III, DISTRICT REGULATIONS AND ARTICLE VII, CONDITIONAL USES OF CHAPTER 475 OF THE VILLAGE ORDINANCES

A public hearing was held to receive public comment on proposed ordinance amending Article III, District Regulations and Article VII, Conditional Uses of Chapter 475.

Jim Orourke, 2339 Oakwood Avenue

- Concerned with changing a section of the zoning ordinance now when funding has been approved to rewrite the entire zoning ordinance this year
- Concerned with the way the PDD process is being used

Hearing closed at 7:15 p.m.

- L. No member of the Board shall vote upon any proposed ordinance, order, resolution, or proposition in which he or she may be personally interested other than as a citizen of the Village.
- M. All questions shall be decided by a roll call of the members. A Board member may not change his or her vote on any question after the result has been announced.
- N. Any member voting with the majority (or any member on an evenly split vote of the Board) may move for a reconsideration of the vote on any question at the same meeting the vote is had or at the next succeeding meeting. The motion for reconsideration shall not be considered unless all Board members present at the initial vote are again present to pass upon the reconsideration request.
- (1) In the event that all Board members present at the initial vote are not present to take up the reconsideration request, the motion for reconsideration shall automatically be tabled until such time as all such members are present. A motion to reconsider, being put and lost, shall not be renewed except as hereinafter provided.
 - (2) Any member voting with the initial majority (or any member on an evenly split vote of the Board) may renew the motion for reconsideration at a subsequent meeting at which all members present at the time of the initial vote are again present, upon a showing of newly discovered facts or other information of a material nature which was not available at the time of the initial vote, which vote requires a majority plus one vote for passage.
 - (3) The requirements set forth herein relative to certain members being present to pass upon a reconsideration request shall not apply if any Board members voting at the initial vote are no longer on the Board.
 - (4) In the event that any successive renewal applications are made, the Chair or a Trustee may declare the renewal motion to be out of order, and no further such renewal motions will be entertained by the Board unless such declaration is then and there appealed and defeated by a majority plus one.
- O. Any member of the Board shall have the right to protest against any ordinance of the Board which he or she may think injurious to the public or to any individual and have his or her reasons for his or her protests entered upon the records.