

SUAMICO VILLAGE BOARD MEETING MINUTES  
12781 VELP AVENUE

Monday, June 15, 2015

7 P.M.

**1) CALL MEETING TO ORDER**

President Jelen called the meeting to order at 7:02 p.m.

Board members present: President Jelen, Trustee Andrews, Trustee Eckert, Trustee Nelson, Trustee Roddan, Trustee Schenkelberg, and Trustee VanRossum.

Staff present: Administrator Kubacki; Kay Magyar, Finance Director; Dan Drewery, DPW Director; Steve Dunks, Zoning Administrator/Building Inspector/Assessor; and Bonnie Swan, Village Clerk.

**2) APPROVE AGENDA**

Motion by Roddan to approve the agenda with one change, to move item 10 b up after 6 a, second by Eckert, motion carried 7-0.

**3) PLEDGE OF ALLEGIANCE**

**4) CITIZEN COMMENTS ON AGENDA ITEMS**

No comments.

**5) PUBLIC FORUM**

Issues brought before the Board for which no decision shall be made

**6) PUBLIC HEARINGS AND ACTION**

- a) Request by Michael & Sharon Minta, 2988 Westline Rd to rezone SU-377-2 from Rural Residential to Agriculture. Located on the east side of Westline Rd. ¼ mile north of Anston Road, Ordinance 2015-07

Trustee Nelson will be recusing herself from this issue as they are personal friends.

Staff Report:

- The original lot was split off from the family farm in 2004 at 3.22 acres in size. The property was in agricultural use at that time, but zoned RR. A home was moved to that site in 2004. In 2011 additional acreage from the family farm was transferred to this lot. Some of the farm structures were included in that transfer. These buildings are a substantial distance from the home and are used for agricultural purposes. Because of the zoning an additional structure for the residents is not allowed (Limited to 2 accessory structures).
- Staff felt that a rezone to AG would allow the applicant to construct the additional garage needed for the residents. The home currently does not have an attached garage.
- The rezone is reasonable considering the property has always been in, and currently is used for agricultural purposes.
- This Public hearing was published and noticed per WI State Statutes.

President Jelen opened the public hearing.  
 No one spoke in favor or in opposition to this hearing.  
 President Jelen closed the public hearing.

Motion by VanRossum to approve ordinance 2015-07 Rezoning Parcel SU-377-2 from Rural Residential to Agriculture, second by Roddan,

Roll Call Vote:

|              |     |
|--------------|-----|
| Andrews      | Aye |
| Eckert       | Aye |
| Jelen        | Aye |
| Roddan       | Aye |
| Schenkelberg | Aye |
| VanRossum    | Aye |

Motion carried 6-0.

a) Sewer Plant Discussion/Approval

Staff Report:

As some of you are likely aware, prior to 2005 the Village operated a wastewater treatment plant for treatment of the sanitary sewer. That system was ultimately decommissioned and all of our wastewater currently goes to NEW Water. As all of you know, the costs to treat those wastes have been escalating at rates much higher than what was anticipated when the decision was made to contract with them for this treatment. Staff is currently looking into the option of utilizing our existing treatment plant, which may still be functional, with some upgrades, as a pretreatment facility. We would utilize this facility to remove some of the initial suspended solids and BOD's in our wastewater stream thus reducing the cost we pay NEW Water for final treatment.

The second option the Village may have is using its central (Main) lift station and installing pretreatment there. There are some limiting factors with the size of the facility and how compact the pretreatment equipment would have to be, but it could be an option if the treatment plant itself needs too many repairs to get going. Initial estimates indicate we could reduce our annual costs to NEW Water substantially. With their anticipated increases these savings could easily double in the next 5 to 7 years. Staff is in the process of doing a feasibility study that will include estimating costs to do necessary initial improvements to the facility, operations costs, and cost savings. Staff is at the point of needing professional assistance to do a cost analysis and wastewater treatment evaluation. This would be done in conjunction with the rate study by Schenck.

Dean Zanon, an Engineer for the Cedar Corporation, was present at the meeting to explain the cost analysis and wastewater treatment evaluation that they would do. Discussion was held and it was decided to look into this further with the questions that were asked this evening and bring it to another meeting. Thoughts to bring it to the PW&U Commission meeting were also discussed.

**7) CONSENT AGENDA**

- a) Previous Minutes of the Village Board: June 1, 2015
- b) Treasurer's Report
- c) FD Report
- d) Licenses as recommended by Officers Kowalkowski and Breider:
  - i) Operator approvals: Jacqueline A Dart, Nicole A Collins, Katie M VanVonderen, Steven J March, Brenda K Willette, Teresa Nigbur, Tiffany A Berghuis, Samantha L Nelson, Melissa A Earley, Kasi M Bardouche, Cynthia L Brehmer, Haley J Hanson, Jessie L Landree, Marisa M Moen, Patricia K Rasmussen, Christine A Williquette
  - ii) Operator denials: None
  - iii) Picnic: NEW Zoo: Feast with the Beasts

Trustee Eckert had a question as to what the check for Johnson Insurance Group on the Check Register was for.

Motion by Roddan to approve the consent agenda as presented, second by Nelson, motion carried 7-0.

**8) PUBLIC SAFETY ITEMS**

- a) Ordinance Review of Chapter 11 Public Nuisances/Peace and Order, Ordinance 2015-05 (second reading)
  - i) 11.03 Animals at Large
  - ii) 11.08 Animals Causing Damage or Injury
  - iii) 11.23 Keeping of Vicious Dogs Regulated
  - iv) 11.255 Animals; Humane Officers

Humane Officer Monica Hoff was present at Monday's meeting to address all ordinance amendment questions. Attorney Corey Kimps was present to discuss his legal memorandum regarding revisions to the current section 11.23, a potential change of section 11.23(2) specifically addressing a review process for a dog that is determined to be vicious/dangerous and addressing the current confinement language and revisions to the current section 11.03 to add a provision regarding animals threatening to attack individuals passing by a private residence.

Changes to the following Chapters of the Village Code of Ordinances:

Chapter 11.03 Animals at Large

- Adding (4) No person having in his possession or under his control any animal shall allow the same to threaten to attack individuals who are passing or present on public or private walkways or property unless restrained by a solid fence sufficient to contain the animal.

Chapter 11.08 Animals Causing Damage or Injury

- Changing number of days from ~~fourteen (14)~~ to ten (10) days, brings us in line with Brown County and the State of Wisconsin

Chapter 11.23 Keeping of Vicious Dogs Regulated

- Deleted dog fighting, changed the word vicious to dangerous/potentially dangerous;
- added Humane officer where appropriate

- Within ten (10) days of the determination that a dog is dangerous/ potentially dangerous, as provided in section 11.23 (3) above, ~~or ten (10) days after an unsuccessful appeal under section 11.23 (4) above~~, the owner, keeper, or harbinger of a dangerous/ potentially dangerous dog shall either comply with all provisions of this section or dispose of such dog.

Chapter 11.255 Animals; Humane Officers

- Adding 11.255 ANIMALS; HUMANE OFFICERS Except as otherwise specifically provided in this section, the statutory provisions in Wis. Stats. Ch. 173, describing and defining regulations with respect to animals and Humane Officers, inclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any act, required to be performed, or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section.

Discussions were held on all. Chapter 11.03 Animals at Large had much discussion regarding underground fencing. Dogs that have electronic fencing can bust through this fencing and attack the individual in the street. Other dogs have a tendency to charge up to the fencing line and appear that they will come out into the street, scaring those walking by. With this ordinance, the humane officer would have the authority to control this issue with the owner of the dog, warning them and if need be, issue a citation.

Motion by Van Rossum to approve Ordinance 2015-05 approving Chapter 11.08, 11.23 11.255 and striking 11.03, second by Nelson,

Roll Call Vote:

|              |     |
|--------------|-----|
| VanRossum    | Aye |
| Schenkelberg | Aye |
| Roddan       | Aye |
| Jelen        | Aye |
| Nelson       | Aye |
| Eckert       | Aye |
| Andrews      | Nay |

Motion carried 6-1.

- b) Ordinance Review of Chapter 5 Licenses and Permits, Ordinance 2015-06 (second reading)
- i) 5.09 Dogs Licensed
- Adding: In the case of individuals providing foster care for dogs on a temporary basis, more than four dogs may be allowed, subject to the recommendation of the Village Humane Officer and approval by the Village Board.
- ii) 5.04(11) Alcohol Beverages, Closing Hours
- It is recommended that the village adopt Wis. Stats. §§ 125.32(3) and 125.68(4).

Discussion was held on 5.09 Dogs licensed, the number of dogs that could be allowed on the temporary basis. There was some concern that that number would be too large for residential areas.

Motion by Nelson approve Ordinance Amending Chapter 5 Licenses and Permits of the Village Code 5.04 (11) excluding 5.09 second by Eckert,

Roll Call Vote:

|              |     |
|--------------|-----|
| Andrews      | Aye |
| Eckert       | Aye |
| Nelson       | Aye |
| Jelen        | Nay |
| Roddan       | Aye |
| Schenkelberg | Nay |
| VanRossum    | Nay |

Motion carried 4-3.

**9) ADMINISTRATIVE ITEMS**

a) Liquor License Renewals for 2015-2016

Staff Report:

Combination “Class B” Intoxicating Liquor and Class “B” Beer License by the following:

THE BAR OF SUAMICO--The Bar of Suamico Inc., 2310 Lineville Road, for use at The Bar, 2310 Lineville Road, Suites A & B, Suamico, WI 54313, Matthew Kiphart, agent.

Bowling Center, Front Bar and Restaurant, Party Rooms, Back Bar and Front Patio

No other outside sale or consumption allowed without special permit/license.

THE BOTTLE ROOM--Rutchik Investments LLC, 301 Spice Wood Court, Wrightstown for use at The Bottle Room, 2300 Lineville Road, Suite 101, Suamico, WI 54313, Justin Rutchik, agent.

Inside bar, retail area, private tasting room, side concrete patio area and back storage.

No other outside sale or consumption allowed without special permit/license.

CHAMBERS HILL BAR AND RESTAURANT--Chambers Hill Bar and Restaurant LLC, 679 Lida Lane, Green Bay, for use at Chambers Hill Bar and Restaurant, 12350 Velp Avenue, Green Bay, WI 54313, Richard Joseph Klika, agent.

Inside bar/dining area and basement storage.

Outside fenced-in patio area.

No other outside sale or consumption allowed without special permit/license.

CHIVES RESTAURANT--Chives, Inc., 2315 Cathedral Forest Drive, for use at Chives Restaurant, 1749 Riverside Drive, Suamico, WI 54173, Ronald C. Schoenfeld, agent.

Inside bar/restaurant at 1749 Riverside Drive, front porch and Chives School House.

Outdoor sales and consumption limited to outdoor front porch area only.

Outside parking lot sales/consumption for outdoor concert special events on Tuesday's beginning July 7<sup>th</sup> through August 18<sup>th</sup>, 2015 with the following two conditions:

- 1) Adequate temporary fencing to contain the special event.
- 2) Adequate monitoring of the entrance/exit to comply with State and local laws prohibiting carry-ins and carry-outs of open intoxicating beverages.

CATERFEST, INC., 237 Second Avenue S, Onalaska, for use at The Marq, 2310 Suite C, Lineville Road, Suamico, WI, Terry Thetford, Agent.

Inside banquet and outdoor patio area.

Outdoor sales and consumption limited to outdoor patio area only.

FAJITA REPUBLIC RESTAURANT, Fajita Republic LLC, for use at Fajita Republic, 2314 Lineville Road, Suite 104, Paulo C. Diez, agent.

Inside bar and dining area.

No outdoor sales or consumption without issuance of special permit.

FOUR WAY BAR AND RESTAURANT--Four Way Bar LLC, 1791 Riverside Drive, Suamico, for use at Four Way Bar and Restaurant, 1801 Riverside Drive, Green Bay, WI 54313, James L. Whiting, agent.

Inside bar area, 1<sup>st</sup> floor level of bar/restaurant, outside patio.

No other outside sale or consumption allowed without special permit/license.

HARBOR LIGHTS RESORT--Robert James Nelson, 2883 Longview Lane, Suamico, for use at Harbor Lights Resort, 2824 Harbor Lights Lane, Suamico, WI 54173, Robert James Nelson, agent.

Inside bar area

No outdoor sales or consumption without issuance of special permit.

RUSTIQUE PIZZERIA & LOUNGE--Rustique Pizzeria Inc., 2844 Weeping Willow Drive, Green Bay, for use at Rustique Pizzeria & Lounge, Suamico, WI 54313, Joe Witthuhn, agent.

Inside bar/restaurant area/outside deck.

Outside sales and consumption limited to outside deck area only.

No other outside sale or consumption allowed without special permit/license.

SHOOT'S BAR --Steve W. Schuette, 13212 Velp Avenue, Green Bay, for use at Shoots Bar & Grill, 3375 Side Street, Suamico, WI 54173, Steve Schuette, agent.

Inside bar area, kitchen, stock/storage room behind kitchen and outside beer garden.

No outdoor sales or consumption without issuance of special permit.

TOWNLINER BAR & GRILL--T.L. Enterprises of Howard LLC, 108 Coprinus Drive, Green Bay, for use at Townline Pub & Grill, 2544 Lineville Road, Green Bay, WI 54313, David M. Luedke, agent.

Inside restaurant/bar area, banquet hall, upper outdoor patio and 1<sup>st</sup> floor patio.  
Outdoor sales and consumption limited to upper outdoor patio area and 1<sup>st</sup> floor patio only.  
No other outside sale or consumption allowed without special permit/license.

WOUTER'S FRONT--Suamico H2O, Inc., 4631 Reforestation Road, for use at Wouters' Front, 3171 School Lane, Green Bay, WI 54313, James Wouters, agent.

Inside bar/restaurant area and outdoor area confined to baseball diamond/concession stand area).  
Outside sales and consumption limited to baseball diamond, concession area only.  
No other outside sale or consumption allowed without special permit/license.

Class "B" Fermented Malt License by the following:

WINDJAMMERS--Windjammers Sailing Club, Inc., 4009 Channel Road, PO Box 11, Suamico, for use at Windjammers Sailing Club, Inc., 4009 Channel Road, Suamico, WI 54173, Douglas E. Olson, agent.

1<sup>st</sup> and 2<sup>nd</sup> floor of the inside clubhouse area.  
No outdoor sales or consumption without issuance of special permit.

KNIGHT RIDERS SNOWMOBILE CLUB --Knight Riders Snowmobile Club Inc., 12136 Velp Avenue, for use at Knight Riders Snowmobile Club, 12136 Velp Avenue, Suamico, WI 54313, Brent Gagnon, agent.

Inside bar area, 1<sup>st</sup> floor level of bar.  
No outdoor sales or consumption without issuance of special permit.

Class "B" Fermented Malt License and "Class C" Wine License by the following:

MUSTARD SEED CAFÉ--Mustard Seed Café LLC, 1541 Bellevue Street, Suite 6, Green Bay, WI 54311 for use at Mustard Seed Café, 2314 Lineville Road, #101, Suamico, WI 54313, Patty Hendrickson, agent.

Café, Backroom and storage area.  
No outdoor sales or consumption without issuance of special permit.

"Class A" Combination Intoxicating Liquor and Class "A" Beer License by the following:

FESTIVAL FOODS--DRS Fest Inc., 237 Second Avenue S., Onalaska, WI 54650, for use at Festival Foods, 2348 Lineville Road, Green Bay, WI 54313, Timothy Schmitz, agent.

79,500 square foot store area including liquor store.  
No outdoor sales or consumption without issuance of special permit.

Kwik Trip, Inc., 1626 Oak Street, La Crosse, WI 54603, for use at Kwik Trip #365, 2498 Lineville Road, Green Bay, WI 54313, Brent E. VandeWalle, agent.

Inside convenience store area, inside coolers, and back room storage.

No outdoor sales or consumption without issuance of special permit.

LINEVILLE HAUS--GCS Bellevue Crossing LLC for use at Lineville Haus, 1580 Lineville Road, Suamico, WI, Daniel J. Pamperin, agent.

Inside convenience store area.

No outdoor sales or consumption without issuance of special permit/license.

SUAMICO CITGO--Suamico Citgo, Inc., 5072 Brown Road, Little Suamico, for use at Suamico Citgo, 1535 Sunset Beach Road, Suamico, WI 54173, James Patrick Johnson, agent.

Inside convenience store.

No outdoor sales or consumption without issuance of special permit.

Motion by Nelson to approve the liquor and malt beverage licenses for the establishments listed subject to the following condition:

1. That all applicants have supplied proof of a valid WI Sellers Permit.
2. Approval is granted for areas as specified on licenses only. Any exceptions or additions must come to Village Board for approval of an amendment to the liquor license.
3. That any or all outstanding fees, charges, utility bills or taxes are paid in full prior to the issuance of the new license per Chapter 5.02(13) of the Suamico Village Code of Ordinances.
4. That any Fire Code violations are corrected as specified by the Suamico Fire Department and are re-inspected prior to issuance of license.
5. That any or all outstanding beer and/or liquor bills have been paid per WI State Statutes.

Second by Roddan, motion carried 7-0.

b) Tobacco Licenses for 2015-2016

Staff Report:

The following have applied for tobacco licenses for 2015-2016.

Motion by VanRossum to approve the tobacco licenses for the following:

Festival Foods, (2348 Lineville Road).

Kwik trip #365 (2498 Lineville Road).

Lineville Haus (1580 Lineville Road).

Shoot's Bar & Grill (3375 Side Street).

Suamico Citgo (1535 Sunset Beach Road).

The Bottle Room (2300 Lineville Road, Suite 100).

Second by Roddan, motion carried 7-0.



- c) Stone Creek Circle Development Status  
8 terminally dormant trees will be replaced by the developer. We have had some noise complaints and construction can take place until 10 pm in the evening according to the code.
- d) Initial Discussion-Notification Policy-Practices-Possible Direction –Water Impact Fee  
Recently the Village Board has indicated to staff that perhaps we should look at our notification policies relative to notices on Special Assessments, Reserve Capacity Assessments, Impact Fees and the levying or placement of Liens on Properties, etc... We would like an initial verbal discussion on this subject so as to assess the reasonableness and work necessary to complete such efforts.

Regarding the water impact fee and the June 30<sup>th</sup> deadline, the June 30<sup>th</sup> deadline stands and a letter to the individuals notifying them is to go out Tuesday, June 16<sup>th</sup> stating that.

- e) Administrator's Report
  - i) Norfield Rd. Mitigation Plan Site Visit 7/14/15-Time TBD
  - ii) Harbor Commission Meeting-WDNR and Federal Dredging Opportunities
  - iii) Fire Department Operations Committee Status Report
  - iv) Denissen Property-Sale Status Report
  - v) Ambulance Service Contract-Initial Discussions
  - vi) Any other items that may be germane

#### 10) UTILITY & PUBLIC WORKS ITEMS

- b) Jeremy Czech, 3055 Idlewild Road, Drainage Problem  
Discussion was held.  
Motion by Nelson regarding SU-519-20 that the fines are now due, deadline to be determined by the Suamico Municipal Court, second by Roddan, motion carried 7-0.

#### 11) DISCUSSION ON FUTURE AGENDA ITEM(S)

PRF&T committee meeting for July-trails as an agenda item  
Fencing at Idlewild Park

#### 12) CLOSED SESSION

- a) 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
  - i) Represented and Non-Represented Employees
- b) 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
  - i) Impact Fees  
Motion by Roddan to move into closed session per 19.85(1)(c) and 19.85(1)(g) to discuss the items listed above and to include Administrator Kubacki and Magyar, second by Eckert,

Roll Call Vote:

|              |     |
|--------------|-----|
| Andrews      | Aye |
| Eckert       | Aye |
| Nelson       | Aye |
| Jelen        | Aye |
| Roddan       | Aye |
| Schenkelberg | Aye |
| VanRossum    | Aye |

Motion carried 7-0.

**13) RETURN TO OPEN SESSION**

Motion by VanRossum to return to open session, second by Roddan,

Roll Call Vote:

|              |     |
|--------------|-----|
| Andrews      | Aye |
| Eckert       | Aye |
| Nelson       | Aye |
| Jelen        | Aye |
| Roddan       | Aye |
| Schenkelberg | Aye |
| VanRossum    | Aye |

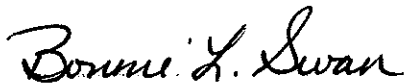
Motion carried 7-0.

**14) POSSIBLE ACTION ON CLOSED SESSION ITEMS**

No action taken.

**15) ADJOURN**

Motion by VanRossum to adjourn at 9:50 PM, second by Roddan, motion carried 7-0.



Bonnie L. Swan  
Bonnie L. Swan, Village Clerk