

March 17, 2015 (Village Board Meeting)

**ALLOUEZ VILLAGE BOARD MEETING  
TUESDAY, MARCH 17, 2015  
6:30 P.M., ALLOUEZ VILLAGE HALL**

CALL TO ORDER / ROLL CALL

President Vanden Avond called the meeting to order at 6:30 pm

Present: Harris, Genrich, Rafter, VandenAvond, Dart, Gast, Dennis  
Also Present: Attorney Duffy, Lange, Clark, Berndt, Roberts, Fuller

MODIFY / ADOPT AGENDA

**Genrich / Harris moved to adopt the agenda as modified. Switch item #6, repealing and recreating Chapter 5 and item #7, resident petition to nullify part or all of the existing Intensive Survey. Motion carried.**

ANNOUNCEMENTS

Baenen

- a. Spring Election on April 7, 2015 / No Village Board meeting due to Election

Lange

- Second Corridor Study Open House to be held Thursday, March 19<sup>th</sup> at the Village Hall from 5 – 7 pm

Vanden Avond

- It has been a pleasure working with the board, staff and residents (this being his last meeting before resignation date of April 21).

PUBLIC APPEARANCES

Daniel Coppens, 1345 Hastings Street

- Is currently on the sex offender list and questioned the process for relocating from his duplex to a house in Allouez (Vanden Avond – contact DEO Loppnow who has the map of acceptable locations in the village where offenders can live).

BID APPROVAL FOR ALLOUEZ TRAIL CONNECTION (from 3/7/15)

**Genrich / Dart moved to award the Allouez Trail Connection Project to the low bidder, Ed Gersek, Inc., of Green Bay, with a bid of \$196,729.72 contingent on WisDOT approval. Motion carried.**

REPEALING AND RECREATING CHAPTER 5, HEALTH (from 3/7/15)

**Rafter / Dennis moved to repeal and recreate Chapter 5, Health as submitted. Motion carried.**

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RESIDENT PETITION TO NULLIFY PART OR ALL OF THE EXISTING INTENSIVE SURVEY AND REQUEST PERMISSION AND FUNDS FROM THE NATIONAL PARK SERVICE TO RE-PERFORM THE SURVEY (from 3/3/15)

Vanden Avond

- a petition came from a resident about two years ago, claiming that the Intensive Survey performed with federal money through the State Historic Society office and with a consultant was flawed. The resident requested that Vanden Avond and the then administrator petition the National Park Service for permission and funds to re-do or re-perform the study. When questioned for grounds for the request, Vanden Avond was told by the resident that there was not only negligence in performing the study, there was fraud, tampering with data, and ignoring federal guidelines on the part of those responsible (the Wisconsin Historic Preservation Society and its consultant). Vanden Avond considered the allegations to be quite serious and got the Village Attorney involved. It has been two years back and forth between Vanden Avond, the Village Administrator, the Village Attorney, and the resident, with numerous open records request by the resident for information related to the Study and dozens of hours and thousands of dollars spent trying to rectify this. Vanden Avond informed the Board of the details of the issue at the second meeting in February because he has been unable to resolve the issue to the resident's satisfaction and so the Board could weigh in on the issue.

Discussion:

- the Board had also heard the request by the resident at Board meetings. A couple of meetings back, the Board told the resident that they would listen and asked the resident to produce the information so that they could make an intelligent decision on whether the allegations have merit. The Board gave the resident until the current meeting to bring forth the information. The Board needs to make a decision and be done. The resident still has the right to petition the State Historic Preservation office or the National Park Service. To date he has not provided any documentation, yet continues to raise the same general vague allegations over and over.

Jennifer Lehrke, owner of Legacy Architecture (consultant for 2013 Intensive Survey Report)

- addressed public statements made by Mr. O'Rourke with regard to the alleged flaws in the existing Intensive Survey, including the survey field notes, the billing process, and the architectural integrity of neighborhoods in Allouez such as Sunset Park. Lehrke urged the Village to put a stop to Mr. O'Rourke's ongoing complaints about the 2013 Intensive Survey Report. The Village Board asked for a written copy of her comments.

Vanden Avond

- asked Attorney Duffy, Administrator Lange, Mr. Fuller (the Village Planner), Clerk Baenen, and those in attendance as to whether additional information was available that could help the Board make a decision. None of those who were asked either individually or in general had further information to provide.

Attorney Duffy

- offered his opinion that there was no fraud or negligence and not only was the Survey not flawed, the consultant (Legacy) and the State Historical Society are quite competent in what they are doing.

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- confirmed that no information was received by the Village from Mr. O'Rourke or any other resident with regard to the accuracy of the existing Intensive Survey.

**Gast / Genrich moved that the Village of Allouez not pursue nullifying part or all of the existing Intensive Survey since there is no evidence that it is flawed and for the same reason, the Village not petition the National Park Service to provide permission or funding for a new Intensive Survey. Motion carried.**

CSM FOR SAINT JOSEPH REAL ESTATE SERVICES CORPORATION AT 1910 S WEBSTER AVENUE  
(from Plan Comm on 2/23/15)

Fuller

- The owner submitted the Certified Survey Map to Brown County for their review and approval. Brown County Planning Commission recommended that the CSM be approved, provided that a Brown County Highway Department access permit is obtained prior to construction of a new street/road connection or driveway to a County Trunk Highway.

Staff requested that parcel AL-50-12 maintain the Webster Avenue frontage or be granted an easement for future development.

Plan Commission accepted the CSM and placed on file, with the request that a drive, sewer, and water easement be provided for "Parcel C" (shown on the CSM).

**Rafter / Gast moved to accept and place on file the CSM for Saint Joseph Real Estate Services Corporation at 1910 S. Webster Avenue. Motion carried.**

AWARD OF CONSTRUCTION CONTRACT FOR WATERMAIN PROJECT AL-2015-1 FOR SUBMITTAL TO WDNR FOR FINANCIAL ASSISTANCE AGREEMENT

**Genrich / Dart moved to award Construction Contract for the Water Main Replacement Project AL 2015-1 for submittal to WDNR for Financial Assistance Agreement, to Dave Tenor Construction at a bid of \$2,257,762.85. Motion carried.**

RESOLUTION 2015-03, AUTHORIZING FUNDING FOR EAST RIVER TRAIL

**Gast / Vanden Avond moved to adopt Resolution 2015-03, authorizing funding for East River Trail. Motion carried.**

CREATION OF A RESOLUTION REGARDING THE PROPOSED 2015-2017 WISCONSIN STATE BIENNIEL BUDGET

**Vanden Avond / Gast moved that the Village President draft a resolution to be presented at the next meeting with regard to at least two issues: the county assessment proposal and shared revenue. Motion carried.**

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ADJOURNMENT

**Dennis / Gast moved to adjourn at 7:40 pm. Motion carried.**

Minutes submitted by Debbie Baenen, Clerk-Treasurer