

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF MAY 23, 2012

### Call to Order

President Vanden Berg called the Committee of the Whole meeting to order at 6:00 p.m.

### Roll Call

PRESENT: President Vanden Berg, Trustee Berken, Trustee Frassetto, Trustee Hietpas, Trustee Peerenboom, Trustee Smith, Trustee Van Lankvelt

ALSO PRESENT: C. Kell, T. Matheny, J. Moes, R. Van Gheem, V. Schneider

Interested Citizens, Media Reps, Kate Berken

### Public Appearance for Items not on the Agenda

None

### Action on Special Event Permit – St. John Athletic Association - Cheddar Chase – June 2, 2012

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Approve the Special Event Permit for the St. John Athletic Association Cheddar Chase on June 2, 2012.*

Ayes 7, Nays 0 – Motion Carried Unanimously

### Review/Action to Set Public Hearing – Creating Article XVI East Main Overlay District, Sec. 560

#### Purpose; applicability and Sec. 561 General Regulations of the Village's Municipal Code

J. Moes stated that the Planning Commission is recommending approval and because it is a zoning code, a Public Hearing must be held prior to adoption of the ordinance. J. Moes stated the ordinance addresses the two feet of terrace area that the Village is acquiring on East Main Street between Sanitorium Rd. and the East Village Limits and the net effect of the code is for the businesses along this section to be made whole regarding setbacks for buildings and signs.

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to Set a Public Hearing for June 13, 2012 at 6:00 p.m. for Creating Zoning Code Article XVI East Main Overlay District, Sec. 560 Purpose; applicability and Sec. 561 General Regulations of the Village's Municipal Code.*

Further Discussion: Trustee Berken asked if this would affect any other businesses from Buchanan St. to Sanitorium Rd. J. Moes and R. Van Gheem responded that the State may be acquiring some land for turning lanes on Buchanan St. and property owners would be negotiating with the State on any right-of-way acquisitions.

Vote on Motion:

Ayes 7, Nays 0 – Motion Carried Unanimously

### Discussion/Update on Plan commission's Recommendation – Amending Village's Municipal Code – Section 44-46 – RC Conventional Single Family District (e) Dimensional Requirements

J. Moes stated that the Planning Commission reviewed the ordinance amendment as sent to them by the Board with the word “existing” added in 44-46)(e)(3) and they disagreed with including the word “existing” in the ordinance. The ordinance presented tonight has the word “existing” removed and the Board can agree with the language presented or if they want the word “existing” added back in, then a Public Hearing would need to be scheduled. Kate Berken, 182 Grant St., commented on changing the definition of the word “dwelling” if the word “existing” isn’t going to be added and she further stated that she felt the word “existing” should be added. J. Moes explained that changing the definition of dwelling becomes problematic because it is used in many sections of the code. J. Moes explained that the meaning of “single-family detached dwellings” doesn’t mean that there has to be a house on the property but that those uses are allowed within the zoning district. Trustee Peerenboom stated that when the ordinance amendment was discussed on April 18 his feeling at that time was that he preferred the word “existing” in the ordinance because it is his recollection that when the Plan Commission originally passed the ordinance it was to assist existing homeowners on small lots for them to do remodeling without having to come in for a variance. President Vanden Berg stated that the Plan Commission didn’t feel that a vacant lot should be treated differently than one with an existing structure on it as the same problems exist for both properties and the idea was to have less variance requests and by limiting the scope of the change, more variance

requests could be created. President Vanden Berg stated the Plan Commission is recommending approval of the ordinance amendment as presented tonight (without the word “existing”). Kate Berken commented on the Village Board’s discussion on April 18 and the Board indicated at that time they all wanted “existing” in the ordinance and she questioned why the Commission wouldn’t want a person to come forward with a variance request when building a new home on a small lot and now small lots can be split in half to make two non-conforming lots or make their lot more non-conforming. J. Moes clarified that the language as proposed only applies to lots platted prior to 1950 and if someone did a CSM after 1950, this ordinance wouldn’t apply but a non-conforming CSM could be approved by the Board. Michael Stouffer, 714 Bluff Ave., suggest as a possible solution adding language to (1) to read “Single-family detached dwellings platted subsequent to 1950”. J. Moes commented that language could be added but it hadn’t been an issue and standard lots dimensions are 7,500 sq. ft. and 70 ft. width. J. Moes stated that if the Board wants to consider amending the ordinance with the word “existing” than a public hearing should be scheduled. President Vanden Berg stated that if the Board is acceptable to the recommendation of the Plan Commission then the ordinance amendment could be put on a future agenda for action as a new public hearing would not be needed. Discussion continued.

*Moved by Trustee Berken, seconded by Trustee Hietpas to Set a Public Hearing for June 13, 2012 at 6:00 p.m. (immediately following the first public hearing) for Amending Village’s Municipal Code Section 44-46 – RC – Residential Conventional Single Family District (e) Dimensional Requirements and add the word “existing” to the ordinance language amendment.*

Further Discussion: Trustee Peerenboom stated he believes the word “existing” should be in the language but he doesn’t understand why it wouldn’t be voted on first and then if it fails decide if they should address it again. Staff noted that the first public hearing did not have the word “existing” in the proposed language and another option would be to put the proposed amendment as presented tonight on a future agenda for adoption and if it is voted up or down then a public hearing on the language “existing” could be held.

Vote on the Motion: Ayes 4, Nays 3 (Smith, Van Lanvelt, Vanden Berg) – Motion Carried

### **Unfinished Business**

C. Kell stated he and President Vanden Berg discussed the process for reviewing the employee handbook and they are suggesting that each of the Trustees take time to review it and assemble questions or concerns, forward them to him and he will group them into categories and answer them. C. Kell asked the Trustees if they agreed with this proposal. Trustee Frassetto stated she agreed with the process as proposed and the other trustees indicated agreement. C. Kell asked Trustees to complete their review of the handbook by the end of June. J. Moes stated that he will need a closed session on the next agenda to discuss a counteroffer on the Village’s accepted offer for 325 W. Main St.

### **Items for Future Agenda**

Trustee Frassetto stated that a resident had made a suggestion for some type of smoking receptacle for the downtown businesses and she thought maybe something like the sandwich board sign program could be established. C. Kell stated that he can look into this suggestion and see if the Village can come up with a program for the businesses to purchase smoking receptacles from the Village. Trustee Van Lankvelt stated that he had a suggestion brought up to him that smoking shouldn’t be allowed in entrance ways of buildings. Staff stated the Police Dept. is responsible for enforcing the smoking laws. President Vanden Berg stated that next Wednesday is a 5<sup>th</sup> Wednesday and he is not planning to hold a meeting unless something compelling arises.

President Vanden Berg announced that upon returning to open session, no action would be taken on the closed session items.

*Moved by Trustee Smith, seconded by Trustee Peerenboom to Enter into Closed Session for the items specified on the agenda with the notice that not action would be taken on the Closed Sessions items. (6:40 p.m.)* Ayes 7, Nays 0 – Motion Carried Unanimously

Staff members were excused with the exception of the Village Administrator, Finance Director, and Village Clerk.

**Closed Session: 19.85(1)(e) Wis. Stats. Deliberations or negotiations on the purchase of public properties, investing of public funds or conducting other specific public business when competitive or bargaining reasons require a closed session. Development Agreements with Evergreen LC Development, LLC and Premier Little Chute, LLC.**

*Moved by Trustee Frassetto, seconded by Trustee Smith to Exit Closed Session. (7:12 p.m.)* Ayes 7, Nays 0 – Motion Carried Unanimously

### **Return to Open Session**

**Discussion/Possible Action on Development Agreement with Evergreen LC Development, LLC**  
No action was taken

**Discussion/Possible Action on Development Agreement with Premier Little Chute, LLC**  
No action was taken

*Moved by Trustee Smith, seconded by Trustee Berken to enter into Closed Session. (7:14 p.m.)* Ayes 7, Nays 0 – Motion Carried Unanimously

The Village Administrator, Village Clerk and Finance Director were excused from the meeting at this time.

**Closed Session: 19.85(c) Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute Continued Performance Evaluation of the Village Administrator**

*Moved by Trustee Peerenboom, seconded by Trustee Berken to Return to Open Session. (7:55 p.m.)* Ayes 7, Nays 0 – Motion Carried Unanimously

### **Return to Open Session**

No action taken.

### **Adjournment**

*Moved by Trustee Peerenboom, seconded by Trustee Berken to Adjourn the Committee of the Whole meeting at 7:55 p.m.* Ayes 7, Nays 0 – Motion Carried Unanimously

## **VILLAGE OF LITTLE CHUTE**

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By: Michael R. Vanden Berg, Village President

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Attest: Vicki Schneider, Village Clerk