

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF SEPTEMBER 26, 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, E. Misselt, T. Matheny, R. Van Gheem, B. Jansen, G. Brouillard, V. Schneider, Nick Vande Hey from McMahons, Elizabeth and Kristin Black and family members, Peggy Edmonds of from Kings Variety, JeanThiel from The Carpenter, Interested Citizens, Media Reps

### Public Appearance for Items not on the Agenda

Administrator Kell introduced the new Building Inspector, Brett Jensen. B. Jensen commented on his background and experience and stated he is happy to be with Village. Board members welcomed B. Jensen.

### Review and Discussion of Village of Little Chute Municipal Code Chapter 6 Animals – Section 6-14 Prohibited and Protected Animals, Fowl, Reptiles and Insects

President Vanden Berg stated that this item is on the agenda because Board members were sent a letter by Elizabeth Black, 74 E. Fox Point Dr., asking them to consider, on a case by cases basis, allowing Little Chute residents to own chickens. President Vanden Berg noted that the covenants for the property where Ms. Black resides were also provided to the Board and item #13 of the covenants states that no animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot. President Vanden Berg stated that if the Village were to change the ordinance, he understands that Ms. Black would still be subject to the covenants. C. Kell stated that normally it takes an action of the entire subdivision to change the covenants and if someone violates the covenants, it is a civil action and the Village would not be involved in that.

Trustee Frassetto stated she doesn't see the harm in allowing hens in a limited quantity; with restrictions on placements of the coop. Trustee Van Lankvelt stated he admires Elizabeth for her forwardness to try to get something changed but he doesn't support looking at a case by case basis. Trustee Frassetto provided comments on trends financially and towards whole foods and stated there is a village wide benefit to change the ordinance and she felt there was other wording in the ordinance that should be looked at.

Trustee Berken questioned how the ordinance relates to pet rabbits. Discussion took place on the ordinance. Chief Misselt stated that the ordinance appears to be outdated and he would be willing to look at the ordinance and propose some changes. Elizabeth Black thanked the Board for answering her letter.

Trustee Smith thanked Elizabeth for writing the letter and getting involved and he further stated his concerns with allowing chickens and it becoming a nuisance. Board members agreed that Chief Misselt should bring forward proposed changes to the ordinance. Trustee Peerenboom stated if Trustee Frassetto would propose language with restrictions on chickens he would entertain reading them but he shares Trustee Smith's concerns. Kristin Black stated that this was Elizabeth's idea from the beginning and she appreciates the time spent by the Board in taking her letter seriously and the individual attention Elizabeth has received. President Vanden Berg stated the Black's will be notified when the proposed language changes to the ordinance are on the agenda.

### Discussion/Possible Action on Pine Street Concept Layout

R. Van Gheem reviewed the three design options presented noting that with all three concepts the required buffering cannot be met because of the allowed space and option 3R is closest to meeting the buffering requirements for new parking lots. R. Van Gheem noted that all three designs provide for the following; two-way access on the alley that extends from Vandenbroek St. to Grand Ave, one-way access from Main St. to Pine St., parking on the East side of Pine St., an access agreement would need to be secured from the property at 517 Pine St., a six-foot fence on the east side of the east parking, terminating the east sidewalk at the two-way alley, and a landscape berm to the south end of the parking lot. R. Van Gheem noted that

Option 2 and Option 3 would require an easement on private property for sidewalk construction. R. Van Gheem stated the estimated cost to reconstruct this portion of Pine St is \$150,000 and includes removal of the existing street and sidewalk south of the parking lot to Church St and the Department believes Option 3R is the best concept for the reconstruction. Discussion took place on the various options. R. Van Gheem stated the plan was to abandon the street north of the alley and the street would become a parking lot to the south end of the east parking lot. Trustee Peerenboom stated he would like the Village to keep access to the Village owned properties as they may be needed for storing snow in the future. Trustee Frassetto stated she would like to see a pedestrian walkway of some sort to the south as her concern is the people will create a dirt path and trample the bushes. R. Van Gheem commented on that being an option that could be looked at once it is known what the church is planning. President Vanden Berg stated the Board needs to decide if they are at a level of comfort with the reconstruction to commit to the lot purchase.

*Moved by Trustee Frassetto to Approve Figure 1 Option 2 as presented.*

Further Discussion: President Vanden Berg stated he wasn't sure that the Board had to commit to a particular concept at this time. R. Van Gheem reminded the Board that with Option 2 and 3, they will have to work with the property owner on the west side for sidewalk construction and with all options they will have to work on an ingress/egress agreement. R. Van Gheem also expressed concern with not following our own ordinances and he asked the Board to consider that and the concept that gets closest to following village ordinances is option 3R but all three are improvements than what is there now. C. Kell stated that in his discussions with the reps from St. John, any of these design options would work with their future plans and he believes they will be coming forward with a letter with their requests. Jean Thiel, The Carpenter, stated that they would prefer not to lose any parking stall and add to the ones they currently have and that would be Option 2 and they also favor that because with more bumpouts and landscaping there is more difficulty in snow removal. Ms. Thiel commented on the use of parking stalls and that being an issue at certain times but she doesn't have a concern whether the parking lot is one-way or two-way traffic. Ms. Thiel stated she requires two handicap parking stalls up by their building at the entrance of the door because of increased traffic in the alley. R. Van Gheem stated that at one time there were two handicap stalls up by the building but the building's owner requested that they be removed and in recent discussions with the owner he has requested that they not be placed by the building. R. Van Gheem stated there is only a requirement for two handicap stalls and they can be placed where the Board wishes. R. Van Gheem noted that all three designs create more parking stalls than what is currently available. Trustee Smith stated he is concerned with the motion on the floor as he is concerned with the two-way traffic and he would like to see traffic flow in one direction through the parking lot. Trustee Peerenboom, President Vanden Berg, Trustee Berken, and Trustee Van Lankvelt agreed with Trustee Smith. R. Van Gheem stated the main goal here is to get something the Board feels comfortable with so they can move forward with the purchase of the property. Trustee Peerenboom stated that whether it is option 3 or 3R, he would like to see a sidewalk maintained along the west side. R. Van Gheem noted that nothing has yet been discussed with the property owner on the west side and there will be additional minimal cost to move the sidewalk.

*Trustee Skip was excused from the meeting at this time. (6:48pm)*

*Trustee Frassetto withdrew her motion.*

President Vanden Berg asked R. Van Gheem if he had enough direction to continue with designs.

R. Van Gheem stated that if the Board is comfortable with the property purchase, the first task will be to discuss the plans with the property owner.

*Moved by Trustee Peerenboom, seconded by Trustee Berken to proceed with both Options 3 and 3R to see what the next availability of those options will be with the property owners.*

Further Discussion: Trustee Van Lankvelt stated that he is not fond of the bumpouts and all the trees and he asked if any of that could be eliminated. R. Van Gheem stated that the landscaping is less than what is

required but the Board can do less if that is their direction and the bumpouts are required to define the parking stalls and for control of the traffic in the parking lot and he further commented on the requirements and he doesn't believe there are separate requirements for Village owned parking lots. Trustee Frassetto agreed that bumpouts are not ideal for plowing and maneuvering but there needs to be some type of beautification. President Vanden Berg stated he is also not a big fan of bumpouts but in this case he believes they serve a purpose and he believes as far as the green space we should make every attempt to comply with our ordinance. R. Van Gheem stated that the parking lot is being proposed to be paved in asphalt unless directed otherwise by the Board. Peggy Edmonds, Kings Variety, stated that she agrees with Jean that we should be working to have the maximum amount of parking stalls as possible and she realizes that some of the bumpouts are needed to control traffic flow but she doesn't think extra landscaping needs to be put in and it should be kept at a minimum. President Vanden Berg asked if there was potential for parking on the land that the Village is purchasing. R. Van Gheem stated that the parking could be expanded in this area if there was a need but discussion would have to be had with abutting property owners. Nick Vande Hey, McMahons, stated that the parking lot could always be pushed further south. President Vanden Berg stated he thinks it is premature to expand the parking lot but if we own the land, we could do that. Trustee Frassetto stated she agreed with President Vanden Berg that it is something to review if it is warranted in the future.

Vote on the Motion:

Ayes 6, Nays 0 – Motion Carried Unanimously

### **Update on the Mill Street Bridge Replacement Project**

C. Kell explained that the project design has been on hold the last six or seven weeks and this is relative to the needs of HOVMSD to get heavy equipment on to Island Park to service the metering station and the Parks Director for a parking lot for the trail head, a possible shelter, and construction of a minimal boat landing. The DOT halted the project because under federal law public transportation cannot be crossing the bridge that is proposed. C. Kell stated he has been making contacts with various DOT reps and providing them information on the original application and he understands that the DOT response is going to be that they will allow maintenance and service vehicles to use the bridge but they will refuse to allow public traffic to cross the bridge and they will be sending this in writing and they will be requesting that the Village provide a firm commitment stating that is how they will be operating this facility. C. Kell stated the DOT is basing their decision on federal law and they are saying that the federal money that they granted to the Village for the bridge is in fact bicycle transportation pedestrian walkway money and the restrictions apply to this bridge. C. Kell reported that they were recently informed by the Navigational Authority that they are back on schedule and they want to open the locks in 2014. C. Kell stated he could challenge this higher up but he noted that he had already gotten the DOT's Secretary's office involved and they have likely already weighed in on this issue and will be responding in the letter. C. Kell stated he will bring the letter forward to the Board once he receives it. T. Flick explained that if the Board is ok with the new direction for the use of the bridge and the park he will have to make a request to the DNR to amend the grant for the development of Island Park and he reviewed the amenities that will have to be removed from the park development plan. T. Flick stated he doesn't know if they will lose money or if the money could be used towards the development of Heesakker Park. Discussion took place. Trustee Peerenboom requested that the Administrator contact Federal Legislators, especially Petri and Ribble, about the problem with the handicap access because we have handicap amenities at the park, specifically the handicap fishing wharf, and we have invested a lot of money for handicap access and now the DOT is not going to allow them access to these facilities with their vehicles. T. Flick stated that State and Federal monies were used to develop many of the park's ADA amenities. C. Kell stated it would be beneficial to accept their conditions now to keep the project moving forward and then work to try to get the access changed.

**Review/Possible Action to Award Bid for the Library Roof Replacement Project**

G. Brouillard reviewed the three bids received for the roof replacement project. It was noted that the original budget was \$66,000 and the low bid is \$79,200 and it is his recommendation to award the bid to the low bidder. Trustee Hietpas asked if G. Brouillard was concerned because the low bidder is 58% lower than the next highest. G. Brouillard commented on the industry and the reasons they may have bid lower and he stated he did make several contacts and site visits and he feels this bidder is a quality reputable installer. C. Kell stated that they will find the additional funds for the project and he thinks long term we will be happier with this roof compared to what we currently have.

*Moved by Trustee Peerenboom, seconded by Trustee Berken to Award the bid to Northeastern Roofing for the ballast roof system.*

Ayes 6, Nays 0 – Motion Carried Unanimously

**Unfinished Business**

C. Kell stated he had received a call from Brian Hietpas, Hietpas Realty, and they are under contract to market the Village North Subdivision and he is having some type of open house this weekend and he is putting up a sign by each of the entryways. C. Kell stated Mr. Hietpas indicated to him the cost of those signs would be around \$900 and he is requesting to be allowed to have Capital Credit Union as a sponsor on the sign as they are offering to help pay for the signs if they can get their name on the sign. T. Matheny stated that the Village has strong relationships and accounts with CCU and BLC. Trustee Peerenboom stated that Brian was hired to market them so let him market and if someone has an issue with his signs, they can take it to him and Board members indicated agreement with Trustee Peerenboom.

C. Kell reported that an offer to purchase was delivered to John Elrick yesterday and the Elrick's were given until next Monday to respond.

**Items for Future Agenda**

None

**Adjournment**

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Adjourn the Committee of the Whole meeting at 7:25p.m.*

Ayes 6, 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