

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF MAY 25, 2011

### 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 Mahlik, Trustee Peerenboom, Trustee Smith

ALSO PRESENT: C. Kell, D. Haug, R. Van Gheem, E. Misselt, T. Flick, V. Schneider  
Nick Vande Hey and Mike Simon of McMahon Associates  
Media Reps and Concerned Citizens

### Public Appearance for Items not on the Agenda

Sara Eslinger, 1005 Washington St., asked when the bike lanes and signs were going to be changed on Washington Street and she also asked when she would receive the paperwork she requested concerning the State's decision to extend the concrete on Washington Street.

Kate Berken, 182 Grant St., commented that they haven't got the marking so there is no way they can trim the hedges. Mrs. Berken also asked if there are exceptions to the rule that they are in violation of, as people who work for the Village are in violation of four ordinances and why isn't anything being done as the Village has received a complaint about this property and she also stated that the Village is in violation because the Village has objects in the terraces like the planters. Mrs. Berken stated that she thinks a committee should get together to review the ordinances because they contradict each other and if the people that ran for office don't believe in what they said when they were campaigning they could resign or people could start recalling.

President Vanden Berg stated he would like to have the agenda amended to switch the order of agenda items #5 and #6.

*Moved by Trustee Smith, seconded by Trustee Frassetto to amend the agenda to switch the order of item #5 and item number #6.*

Ayes 7, Nays 0 – Motion Carried Unanimously

### Action on Request by resident(s) at 1313/1315 Biscayne Drive to waive Village Code Section 6-21

#### Limitation on Number of Dogs

Staff noted that they had not heard from the property owner and the request for the waiver was from one of the tenants. Discussion took place on limiting the number of dogs in multi-family units. Chief Misselt commented that most apartment buildings do not allow or limit the number of dogs and he has not had any issues with dogs in apartment buildings. Trustee Mahlik stated for the good of the whole neighborhood the ordinance should be enforced as six dogs in a duplex would be a nuisance as it is too many dogs and in his opinion it could become a danger depending on the breeds of dogs. Chief Misselt stated that at a recent visit to the property by an officer, it was discovered that each residence of the duplex has three dogs and the Village's ordinance allows a provision for the Board to waive the ordinance and from the Police Department's standpoint they do not have an opinion either way. Discussion continued. Trustee Berken suggested looking into the option of issuing a kennel license. Chief Misselt stated he would have to check into the kennel license option. Trustee Mahlik stated he is not in favor of changing the ordinance and every owner that has duplexes should be notified of this ordinance and for the surrounding neighbors he believes the ordinance should be enforced. Trustee Hietpas stated he agreed with Trustee Mahlik. Trustee Hietpas was excused from the meeting at this time. (6:20 p.m.)

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to deny the request by the residents at 1313/1315 Biscayne Drive to waive Village Code Section 6-21- Limitation on Number of Dogs.*

Ayes 5, Nays 1 (Berken) – Motion Carried

**Action on Insurance Claim – Romenesko**

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to accept the Village's Insurance Company's Recommendation and Deny the Claim Filed by Gail Romenesko.*

Ayes 6, Nays 0 – Motion Carried

**Action on Insurance Claim – Vanderpas**

*Moved by Trustee Frassetto, seconded by Trustee Berken to accept the Village's Insurance Company's recommendation and Deny the Claim Filed by Jane Vanderpas.*

Ayes 6, Nays 0 – Motion Carried

**Review/Action – Resolution – WDNR NR 208 – Compliance Maintenance Report**

*Moved by Trustee Frassetto, seconded by Trustee Smith to Adopt Resolution No. 15, Series of 2011 Wisconsin Department of Natural Resources NR 208 Compliance Maintenance Report.*

Ayes 6, Nays 0 – Motion Carried

**Discussion/Possible Action Regarding the Possible Purchase of Additional Right-of-Way on East Main Street, East of Sanitorium Road**

Nick Vande Hey, McMahon Associates, gave a presentation on the STH 96 Reconstruction Project that showed a comparison of the narrower terraces and steeper apron slopes to the wider terraces and lower apron slopes. Mr. Vande Hey also noted that the wider terraces allow for increased snow storage and improved sidewalk grades and wider terraces may be visually appealing for this area that could be considered an extension of the downtown. Mr. Vande Hey stated the plan would be to acquire an average of two-feet of right-of-way on each side of the road. The design of the street with the turn lanes and the width was also presented. The construction schedule was provided and it was noted that to meet the timeline it is critical the plans and the right-of-way acquisition needs to be wrapped up by this November. Discussion took place on various issues. R. Van Gheem noted the cost to the Village would be approximately \$50,000 to \$60,000 after the cost of approximately \$70,000 in reduced sidewalk costs is deducted from the total cost. Staff stated that the recommendation is to have the DOT acquire the right-of-way property and the property owners would be paid for their property by the DOT. Board members expressed concern with businesses being required to move their signs because of a wider terrace. Mike Simon, McMahon Associates, stated that the DOT takes that into consideration when negotiating the purchase price of the right-of-way and this cost is in the acquisition estimate provided by the DOT. It was noted that there are a few driveways that will not be improved much with right-of-way acquisition. C. Kell stated that the owner of the Rosehill Bar is aware that the sign for their business will need to be moved. Staff noted that there were three meetings held on the project and two of these meetings were with the business owners but not all business owners have participated in the meetings. Trustee Smith stated there are some owners he has talked with that are in favor of the wider green space but he doesn't know how the others feel about the wider terrace and he is concerned that tenants in some of the buildings were not made aware of how the design will affect them. R. Van Gheem noted that the property owners that have attended the meetings either stated they were either in favor of the wider terraces or they didn't voice any objection. C. Kell noted that based on the cost sharing, the projected overall local costs for the project have come down significantly. Trustee Frassetto stated that she agrees this is definitely a visual improvement to the Village at a minimal cost as well as a practical improvement for safety and convenience.

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to approve acquiring the additional right-of-way and direct staff to direct the DOT to begin the process of purchasing additional right-of-way on East Main Street, East of Sanitorium Rd.*

Further Discussion: Trustee Peerenboom stated that before he could support the motion, he needs to go down and see where the actual two-foot lot line would be and what businesses and residents it would affect. Trustee Smith stated he agrees with Trustee Peerenboom and he would rather go into this knowing what the full scope is and to talk to the people and he doesn't want this decision to go to fast. Trustee Smith stated he does support the proposal but he would rather wait a week to act so he can talk to the businesses. Trustee Mahlik asked if that means if one person says they don't want it, will he side with them and say we don't want it? Trustee Mahlik further stated that this will benefit the overall project and it will impact some people negatively which he doesn't like to see but for the overall good of the project and for everyone else, he thinks it is a project well worth going into. Trustee Mahlik stated it isn't wrong to go look at the area but this needs to get moving, and in the past the Board hasn't rushed into things, and it is well worth doing the project. Trustee Smith stated this is the first time they have had the plan in their hands to look at and one person won't sway his decision as he votes on what he feels is right but he wants to visually look at what they are going to do. Sara Eslinger commented that she appreciated that some of the Trustees wanted to go out and look at the project area. Trustee Berken stated that he agreed with Trustees Peerenboom and Smith and he doesn't think that one week is going to make that big of a difference.

Vote on the Motion:

Ayes 2 (Frassetto, Mahlik), Nays 4 – Motion Failed

### **Discussion – 2011-2012 Debt Financed Projects**

D. Haug reviewed the illustration of proposed debt issues for 2011 and 2012 and the related projects. Staff stated that the goal is to come to an agreement on moving forward with the proposed projects and the timing of those projects. Staff noted that the Main Street related projects, the Pedestrian Bridge and Mill Street Bridge are projects that the Village has committed to and grants and outside funding sources have been awarded/committed to the projects. The main project that the Village Board needs to decide on is the Village Hall remodel and a couple of park projects and staff commented that the Village is looking at over 11 million that has been identified for facility improvements and they cautioned that the decision to move forward with one of the facility projects shouldn't be pushed off as down the road the costs will continue to rise. C. Kell stated he would like the Board to keep the Village Hall remodeling on the front burner.

C. Kell stated that the Fire Chief informed him they can wait to move forward with purchasing a new fire truck or constructing a new building so those items have been removed from this debt financing plan.

D. Haug also provided an illustration for 15 year bonding and stated that would be his preference for the bonding terms and he noted that the numbers he is presenting are for illustration purposes and the Financial Advisor will be providing hard numbers. D. Haug commented on the flexibility that is allowed with the four borrowing scenarios being proposed and there is an opportunity to adjust the amount of borrowing down the road if the full amounts are not needed. It was also noted that with the merger agreement, the Police Department will be delaying major facility changes and this also relates to waiting with the Fire Station project. Discussion continued. Trustee Frassetto stated her position is that she is comfortable with the projects being presented and she would also be comfortable with looking at long-term paybacks. Staff will work with the Village's Financial Planner and scenarios for the projected bonding will be brought back to the Board at a future meeting for additional discussion.

### **Unfinished Business**

President Vanden Berg asked the Public Works Director to provide an update on the bike lanes on Washington St. R. Van Gheem stated that currently the design is completed and the cost is going to be over \$5,000 and that is with combining it with another project, so the projected timeline is that the change

to the bike lanes would be completed by late summer. Discussion took place on options of temporarily changing the bike lanes, taking the signs down, and allowing parking at this time without the bike lanes changed. Trustee Frassetto commented that she appreciates that staff is trying to save money because this is an unbudgeted project and she further asked what a ball park figure is to have a contractor come in now. R. Van Gheem responded that he would estimate around an additional \$500. R. Van Gheem will bring to the Board a quote for the cost to have a contractor come in to do this project separate from another project. Sara Eslinger stated she was still looking for the document on the decision of putting in additional concrete. R. Van Gheem stated that they do not have such document. Board members asked the Public Works Director to provide a contact for the State DOT representative that was involved in this project.

**Items for Future Agenda**

Action on Purchase of Additional Right-of-Way on East Main Street – East of Sanitorium Rd.

*Moved by Trustee Frassetto, seconded by Trustee Smith to enter into Closed Session. (8:18 p.m.)*  
Ayes 6, Nays 0- Motion Carried Unanimously

**Closed Session: Reconsideration Hearing on Operator's License Denial – Mitch Cremer**

*Moved by Trustee Peerenboom, seconded by Trustee Mahlik to exit Closed Session and return to Open Session. (8:33 p.m.)*  
Ayes 6, Nay 0 – Motion Carried

**Return to Open Session – Possible Action on Closed Session Item**

*Moved by Trustee Peerenboom, seconded by Trustee Mahlik to uphold the denial of the operator's license for Mitch Cremer.*  
Ayes 6, Nays 0 – Motion Carried

**Adjournment**

*Moved by Trustee Mahlik, seconded by Trustee Peerenboom to Adjourn the Committee of the Whole meeting at 8:34 p.m.*  
00Ayes 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