

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF MAY 8, 2013

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 Frassetto, Trustee Hietpas, Trustee Joosten, Trustee Peerenboom, Trustee Smith, Trustee Van Lankvelt

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

Steven Golz, Wally Krueger, Becky Rooyakkers of the WDOT, Dr. Steven Hintz of Administrative Associates, Robert Tunstall and other Interested Citizens, Media Reps

Public Appearance for Items not on the Agenda

Becky Rooyakkers of the WDOT stated that the letter passed out by the Public Works Director concerns a meeting that is being held tomorrow for the Main St. project. Ms. Rooyakkers apologized for the short notice for the meeting and she explained that the utility portion of the project is wrapping up early and this has recently provided for an opportunity for Vinton to start the construction earlier than planned. As part of the contract requirements a business meeting is required two weeks before the project begins and Vinton is looking at starting their portion of the project on May 21 if everything gets approved. Ms. Rooyakkers stated that Rob Brownson of Vinton personally hand delivered the meeting invitation letter to all businesses and property owners along the project and personally spoke with many of them. Ms. Rooyakkers invited the Board and staff to attend the meeting.

Robert Tunstall, 1106 E. Main Street, stated he is in the middle of the block across from Reynebeau Floral and it seems he has been missed again by the DOT because he did not get the informational letter delivered to him. Mr. Tunstall stated he is addressing the Board about concerns he has with speeding and safety on Main St. Mr. Tunstall stated he had called the Police this past weekend because of the speed of vehicles and the Police did respond and immediately the speeding stopped. Mr. Tunstall stated what needs to be addressed is when the equipment is put away and there are dirt piles and there are bumps and jumps the kids are flying down Main St. at 40 or 50 mph with their cars. Mr. Tunstall stated he and his neighbors were affected by this and they consider it harassment. Mr. Tunstall suggested that signs should be posted that say "slowdown in construction zone" or "fines double in construction zones". Mr. Tunstall stated he did talk to the Police about this and 25 mph is ok for normal road conditions but not for a construction site. Mr. Tunstall stated that from his perspective this is a nuisance and dangerous situation.

President Vanden Berg stated the conditions on Main St. are consistently being monitored and on a future agenda they will discuss these issues brought up by Mr. Tunstall.

Moved by Trustee Peerenboom, seconded by Trustee Smith to enter into the public hearing for

1409 Vandenbroek Rd. Ayes 7, Nays 0 – Motion Carried Unanimously

Public Hearing – Rezoning Request – 1409 Vandenbroek Rd., - Applicant Steven Golz- Rezone from RM – Residential Multi-Family District to CH – Commercial Highway District

J. Moes reported that the Plan Commission had reviewed this request and they do not recommend rezoning the property. They do recommend that if the Village Board feels that the uses being requested are acceptable that a conditional use be granted. J. Moes reviewed the maps that showed the zoning of the properties on the block and noted that the two commercial buildings existing in the block zoned RM are allowed because they existed before the Village rezoned this area. J. Moes estimated that it was rezoned in the 1980's. J. Moes stated the uses being requested are for a pet dog training center, rented office space, and general materials storage space for Golz Construction. Trustee Smith asked if the conditional use is granted for these uses would the applicant have to come back to get permission for any change of use.

J. Moes stated that the Board can set whatever conditions they want. If it is rezoned then they can put any use in that meets commercial highway requirements. J. Moes stated that notice of this public hearing was sent to adjacent property owners. Trustee Smith asked if the signage shown was allowed. J. Moes stated

that the signage would have to be approved based on the Board's conditions and they can be allowed as a conditional use. J. Moes stated that conditional uses can be reviewed for continued approval every year but they generally are not reviewed every year unless there are complaints. J. Moes stated he does not have any recommendations on the conditions that should be applied. Steven Golz stated that the uses listed are what they hope for the business. J. Moes stated that the Board will have to set the condition of having to reapply if the use will change and they can also set up a time limit or whatever conditions they think are in the best interest in relation to the zoning code and the best interest of the Village. J. Moes stated that eventually the intention of the code is to have non-conforming situations eventually come into conformance. Trustee Smith stated that he doesn't want to try to tell the applicant what his future is going to be so what he has listed is what he would look at to approve. Trustee Frassetto asked Mr. Golz if he was opposed to the conditional use permit versus the rezoning. Mr. Golz stated that in a perfect world he would like to have it rezoned so he wouldn't have to go through this every year or whatever is required but a conditional use would work if he doesn't have to come back every year. Wally Krueger owner of the property stated that he ran Krueger Electric out of this property for about 30 years and he believes the zoning was changed prior to him buying it and there has never been a problem and they have always kept the property up and they have never had a problem with the Village. Mr. Krueger stated he has known Mr. Golz for a long time and he believes that Mr. Golz will continue to take care of the property. Mr. Krueger stated he thinks Mr. Golz should be allowed a time frame of 20 years to operate before they would have to come back to reapply.

Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to exit the public hearing.

Ayes 7, Nays 0 – Motion Carried Unanimously

Discussion/Possible Action on Rezoning Request for 1409 Vandenbroek Rd. – Applicant Steven Golz – Rezone from RM – Residential Multi-Family District to CH – Commercial Highway District

J. Moes stated that if the Board chose to go through with the rezoning an ordinance would need to be presented to approve the rezoning but the recommendation is not to rezone. Trustee Peerenboom stated he is confused on how this came to be a request for conditional use as it is on the agenda for rezoning and the application filed was for a variance and his preference is to deny the rezoning and send it to the Plan Commission for a recommendation on the conditions to be applied for the granting of a conditional use permit and then bring it back to the Board. Discussion continued.

Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to deny the rezoning request and refer it back to the Plan Commission to for review and recommendation on a conditional use for the property.

Further Discussion: Trustee Smith asked if the Plan Commission would give an opinion on the time length of the conditional use. J. Moes stated he will ask the Plan Commission to give a recommendation on the time length but the recommendations will be brought to the Board and they can accept or change the conditions.

Vote on the Motion:

Ayes 7, Nays 0 – Motion Carried Unanimously

Review/Approval of Easement Across Village Owned Property to Install a Sanitary Sewer Lateral Connection to Serve the Victor Allen Expansion Project

C. Kell stated that as a part of the expansion project, Victor Allen would like to connect the sanitary sewer lateral to the 10" sanitary sewer that runs through the Public Works property to the south of their ownership. They have to cross some village property in order to do that and he is recommending that the Board approve the easement agreement and there are provisions in the easement for restoration and easement usage.

Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Approve the Easement Across Village Owned Property for Installation of a Sanitary Sewer Lateral Connection to Serve the Victor Allen Expansion Project.

Further Discussion: Trustee Van Lankvelt stated he believes they have already started on this project. J. Moes stated they are digging up the land and moving top soil to prepare for the utilities as they have received a temporary conditional approval from the State to start the work but the final plans have not yet been approved by the State.

Vote on the Motion:

Ayes 6, Nays 0, Abstained 1 (Smith) Motion Carried Unanimously

Discussion of Administrator Recruitment Process by Public Administration Associates

Dr. Hintz provided a handout of a draft for the ad for the Administrator's Position and noted the various publications the ad would be placed in, the proposed options for the recruitment schedule, and 2012 salary data of area administrators. Dr. Hintz reviewed the steps in the process and asked for guidance from the Board on the recruitment schedule and in setting the salary which he suggested should be between the range of \$85,000 to \$102,000. Dr. Hintz stated the Board will be involved in all steps of the recruitment process and the Board will be provided with all applications received but they will be sorted based on qualifications. Dr. Hintz stated the process involves both recruitment (selling) and selection. Dr. Hintz stated he would like to expand on the position announcement before it is placed as an ad. Dr. Hintz stated that it is important that when the Board gets to the final stages that staff is involved with meeting the candidates and provide comment to him which he will summarize and take to the Board. Dr. Hintz stated there are three important items candidates look at and that is location, size, and salary. Dr. Hintz continued the presentation on how the process will unfold and a question and answer period took place following the presentation. Dr. Hintz stated he will email the Board what he thinks would be an appropriate job profile that should be listed in the ad and the Board can provide input to him based upon that profile.

Michael Stouffer, 714 Bluff Ave., stated he has two questions for President Vanden Berg and the Board. The question of the Administrator has been discussed by the Board in the past in closed session and the restraint on the trustees to not discuss closed session items generally goes away when the item is discussed in open session. Mr. Stouffer asked if there have been discussions over the past year in closed session about the current administrator and possible future administrator and if there have been, are the trustees able to discuss those matters freely. President Vanden Berg stated that this is not a topic on the agenda so he will not answer either of the questions at this time.

Unfinished Business

C. Kell stated he had passed out an email from PBJ Holdings properties and they are withdrawing their rezoning request so the public hearing scheduled for next week is no longer necessary. Trustee Frassetto asked that the Public Works Director and the Police Chief follow up on the issues concerning Mr. Tunstall and the residents regarding speeding and safety and possible posting signs and to see if there is an appropriate solution. R. Van Gheem stated that when the State takes over the project in two weeks they will be in charge of the signage.

Items for Future Agenda

R. Van Gheem informed the Board of an issue concerning a stream bed and erosion issues that have endangered one of the Village's sanitary sewers and the emergency stabilization that they are doing by working with the consultant that the Village is working with on other projects that are currently taking place in the Village. R. Van Gheem stated that a significant project needs to be done to stabilize this stream bed and the property owner wants a different consultant involved and this would cost the Village at least an additional \$10,000. R. Van Gheem stated he needs to know if the Board wants him to proceed with the current consultant or the consultant that the property owner prefers. Board members agreed that this issue should be placed on next week's agenda for discussion and direction to staff.

Adjourn

Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Adjourn the Committee of the Whole meeting at 7:04 p.m.
Ayes 7, Nays 0 – Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: Michael R. Vanden Berg, Village President

Attest: Vicki Schneider, Village Clerk