

## **MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF MAY 23, 2007**

### **Call to Order**

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

### **Roll Call**

PRESENT: President Fischer, Trustee Elrick, Trustee Joosten, Trustee Ransbottom,  
Trustee Van Ooyen, Trustee Vanden Heuvel, Trustee Verstegen

ALSO PRESENT: C. Kell, J. Moes, T. Flick, R. Van Gheem, D. Haug. C. Dillinger

### **Public Appearance for Items not on the Agenda**

None

### **Resolution – DNR- NR208 Compliance Maintenance**

R. Van Gheem stated the resolution is a yearly requirement under the Wisconsin Pollutant Discharge Elimination System permitting process. This will be put on the agenda for the June 6<sup>th</sup> meeting for action and Board members will receive a copy of the Compliance Maintenance Annual Report in their packets for the meeting of June 6<sup>th</sup>.

### **Resolution – Proclaiming Village's Property to Be Insured by the Local Government Property Insurance Fund.**

D. Haug stated the resolution is being requested from all communities that participate in the Leagues property insurance fund as an update for their files and there are not any changes being made in the property insurance. The will be placed on the agenda of the June 6<sup>th</sup> meeting for action.

### **Review/Discuss Site Plan – Pat Hietpas Storage on 2200 Bohm Drive**

J. Moes stated staff's recommendation is to approve the site plan as it meets all the setback and landscaping requirements per Village Code.

*Moved by Trustee Elrick, seconded by Trustee Verstegen to approve the site plan for Pat Hietpas for 2200 Bohm Drive as presented.*

All Ayes-Motion Carried Unanimously

### **Review/Discuss of Village/School District Agreement for Storm Water Laterals/Easements in Legion Park**

C. Kell commented on the draft that he handed out to Board members stating the agreement was reviewed and approved by the School District Administrator and the Village Attorney has reviewed and commented and the Attorney's comments have been included. C. Kell informed the Board that the legal descriptions are not included because the school district is still working on the placement of the storm sewers and the recommendation by staff is that the Board approve the agreement and authorize the Village President to sign subject to the Village receiving proper legal descriptions on the placements of the laterals.

*Moved by Trustee Vanden Heuvel, seconded by Trustee Ransbottom to approve the storm water laterals/easements agreement at Legion Park with the Little Chute School District subject to the Village receiving the proper legal descriptions on the placement of the laterals.*

All Ayes-Motion Carried Unanimously

### **Review/Discussion - Request by Robert Berken to reopen vacated Grant Street based on alleged procedural violations of Wisconsin Statutes**

Mr. Berken was in attendance.

Board members and Mr. Berken received a copy of a letter from Attorney Chuck Koehler's office.

The letter from Attorney Koehler stated that in his opinion the grounds for Mr. Berken's objection to the vacation of this portion of Grant Street do not apply under these circumstances. Mr. Koehler wrote that this was a valid legal street vacation of a portion of Grant Street as a public hearing was held and the Kilgas and Berkens were notified of the public hearing and there was no written objection and proper procedures were followed. Trustee Ransbottom stated after he reviewed the information, he believes the Village has followed the proper process for the street vacation. C. Kell stated there are two ways to vacate a street right of way and one is by petition of the land owners and the second is by resolution of the Village Board where it is determined by the Village Board that it is in the public interest to do so. The Village Board vacated the street through the resolution process and the public hearing and notice requirements were met as noted by Attorney Koehler including notices sent to the Berken and Kilgas residences. As noted in the Village records there were no written objections to the vacation filed and if an objection was received, a two-thirds would have been needed by the Village Board and the Board approved the resolution on a six to one vote. C. Kell stated he agrees that the proper procedures were followed. C. Kell stated that it appears that Mr. Berken is requesting that the Board reopen the issue and reverse the decision and the correspondence could be placed on file and no action needs to be taken unless the Board sees that an issue was raised that justifies a different action. In response to Trustee Joosten's question as to why he wants the decision reversed, Mr. Berken stated because it was done illegally. Board members indicated agreement with the Attorney's opinion and placed the correspondence on file and no further action was taken.

**Discuss Proposed Amendment to Village Zoning Code-13-1-49 CH Commercial Highway District, Special Exemption Uses and Structures and 13-1-51 ID Industrial District, Permitted Principal Uses and Structures and 3-1-300 Definitions, Self storage or mini warehouse.**

Jim Moes stated that a village trustee had asked that the ordinance be brought back before the Board for consideration. The Plan Commission had reviewed the proposed amendment and the latest draft defines self-storage units, disallows self-storage units as Special Exception Uses and Structures in Commercial Highway Districts, and they would be allowed in Commercial Highway Districts and Industrial Districts only as an accessory use to a permitted principal use. Trustee Verstegen stated that self storage units are not an appropriate use of land on Highway 41 and the infrastructure is not being utilized by self storage units. The new ordinance defines mini storage units as being smaller than 400 square feet and discussion took place on this size possibly being too small and not encompassing a larger number of storage units. J. Moes recommended that the proposed amendments be placed before the Planning Commission for setting a Public Hearing. Trustee Joosten expressed opposition to telling landowners what they can or cannot do with their land. Trustees Vanden Heuvel, Elrick, and Ransbottom expressed support for not allowing self storage units at all in Commercial Highway Districts. President Fischer stated that it is the majority opinion of the Board that restrictions on self storage units be considered for the Commercial Highway District.

*Moved by Trustee Verstegen, seconded by Trustee Elrick to make a recommendation to the Plan Commission to review and make a recommendation to the Village Board so a Public Hearing date can be set.*

Ayes-6, Nay 1- (Joosten) – Motion Carried

**Discuss Bids for Razing Garage on Baumgartle Property**

J. Moes stated two bids were received. Tom Van Handel had a bid of \$891.00; Donald Hietpas & Sons, Inc. had a bid of \$3,000.00. Staff clarified that there was not a concrete slab on the property that needed

removing and that the razing cost would be charged to the property as a special charge on the tax bill and the recommendation is to award the bid to Tom Van Handle.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to award the bid to Tom Van Handel for \$891.00 for removing the garage on the Baumgartle property.*

All Ayes-Motion Carried Unanimously

### **Unfinished Business**

C. Kell stated Board members were given notice of the Quad Communities Meeting being held at Combined Locks Civic Center at 6:30 p.m. on May 31, 2007 and Board members were asked if they wanted a fifth Wednesday workshop. Board members did not indicate that they had any topics for a workshop so a meeting will not be held next week. C. Kell also handed out a draft of the home page of the website.

### **Items for Future Agendas**

Tom Flick informed the Board that the pool heater needs to be replaced at an estimated cost of \$13,000 and there is enough money in the aquatic fund to cover the expense if the pool realizes an average year for attendance. T. Flick informed the Board that the pool also has a leak that needs repair and it is estimated that the pool is losing about 10,000 gallons per day. Staff is currently in the process of determining the location of the leak and it may require hiring someone to locate the leak. T. Flick stated he will keep the Board informed because depending on the location of the leak it could be a significant cost to repair the leak. T. Flick stated the replacement heater will not be shipped in time for the pool's opening and swim lessons may need to be moved back a few days to allow for the water to be heated. T. Flick stated he will be proposing a facilities study for the pool as part of the capital improvement plan. Trustee Verstegen informed the Board that the Garden Club is hosting its first annual Garden Walk on July 28<sup>th</sup>.

### **Adjournment**

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to adjourn the Committee of the Whole meeting at 7:00 pm.*

All Ayes – Motion Carried Unanimously

## **VILLAGE OF LITTLE CHUTE**

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By: Charles Fischer, Village President

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Attest: Cindy Dillinger, Account Technician