

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF JUNE 13, 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 (6.02), Trustee Ransbottom, Trustee Van Ooyen, Trustee Vanden Heuvel, Trustee Verstegen

ALSO PRESENT: C. Kell, J. Moes, T. Flick, R. Van Gheem, D. Peterson, V. Schneider

### Public Appearance for Items not on the Agenda

None

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Amend the Agenda to move Item #4 – Review/Discussion – Create Ordinance No. 11-2-14 Sexual Offender Residency Restrictions to the first order of business on the agenda.*

All Ayes – Motion Carried Unanimously

### Review/Discussion – Create Ordinance 11-2-14 Sexual Offender Residency Restrictions

Chief Peterson reviewed the proposed ordinance that had also been presented to the Kimberly Village Board on Monday. Chief stated that the ordinance language was drafted from the language that the City of Green Bay used in their ordinance that was adopted in April 2007 and this ordinance applies to offenders residency restrictions for those offenders who have committed sexual offense against a child 15 years old or younger or any person required to register as a sexual offender under Wisconsin Law. Chief Peterson stated the proposed ordinance creates a safe zone of 2,000 feet from places designated by the Village as a place where children are present or known to congregate and prohibits participation in holiday events involving children. Chief Peterson stated that there is a concern that those communities that do not have a residency restrictions ordinance will become a place for offenders to reside thus increasing the number of sex offenders residing in a community. Tom Smith, Wisconsin Department of Corrections, Sex Offender Registration Specialist, provided the Board with information materials containing reports on recidivism rates for offenders, community supervision, addressing victim concerns regarding placement, the results of residency restrictions in other states. Mr. Smith also gave an oral presentation to the Board on how well the Wisconsin Registry System is working since it was put in place in 1997 and expressed concern that offenders may go underground if residency restrictions are enacted. A lengthy discussion and question/answer session took place. No action was taken and the Board agreed to bring the proposed ordinance back at next week's meeting for further discussion and possible adoption.

### Resolution – CSM – Looks Hardware, Inc. 112/114/116 E. Main Street

J. Moes stated the property owner has a buyer for one of the buildings and wishes to divide the property into two lots and the property is located in the Central Business District. J. Moes stated staff is recommending approval of the CSM and the Plan Commission reviewed and recommended approval on a 5 to 1 vote.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Resolution No. 17, Series of 2007 Approving the CSM for Looks Hardware, Inc. at 112/114/116 E. Main Street.*

All Ayes – Motion Carried Unanimously

### Resolution – CSM – Todd Vanderloop – 512/516 Taylor Street

J. Moes stated staff is recommending approval of the CSM and the Plan Commission has reviewed the CSM and is recommending approval.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Resolution No. 18, Series of 2007 Approving the CSM for Todd Vanderloop for 512/516 Taylor Street.*

All Ayes-Motion Carried Unanimously

**Request by Jeannie Levknecht of The Carpenter, 123 E. Main Street to Allow Musicians and Displays on the Public Sidewalk on June 28<sup>th</sup> and July 26, 2007**

C. Kell reviewed the Village ordinance that deals with Special Event Vending Permits for use of Village right-of-way and commented that a permit of this type had not been issued for events of similar nature that had been held in the Village. C. Kell stated that in this case, he recommends the Board suppress the requirements of section 6-2-11 relating to permit and insurance requirements as this would be a roadblock for the event and to allow Ms. Levknecht to hold the event as the downtown businesses need the Village's support with generating business in the downtown. C. Kell stated he recommends that Ms. Levknecht coordinate with the Police and Public Works Departments for use of the sidewalk. R. Van Gheem stated the Board should be aware that these requests are site specific depending on the right-of-way and in this case the sidewalk is wide enough.

*Moved by Trustee Ransbottom, seconded by Trustee Verstegen to approve the request by Jeannie Levknecht of The Carpenter and allow Musicians and Displays on the Public Sidewalk at 123 E. Main Street on June 28<sup>th</sup> and July 26, 2007 and suppress the requirements of Section 6-2-11 of the Village Code.*

Further Discussion: Jeannie Levknecht stated she would also like to make a request for a review of the sign ordinance issue as she believes the downtown businesses should be allowed to place a sandwich board sign in front of their businesses when they are open and she stated the downtown businesses are really struggling and they all need assistance. J. Moes stated the sidewalks are public property and it falls under the authority of the Board to allow these types of signs and currently the Police Department removes signs that are illegally placed in the public right-of-way. Discussion continued on the sign issue. Peggy Edmonds commented on other communities adopting sign ordinances and regulations for sign boards. Jeannie Levknecht expressed concern with time being of the essence on this issue. C. Kell stated the issue of signs on public right-of-ways could be addressed at the next Committee of the Whole meeting. Board members agreed to put the issue on the agenda for the meeting of June 27<sup>th</sup>.

Vote on the Motion -

All Ayes-Motion Carried Unanimously

**Review/Discussion - Resolution - Installation of Stop Signs on Coolidge Avenue at Sunrise Drive**

Chief Peterson reviewed the situation with the intersection and stated he has received numerous complaints from residents that the intersection is blind to the east for traffic on Sunrise Drive and stated he is recommending a three way stop in an effort to create a safer intersection. Steve Verbust, 1420 Coolidge Avenue, addressed the Board and stated he and 30 others had signed a petition requesting that stop signs be installed because of safety concerns at the intersection. Discussion took place.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Resolution No. 19, Series of 2007 Creating a Three-Way Stop at the Intersection of Coolidge Avenue and Sunrise Drive in the Village of Little Chute.*

All Ayes – Motion Carried Unanimously

**Employee Training and Development**

C. Kell stated the Village's employee handbook requires Board approval of degree courses but it has not been rigidly enforced by previous administrators. C. Kell stated that the policy requires Village Board

approval of the request by Brian Peterson for reimbursement of continuing education classes and he and the Public Works Director are recommending approval of the request. Board members discussed the issue including allowing Department Heads to make the decision on employee education. C. Kell stated he is putting Department Heads on notice that at this time they will need to bring requests before the Board unless the policy is changed. Chief Peterson stated the Police Contract allows the Police Chief to grant the approval and he would not be bringing requests before the Board. C. Kell stated the policy will be reviewed for possible changes and improvements.

*Moved by Trustee Elrick, seconded by Trustee Verstegen to approve continuing education for Brian Peterson.*

All Ayes-Motion Carried Unanimously

#### **Presentation/Discussion of Encroachment Situations on Village Owned Property**

C. Kell presented a Power Point presentation of areas in the Village where property owners had encroached on Village property. The first area reviewed was the Buchanan Pond Encroachments where residents have constructed landscaping, gardens, pet graves, playground equipment, storm water drainage outlets, planted trees on the slopes, and there is a shed on Village property and garages have been constructed over utility easements. Board and staff discussed the various issues with the encroachments on the Buchanan Pond land and staff stated they are looking for direction on how to approach the residents concerning the encroachments. Trustees expressed support for sending out letters to the residents who are encroaching informing them that they need to remove their items from Village property. The next area reviewed was Fillmore Street north of E. Main Street that has not been designated as an official Village Street and it being encroached upon by two businesses that are using it for parking stalls. R. Van Gheem stated there is an issue of timeliness on making a decision with this property as one of the businesses is having flooding problems and they need to fix and install storm sewer laterals in the right-of-way which will be at their cost. Board members discussed the options of selling the land to the property owners or dedicating the street and then vacating it. Board members agreed that the business owner could replace the storm sewer laterals in the right-of-way but a waiver would need to be signed that indicated the property owner did not own the laterals and staff was directed to liquidate the Village property and negotiate with the two businesses for purchase of the land with easements for the Village's utilities. Board members stated if an agreement cannot be reached between the property owners, then the Village can move forward with dedicating the street and then vacating it.

The next area reviewed was mailboxes and structures installed on Village property in terrace areas. Discussion took place on the areas where many residents are installing the mailboxes in permanent structures such as on Vandenberg Lane. Staff stated that Village ordinances do not allow these structures and states that if the Village needs to perform work in the right-of-way, the structure will be removed and the Village is not responsible for replacing the structure. Board members suggested staff educate the citizens by placing notices in the Village newsletter and on the Village website informing them that structures are not allowed in the terraces and if they are constructed the Village is not responsible for replacing them if they need to be removed because the Village needs to do work in the right-of-way. Board members also suggested sending a letter to residents on Vandenberg Lane notifying them of the Village ordinance and that the structures need to be moved. Some Board members discussed allowing the structures but if they need to be removed it is the property owner's financial burden. President Fischer suggested bringing the issue of structures located in the terrace areas back to the Board at a future meeting to allow the Board some time to contemplate the issue. Trustee Elrick proposed for discussion a program whereby the Village supplies the mailboxes like the polycarts program.

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Board members reviewed the encroachment issues at Well #3. There are hedges and trees that have been planted, personal property, a garden, and storm water discharge mechanisms of the neighboring property owners that are located on Village property and are the encroachment issues that need to be addressed.

C. Kell also presented information on Village property concerning weeds and tall grass and the Board was asked for direction on the issue. C. Kell pointed out the areas of Village property that do not comply with Village ordinance and currently there are no exceptions in the ordinance for village parks. The areas of concern are at Heesakker Park, along the shorelines at Heesakker, Doyle and Island parks, the vacant industrial park sites, ends of dead end streets, the storm water outlets, street and ditches, and miscellaneous areas. Board members discussed the issues and agreed to have staff draft a Management and Maintenance Plan for Village owned property and bring it back to the Board at a future meeting for review. T. Flick asked about complaints filed between now and when the management plan is completed. Board members agreed staff should inform residents that the Village is working on a management plan for maintenance of all Village owned property.

### **Unfinished Business**

T. Flick stated that if the Board agrees, he will be moving the Legion Park Shed to the area of the park that is in the corner of Grand Avenue and Hans Parkway if the shed can structurally be moved. T. Flick stated the shed needs to be moved to allow for construction of the new ball diamond. Board members agreed with the proposed relocation.

### **Items for Future Agendas**

Trustee Verstegen asked to have the issue of changing the term of Village President to three years placed on the July 11<sup>th</sup> meeting agenda. Trustee Elrick asked to have the sandwich board sign issue on a future agenda and also asked staff to get Appleton and Neenah's sign regulations for the Board to review at the meeting. Trustee Elrick also reminded staff that a review of the concrete paving assessment policy should be brought before the Board before next year's contracts are decided. C. Kell stated staff is working on the issue of the concrete paving assessment policy and the issue will be brought before the Board at a future meeting. C. Kell stated that he and President Fischer will be meeting with the Windmill Committee to consider a concept for a new location for the Windmill and he will keep the Board updated.

### **Adjournment**

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to adjourn the Committee of the Whole meeting at 8:40 p.m.*

All Ayes – Motion Carried Unanimously

## **VILLAGE OF LITTLE CHUTE**

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By: Charles Fischer, Village President

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Attest: Vicki Schneider, Village Clerk