

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF AUGUST 12, 2009

### 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 Leicht, Trustee Ransbottom, Trustee Smith, Trustee Van Deurzen(6:01), Trustee Verstegen

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

### Public Appearance for Items not on the Agenda

None

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Enter the Public Hearing. (6:02pm)*

Ayes 6, Nay 0 – Motion Carried

### **Public Hearing – Amending Village of Little Chute Code of Ordinances, Zoning Code Section 44-50(a)(3) CB Central Business District, Building Design Requirements**

President Fischer stated the audience is invited to comment on the proposed ordinance to create a Design Review Board and on the Design Manual. Tom Novak, 609 W. Main, owner of Tucker's Restaurant, commented that he is in favor of the concept of the Design Manual but he is opposed to making the manual a mandatory requirement and having a group of people telling businesses what they can and cannot do. Dick Salm, 116 E. Main St., spoke about the Design Manual being a good plan but it should not be mandated and further stated that there will be too many hoops for businesses to jump through and he did not agree with creating a Design Review Board. Rick Schroeder, 2500 W. Main Street, commented on the notice and fines he received for having junk in his yard. President Fischer informed Mr. Schroeder that this was a public hearing for the Design Manual and not the proper forum to discuss his issue.

Trustee Van Deurzen read a letter sent by Cindy Gonnering, Cinder Care, Inc. asking to be kept out of the Central Business District classification and stating government should not be allowed to dictate to businesses the types of improvements they are allowed to make. In her letter, Mrs. Gonnering recommended making the Design Manual criteria optional for business owners. Peggy Edmonds, Kings Variety Store, asked about the makeup of the Design Review Board. Trustee Verstegen suggested that the Design Review Board ordinance be changed to state the Village Administrator and Village Trustee or their designees so quorums could be met for special meetings. Trustee Verstegen stated the other five members of the Board will consist of Little Chute residents with preference given to business owners and those that are experienced in the building processes and the members would be appointed by the Village Board. Mary Novak, 609 W. Main Street, commented that the Manual should not be made mandatory as business owners need to make improvements that fit into their budgets and suggested the Design Review Board be a guiding committee not a governing Board. Trustees indicated that they want to work with the business owners to make the improvements work. Peggy Edmonds stated she is not against the Design Manual and would welcome assistance and positive feedback from a Design Board but the issue is if the Board is going to dictate to the business owners or work with them on a design that works for them. Keith Gonnering, 715 Depot St., stated he does not agree with government dictating and taking away the rights of private business owners and the Manual should be advisory for the businesses. Michael Stouffer, 714 Bluff Avenue, commented that he agrees with the principal of the Design Manual but not with intrusive ordinances and the Board may want to consider a monetary incentive award to encourage compliance with the Manual. David Gaskill, 119 E. Main Street, inquired as to if flat roofed building when replaced would have to be constructed a gable or hip roofs and whether the Board would be lenient with this issue due to costs. Board members stated they anticipate that just replacing a roof without altering the structure would not require a change in the shape of the roofing. Business owners and residents that are noted continued to express their views during the hearing.

*Moved by Trustee Smith, seconded by Trustee Ransbottom to Close the Public Hearing. (6:31 pm)*  
Ayes 7, Nay 0 – Motion Carried Unanimously

**Discussion/Possible Action on Little Chute Design Manual and Amending Village Code Section 44-50(a)(3) CB Central Business District, Building Design Requirements**

Board members discussed establishing a design review process that offers assistance to the businesses and indicated they see the Board as working with the businesses to do the right thing for them and the Village. Trustee Verstegen stated that mandatory compliance with the Manual will protect business owners from the handful of people that don't embrace the Design Manual concept. Trustee Leicht stated he agrees with the concept of the Design Manual and even believes some areas of design like color scheme should be mandated but not all design elements should be mandated. Trustee Verstegen stated that if the Design Manual is approved then the plan is to work on a creating a funding element to assist businesses with improvements. Discussion continued. Board members thanked the audience for their comments and indicated they would take the comments under consideration. Board members agreed to place the ordinance and Design Manual on next week's agenda and Trustee Leicht will bring recommendations of design elements to consider making mandatory requirements.

**Discussion/Clarification – Ordinance No. 6, Series of 2009, Amending Section 8-20 & 8-21 of the Building Code requested by Michael Stouffer**

Michael Stouffer stated he was unclear on the Board's definition of progress and he distributed documents to the Board that included a letter he had received from J. Moes, a letter he had sent to J. Moes, an email he sent to President Fischer, an estimate of the time to complete the project tasks, pictures and diagrams of his reroofing project. J. Moes stated that he and the Village Attorney wrote the ordinance amendments so the language would not be ambiguous. Mr. Stouffer stated he was surprised to get a letter from J. Moes stating he would not grant an extension to September 14, 2009 to complete the project and if the project isn't completed by September 3, 2009, municipal summons will be issued. Mr. Stouffer stated he understood Board members discussion to indicate that progress is a basis for granting an extension and he wanted to know specifically what was needed by the Board to grant an extension and what steps a homeowner and how the Board is going to handle instances where the 28 day rule is impossible to meet. Board members stated that staff is responsible to determine if progress is taking place. Mr. Stouffer went on to explain the various obstacles he is dealing with on the project and pointed out his wife's medical condition requires him to take procedures to protect her against any chemical contamination. J. Moes stated that September 3 will be 120 days from the adoption of the ordinance that limits temporary roofing materials to a 28 day timeline. Discussion took place and Board members offered suggestions and assistance to Mr. Stouffer to help him complete the project and stated they felt the project has dragged on long enough and they and staff are receiving complaints from neighboring residents. Mr. Stouffer stated he would have all temporary roofing material removed on the south side of his house by September 14 and he will defer the remainder of the roof reconstruction to at least 2010. Mr. Stouffer stated his goal is to bring the house up to code. Board members agreed to have J. Moes grant the extension to September 14, 2009 and if the project isn't completed and the tarps removed by that date, municipal summons will be issued.

**Action – CDA Resolution – Authorizing Amendments to \$6,040,000 CDA Variable Rate Demand Redevelopment Bonds, Series of 2008 (Resource One International, LLC Project)**

C. Kell stated the CDA had meet prior to this meeting and adopted the Resolution Authorizing Amendments to \$6,040,000 CDA Variable Rate Demand Redevelopment Bonds for Resource One International. C. Kell explained that Resource One is looking to refinance the bonds to receive a better interest rate.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Accept the Resolution Adopted by the CDA Authorizing Amendments to \$6,040,000 CDA Variable Rate Demand Redevelopment Bonds, Series of 2008 (Resource One International, LLC Project)*

Ayes 7, Nay 0 – Motion Carried Unanimously

#### **Discussion/Possible Action – Aquatic Facilities Study Services**

T. Flick explained the request to add an aquatic facilities study to the Village's building facilities study. T. Flick stated the current aquatic facility has multiple State code concerns and equipment that is in need of repair or replacement and the study will assist the Board and staff in prioritizing future repairs and in looking at options for renovation or relocation. The cost for the study is \$6,850.00.

*Moved by Trustee Elrick, seconded by Trustee Smith to approve the aquatic facilities study services and award the contract for the study to Aquatica Design of Sheboygan, Wisconsin in the amount of \$6,850.00.*

Ayes 7, Nay 0 – Motion Carried Unanimously

#### **Discussion – Amending Village Code Liquor Licensing – Section 4-60(1)(f) Application for License – Retail Sales Outlet**

V. Schneider stated Walgreens has indicated they intend to apply for a Class A license to sell beer and liquor at their store in Little Chute. The current Village ordinance states pharmacies are only able to obtain a Class A beer license. V. Schneider stated she had consulted with the Police Chief and Community Development Director and they have stated they did not have an issue with amending the Village ordinance to allow for pharmacies to sell carryout liquor. C. Kell confirmed that the Police Chief was comfortable with the ordinance amendment. Board members agreed to put the ordinance amendment on next week's agenda for action.

#### **Unfinished Business**

None

#### **Items for Future Agenda**

C. Kell stated the Washington Street Design Plan will be presented to the Board next week. Trustee Verstegen requested that an appointment to the Beautification Board be included on next week's agenda. Trustees agreed to put the Design Review Board Ordinance and Design Manual on next week's agenda for further discussion/possible action and Trustee Leicht will present his suggestions for design elements to consider making mandatory requirements.

#### **Adjournment**

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to adjourn the Committee of the Whole meeting at 7:55 p.m.*

Ayes-7, Nay-0, Motion Carried

#### **VILLAGE OF LITTLE CHUTE**

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By: Charles Fischer, Village President

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Attest: Vicki Schneider, Village Clerk