

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF AUGUST 26, 2009

Call to Order

President Pro Tem Elrick called the Committee of the Whole meeting to order at 6:00 p.m. The Village Clerk stated that at the request of President Fischer, President Pro Tem Elrick would be chairing tonight's meeting.

Roll Call

PRESENT: President Pro Tem Elrick, President Fischer, Trustee Leicht, Trustee Ransbottom, Trustee Smith, Trustee Van Deurzen, Trustee Verstegen

ALSO PRESENT: C. Kell, J. Moes, R. Van Gheem, T. Flick, V. Schneider and Dennis Buschke, McMahon Associates, J. Elrick, Asst. Director of Public Works.

Public Appearance for Items not on the Agenda

None

Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Enter the Public Hearing.

Ayes 7, Nay 0 – Motion Carried

Public Hearing – Special Assessments/Hookup Fees – New Storm Sewer from Evergreen Pond

Al De Bruin, W2750 Evergreen Drive, asked why he was included in this assessment when he had been previously informed by Village staff that his property was to be deleted from the Evergreen Pond project and why is he being assessed \$26,000 for this project. R. Van Gheem stated that there are two different storm water issues, one is the pond and one is the storm water pipe. President Pro Tem Elrick and staff explained that because Mr. De Bruin's property is not located in the Village, a hookup fee is established based on front footage but the fee would not be collected until such time that the property is annexed into the Village and the property owner requests to be hooked up to the storm water pipe or if in the future the parcel is developed and is required to hookup to the pipe for storm water drainage. R. Van Gheem and Dennis Buschke explained the storm water piping project. R. Van Gheem stated that six laterals were put in for a future hookup of utilities to Mr. De Bruin's land and where the property drains will depend on a future development at which time possible fees for this property to drain to the Evergreen storm pond may also need to be addressed. Mr. De Bruin stated he is not in this storm sewer district and should not be assessed and he requested a written document from the Village stating he will not be charged the fee unless he requests a hookup to the pipe. President Pro Tem Elrick stated that Mr. De Bruin should have his attorney prepare a document and then it will be presented to the Village's Attorney for review.

Moved by Trustee Leicht, seconded by Trustee Smith to Close the Public Hearing.

Ayes 7, Nay 0 – Motion Carried Unanimously

Discussion/Possible Action Adoption of Little Chute Design Manual

Trustee Verstegen pointed out the changes that were made as discussed at last week's meeting concerning the materials that are allowed and not allowed and that the manual only applies to commercial businesses and as far as existing businesses the only items mandated are the exterior materials and colors.

Trustee Verstegen stated the rest of the manual is advisory and the Review Board will make recommendations to the businesses. Discussion took place. Trustee Smith expressed concerns with businesses not being on board with the idea and the unknown costs of having to go with acceptable materials. Trustee Verstegen and Trustee Ransbottom commented on how the manual can protect the existing businesses from having neighboring buildings use undesirable materials. Discussion took place.

Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Adopt the Little Chute Design Manual as amended 8/20/2009.

Further Discussion: Trustee Leicht stated he liked the ideas of adopting a color pallet and keeping certain materials out of the downtown but he had reservations about requiring businesses to go before the Review Board. Administrator Kell stated the manual can be streamlined down the road and commented on creating a culture and creating a financial program that can also give businesses architectural design assistance. Trustee Van Deurzen stated there are too many uncertain issues with the manual and the incentive program is not in place yet. Trustee Leicht stated he would like to see the Review Board work with business owners to get the buildings done as desired by the Plan and to inform them of the incentive programs. Trustee Ransbottom stated he is for the incentive program but he believes that the tools like the manual need to be in place first. J. Moes stated that adopting the design manual does not create an ordinance making it law and also reminded the Board that if a business owner does not like a decision made by the Design Review Board, they can appeal to the Plan Commission, then the Board of Appeals, and finally to the Village Board to ask to have the code changed. Discussion continued.

Vote on the Motion:

Ayes 6, Nay 1 (Van Deurzen) – Motion Carried

Discussion/Possible Action – Ordinance Creating Section 2-156 Design Review Board and Amending Section 44-50 CB Central Business District

J. Moes pointed out the changes made as requested by the Board and he recommended that action on the ordinance amendment be placed on a Regular Board agenda.

Moved by Trustee Verstegen, seconded by Trustee Ransbottom to place the Ordinance Creating Section 2-156 Design Review Board and Amending Section 44-50 CB Central Business District on next week's agenda for action.

Ayes 7, Nay 0 – Motion Carried Unanimously

Discussion/Possible Action – Heesakker Park Pond Project

President Pro Tem Elrick read a letter that had been provided to President Fischer by the Heesakker Family that stated the wishes of George and Annie Heesakker were that the land would remain in its present pristine, quiet, peaceful and natural condition as parkland and that the Heesakker children express their universal disagreement and strong opposition to the location of the pond on any of the parkland. Trustee Ransbottom stated he can't support the project in the park because of the family's original intent for the land when it was offered to the Village. President Pro Tem Elrick stated he needs to consider the entire Village in this decision and he understands that the land was purchased from the Heesakker Family and he has not found anything that says we need to have their approval to do anything in the park although the Village has collaborated with them on decisions. President Pro Tem Elrick stated he appreciates the input given at the informational meeting but he doesn't believe putting the pond in the park is a detriment. President Fischer stated that Mr. Heesakker indicated he did not want the trails or the sledding hill affected. Trustee Leicht commented on it being a tough decision and the Board doesn't want to tear up the woods but he believes it is in the best interest for the Village as a whole and the use of the park will not change and the cost would be much higher to acquire private property. Members of the audience were called upon to speak: Gail Bowers McKay, 703 Miller Ln. Ct., stated she objects to putting the pond in the park because of the safety issues for children and stated she had concerns about not hearing about this issue until recently and moving on this issue too quickly because of incentive money. President Pro Tem Elrick stated there is a safety shelf built around the pond and the canal will be open soon and should the parks be fenced off from the canal. President Fischer commented that the safety issue is being addressed as a safety shelf is being built around the pond. Trustee Verstegen stated that she is a promoter of planting trees in the Village, she respects the Heesakker family and loves the park but after going through meetings on changing the detention pond to a retention pond on Buchanan Street, she doesn't want to put a pond next to residents' property and because of these issues, she is in favor of the pond at Heesakker Park. C. Kell stated the Village has been working on the storm water plan since 2000.

C. Kell provided Board members with a handout of the alternatives that were considered and a decision to turn down this pond will put the Village behind in meeting storm water requirements as this pond will cost the Village \$137,500 and to look at the Bluff Avenue, Legion and Doyle Park sites it will cost \$1,000,000 to \$2,000,000 more. C. Kell stated that \$44,000 has already been spent to date on this pond for grant applications, permits and design and to correct the erosion problems present on this drainage way will cost \$65,000 of Village money without any grant availability. Jeff Brockman, Penny Lane, expressed concerns about the safety of children in the park and stated the pond on Buchanan Street looks like a swamp hole and stated he is against the placement of the pond at the park. Staff explained that it takes up to seven years for a pond to develop into a desired state. Trustee Smith stated the Board has been discussing this issue for over a year and he asked if the impact of the land could be lessened. R. Van Gheem stated they will do what they can to reduce the footprint. Trustee Elrick asked if the existing trees could be relocated. T. Flick stated that his recommendation would be to relocate trees that are 6 inch in diameter or less. Mike Machurick commented on the lack of notification on the project and was against putting the pond in the woods. Trustee Ransbottom commented on how the Board operates on an open forum. Pete Heesakker commented that his question is if detention ponds belong in public parks and he encouraged the Board to do it right and the best they can. Marv Janssen, 110 Florida Ave., asked if the Board had contacted the Heesakker family before this week and if the property between Franklin and Buchanan had been looked at. J. Moes responded that the area referred to is a 4 acre site and no pipes could be used to serve that area.

Moved by Trustee Leicht, seconded by Trustee Verstegen, to approve the Heesakker Park Pond Project as presented.

Further Discussion: Trustee Smith stated he wants to see every avenue possible taken to lessen the impact on the Park. R. Van Gheem stated that language in the contract addresses lessening the impact. Margie Adler, 523 W. Main, stated that the project is being rushed because of stimulus money and other areas should be looked at and she has safety concerns and doesn't agree with wrecking the only forest Little Chute has left because of money. President Pro Tem Elrick read a letter that was submitted to the Board asking the Trustees to consider the best interest of all citizens in the Village. R. Van Gheem stated that they will attempt to save as many large trees as possible on the fringe of the pond. Jim Killian, 401 Sanitorium Rd., commented on the vandalism at the park and safety issues of having a pond in the park and stated the pond would be better located at Legion Park. T. Flick stated the trails will not be lost but they may be shifted a little and the surface may be different and the use of the park land would not change. T. Flick further stated that as steward of the Village's park land, he requests that the Board have future dialogue on compensation of park land and that Legion Park not be considered for a future pond. R. Van Gheem stated there will still be a need for future ponds and there are other ponds proposed in the Village's storm water plan. Discussion continued with audience members and Trustees commenting on the issue.

Trustee Ransbottom called for the vote.

Ayes, 6, Nay 1 – (Smith) – Motion Carried

Vote on the motion:

Ayes 4, Nay 3 (Fischer, Ransbottom, Smith) – Motion Carried

Discussion of Proposed Baseball Club Sign Fundraising & Lease Proposal for Legion and Van Lieshout Parks

T. Flick stated the Baseball Club requested that the Board review the proposal before it goes before the Plan Commission. T. Flick stated that staff has worked with the Club and supports the venture with the Club. T. Flick informed the Board of requirements that staff wants included in the lease and this includes a request that a fund be established and a certain percentage of the funds raised be turned over to the Parks Department for future park improvements. T. Flick stated that the lease was drafted by the Village's Attorney and the issue of the right of first refusal for the Club for other parks will be addressed. T. Flick stated the percentage of funds to be returned to the Village needs to be negotiated between the Club and

the Village. Tom Myers, Baseball Club Rep., commented on the proposed draft of the lease and the potential benefit to the Club and the Village. Board members agreed to authorize staff to move forward with the proposal and present it to the Plan Commission.

Discussion/Possible Action – Seth Lenz request to place outdoor seating and tables on public right-of-way adjacent to his coffee shop at 106 East Main St.

R. Van Gheem commented on the concerns and the issues that have to be worked out for this proposal to work as the Village's ordinance requires a five-foot walk way so some areas that were proposed for table placement will work but others won't as the Village's sidewalks in some areas will not be wide enough. R. Van Gheem stated the ordinance calls for \$500,000 of liability insurance and that needs to be verified, and there are issues of garbage and the standards for tables. R. Van Gheem stated that the details need to be worked out and he recommended that a separate permit needs to be created and the code may need to be amended to define the requirements for outdoor seating. Trustee Verstegen requested the Mr. Lenz limit his request to the outdoor areas that may work for the tables and she does not support placement of the tables in the bump outs. Seth Lenz stated he is not looking for approval for outdoor seating for this Fall but he would like to be able to offer outdoor seating to his customers next year and he would not want to place tables in all of the areas as presented on the plan. Board members indicated they like the proposal and instructed staff to move forward with working on the details and to provide Mr. Lenz with the insurance requirements so he can begin investigating the insurance cost.

Resolutions:

CSM – Little Chute Windmill Inc.

Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Adopt Resolution No. 29, Series of 2009 Approving the CSM for Little Chute Windmill, Inc.

Ayes 7, Nay 0 – Motion Carried Unanimously

Recognizing Barbara Wentzel's service to the Library and naming conference room in honor of all past Library Directors

Moved by Trustee Ransbottom, seconded by Trustee Van Deurzen to Adopt Resolution No. 30, Series of 2009 Recognizing Barbara Wentzel's service to the Library and naming conference room in honor of all past Library Directors.

Ayes 7, Nay 0 – Motion Carried Unanimously

Discussion/Possible Action – Electronic Distribution of Village Newsletter

V. Schneider stated the proposal is being presented as a way to reduce costs in newsletter production as residents will have options to receive the newsletter in an electronic format which will reduce printing and mailing costs. V. Schneider stated that if the Board approves the proposal, beginning with the Fall newsletter, residents will be notified of the electronic distribution options that will begin in 2010. Trustee Van Deurzen stated he was concerned that residents will be upset if they do not get a newsletter in the mail. V. Schneider stated that residents will still be able to have a hard copy of the newsletter mailed to them but they will need to contact the Village Hall to be put on a mailing list. Other Trustees voiced support for the proposal.

Moved by Trustee Ransbottom, seconded by Trustee Verstegen to authorize the Clerk to put a notice in the Fall newsletter of the electronic distribution options to be implemented for distributing the newsletter beginning in 2010.

Ayes 6, Nay 1 (Van Deurzen) – Motion Carried

Discussion/Possible Action – Request by Public Works Department for purchase of new street sweeper

Jeff Elrick explained that because new emission standards for engine manufactures will go into place next year and because of the substantial price increase, he is recommending the purchase of the street sweeper this year instead of next year as planned in the CIP.

Moved by Trustee Ransbottom, seconded by President Fischer to approve the purchase of a street sweeper for the Public Works Department.

Ayes 7, Nay 0 – Motion Carried Unanimously

Unfinished Business

None

Items for Future Agenda

President Pro Tem Elrick requested that the First Impressions Program be put on a future Committee of the Whole agenda for discussion. Trustee Verstegen requested that the proposal to establish a Business Improvement Fund be put on a future Committee of the Whole agenda for discussion. T. Flick stated the presentation by the DNR on deer herd control options will be on the September 9 agenda and a notice will be put in the *Times Villager* and on the website.

Adjournment

Moved by President Fischer, seconded by Trustee Ransbottom to adjourn the Committee of the Whole meeting at 8:55 p.m.

Ayes-7, Nay-0, Motion Carried

VILLAGE OF LITTLE CHUTE

By: Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk