

# MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF NOVEMBER 11, 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, Trustee Verstegen

ALSO PRESENT: C. Kell, E. Misselt, J. Moes, R. Van Gheem, T. Flick, J. Elrick, V. Schneider Dennis Buschke of McMahon Associates, Gerald Van Dyn Hoven and Dutch Boyz Development Reps. and Attorney Patrick Coffey, Menn Law Firm, Rick Bickert and Curtis Schroeder from Consolidated Construction, Attorney David Van Lieshout and concerned citizens

## Public Appearance for Items not on the Agenda

Andy Sanders, 318 W. McKinley Avenue, addressed the Board about the advertisement for bids for the Buchanan Pond Expansion and the Board's right to reject any and all bids. Mr. Sanders encouraged the Board to award bids to local contractors. President Fischer stated the Board's policy is to award contracts to local contractors and businesses when possible and without the risk of losing grants and funding.

*Moved by Trustee Smith, seconded by Trustee Elrick to Enter the Public Hearing for Special Assessments for the Asphalt Mill & Overlay Project on Paradise Drive.*

Ayes 7, Nay 0 – Motion Carried Unanimously

## Public Hearing - Proposed Special Assessments – Asphalt Mill & Overlay Project/Paradise Dr.

R. Van Gheem and Dennis Buschke from McMahon Associates explained the project that involved applying an asphalt overlay and milling of Paradise Drive and stated the bid was awarded to the low bidder MCC, Inc. of Appleton and the preliminary assessment rate is \$20.28/ft. Mr. Williamson, 224 Paradise Drive, asked how long he has to pay the assessment and he was informed that the assessments can be paid over five year payment plan and a final assessment rate will be determined once the project is completed. Mr. Williamson also stated that he was not happy that another house on the street was taken down as the Village lost another taxable property and he is upset about the number of houses that have been torn down in the Village.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Exit the Public Hearing on the Special Assessments for the Asphalt Mill & Overlay Project on Paradise Drive.*

Ayes 7, Nay 0 – Motion Carried Unanimously

Trustee Verstegen asked to be excused from participating in the next public hearing and the agenda item following the hearing and removed herself from the Board table. (6:15 p.m.)

*Moved by Trustee Ransbottom, seconded by Trustee Smith to Enter the Public Hearing on the Rezoning Request – 306, 312, 316, 320 W. Lincoln Avenue and 325 W. Main Street from RC – Residential Conventional Single Family District to CB – Central Business District – Gerald Van Dyn Hoven, applicant. (6:15 p.m.)*

Ayes 6, Nay 0 – Motion Carried

C. Kell thanked the neighbors that have been engaged in the project. C. Kell clarified that the project has not been rushed and he commented on the process that has taken place since the project was brought to the Village's attention in May and stated the Village isn't pushing to get the project in place by January 1st because of new zoning laws. C. Kell clarified that at this time there has not been any financial commitment made to the Developer by the Village. C. Kell stated that staff and the Plan Commission are recommending approval of the rezoning for 306 and 312 W. Lincoln Avenue and deny the rezoning for the other three properties but grant conditional use for parking for this project only. C. Kell commented

that on the tax revenue that would be generated by the Development and explained that the project is located in TID #1. C. Kell stated he had talked with the DOT and the County Highway Commissioner on the project and was informed that the project is not subject to permitting or review by the County unless the intersections on Cty. N are changed and the DOT stated Hwy. 96 is within the Village's jurisdiction. C. Kell stated he has committed to the County that the Village will work to address traffic vision issues at the intersection of W. Lincoln Avenue. C. Kell stated that the project as currently planned meets all Village ordinances as it is currently proposed, if the zoning is changed. Jerry Van Dyn Hoven thanked everyone for attending the hearing and he introduced the representatives from Consolidated Construction. Mr. Bickert, President of Consolidated Construction and Mr. Schroeder commented on Mr. Van Dyn Hoven's personal interest in the project and importance of the design fitting into the community that Mr. Van Dyn Hoven is a part of. Mr. Bickert and Mr. Schroeder proceeded to give an overview of the project and answer questions from the Board and concerned residents.

Numerous concerned citizens were in attendance and voiced opposition to the location of the Development. Dan Mahlik, 329 W. Lincoln Avenue, commented about the short setback and the corner of Lincoln Ave. and Madison St. having a blind spot and the project creating a worse traffic safety issue at this corner. LeAnn Wildenberg, 707 W. Main Street, commented in opposition to the rezoning because of traffic and traffic safety concerns and the overall impact of the additional traffic on the entire Village. Attorney Van Lieshout, 122 E. Main Street, stated he is representing numerous residents of W. Lincoln Avenue and the project is problematic for several reasons. Attorney Van Lieshout stated that in conversations he had with the County Highway Commissioner, it was indicated that the project as planned would not comply with the County's traffic vision requirements and he also commented on the traffic counts in relation to exiting on to Lincoln Avenue. Attorney Van Lieshout commented about the inconsistency with the rezoning of the five properties and the petition to rezone and stated that there isn't a plan but a concept and there isn't a commitment from the Developer to build the project with the conditions being required by the Board. Attorney Van Lieshout commented that on January 1 any rezoning comply with the Comprehensive Plan and the Village's plan states the Village wants to keep the residential nature of the neighborhood and the rezoning could be challenged that it doesn't met the Comprehensive Plan. Attorney Van Lieshout stated that 775 people signed a petition stating they are opposed to the rezoning and 10 out of the 22 residents within 100 feet of the proposed rezoning have signed a petition opposing the rezoning. Attorney Van Lieshout asked the Board to evaluate the proposal as being good or bad for the residents.

Duane Fox, 5720 N. Ballard St, stated he is a civil engineer and he has reviewed the project and he believes it is a good workable project but the plan needs more work and it will negatively impact the neighbors.

Karen Jones, asked if other sites had been considered. Responses were that other sites have been looked at and continue to be looked at with other developers but Mr. Van Dyn Hoven owns this land and he came to the Village with the proposal. It was also noted that moving the project will create the same issue in another neighborhood.

Denny LaBarre, 405 W. Lincoln Avenue, commented about considering other locations for the project as he thinks the project is needed in the community but not in this location.

Amanda Larson, 319 W. Main Street, asked about the demographics of the project and the pricing of the units and if there is a need for commercial storefronts and about the impact on neighboring property values. Mr. Mahlik also commented on the rents now being higher than the original plan and the unknowns of the project. Mr. Bickert and Mr. Schroeder commented on their experience in the industry and the research that is conducted for setting the rents.

Attorney Coffee commented on the procedures the Developer is required to follow to obtain rezoning and that a lot of people think the project is a good idea for the Village and Mr. Van Dyn Hoven has worked with the residents on their issues and concerns. Tammy Frassetto, 408 W. Lincoln Avenue, commented that she thinks the project will be an asset to the Village but it needs to be in the appropriate location in the heart of the downtown.

Molly Houlihan, 329 W. Main Street, stated opposition to the rezoning and commented on the project creating a hardship for her because of the close proximity of the private drive to her lot line and the issues that creates and it also forces her property to become a corner lot.

Mr. Van Dyn Hoven commented that he already has a letter of interest for an apartment from a Little Chute resident and the person is 81 years old. Mr. Van Dyn Hoven stated he would be working with local realtors to price the units and market to tenants.

Mr. Mahlik commented on the Village's Comprehensive Plan. Mr. Jim Hietpas, 403 W. Lincoln stated his opposition to the rezoning and commented on the Village's Comprehensive Plan and the safety of the neighborhood and stated the project would cause too much traffic congestion in the area and that will cause safety issues. Mr. Hietpas also asked about the amount of TID dollars going towards the project and commented on concerns about DNR issues and storm water issues. Mr. Schroeder provided the Board with a copy of the 2007 traffic study. Jackie Chong Garcia Van Hoof commented on the potential danger of the gasoline trunks backing into the Express Station. Andy Sanders, 318 McKinley Ave., stated the traffic is currently heavy on Hwy. N and he supports the project but it should be constructed in a different location. Dave Richards, 431 W. Main Street, commented on the possibility of people using his driveway as a shortcut to Main Street. Ned Schommer, 411 W. Lincoln Avenue, asked about expanding and moving the TID area. Jim Martin, 326 W. Lincoln Avenue, commented on the possibility of his bushes being damaged because of the close proximity of the proposed driveway.

*Moved by Trustee Ransbottom, seconded by Trustee Van Deurzen to Exit the Public Hearing on the Rezoning Request – 306, 312, 316, 320 W. Lincoln Avenue and 325 W. Main Street from RC – Residential Conventional Single Family District to CB – Central Business District – Gerald Van Dyn Hoven, applicant. (8:15 p.m.)*

Ayes 6, Nay 0 – Motion Carried

**Review/Discussion – Ordinance - Zoning Amendment – 306, 312, 316, 320 W. Lincoln Avenue, and 325 W. Main Street from RC – Residential Conventional Single Family District to CB – Central Business District**

*Moved by Trustee Smith, seconded by Trustee Ransbottom to place this item on next week's agenda for possible action.*

Ayes 6, Nay 0 – Motion Carried

Trustee Verstegen return to the Board table for active participation in the rest of the meeting. (8:40 p.m.)

**Review/Discussion – Amending Village Ordinance Section 30-21 Regulation of Firearms and Explosives, Section 30-32 Throwing or Shooting of Arrows, Stones, and Other Missiles Prohibited, Section 32-1 Park Regulations**

Board members reviewed the ordinance. Chief Misselt stated a minor typo in the ordinance will be corrected.

*Moved by Trustee Verstegen, seconded by Trustee Leicht to place this item on next week's agenda for possible action.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Discussion/Possible Action – Business Improvement/Facade Renovation Program**

C. Kell reviewed the proposed program called Operation Facelift. C. Kell stated that the program will have \$150,000 from the General Fund Reserve to provide financial assistance to businesses with a no-interest long term matching loan that will not have to be repaid to the Village until the property is sold. The amount of the loan will be established as a matching amount and the minimum amount of a loan under this program will be \$1,500 and a maximum amount of \$20,000 for a single facade and \$30,000 for a multiple facade. Trustee Verstegen stated that the Citizens Advisory Board on Beautification and Advance Little Chute had both taken action to endorse the program. Trustee Elrick questioned if \$150,000 will be enough money to have available for loans. C. Kell responded that the Board has the

ability to change the level of funding in the future. Trustee Van Deurzen suggested that businesses be required to pay some of the loan back prior to the building being sold. Discussion continued.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to place this item on next week's agenda for possible action.*

Ayes 7, Nay 0 – Motion Carried Unanimously

### **Discussion on Providing the Availability of Larger Recycling Polycarts**

Some Board members stated that they have had several requests from residents for the larger carts. Jeff Elrick stated that the Department currently has four people on a list requesting the larger carts and the cost for a 95 gallon cart is \$40.56 plus shipping. J. Elrick stated that shipping may be very expensive if the Village cannot piggyback on an order with another community in Wisconsin. Discussion took place on whether the larger carts should be offered to everyone by placing a notice in the newsletter and about the quantity of larger carts to order. Trustee Elrick stated residents do have the option to take extra recycling to the County landfill. Trustees agreed that if the Village does decide to offer residents larger carts, the residents will have to pay for the carts and the carts will be required to stay with the property. Board members asked Jeff Elrick to check into shipping costs and report back at next week's meeting. The item will be placed on next week's agenda for further discussion and possible action.

### **2010 Follow-up Budget Discussion**

Trustees asked if the Union contracts had been settled. C. Kell stated they had not been settled and he will be asking the Board to hold a closed session meeting on the contract issues. The Public Hearing on the 2010 Budget and Tax Levy is being held at next week's meeting and a Resolution to adopt the budget and set the tax levy will be presented to the Board for action at next week's meeting.

### **Unfinished Business**

None

### **Items for Future Agenda**

Board members agreed they are available to attend a closed session on personnel issues next Wednesday at 5:15 p.m. prior to the Regular Board meeting. Board members decided to hold the Regular Board meeting in the Community Room in anticipation of a larger crowd due to the rezoning ordinance being on the agenda.

### **Adjournment**

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to adjourn the Committee of the Whole meeting at 9:21 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