

## MINUTES OF THE REGULAR BOARD MEETING OF APRIL 18, 2012

**Call to Order:** President Vanden Berg called the Regular Board Meeting to Order at 6:00 p.m.

### **Invocation**

### **Pledge Allegiance to the Flag**

President Vanden Berg led members in the reciting of the Pledge of Allegiance.

### **Roll call of Trustees**

PRESENT: Michael Vanden Berg, President  
Bob Berken, Trustee  
Tammy Frassetto, Trustee  
James Hietpas, Trustee  
Bill Peerenboom, Trustee  
Skip Smith, Trustee  
Larry Van Lankvelt, Trustee

### **Roll Call of Officers and Department Heads**

PRESENT: Charles Kell, Village Administrator  
Tom Flick, Director of Parks, Recreation, and Forestry  
Teri Matheny, Finance Director  
Jim Moes, Community Development Director  
Erik Misselt, Police Chief  
Roy Van Gheem, Public Works Director  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

OTHERS PRESENT: Interested Citizens, Media Reps, Nick Vande Hey-McMahon, Kate Berken, John and Linda Schuh, Craig Mattson, Tyler Grant

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

None

### **Approval of Minutes**

Regular Board Meeting Minutes – April 4, 2012

Committee of the Whole Minutes – April 11, 2012

*Moved by Trustee Frassetto, seconded by Trustee Smith to approve the Regular Board Meeting Minutes of April 4, 2012 and the Committee of the Whole Meeting Minutes of April 11, 2012 as presented.* Ayes 7, Nays 0 - Motion Carried Unanimously

### **Report of Other Minutes-Other Informational Items**

*Minutes of the Plan Commission meeting of March 12, 2012*

Board members noted receipt of the informational items.

### **Ordinance**

#### **Amending Village Code of Ordinances – Zoning Code Chapter 44 Section 46 –RC – Residential Single Family District (e) Dimensional Requirements**

J. Moes stated two amendments of the ordinance are being presented for consideration. One is the ordinance amendment that was originally presented that contains the word “initially” and the other ordinance amendment has the word “initially” taken out as was suggested by the Board last week. J. Moes responded to the questions posed by Mrs. Berken last week, stating it is not staff’s intention to allow smaller lots to be created but the Village Board could opt to do so. J. Moes stated the intent of the ordinance amendment is to make sure the lots were treated equally and he gave an example of the situation with some of the lot sizes on Pierce Ave. J. Moes stated that in response to the question regarding new CSM’s for lots created prior to 1950, in his opinion the new CSM would be a new platted date but the Village Board has the authority to approve lots that do not meet the code. J. Moes stated he agrees with

taking out the word “initially” from the ordinance and he is not recommending that the setback average be taken out of the code. In response to Kate Berken’s question about CSM’s having to go before the Plan Commission if someone wanted to replat, J. Moes stated that a CSM would need to go before the Plan Commission unless the property owner was selling the land to an abutting neighbor as a CSM is not required for that and if the lot conformed before, they cannot make it non-conforming. Discussion took place concerning the phrase in the code that refers to “dwelling” on lots and whether that means a house had to already be located on the lot or if it also implies an empty lot. Trustee Frassetto questioned why new construction wouldn’t be exempted from the ordinance and be required to follow current codes. Trustee Hietpas stated he is in favor of leaving the ordinance as it currently is. J. Moes explained that if the lot was platted prior to 1950 and is less than 7,500 sq. ft., they don’t need to go to the Plan Commission to get permission for addition/remodel/porches; they just have to come to his office for review of their plans and the permit. Trustee Smith stated he agrees with not requiring existing home owners to go before the Plan Commission for a variance. Trustee Frassetto stated she supports and agrees with Trustee Smith’s comment. Trustee Peerenboom stated it was the intent of the Plan Commission when they created the ordinance to help residents that were remodeling or doing small additions or adding porches but the figure of 7,500 does not always hold true because of the number of lots that are narrow and deep and he further stated that it was always his intent that the ordinance was to apply to existing homes and he is concerned that the language would allow new buildings to infringe on the ordinance. Discussion also took place on the 25 ft. setback requirement and requiring new construction on these lots to meet that requirement. Kate Berken commented that their house was built in the 70’s and it had to meet the 25 ft. setback requirement and Habitat should have to meet that requirement and other houses built in the 80’s in this neighborhood had to meet the 25 ft. setback. J. Moes stated that the home presented by Habitat was going to meet the 25 ft. setback but that has nothing to do with this ordinance as this amendment is out of concern of all the lots in the older neighborhoods that have issues. Attorney Koehler informed the Board that it they wanted to have this ordinance apply to just existing buildings, the word “existing” could be added before the words single-family in (e) 3 and if they want to cover just lots, whether they have existing buildings or not, the words “on lots” should be changed to “for lots”. Clerk Schneider asked Attorney Koehler if the changes would require a new public hearing if the language now applies to just existing buildings. Attorney Koehler responded that it would be a change in the entire concept and it probably should go back for a public hearing. J. Moes questioned what language the Board would like to refer back to the Plan Commission. President Vanden Berg stated he would not support just having it limited to existing structures. Discussion continued and the majority of Board members indicated they want the ordinance language to apply to existing buildings.

**Action on Tree Removal Policy – Street Reconstruction**

The policy recommendation by the Parks Director is, “When Village streets are reconstructed, that include full curb removal, streets with terraces less than four feet, will be considered for terrace tree removal. The Director of Parks, Recreation, and Forestry will make recommendations for removal.”

*Moved by Trustee Frassetto, seconded by Trustee Berken to approve the tree removal policy for street reconstruction as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Discussion/Possible Action to Change Pavement Installation on Grant Street from Asphalt to Concrete Based on Request by John Schuh**

R. Van Gheem stated that this item is on the agenda as a result of questions that came up at the assessment hearing and the discussion is on changing the material of the road construction. John Schuh, 612 Grant St., stated that he and his neighbor, Tyler Grant, are in agreement that they would like to go as cheap as possible with the road construction as they are the only two houses on the street and last fall they had asked for asphalt reconstruction instead of concrete. Mr. Schuh stated they feel the estimated bid amount of \$34,000 to construct 120 feet of asphalt road is extreme. Mr. Schuh stated he had a bid from Badger Highway for \$7,900 and he does realize that doesn’t cover everything. Mr. Schuh stated Craig Mattson, 1000 Polk St., is present and he works for Northeast Asphalt and they are questioning why ditches

are needed when they have always had good drainage on the road and their water drains to storm catch basins. Mr. Schuh stated his question is that they requested asphalt because that should be cheapest and he questioned why they couldn't go as cheap as possible and he would like it explained. R. Van Gheem explained that there are drainage issues and he provided handouts of pictures of roads that have drainage problems and they show the damage that is caused to the road. R. Van Gheem stated the Village's policy has been that reconstructed streets would be constructed in concrete with curb and gutter and if there isn't curb and gutter, the drainage needs to be pitched backwards. Discussion took place on Trustee Frassetto's suggestion to abandon the street. R. Van Gheem stated that could be done as long as an easement is provided to the Village to maintain the storm sewer but the property owners would still be required to put in a driveway and apron. R. Van Gheem stated that by doing the street in a cheaper manner, in the long run it will likely cost the Village taxpayers more money for repairs and staff looks to construct for the long term. R. Van Gheem provided the Board with copies of the preliminary engineering report for the project, noting that the bid costs were lower than what had been estimated at the public hearing and concrete is about 10% higher than asphalt but they do have to get confirmation from the contractor that they will honor the concrete bid for this street. R. Van Gheem also noted that the street could be taken down to an 18 ft. width and that would lower the rate to the homeowners. Mr. Mattson commented on not seeing the value of a concrete street and the costs to the homeowners. A lengthy discussion took place on the reconstruction of this portion of Grant St and the costs associated with the project. Nick Vande Hey noted that the asphalt report has an error and the cost for the asphalt would actually be approximately \$2,900 less and he also noted that the cost for concrete aprons is not included in the estimates. Trustee Peerenboom questioned the need for the hammerhead at the end of the road and R. Van Gheem stated it is needed for safety reasons for the Village to do its job. Trustee Frassetto indicated she would support the 18 ft. concrete street. Staff stated that the property owners, according to Village code, would have to put in aprons and they should be constructed in concrete. Trustee Peerenboom stated that apron costs also needs to be considered as it is a cost to the homeowners. Nick Vande Hey stated that the concrete street would need to be designed and the contractor that is the apparent low bidder would also need to be contacted to see if they will hold the concrete price to the same as bid for Sanitorium Rd., Polk and Buchanan Streets. Mr. Vande Hey stated that the costs presented tonight are ballpark costs although the asphalt street numbers are good based on the design for the street. R. Van Gheem reminded the Board that the concrete assessment is a flat rate based on the width of the street. Mrs. Schuh asked if there had been a lot of costs with asphalt repairs on the other part of Grant St. and R. Van Gheem stated that portion of road is not in good condition and there have been numerous repairs made to it.

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to approve Grant Street to be paved in concrete at an 18 ft. width with curb and gutter to be decided based on the outcome of the design.*

Further Discussion: Trustee Smith asked Trustee Frassetto to clarify what is meant by the outcome of the design. Trustee Frassetto stated that when Mr. Van Gheem and Mr. Vande Hey work through the design it will then be determined what is appropriate to get the proper drainage. R. Van Gheem clarified that with a concrete street curb and gutter would be included.

*Trustee Frassetto amended her motion to take out of the main motion the reference to with curb and gutter to be decided based on the outcome of the design. Trustee Van Lanvelt agreed to the amendment to the motion.*

Further Discussion: President Vanden Berg asked staff if an 18 ft. width would be adequate and R. Van Gheem responded that he believes it would be but parking would have to be looked at, as if parking is on both sides of the street, it would be fairly narrow but he would work with the property owners on this issue. John Schuh stated that most of the time there is only one car parked on the street. R. Van Gheem stated he doesn't want to restrict parking on either side. Nick Vande Hey stated the issue would have to be checked out with emergency services to make sure they are fine with the 18 ft. street. Trustee Berken asked the resident's if they would be ok with an 18 ft. concrete street with curb and gutter. Mr. Schuh stated that he thinks that would work and they are just looking to go as small and reasonable as possible and he doesn't care if it is concrete or asphalt. Trustee Peerenboom stated he is concerned that he is going to approve this and he still doesn't know what the final cost is going to be for the property owner.

The Finance Director responded that the charge for concrete streets is a flat rate and the resident is responsible to put in the concrete apron. President Vanden Berg noted that the Village puts in streets all the time without looking at the cost of the apron. Trustee Peerenboom commented that they usually don't have the option of putting in asphalt and an asphalt apron and he needs to see the numbers for both options. Tyler Grant stated he would like to see the apron cost included in the bid if that is possible so he doesn't have to go out and get it done on his own. R. Van Gheem stated that staff normally recommends that the property owner talk to the contractor that is on site and he noted that per Village policy the apron costs are not to be put in the contract. Mr. Schuh asked if staff knew what the entire cost would be. R. Van Gheem stated the first thing they can do is ask the contractor if he will hold the unit bid prices and once that is known then they could do the redesign for a concrete street and then apply the actual costs per unit and a close cost estimate should be known in a few weeks. Nick Vande Hey stated the one thing they probably won't know is if they can eliminate the catch basins and that will be based on the design but what would help is if the landowners allow grading further into their yard. Mr. Schuh stated that would be fine and R. Van Gheem stated that an easement would likely be necessary. Trustee Smith asked what the flat rate was for concrete and R. Van Gheem stated he believes the 2012 prices are \$67.53 per ft. for the 18 ft. width. Trustee Smith also questioned if the hammerhead was on Village property and R. Van Gheem stated that it is on village right-of-way and it is included as part of the project costs assessed to the property owners.

Vote on the Motion:

Ayes 7, Nays 0 – Motion Carried Unanimously

**Operator's License:**

Rose M. Heegeman                      4 Dutch Harbor Estates                      Little Chute      Van Zeeland Oil  
*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Approve the Operator's License as presented.*    Ayes 7, Nays 0 – Motion Carried

**Department and Officers Progress Reports**

Chief Misselt reported on the hiring process noting that two officers are currently in field training with the Department and two other candidates are in the process of testing and if everything goes well those positions will be filled in the next week. Chief Misselt stated four internal candidates have applied for the two Lieutenant positions and interviews will be conducted next week. Chief also reported that the Department will be receiving their new squads any day now. T. Matheny reported that work continues on the 2011 audit. C. Kell reported on the renegotiation of the cell tower lease with AT & T and he stated that the Water Commission is comfortable with the lease changes. C. Kell stated the draft of the development agreement for the property purchase between the Village and Evergreen LC Development is almost completed and once he receives the draft agreement from Premier Real Estate it will go to Pat Hietpas and his partner and then after receiving their comments it will be forwarded to Attorney Koehler for review. C. Kell informed the Board of a meeting of the Vandenbroek Drainage District to establish their annual budget, projects, and assessments and he noted that in the past the Village has handled the full costs for these charges for the property owners in the Village. C. Kell stated that the cost had been between \$2,000 to \$2,500 per year and there are 200 properties in this drainage district and those bills may now become \$30,000 to \$50,000 so he made the decision that those assessments should be billed to the individual property owners and those owners should be made aware of the annual meeting so they can comment on the projects. C. Kell informed the Board that he has an upcoming meeting with the plant manager from Nestle to discuss their long-range plans for Little Chute and he also has a meeting with the Navigational Authority regarding the Mill St. Bridge Project. C. Kell stated he had talked with Kurt Wallenberg from Performance Welding about their future plans for in regards to the property behind them and it will be at least two years before they may expand their business. C. Kell asked the Board for direction and if they want to hold the four acres for a few years, understanding that there is likely an opportunity that the land could be sold immediately to another party. Trustee Smith stated he would like to give Performance the opportunity to look at it but if there is a ready buyer, the Village needs to build its tax base. Trustee Hietpas asked about the addendum to the Evergreen LC Agreement and C. Kell stated there isn't an addendum. C. Kell also explained the purchase and sale procedures for this land. Trustee Frassetto

stated she would like to see Performance Welding given a right-of-first refusal for the property. C. Kell stated Performance Welding is aware that there is a buyer interested in the four acres of Village land. Trustee Peerenboom requested that this be put on a future agenda for discussion. J. Moes reported that he is working on a zoning overlay district ordinance to alleviate the setback issues for the Main St./Sanitorium Rd. projects and the Plan Commission will be reviewing this ordinance at their next meeting. J. Moes stated that the real estate closing for the property at 319 W. Main St. was completed and the remodeling project is taking place at 325 W. Main Street and the Realtor plans to have an open house the last weekend in April. T. Flick reported that the Cub Scouts and staff from Van Zeeland’s Nursery participated in an Arbor Day event and planted a tree at Van Lieshout Park and he thanked them for participating. T. Flick also reported that Nestle has come forward again this year with another Earth Day park improvement project which will take place at Legion Park and he thanked Nestle. T. Flick reported that the majority of trees on Buchanan St., south of Main St. had been removed but there are a couple that will be removed by a contractor due to the low hanging utility lines. T. Flick also reported on the status of the Pedestrian Bridge project noting the timeline for completion is still planned for early to middle June. Trustee Hietpas asked if the Parks Department was taking care of the Ebben subdivision and staff stated it will be treated as other undeveloped land and there are provisions for exemptions from the abatement policy for village owned vacant land. T. Flick stated that their intention for the park land in the subdivision is to mow it as they will be considering it passive green space. R. Van Gheem reported on the status of the projects currently taking place in the Village. R. Van Gheem stated they are also working with T-Mobile on their project of placing equipment on the Stephen St. tower and he reported that the new mechanic would be starting next week. R. Van Gheem reported on the status of working with property owners on Main Street for the Community Sensitive Design projects. V. Schneider reported that she is working on post-election data submission for the State and preparing for the upcoming election on May 8 and she noted that in-person absentee voting begins on Monday, April 16. V. Schneider reported on the annual liquor license processing procedures that have begun. Attorney Koehler reported that the Poly-Flex agreement is moving forward with the parties finishing up their part of the agreement and he hopes to get the agreement finalized soon.

**Disbursement List**

T. Matheny responded to Trustee Van Lankvelt’s questions about certain bills.

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Approve the Vouchers and Authorize the Finance Director to pay all vendors.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Call for Unfinished Business**

None

**Items for Future Agendas**

None

**Adjournment**

*Moved by Trustee Peerenboom, seconded by Trustee Smith to Adjourn the Regular Board meeting at 7:56 p.m.*

Ayes 7, Nays 0 - Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

Attest: \_\_\_\_\_  
Vicki Schneider, Village Clerk

By: \_\_\_\_\_  
Michael R. Vanden Berg, Village President