

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING MAY 27, 2015

### Call to Order

President Vanden Berg called the Committee of the Whole meeting to order at 6:00 p.m.

### Roll Call

PRESENT: President Vanden Berg, Trustee Peterson, Trustee Smith, Trustee Elrick, Trustee Hieptas

EXCUSED: Trustee Peerenboom, Trustee Van Lankvelt

ALSO PRESENT: James Fenlon, Jeff Elrick, Teri Matheny, Laurie Decker, Jim Moes, Tim Paulson, Mike Mc Clone, Jim Vander Sanden, Interested Citizens, Media Reps

### Public Appearance for Items not on the Agenda

None

### Approval of Minutes

Minutes of the Regular Board Meeting of May 6, 2015

Minutes of the Committee of the Whole Meeting of May 13, 2015

*Moved by Trustee Elrick, seconded by Trustee Hieptas to Approve the Meeting Minutes as presented*

Ayes 5, Nays 0 – Motion Carried

### Discussion/Action—Industrial Park Site Plan Approval for Midwest Restorations

Midwest Restorations on 2230 Bohm Drive proposes construction of addition to the existing building. They would be required to plant a row of 15 plants on 3 foot spacing of Emerald Green Arborvitae between the paved area and the neighbor to the East. The plan meets Industrial Park Covenants and staff recommendation is to approve the industrial park site plan.

*Moved by Trustee Smith, seconded by Trustee Elrick to Approve the Industrial Park Site Plan For Midwest Restorations*

Ayes 5, Nays 0 – Motion Carried

### Discussion/Action—New Sidewalk on East Greenfield Drive

Director Van Gheem stated that a past meeting that he did not attend a discussion was started about the proposed sidewalk on E. Greenfield Drive. The reason it is proposed is that our Ordinance requires sidewalks where there is curb and gutter. There are sidewalk exemptions but his area has existing walks coming off of the building. East Greenfield Drive is also the only access to Buchanan pond. The Village code explains the existing exemptions and the board can exempt if they are petitioned. However, the property owner would still have to pay based on the area assessment. The goal of the Village is to allow the public to access Buchanan pond. The appropriate access for the public should be a sidewalk Director Van Gheem explained. Trustee Smith finds it difficult to understand how a property owner would have to pay for a sidewalk for the public to get into the pond area. Director Van Gheem explained the homeowner has to pay either way, whether a sidewalk gets installed or not. Trustee Hieptas asked if somebody pays for a sidewalk that is not installed where does that money go and do we track who has paid? Director Van Gheem stated there is a revolving fund for repair and installation of sidewalks and that all are tracked. The issue is that they will pay again regardless if they paid before or not if a sidewalk is decided to be put in. Trustee Peterson asked if a sidewalk will be put in on the other side of the road. Director Van Gheem stated there will not be a sidewalk across there because it enters into a driveway. Trustee Peterson stated he has a serious concern regarding the statement of “equity versus necessity” and if we are putting something in just for equity it should be put in on both sides. He also believes that equity should not take leverage over necessity and he drove by the property and has a hard time supporting this. Trustee Elrick asked if Director Van Gheem was to propose a change to the Ordinance, is there some language that could warrant an Ordinance change? Director Van Gheem replied that he can think of a lot better language but the politics do not work for sidewalks Ordinances. Normally you do not need sidewalks on both sides of the road but because of the decision to where to put it people will pay to put it in on the other side of road so they don't have to shovel it, so the standard is to put them everywhere. Trustee Peterson asked why are residents being charged if they do not want them. Director Van Gheem explained that residents have the

advantage of walking around the Village on sidewalks so every resident and property owner benefits which he believes is an amenity to the Village. Trustee Peterson stated periodically the board needs to review Ordinances and bring them up to date and we can't keep living in the past. Director Van Gheem stated this item has been brought up several times in 15 years and the Ordinance has never been changed. The board can go through the process of changing it but the project is getting ready to start and he needs a decision. Trustee Smith asked if it changes anything with the bid to the contract. Director Van Gheem stated it is a unit bid and they can delete it by change order and it would not have a big financial impact. Trustee Elrick stated in light of what the Ordinance says today he thinks the board needs to abide by the Ordinance and leave it up to the property owner if he wants to put it in or not but he would still have to pay for it. It is not fair and equitable to the rest of the Village. Trustee Hietpas agreed with Trustee Elrick but he has an issue why someone would have to pay for it; not put it in and then pay for it again in the future if it gets put in. Director Van Gheem answered that over time there are maintenance costs with not putting it in. Trustee Peterson asked the property owner, Mr. Vander Sanden if this board was to vote on what Trustee Elrick said that you would have to pay for it what would he do? Mr. Vander Sanden stated that he doesn't pay for anything he doesn't get and he doesn't understand because no one will use it including his tenants.

*Motion made by Trustee Peterson, seconded by Trustee Smith that the Village approve the request at 2015 E. Greenfield Drive to not install a sidewalk and to not charge the property owner.*

Trustee Elrick asked Trustee Peterson on what basis he was making that motion because we have an Ordinance in place and is not following why he is going against it. Trustee Peterson stated he doesn't think the Ordinance covers every scenario and if it were 3 or 4 houses and not on a dead end road it would be different but this is one property owner. Trustee Elrick replied that it is one property with 4 tenants. Trustee Peterson replied that only the property owner would have to pay the bill and this could affect the tenant's rent and Mr. Vander Sanden is looking out for the best interest of his tenants and himself. Trustee Smith stated he would be fine tabling this until the Ordinance changes and the Board figures out what they want to do. Trustee Peterson stated if the Board would like to table he will withdraw his motion as long as this project is exempt until the Board looks into changing the Ordinance. President Vanden Berg agreed with Trustee Elrick that if the Board is going to make an exception to the Ordinance it needs to fit with the current Ordinance or the Board needs to amend the Ordinance. President Vanden Berg asked if it was the pleasure of the Board to withdraw the motion. Trustee Peterson stated he would support a motion to withdraw his motion and table it. Director Van Gheem stated that Public Works will not install the sidewalk at this time.

*Moved by Trustee Hietpas, seconded by Trustee Peterson to table the discussion*

Ayes 5, Nays 0 – Motion Carried

#### **Operator License:**

Tank, Kelly

M & M Bar

Little Chute

*Moved by Trustee Smith, seconded by Trustee Hietpas to Approve the Operator License as presented*

Ayes 5, Nays 0 – Motion Carried

#### **Discussion—Village Engineer Position**

Administrator Fenlon gave an update of the Village Engineer position. Some of the items we have been looking into are updated expenses for 2013-2015, other municipal models and the market. Discussion on other benefits, including efficiency to staff and residents and succession planning. Trustee Elrick asked how many municipalities the size of Little Chute have engineering departments Director Van Gheem answered that several in the Fox Valley and Brown County have full time engineers and it is not uncommon at all depending on the workload. Trustee Elrick asked what the total cost per year would be for the Engineering Department including the CAD technician. Director Matheny stated we had \$235,000 in the 2014 budget and \$253,000 in the 2015 budget which includes a CAD position. Trustee Elrick asked if an Engineer and CAD position can take care of it all and stay ahead of the Village's 50 year plan. Director Van Gheem replied yes. Trustee Elrick asked if that included the Buchanan Interceptor and Director Van Gheem replied yes and that the tricky part with the ponds is there are recent requirements that are unique. Trustee Elrick asked if the engineer would be doing CAD work. Director Van Gheem

replied the engineer will not be doing any inspections and that we already have people for that. Trustee Elrick asked how much of the money deals with ponds and do we foresee another rash of ponds coming up. Director Van Gheem stated that we only do a pond every 3-4 years and a lot of ponds are regional ponds in one project. The discussion ended with President Vander Berg stating we should continue moving forward on this.

**Unfinished Business**

None

**Items for Future Agenda**

None

**Adjournment**

*Moved by Trustee Smith, seconded by Trustee Peterson to Adjourn the Committee of the Whole Meeting at 7:39 p.m.*

**VILLAGE OF LITTLE CHUTE**



By: Michael R. Vanden Berg, Village President



Attest: Laurie Decker, Village Clerk