

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF OCTOBER 24, 2007

### 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 Ransbottom,  
Trustee Van Ooyen, Trustee Vanden Heuvel, Trustee Verstegen

EXCUSED: Trustee Joosten

ALSO PRESENT: C. Kell, J. Moes, D. Haug, T. Flick, J. Elrick, V. Schneider

### Public Appearance for Items not on the Agenda

Mr. Berken inquired of the Board if they had changed the Village ordinance regarding weed and grass maintenance. Mr. Berken was informed that the Village had not yet changed the ordinance.

Sarah Wydeven spoke to the Board about earning her Girl Scout Gold award and her trip to Citlaltepec Mexico for the Backpacks Beyond Borders program to assist the students and school in Citlaltepec and Sarah thanked the Village Board for their participation in the program.

### Discussion/Action on Storm Water Relocation Issues and Landscaping Relocation Requirements/Deadline for Residents affected by the Buchanan Street Pond Construction

President Fischer stated Gene Hojan, the former Director of Public Works for the Village, was in attendance at tonight's meeting and he will be giving the Board a summary of his recollections of the situation with the landscaping constructed around the Buchanan Pond. G. Hojan stated the pond was developed to deal with the flooding issues in the area and at the time an informational meeting with the residents was held to go over the concerns the residents had with the pond construction. After the public meeting, a landscaping plan was presented to the Board as designed by a resident whose property abutted the pond land and the Village Board approved the plan and the purchase of the landscaping items to be planted on the Village land and at the request of the property owners the Board agreed to allow the residents to plant and maintain the landscaping on the Village's land. A lengthy discussion and question and answer session with audience members and the Village Board and staff took place. (The meeting recording of 10/24/07 contains the complete account of the comments made at the meeting.)

Donna Allen, 1501 Buchanan Street, commented that she was told that the Village would never use the land and had concerns with rodents and the proximity of the prairie grass to her home. Bill Allen, Buchanan Street, questioned why the contractor for the condos was granted permission in 2000 to run the condos' sump pump discharge into the pond and asked why the contractor should not be held responsible. Staff discussed the possibilities for connection of the storm sewers by a Village hired contractor and the Village could pay for the work or the cost could be assessed to the homeowners. Staff pointed out that the use of the pond is now changing and the requirements for storm water discharge into the pond are also changing. J. Moes stated the storm sewer connect project could be installed along the north and east side of the pond and it could be paid for with TID funds and estimated approximately 16 property owners would need to connect their storm sewer. Dave Smith commented on the spraying that was recently done to the prairie grass stating he felt it did not do any good and that there is not much erosion and also that their property is only off the property line by 8 feet and he doesn't feel that having to connect to a pipe makes sense for his property. Jeff Elrick pointed out that the current plan for the pond does call for prairie grass and the plan has been approved by the DNR. Mike Baeton spoke on the magnitude of the issue and how many Board members actually visited the properties. Board members informed the citizens how many times they had visited the Buchanan pond area. President Fischer stated he views this encroachment issue different than others that have happened in the Village as the Village purchased the landscaping

items and allowed the property owners to care for the landscaping and that he also agrees that permanent structures will need to be removed and he wants to have property owners sign adverse possession waivers. Residents requested that the Board consider planting the prairie grass only one-half of the way up the slope. C. Kell stated that any modification to the plan will need to be approved by the DNR and reminded the residents that the more groomed grass area that is created closer to the water will result in a larger population of geese and informed the Board that the Public Works Director feels the DNR would approve a five-foot buffer between the property lines and the prairie grass. President Fischer stated he understands that the residents would like a buffer between their property lines and the prairie grass. G. Hojan commented that he believes the Village should look at hiring one contractor to install the storm sewer pipe because the property owners did comply with the original design, that the Village should look at developing an adverse possession statement for the property owners to sign, and that the Village should work with the property owners on the placement of the prairie grass with input from the DNR. C. Kell stated he provided Board members with a model letter that could be used should the Board decide to allow property owners to encroach on the Village property. C. Kell stated that he recommends that any personal items of the property owner be removed from the Village property and that an agreement be signed concerning the landscaping item.

C. Kell stated that he felt there are more than the three issues that the Board needs to decide on. The issues are the storm sewer connections, encroachment issues, prairie grass placement and also the issue of the landscaping the Village had paid for and then the landscaping the homeowners on their own constructed on the Village land. Don De Groot addressed the Board and stated that because the property owners did connect the proper way when the pond was first constructed and now they are required to alter the connections TID support for the project is appropriate and also stated that the prairie grass should be set back and the encroachments may need a liability waiver and an adverse possession waiver.

D. De Groot stated that landscaping on the Village property could be dealt with on an as needed basis should the Village need to access their land. Trustee Versteegen suggested waiting to make a decision on the prairie grass until the DNR and the project engineer can determine on what placement is allowed for the prairie grass and suggested the Board may want to decide on the encroachment issues and the storm sewer issues. Trustee Elrick stated that the minutes from the public meeting show that the flat grass area being mowed by the Village two times a year was discussed and that the Board agreed that a fence would not be installed and the Village would mow the top perimeter of the slope and property owners will not be allowed to mow the Village property. Jeff Elrick stated that the prairie grasses are mowed four to five times the first year and then less frequently the first few following years and after it is established it will not be mowed. Trustee Versteegen stated the Village may want to consider fencing off the property to solve the boundary issue. Discussion continued.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to authorize Village staff to hire a contractor to connect the sump pump laterals around the Buchanan Pond in the most cost effective manner and utilize TID funds to pay for the construction.*

Further Discussion: Trustee Vanden Heuvel asked if it would be less expensive to extend the existing lines to the pond. J. Moes stated that by running the connection pipe around the pond and having the properties connect would allow for connection of vacant properties.

Vote on the Motion:

Ayes 6, Nay 0 – Motion Carried Unanimously

*Moved by Trustee Van Ooyen, seconded by Trustee Versteegen that all encroaching property items that are not living be removed from Village property and nothing further shall be placed on Village property.*

Further Discussion: Trustee Ransbottom asked if the motion meant if the homeowners living landscaping items are left on Village property they will become the property of the Village. Trustee Van Ooyen stated that is what the motion intends. Trustee Verstegen stated she wants to make clear that if a property owner leaves their plants on Village property the plants become the property of the Village and the Village may destroy the plants if needed. Trustee Vanden Heuvel suggested including a deadline date for compliance to move the personal property items from Village property. Jeff Elrick questioned allowing gardens on Village property and the Village Board commented that gardens may not be planted on the Village property. C. Kell suggested the Board may want to specify in the motion that no further encroachments shall be created.

*Trustee Van Ooyen stated the motion also includes the language; and nothing further shall be placed on Village property.*

The property owner with the brick memorial landscaping asked for an extension for moving the wall and again stated to the Board he did not feel the wall was an adverse item on the Village property. Trustee Van Ooyen indicated to the property owner that out of fairness to all, the brick will need to be removed but the landscaping items can stay if the property owner chooses to leave them on Village property but then the landscaping will become the property of the Village. Trustee Van Ooyen repeated and clarified his motion.

*Moved by Trustee Van Ooyen, seconded by Trustee Verstegen that all personal belongings that are non living items be removed from Village Property and no further encroachments are to be made and anything left on the Village's land becomes property of the Village and the deadline for property owners to comply with removing items is April 1, 2008.*

Additional Discussion: Trustee Elrick asked if the property owner with the retaining wall could be granted an extension for moving the wall if he talks to and gets permission from the Public Works Director. Board members and staff indicated agreement with Trustee Elrick's request.

*Vote on the Motion:*

Ayes 5, Nay 1(Fischer) – Motion Carried

C. Kell asked the Board for clarification on the issue of the downspout connections. J. Moes stated the policy is for the downspouts to go to the natural grade except if the runoff crosses the sidewalk and then they need to be connected to the storm sewer lateral. Board members agreed that policy shall be followed.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom that residences around the Buchanan Pond are required to follow the Village's ordinance and policy in regard to downspouts and sump pump drainage.*

J. Moes clarified for the homeowners that downspouts that do not cause runoff across sidewalks need to be directed onto the property owners' lawn and those that do cause runoff across the sidewalk need to be connected to the storm water drainage system.

A property owner asked if this requirement will be paid for by the Village and the Board informed the resident that the cost to disconnect downspouts is minimal and the Village would not pay for this cost.

*Vote on the Motion:*

Ayes 6, Nay 0 – Motion Carried

Trustee Verstegen asked staff to contact the Buchanan Pond area property owners to let them know when the meeting with the engineering experts on the best management practice for the pond and prairie grass planting area issue will be held and that the DNR should be contacted in regard to the issues. C. Kell suggested the issue of the property owners cutting the grass on Village property not be addressed until the Board holds the informational meeting with the pond engineering experts and determines the best management policy for the pond area.

**Action on Final Assessment Resolution – 2007 Projects – Asphalt Paving, Mini Storm Sewer, Rehab Sidewalk, New Water Main and Hookup Fees for New Water Main**

*Moved by Trustee Verstegen, seconded by Trustee Van Ooyen to Adopt Resolution No. 41, Series of 2007 Approving the Final Assessments for the 2007 Projects of Asphalt Paving, Mini Storm Sewer, Rehab Sidewalk, New Water Main and Hookup Fees for New Water Main.*

Ayes 6, Nay 0 – Motion Carried Unanimously

**Consideration/Possible Action – Extension of the Recycling Program Agreement with Outagamie County**

*Moved by Trustee Van Ooyen, seconded by Trustee Verstegen to approve the long-term recycling agreement with Outagamie County as presented.*

Ayes 6, Nay 0 – Motion Carried Unanimously

**Discussion- Developing Criteria for Granting of Combination Class B Reserve License and/or all Liquor Licenses**

Board members indicated consensus with Trustee Verstegen's suggestion to postpone discussion on this item until the Committee of the Whole meeting of November 14.

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to postpone the agenda item until the November 14, 2007 Committee of the Whole meeting.*

All Ayes – Motion Carried Unanimously

**Discussion/Action to Officially Close Island Park Temporarily due to Construction Projects**

T. Flick stated the Village has worked out agreements with the Fox Locks Authority for the multiple projects they are undertaking on and around Island Park. T. Flick informed the Board that the first project is scheduled to begin in November and because of the construction, staff feels it is best to close the park to the public. A Park Closed sign will also be placed at the entrance of the park. T. Flick stated he did not know how long the park will need to remain closed as it depends on the locks reconstruction project moving forward.

*Moved by Trustee Ransbottom, seconded by Trustee Elrick to authorize the Park and Recreation Director to Close Island Park until further notice.*

Trustee Verstegen asked if the park could be reopened during times that are between construction projects. Staff agreed with the recommendation. Trustee Vanden Heuvel requested that staff consider other locations for the placement of the Disc Golf Course practice holes that are currently located on Island Park.

*Vote on the Motion:*

Ayes 6, Nay 0 – Motion Carried

**Proposed 2008 Budget Workshop – Review/Discussion – Custodial, Revenue, Other Financing Sources, General Government, Public Safety, Conservation & Development Projects**

D. Haug reported that the State budget has been adopted and the Village levy does comply with municipality requirements of the State budget and that the transportation aids are accurately reflected in the proposed budget. D. Haug stated that the proposed budget reflects a 0% tax increase and the budgets being presented do not have any major changes. D. Haug noted the telephone budget is estimated low for 2007 as after two years of working out issues with the phone company it was discovered that the Village had been overcharged and the Village was awarded a two-year refund. Court Clerk Katy Gloudemans read a statement from the judge in support of a wage increase for the court clerk. (The statement is on file.) C. Kell stated the COLA for employees is proposed at 3% and stated that union negotiations had

not yet begun. C. Kell stated that in 2008 a portion of the Building Inspector's time will be allocated to storm sewer utility for addressing I & I issues. D. Haug stated there are no other budget workshops are scheduled but Board members are invited to bring up questions at the Public Hearing and future meetings or to contact staff. The Public Hearing is scheduled for November 7<sup>th</sup> with tentative approval of the budget scheduled for November 21.

**Unfinished Business**

President Fischer reminded the Board of the Quad Communities meeting being held on Wednesday, October 31 at 6:30 p.m. at the Library/Civic Center and stated he will not be able to attend the meeting.

**Items for Future Agendas**

V. Schneider stated that a candidate for Outagamie County Circuit Court Branch 2 has requested to appear before the Board on November 7<sup>th</sup> for a short presentation. Trustee Ransbottom stated he had received an email request from a family inquiring about holding a benefit fundraiser in a Village facility and for a waiver of the rental fee. D. Haug stated the current policy does not allow events at the Hall but the Civic Center may be available and the Board could decide to waive the policy for the Hall rental. Board members suggested putting the request on the next agenda for discussion and Trustee Ransbottom stated he will ask the family to appear before the Board at the meeting of November 7 to provide additional information on their request. Trustee Verstegen informed the Board that there is a Sustainable Development workshop scheduled for November 3 and the Clerk had provided information to the Board if they wish to register for the workshop. Trustee Verstegen also distributed an article about the City of Neenah passing a resolution endorsing principles of sustainability. J. Moes stated the next agenda will include an item on the address change request by the W. Main Street residents and a compromise being proposed by the Postal Service. C. Kell reported that he was informed that the proposed Big Box Development is no longer being considered for the site on French Road and Hwy. "OO" but the owners of the land are still looking to move forward with a rezoning request for the land.

**Adjournment**

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to adjourn the Committee of the Whole meeting at 8:44 p.m.*

All Ayes – Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

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By: Charles Fischer, Village President

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Attest: Vicki Schneider, Village Clerk