

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF SEPTEMBER 10, 2008

Corrected 9/24/08

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 Ooyen, Trustee Verstegen

ALSO PRESENT: C. Kell, D. Peterson, J. Moes, R. Van Gheem, T. Flick, V. Schneider

Public Appearance for Items not on the Agenda

Jim De Bruin, 411 Sanitorium Road, questioned the Board as to why a business on Buchanan Street was told their business was not allowed in Little Chute. J. Moes explained that the business being referred to was a construction trailer that was not being considered a temporary structure as it was being rented out to other businesses and Village ordinance does not allow this trailer as a permanent structure. President Fischer explained that Mr. Moes has the authority and responsibility to enforce the Village's ordinances and if the owner had a problem with not being allowed to operate the business from the trailer he or she could have brought the issue to the Board.

Kate Berken questioned where residents go to apply for various permits. Staff informed Mrs. Berken that some permits are issued by the Community Development Office and others by the Public Works Dept.

Discussion/Possible Action – Right-of-Way Encroachments

Residents in attendance had received a letter from the Village Administrator informing them that the Village Board would be discussing the issue of right-of-way encroachments that have appeared throughout the Village including landscaping, flower beds, hardscape landscape materials such as curbing, and the construction of custom built brick and stone mailbox structures. Current village ordinance does not allow any of these features in the public right-of-way and the Village Board is discussing the possibility of ordinance changes to allow these structures or possibly requiring the encroachments and structures to be removed.

Residents who identified themselves and spoke at this meeting:

Mary Lou Brown, 1408 Ridgeview Road, spoke about the landscaped terrace at her residence and stated she is opposed to the ordinance that doesn't allow for the landscaping and is opposed to having to dig up any of her flowers and landscaping as she feels it makes the yards, neighborhoods, and Village more attractive. Ms. Brown provided pictures of her terrace landscaping to the Board.

Jim Geerts, 2501 Riverside Dr., stated he put a brick mailbox in 11 years ago and the home was inspected and he was never informed up until now that he was in violation of an ordinance.

Paul Lamers, 2306 Wabash St., stated he has walked around the Village and measured mailboxes and stated 75% of the mailboxes in the Village were not built to specification and he is opposed to the ordinance that does not allow these structures.

Trustee Van Ooyen asked residents if they were aware if they had utilities running in the terraces under their structures. Trustees stated some of the concerns with the structures are safety concerns with vehicles hitting the structures and residents realizing that if for any reasons the Village damages the structures in the right-of-way the Village will not replace the structures/landscaping, etc.

Steve Reynebeau, Reynebeau Floral, 1103 E. Main St., stated he did not know he was in violation of Village ordinance and he had not received any complaints on the landscaping. He further stated that he feels that landscaping and flowers compliment the Village and he would like to see the ordinance amended to allow for landscaping in the terrace.

Mr. Peter Arts, 629 Van Buren, stated he feels the same way as Mr. Reynebeau.

Kenneth Foth, 1402 Ridgeview Ln. stated he only has flowers planted in his terrace and he asked the Board what the concern is with flowers in the terrace.

Carl Newhouse, 1901 Vandenberg Ln., commented on the Village's planters being located in the right-of-way and the location of many of the mailboxes in the Village.

Staff stated the main concern is that flowers are only in the terrace during part of the year and the dirt, wood chips and other items that are in the terrace the remaining times can be washed down the storm sewer and the Village is under orders to comply with I/I reduction. R. Van Gheem also stated there are safety issues because when residents are working in their terraces area, they are also in the road area. President Fischer stated the Board has heard the residents' comments stating they do not want to remove their structures from the right-of-way and are asking the Board to amend the current ordinance to allow for the structures and landscaping in the right-of-way. Trustees commented that residents need to be aware structures will be removed by the Village if a situation arises that the Village needs to work in the right-of-way or if the structures or landscaping are damaged by the Village while performing work in the terrace area or street and the Village will not pay to replace the structures. No action was taken and the issue will be placed on a future agenda for further discussion/possible action. Residents that were sent the letter about this meeting will be sent an agenda at the time the ordinance is revisited for further discussion/possible action.

Status Report on Road Conditions – South end of Grant Street

Discussion took place on the list of issues presented by the Public Works Department with the Public Works Director stating that the configuration of the street should not be causing the problems that have been presented to the Board by the Berkens but the issue is a traffic issue and further stated that normally with the street being in good condition, it would not be recommended for reconstruction at this time. Kate Berken, 182 Grant Street, had pictures for the Board and stated that the Public Works Director is 100% incorrect because the road measurements as stated are incorrect, the road is cracked, it does have water puddling when it rains, and the wood chips are 100% on the road and the road right-of-way. Mrs. Berken stated she also took pictures of the parking situation and the neighbors cannot back out of their driveway unless they back straight out. Chief Peterson stated a complaint was received last week about parking and he reviewed the situation and "No Parking" signs were placed on both sides of the street. Mr. Berken commented on the distance of the road and the woodchips being 100% on the road right-of-way. J. Moes clarified that the street vacation was requested at the property line but the Village Board decided against that, the vacation was done according to the law, and one additional condition of the street vacation, that was approved by a 6 to 1 vote of the Board, specified that the driveways could not come off the south end of the right-of-way and the property owners would have to come off the east or west with their driveways. C. Kell stated the street vacation can not be reversed as the Kilgas' own the property and the property would have to be purchased by the Village to extend the street to the south. Mr. Berken stated the request isn't to expand the road to the south but an area could be made larger on the west side so the Kilgas' could back into that area. Mr. Berken stated their driveway is being used as a turn around by the Kilgas'. Adam Kilgas denied using the Berken's driveway as a turnaround. Mrs. Berken claimed many people who use the street also use their driveway as a turnaround. Chief Peterson stated that turning around in a driveway is not illegal and advised the neighbors to call if ordinance or State Statute violations do take place and further stated it appears the issue is between the two neighbors. R. Van Gheem stated that any issues with Village personnel using the Berken's driveway to turn around in should be reported to the Public Work's Department. Mr. Kilgas reported that the majority of the wood chips have been removed. Trustee Verstegen requested that the bushes located ~~on~~ **in the right-of-way adjacent to** the Berken's property be trimmed as they currently present a traffic safety concern at this intersection. T. Flick stated the issue with the bushes was once before addressed and it will be addressed again and the Department may order that the bushes be removed. Mr. Kilgas presented a petition from neighbors that are concerned with the bushes on the Kilgas' property causing a safety hazard at the intersection. J. Moes stated he also received a complaint about the bushes at this intersection of Bluff Ave and Grant St.. Chief Peterson suggested giving the "No Parking" signs some time to see if they help with the situation. Board members agreed that the road did not need to be reconstructed at this time and that the issue is between the two neighbors and no action was taken.

Discussion – Open Burning Ordinance/Rules and Regulations for Fire Pits

Board members and staff discussed the proposed regulations for recreational fires. Trustee Ransbottom stated he would like to see the regulations include specifications on the type of appliance and that a permit be required so the residents could be given a copy of the regulations at the time the permit is taken out. Fire Chief Bob Vanden Heuvel stated the Village's current ordinance is a cooking ordinance and not a recreational fire ordinance and he is not against this type of ordinance as it is a mechanism to allow residents to have fire pits and stated he is not in favor of requiring a permit for a recreational fire. J. Moes questioned the procedure, as stated in Item #7 on the list of regulations, concerning complaints about smoke from a fire being a nuisance. Trustees discussed concerns with requiring permits and whether there should be a charge for a permit. Chief Peterson stated permits are a means for the Department to enforce the regulations. Chief Vanden Heuvel stated he is trying to stay away from issuing permits and charging fees. Chief Peterson stated he cannot enforce guidelines but he can enforce an ordinance and suggested creating a recreational fire ordinance with a permit that may/may not require a fee as it allows the residents to have recreational fires without having to worry about cooking as required by the current ordinance. Trustee Van Ooyen and Leicht stated a flame height size limit should be added to the regulations. No action was taken and President Fischer stated that if any Board members wish to address the issue as an ordinance it will need to be brought up as a future agenda item.

Action Item – Resolution CSM – for 1818 Roosevelt Street – Zero Lot Line Split

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Ordinance No. 33, Series of 2008 approving the CSM for 1818 Roosevelt St.

Ayes 7, Nay 0 – Motion Carried

Action Item – Approval of Easements for the Fox River Navigational Authority through Heesakker Park for Ingress/Egress and Electrical Service to the Combined Locks

Moved by Trustee Elrick, seconded by Trustee Ransbottom to approve the Easements for the Fox River Navigational Authority through Heesakker Park for Ingress/Egress and Electrical Service to the Combined Locks.

Ayes 7, Nay 0 – Motion Carried

Discussion – 2008 Inspector Permit Review

J. Moes stated that fees have not been updated since 2002 and Board members were provided with a fee chart comparison with other communities. Board members reviewed and discussed the proposed new fee structure for the Inspection Department. Trustee Elrick suggested that references to cubic feet be replaced with square feet. J. Moes will make the recommended change. C. Kell recommended that the new fees go into effect January 1, 2009 to give contractors plenty of notice of the fee increases.

Unfinished Business

C. Kell stated that a future agenda item will include an issue that was previously discussed concerning the Village being deeded a piece of land along the canal and a proposed agreement for deeding land to adjoining property owners. Board members agreed to cancel next week's meeting as the issue on rezoning 221 Mill Street is scheduled and it should be discussed before a full board and President Fischer will be out of town attending the annual Water Conference along with the Village Administrator and Public Works Director. C. Kell suggested that a Regular Board meeting be held on the 24th of September. Board members agreed to cancel next week's Board meeting.

Items for Future Agenda

Trustee Van Ooyen suggested that the Board adopt a policy to limit the length of time for public discussion. C. Kell provided a document showing comparisons of elected Officials salaries and the salaries will be discussed during the budget process.

Adjournment

Moved by Trustee Van Ooyen, seconded by Trustee Elrick to adjourn the meeting at 8:05 p.m.

Ayes-7, Nay, 0 - Motion Carried

VILLAGE OF LITTLE CHUTE

Attest: Vicki Schneider, Village Clerk

By: Charles Fischer, Village President