

## **MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF DECEMBER 10, 2008**

**corrected 12/17/08**

### **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 Smith,  
Trustee Van Ooyen, Trustee Verstegen

EXCUSED: Trustee Ransbottom

ALSO PRESENT: C. Kell, D. Haug, T. Flick, R. Van Gheem, J. Elrick, C. Dillinger

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

Katheryn Wilson, 1010 Grand Avenue, addressed the Board about the Village's change to ordinance 13-1-124 Storage and Parking of Recreational Vehicles, Automobiles and Utility Trailers. Ms. Wilson stated she is not disputing the recent change to the ordinance that took place on November 19, 2008 but asked to address some issues. Ms. Wilson read a letter she had received from Jim Moes ordering the discontinuance of illegal parking of automobiles upon the lawn of their property and informing them that if they do not comply they will be issued a citation of \$164.00 per day for each day they are in violation of the ordinance. Ms. Wilson stated they have put one vehicle that is not being used in storage but the other vehicles are used by her household which has adult children. Ms. Wilson also stated that she has consulted an Attorney and disagrees with not being in compliance as their vehicles are not parked on the lawn for a period over 24 hours. Ms. Wilson expressed concerns with the timing of the new ordinance, as residents are not able to park on the streets due to the winter parking ban nor are they able to pour concrete during the winter. Ms. Wilson expressed concerns about how residents are to receive notification of new ordinances. Administrator Kell commented that Mr. Moes was responding to a complaint but due to the timing of the new ordinance and because the issue affects more than a few residents and the ordinance was not submitted for publication in the Village's newsletter to notify residents, he suggested that the Board may want to consider not enforcing the ordinance this winter. Board members were provided a copy of the letter sent to Ms. Wilson by Jim Moes and a copy of a letter sent by a citizen concerned with the timing of enacting the ordinance. Staff suggested that the Village Attorney review the ordinance concerning the 24 hour period and that the fines not be enforced at this time. Board members agreed to not enforce the fines or the ordinance at this time and to address the issue at the next Committee of the Whole meeting.

### **Appeal of Special Assessment Bill – Robert and Kathryn Berken, 182 Grant Street**

The Board received a letter from the Berken's stating they are requesting that the assessments be based on the year the work was actually done and requested that 60 lin. ft. be based on the 2005 assessment rate and 165 lin. ft. at ½ of the 2005 rate and 165 lin. ft. at the ½ of the 2007 rate. The Berkens' also requested that the restoration that was included in the project be completed. Trustee Verstegen suggested following the Attorney's recommendation which was written in a letter from the Attorney that the Board received. R. Van Gheem provided handouts that included a photo of the street, a map showing the projects completed in 2007 and he also reviewed the assessment policy and explained how the project proceeded on Bluff Avenue. Mrs. Berken stated they expected the project to be completed in 2005 as they understood that a water main would not be installed on Bluff but then in 2006 the Water Commission decided they wanted the water main looped and then the project was postponed until 2007. The Berkens' provided additional comments on why they feel they should be billed at the lower 2005 rate for portions of the project that were completed in 2007. R. Van Gheem stated that the restoration of the road was completed and it was never planned to place grass all the way up to the pavement. Mr. Berken stated that he would be fine with gravel along the pavement and commented that construction equipment had left ruts in the terrace and the terrace has not been restored. Discussion took place on the basis for the assessments and D. Haug reviewed how the assessment bill was calculated. The Berken's request would amount to an

\$839.89 refund as interrupted interpreted from the appellants' letter. The Berken's commented further on the assessment and their understanding of the project and the assessment rate in 2007 being \$23.90 lin. ft. compared to the 2005 rate which was \$18.33 lin. ft. President Fischer recommended putting the appeal on next week's agenda for possible action and Board members agreed with the President's recommendation.

#### **Discussion/Possible Action – 2008 Sidewalk Construction Assessments**

Administrator Kell stated this issue concerns the standards of sidewalk installation for sidewalks included in this year's rehab program and the settlement agreement with Vinton Construction that provided the Village a 25% credit amounting to \$14,877. Staff is recommending that the money be put aside and that the sidewalks are assessed as they normally are and if a resident has a future problem with their sidewalk the Village will replace it, using the dollars that have been set aside. C. Kell stated the Village will have done GPS on those sidewalks that were replaced this year and residents that did have sidewalk replacement will be sent a letter informing them that there is a warranty on their sidewalk. Discussion took place on the warranty time period. C. Kell stated that a copy of the warranty letter could become part of the property record and if real estate transfers take place, the warranty can be disclosed on the real estate transfer form. Board members voiced support for a six or seven year warranty period.

#### **Discussion/Possible Action – Extension of Time to Replace Private Sewer Laterals**

Administrator Kell stated that a number of residents have been in contact with the Village requesting an extension beyond the 18 month deadline for lateral replacement due to financial hardships because of the economy. R. Van Gheem stated that 111 notices had been sent with the August 2009 deadline and two more notices will be going out to additional residents within the next six months. Discussion took place. R. Van Gheem stated that the HOV has special orders on I & I reduction and these 111 residents are part of the plan to meet the orders for reduction and the HOV has not made an official ruling on granting an extension of time to the Village if they change the reduction plan. Administrator Kell reminded the Board of Attorney Koehler's comments on the difficulty the Board could face in defining hardship. No action was taken on granting an extension.

#### **Discussion/Possible Action – Snow Plowing Procedures**

Board members agreed to allow the Public Works Director and staff to determine when to send out the plows. Trustee Verstegen stated the Department is doing a good job but the downtown businesses expressed concerns with the timing of removing snow piles and Advance Little Chute suggestions for the Village to consider hiring a contractor to clean up the downtown area. Jeff Elrick commented that the snow piles are normally removed within one day of a major snowfall as the first order is to clean the roadways. Discussion took place. Trustee Elrick suggested the Village work with ALC to address their concerns as the same concerns was brought up last year. Trustee Verstegen stated that last year the Board did authorize overtime for snow plowing and removal and she stated that she will relay the message to ALC and downtown businesses that the policy is to remove the snow within 24 hours of a snowfall. Trustee Smith suggested that the businesses be encouraged to remove the snow from their businesses as early as possible. Administrator Kell stated that it is a no-win deal as not everyone will be happy and there will be complaints and there is an overtime budget but it is not known what the winter will bring and the overtime budget may have to be supplemented in the future. Board members indicated approval to allow overtime for snow plowing and snow removal.

#### **Possible Action – Resolution – Heesakker Pond Grant**

R. Van Gheem stated that the resolution needs to be approved before the final grant offer and agreement can be finalized. R. Van Gheem explained the estimated construction costs. The item will be placed on next week's agenda for action.

**Possible Action – Resolution –Evergreen Pond Grant**

The item will be placed on next week's agenda for action.

**2008 Budget Adjustments**

D. Haug reviewed the 2008 year-end budget adjustments and the recommendation to approve \$42,000 carryover of unspent 2008 funds in the General Fund to 2009. The item will be placed on next week's agenda for action. (Budget Adjustment listing is attached.)

**Discussion/Action – 2009 Utility Budget**

D. Haug stated that the Water Commission has not had an opportunity to review the Water Utility budget as their November meeting was canceled but they will be reviewing the budget at their meeting next week. D. Haug provided an overview of the budgets. D. Haug stated an increase in water rates or storm water rates is not being anticipated for 2009. President Fischer stated that action to adopt the Utility Budgets will be on next week's agenda.

**Discussion/Possible Action – 2009 Sanitary Sewer Rate Increase**

D. Haug explained the need for a sewer rate increased based primarily on the HOV treatment costs and Village infrastructure replacement and debt service. D. Haug reviewed the proposed options and alternatives for a rate increase and adding a fixed charge based on customer meter size and stated he is leaning towards the 2 Tier Rate of \$2.00 or \$10.00 based on meter size with a volume charge of \$6.80 per 1,000 or Flat Rate of \$2.00 per meter and a volume charge of \$6.90. Staff noted the proposed rate increase is not out of line compared to the neighboring communities. Discussion took place. Trustee Elrick and Trustee Leicht agreed they would like to see a fixed rate of \$3.00 and keep the volume rate lower as that is what developers will look at when comparing communities. D. Haug stated he will bring back examples illustrating proposed fees as recommended by Trustees. The item will be placed on next weeks agenda for possible action.

**Unfinished Business**

None

**Items for Future Agenda**

The parking ordinance violation issue at 1010 Grand Avenue will be placed on the next Committee of the Whole agenda for discussion.

**Adjournment**

*Moved by Trustee Van Ooyen, seconded by Trustee Smith to adjourn the meeting at 8:00 p.m.*

Ayes-6, Nay, 0 - Motion Carried

**VILLAGE OF LITTLE CHUTE**

---

By: Charles Fischer, Village President

---

Attest: Cindy Dillinger, Deputy Treasurer Accounting