

Village of North Fond du Lac
OFFICIAL MINUTES - Meeting of October 19, 2009
COMMITTEE OF THE WHOLE

PRESENT:	Jim Scharf, Trustee Keith King, Trustee James Moore, Village President Mike Streetar, Trustee Mike Will, Trustee	Michelle Hass Angela Cardinal
OTHERS:	Ali Scharpf Tammy Jorgensen Duane Hass	STAFF PRESENT: Chuck Hornung, Administrator Chief Bill Lamb, Police Chief Paul Nelson, Fire/EMS Chief Nick Leonard, Director of Engineering and Planning Donna Richards, Village Clerk

Chairman: KING

Meeting was called to order by Chairman King at 6 PM.

A. ADMINISTRATIVE ITEMS.

1. Discuss Ordinance O-2009-08 Amending Traffic Controls Regarding Bus Parking in the Village of North Fond du Lac. First Reading (Tabled from a previous meeting).
Administrator Hornung explained that we are trying to get this resolved, has been brought up several times. He spoke with Johnson Bus Company. They are not interested in a terminal here, and it does not appear that the Village schools are saving money due to the current situation, as Johnson did not respond to request for information in this regard. What is before the Board is the current form of the Ordinance based on his discussion with Board members. Ali Scharpf asked where the designated areas would be. Chuck thought it would be school lots and the pool parking lot. May be on Garfield in daytime hours, Board has not decided yet. Ms. Scharpf: Would these be 24 hours? Mr. Hornung: That is what we were thinking. Not sure about Garfield over night, as the areas have not been designated yet. Proposed at this time are the school lots and the Village Pool lot. Tammy Jorgensen asked what happened to parking in driveways? Mike Streetar wondered about the same thing? There haven't been complaints that he is aware of. Ms. Jorgensen said: If not an eyesore, traffic, congestion, or problems backing out, what would be the problem? Mr. Hornung said it is not just immediate neighbors, but the Village as a whole that must be considered; what the Village wants. Most Board members expressed to him that they did not want driveway parking. Mr. Streetar asked the question about what complaints had been received previously, and did not get an answer. Ms. Jorgensen said she did not see parking in driveways as an issue. Jim Moore asked if she drives for students in the Village. He thought it was the Police Department that wondered about safety. What would stop semis from doing the same thing as the buses? He felt that this is the only way we can handle it. Ms. Jorgensen said she drives all the routes as needed. Ms. Jorgensen said she thought based on the previous meeting's discussion on this that the ordinance draft would allow driveway parking. Jim Moore said as the Ordinance is written it is meant to keep large trucks, trailers, and buses off the streets. They want parking in designated areas only. Tammy Jorgensen said that in a conversation today, Johnson said they will not allow their buses to be parked somewhere that the drivers cannot oversee them. Chief Lamb expressed a concern, as the Police Department (PD) brought this up to the Administration and the Board because the practice that has been occurring in the community is contrary to the laws on the books. So, it makes all laws difficult to enforce for trucks, if buses are allowed to be parked as they are currently. A couple of exceptions were granted at least a couple of years ago, and then others saw them doing it, and that causes a proliferation of violations. So, PD brought it back to the Board to get some clarification of the law, as this has become a growing problem. Chief does not differentiate between various heavy, large vehicles. Most communities have template language based on case law and experimentation, and so laws have evolved for very good reasons. We want language that we can follow, rather than laws that are not adhered to. Mr. Streetar said he did not think that the buses in driveways are a problem. He thinks there should be an exception for school buses in the Village, and that we are rehashing the whole issue for no reason. "What is the problem?" Mr. Will asked a question about whether neighbors have signed a letter that they have no problem with the bus parked next door. Ms. Jorgensen said no one has a problem with her parking the bus in her driveway. People across the street do not have any problem with the bus in the driveway. She said that the bus drivers are willing to go around and ask people what they think of buses parked in driveway, either visible or not. It was thought that it should be backed into driveway, so it can pull straight out onto the street with visibility. Becky and Kim probably don't have a problem with this

approach, as they have places they can plug in. Ms. Jorgensen drives various size buses, 12-22 feet are the short ones. Ms. Jorgensen asked if she should do a survey. No complaints expressed, so it might be a problem with bigger vehicles. Mike Will asked if we can make changes. Keith King said we'd have to be careful with the language to allow one kind of large vehicle and not others. Mr. King says he has to go to Neenah to pick up his tractor-trailer. He can see both sides. If we want to, we can change the language a little bit. Jim Scharf said we are giving the school bus drivers designated areas. Ms. Jorgensen said Johnson Bus does not want them parked somewhere that they are unsupervised. Mr. Moore asked if they are out there all night watching their bus. Ms. Jorgensen said that she would know more about the bus in the driveway than in the pool lot. Ms. Jorgensen said she is up and down all night anyways, but would not walk down to the pool lot every two hours to check her bus. Administrator Hornung says he is getting mixed messages as to which way this should go. Recommends that we have a motion to accept with modifications, and we would have another meeting on Monday for the budget, and we could rewrite this ordinance to have neighbors sign and permission from the Board to park in the driveway, and that it is safe to do. This would involve an individual review for exceptions. Mr. Scharf said there should be at least 12 foot clearance from the front bumper to the sidewalk without parking another vehicle on the street. Ally can't park in her driveway, and could not park in a designated area, according to Ms. Jorgensen's understanding of what Johnson will allow. Mr. Will asked Chief Lamb if there are safety issues. Backing up is dangerous anywhere. These types of rules exist in other areas for many reasons, safety being one of them. Chief Lamb continued to say that exceptions have caused the problem we are in today. Laws exist for a reason, and no law is perfect for everybody. It makes it difficult to enforce laws, with exceptions to keep track of. This ordinance reads such, with the following exceptions. If have exceptions, need to go back and relook at the ordinance. Exceptions cause others to think they can do it, too. Assume that a smaller rig than a school bus will think they can park in their driveway. This issue was brought up because of the problems with the exceptions that get forgotten in time. Staff enforces those laws, but generally rules are rules, and don't work for everyone. What we have here is another unintended consequence that happens due to the original exceptions. Mike Streetar proposed that: "If can fit in driveway with 12 foot clearance to sidewalk, it is acceptable." Chief Lamb said that would be better than creating more exceptions.

Tammy Jorgensen said there are four large school buses that park in the Village and three are parked in driveways. She considers the idea of a field trip between now and Monday, to get the addresses and measure to see if it is a problem to have a 12 foot rule. Mr. Will would like Police or someone to say whether it is safe. Mr. King said a 12 foot backup requirement would be a good idea, as any good driver will know if that can be done safely or not in their driveway, or won't attempt it. Ms. Jorgensen is not sure about each driveway of each driver. She said they could try to back them in, to see if the clearance can be achieved, and whether that can occur without having to park another car on the street. Ally's and Kim's buses are currently parked overnight. Mr. Will asked about what if a new bus driver moves in and parks in the driveway, and the neighbor doesn't like it? Mr. Streetar said they could address the Board and talk about it. This is a "what if and maybe". Mr. Will doesn't want a bus next to him. Would like the permissions as part of the ordinance. Ms. Scharpf asked about the designated areas. Mr. Streetar said he thought she already had permission to park where she does, and that this would not change, as she parks on Garfield on a waiver. Mr. Will thinks there should be permission of adjoining neighbors. Mr. Scharf said that neighbor permission would be up to drivers. Designated areas would be required if the bus doesn't fit in the driveway. Ms. Jorgensen feels that no one has complained before, but of course cannot know if this would happen in the future.

2. Discuss written request by Michelle Hass, 439 Illinois Avenue, for waiver of the two dog limit. Ms. Hass came up and introduced herself. Recently learned about limit of two dogs. Was not aware of it. All Labrador Retrievers, as spayed, neutered, and up to date with shot. Have a fenced yard, no danger of going into anyone else's yard. Have never had any complaints until now, when neighbor who has two many dogs complained about hers. Husband uses these dogs to bring in extra income by pheasant hunting when he is off work off season for construction. Talked about how to designate exceptions to the two dog rule was discussed. She has had the third dog about 1 1/2 years. Thought when she got the rabies tag that this was licensing. Now has licensed two of them. Chief Lamb said that they checked the records, and police record is clear. October 6 they came to house on the three dog issue, and needed to license two dogs and come to Board for request for a third dog. We put notice of dog license deadlines in the Villager, post it around the building, and put it on the tax bill insert. Officers would be assisted with some kind of notice or letter to people with exceptions that they could keep. It is not a surprise that rabies tag is thought to be a license. President Moore told her that if a dog is lost, sold, given away, or

dies, they cannot get another third dog. Keith King asked ages of dogs and dates licensed. Five and 2 ½ years old, licensed last week.

CONSENSUS to take it to the Board. Michelle Hass asked what happens if approved. Does she come in and get a third license? Yes.

3. Discuss the Police Department's 2008 Annual Report. Chief Lamb went over the summary he had prepared, which is attached. The Board had a copy of it for their review. A citizen, Frances Vincent spoke about the problem she had with walking her dog on Southview Street, where it connects with Petula Avenue. Dogs charged at her and her dog. It surprised and scared her, and she has had health issues, and this scared her. She went quickly across the street. This area is the area she normally walks her dog. It is an older community, and she feels most comfortable there. Police were called, officer stopped by, and said she would discuss it with the owners. They are probably after her dog, not her, but they charged, and she was scared. Regulations were recently available for residents. This is the only area she has problems with. There is a home on the corner of Westwood that was an issue, but that has been taken care of. He is friendly, and when outside, the dog is under supervision. There was no supervision of these dogs. Chief Lamb asked if reported before. They had not been reported previously, but it has been a problem previously. They will be issued a written warning, which is a type of enforcement action which is on record. It was explored and discussed that there is invisible fencing at the home. It was not clear how the fence is working, and what the setback is, and whether the dog is adhering to the setback as it is controlled electronically.
4. Discuss the 2010 budget, and the possible closing of the Village Pool to fill the gap in the budget. There will be a special meeting on the pool this week at the Community Center, Wednesday at 6 PM for persons to discuss the possible pool closing. There will be a special Board meeting on October 26, and then regular Board meetings on November 2nd and 16th. Asked what kind of problems and maintenance issues the pool has had in recent and previous years. Nick thought the pumps and filters were worked on last year, and thought that there is always something each year that arises when the pumps and heaters are turned on. There will be a one time cost that occurs this year due to federal regulation established when a child died by being sucked into a drain. It is estimated to cost \$10,000 to fix the drains with what is required by the new regulations. There will be a closed session at Monday's special meeting, to allow discussion of all options including personnel issues.
5. Discuss Ordinance O-2009-10, An Ordinance Recreating Section 1.05 of the Municipal Code to Establish a Municipal Court for the Villages of NORTH FOND DU LAC, ROSENDALE, CAMPBELLSPORT, BRANDON, FAIRWATER, OAKFIELD, THE CITY OF FOND DU LAC and the towns of RIPON, EMPIRE, TAYCHEEDAH and OSCEOLA in FOND DU LAC COUNTY and the cities of BERLIN, GREEN LAKE, MARKESAN and PRINCETON in GREEN LAKE COUNTY. Second Reading.

CONSENSUS to take it to the Board.

B. CITIZENS TO BE HEARD. (None.)

C. UNFINISHED BUSINESS. Mike Will expressed that he still wants permission from adjoining neighbors for the school bus drivers to park their bus next door in the driveway. What if there are small children next door? Concerned for their safety.

Keith King wants to congratulate the Orioles on a great season and their 7-0 win over Kettle Moraine Lutheran to get to the Playoffs. We want to congratulate them for making the playoffs and wish them the best of luck. (Applause.)

D. NEW BUSINESS. (None.)

E. CLOSING OF MEETING. 7:30 P.M. the meeting was closed.

Respectfully submitted,

Keith King, Trustee