

Village of Rapids City
Committee of the Whole Meeting to discuss Golf Cart Ordinance
September 26th, 2018

President Mire called the meeting of the Committee of the Whole to order at 6:30pm.

Pledge of Allegiance

Roll Call: Fiems, Clark, Fowler, Rankin, Robertson, Schneider, Mire

Absent: None.

Others Present: Mike Housenga, Bruce Stout of St. John's Church, Doug Rogers, Jim Rogers, Julie Wildermuth, Randy Kline, David Shelangouski, Mary Beth Shelangouski, David & Jann Wilson, Tara Cullision, Chris & Cathy Kinkade, Russell Kinkade, Ryan Goss, John Wildermuth, Mike & Becky Winger, Brad Kline, Ben & Brianne Barber, Attorney Graham Lee, Clerk Missy Housenga

President Mire called this Committee of the Whole Meeting to order addressing the first order of business to appointing Julie Wildermuth as a new Planning and Zoning Commission Member. Mire asked the Board for a motion to fill the position. Fiems motioned to appoint Julie Wildermuth to the Planning and Zoning Commission. Rankin seconded. All members voted yes. Motion carries. Wildermuth was then sworn in by Mire.

Mire also asked the Board to approve the addition of an email address for Treasurer Ben Barber. When email services were initially approved with Platinum Barber's address was not included in the original motion. Rankin motioned to add an additional email for the Treasurer. Fowler seconded. All voted yes; motion carries.

Robertson gave an update on the Shuler's Shady Grove Wellness Center project, noting budgetary and equipment change. The bicycle repair station that was previously planned is not a qualifying element in the applied for OSLAD Grant. Photos and diagram were provided to everyone in attendance as well as the updated project cost of \$12,690.89. During public discussion it was implied those present would like to see the bicycle repair station in the area. Robertson explained the Village would have to take on the repair station expense and project separately. Bi-State Regional Commission Representative, Tara Cullision was introduced as grant coordinator on the project.

Mire then addressed the Sulphur Creek project. Mire explained Attorney Lee and his office staff have drafted easement agreements to seek authorization to complete a preliminary study and possible completion of a re-establishment of Sulphur Creek. Mire asked for cooperation from all residents along the creek meandering, adding if one person decides not to sign the agreement this project will die; therefore no one will see relief from the flooding. Mire made it a point to state even though residents may give authorization to the easement agreement this project is not guaranteed as the cleanup project must be bid and the Village will need to have funds available to pay for the project. Attorney Lee explained a temporary easement agreement has been drafted for each property with that would infringe a 30' area from the center of the creek with an expiration date of December 31st, 2019. It shall also be noted after the project is complete it will be the responsibility of the land owner for future clearing of the creek. Lee also detailed plants removed during any of the clean up process will not be replaced. Grading and seeding will be done after the project is complete were necessary. Trees by necessity may need to be removed, if so trees will not be replaced; furthermore if trees need to be cleared trees and stumps will be removed and dispose of the same. Lee stated all easement agreements are specific to the land they are intended for, no agreement is identical, but all agreements will be recorded. Mire asked all in attendance if they had questions. David Wilson inquired if existing structures within the 30' easement would be affected. Lee stated he would think contractors would look for alternative ways access trees and foliage with little impact to existing structures. Jim Rogers of 14th Street inquired how far up the hill the project would reach, his land is eroding and he believes silting is coming from on top of the hill. Mire explained the project at this time would be studying the bottom of the hill. Mire went on to explain previous bids for the top of the hill and hill side have come previously in the amount of \$400,000.00. Mire added the water is bottlenecking and creating flooding issues for residents, although he is not an engineer feels the residents being affected by the flooding need a resolution now. Rankin stated after residents have been elevated of the flooding then a study could be completed to address the hilltop and hillside. It was additionally explained if blockages are removed keeping silting and debris from flowing, this will make water flow better as not to swell and erode land. Fiems feels is it our duty to solve the problem that is negatively affecting others property and homes. Wildermuth inquired about previously mentioned retention ponds. Rankin answered Wildermuth's question, stating he understood in the beginning there were retention ponds designed but after review of the original plans for the housing addition on top of the hill and walking the property there are no ponds. The retention pond plans from the original contractors that designed the housing addition state at the end of the project if deemed no longer necessary they may be allowed to fill in naturally. The Public Works Director has spoken to one of the engineers that worked on the home addition on top of the hill, whom confirmed the ponds were never there. Mire wanted everyone in attendance to know that this Board will be transparent and we will share all information on this project with them. Mary Beth Shelangouski inquired of the firm and qualifications of the team who may be completing the study/work. Mire is thinking MSA Professional services may be compiling the information and bids with qualifying personnel to complete the study. Easement rights would be needed from all property owners before we can go that far. Fiems invited all property owners to attend all meetings so they are engaged in discussions of the project. Bruce Stout of St. John's Church inquired

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about damage to property repair or replacement during the project, who is responsible? Lee would think the Village would take some responsibility in repairing or replacing damaged property, thinking insurance would cover such an expense if it were to incur. Lee suggested Clerk Housenga verifies with the Village's insurance company what would be covered. Mire is thinking the engineers study would address potential issues they could foresee. If the study concludes the Village does not have the money to complete the project there may be moneys in the future to set aside completing the entire project. Mire understands as long as the Village does not change the direction of the creek we are within bounds to clean out the bed. David Shelangouski feels maybe a stair-step approach may be required to resolve right now, changing the culvert under 14th Street should be done first. D. Shelangouski doesn't want to sign the easement agreement until the study is done and a plan is confirmed. Lee added the Village doesn't have to take on the project to rectify the flooding since all issues are incurring on private property. Schneider added the Village does not have the time or money to throw at resolving every issue with the creek, time is of the essences, all the Village is asking for is cooperation. Mire explained previous legal counsel advised all previous Boards to not clean up the creek as it was private property. Mire reminded everyone this is just a temporary easement not a permanent easement after the project is complete it is up to the resident to maintain the property. Village Board will take feedback from property owners before any work is approved. Fiems reminded everyone it is their responsibility to maintain their property. Wildermuth clarified this easement for now is just to have the Village exist on properties to complete a study, other than trees in the creek all property will return property to its original state and to re-establish the creek. Mire noted all reports would be available for review by all. If the project is deemed too costly and the project does not happen the easements would possibly revoke the easement agreements. Fiems feels it is wrong to anticipate or guess the outcome of the study. Mire reiterated the project studies would be presented at a public meeting that everyone is invited to, discussed then approved. Mire asked everyone to give the agreements and project a serious thought and to give the right to a temporary easement because without the easements we cannot proceed. Mire would like to think the Village would like to have studies and work completed before flooding could occur in the spring. Lee added all easement agreements are available for signing this evening or for the taking for review. Attorney Lee and Clerk Housenga were available to notarize the agreements if residents chose to sign them.

Having no further business to conduct at this time, Schneider motioned to adjourn this Committee of the Whole Meeting, Robertson seconded. The motion passed, President Mire adjourned by consensus of the Board at 7:31pm.

Clerk