

## **COMMITTEE OF THE WHOLE OF THE KIMBERLY VILLAGE BOARD**

**JUNE 14, 2010**

President Kuen called the meeting to order at 6:00 p.m. Members present for roll call were Trustees Hammen, Hruzek, Trentlage, Weber and President Kuen. Also present were Chief of Police Misselt, Street Commissioner Vander Velden and two residents.

The Committee discussed the proposed Smoking Ordinance as prepared by Chief Misselt. The intention is to reinforce the State Statute, and apply some local standards where applicable. Some typographical issues were addressed. The loophole which was recently closed by state statute regarding where smoking is allowed is contained in the definition of "Enclosed Place" in Section B(4). The issue of distance people are allowed to smoke outside village owned buildings was discussed at length, with the final distance of 15 feet being agreed to. This can be changed based on future issues that may arise. Staff will work to relocate the cigarette receptacles at a distance from the doors that does not promote smoking near the doors. It was also clarified that C.E.D. Schafer must designate no-smoking areas such as bleachers, shelters, and pavilions, as currently smoking could be allowed. After discussion, it was requested that this ordinance be placed on next Monday's Agenda for official action.

Mr. Thomas Swenson of 304 Schindler Drive addressed the Board with concerns regarding his sidewalks and terrace trees. He presented information regarding his sidewalk replacements in 1990 and 2000, and had concern over tree roots continuing to raise his sidewalks, and the lack of a written guarantee being shared with residents. He also questioned our lack of a "Tree Planting and Removal Policy" as he feels people are not aware of what the village does and when. After some discussion, President Kuen asked if there was any interest to allow Mr. Swenson a credit for the two sidewalk blocks he is requesting. No motion was offered. Regarding the replacement of trees, the Village currently has no policy, other than to replace trees as soon as economically possible. The Board did ask Street Commissioner Vander Velden to begin to develop a tree planting and replacement policy for consideration.

The Committee reviewed the proposal from General Code service for recodification services. Administrator Hermus noted that we have not completed a recodification since 1988. If completed, it will update the ordinance book, allow us to place the ordinances online via our website, and reduce the number of printed copies currently being used. Being 22 years old, at some time, the Code should be reviewed. After some discussion, the Board was in favor of moving forward, but was a little concerned about the price. Mr. Hermus will work with General Code regarding the price.

Administrator Hermus apologized for not informing the Village Board earlier about the Board of Review being held this week. Trustee Gaffney cannot make the Board, and Trustee Hruzek volunteered to replace him. We have not received any property assessment objection forms to date, with only one inquiry coming in the last week. Contact has been made with Accurate Appraisal to insure a smooth Board of Review.

Administrator Hermus shared the conversation he had with Jeff Wolding of Creative Metal Products regarding the concerns of the neighbors. He had a muffler installed on the nitrogen tank pressure release valve last Friday which greatly reduced the noise from it. He will be contacting the Fox Valley Metro PD to re-calibrate the decibel level to make sure he is within the ordinance.

Trustee Hammen moved, Gaffney seconded the motion to adjourn. The motion carried by unanimous vote of the Board.

Rick J. Hermus  
Administrator/Clerk