

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF DECEMBER 22, 2010

### 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 Frassetto, Trustee Hietpas, Trustee Mahlik, Trustee Van Deurzen, Trustee Versteegen

ALSO PRESENT: C. Kell, E. Misselt, R. Van Gheem, J. Moes, V. Schneider

### Public Appearance for Items not on the Agenda

Tom Nelson introduced himself and informed the Board that he is a candidate for Outagamie County Executive.

### Discussion/Possible Action – Limit Time for Parking on Grand Avenue in Front of Verkuilen's Funeral Home and Other Properties on Grand Avenue

Trustee Van Deurzen stated the reason this is being brought up is because the residents that live in the house next to the funeral home are using the parking stalls in front of the funeral home as their driveway as they are parking two vehicles there all the time and this is becoming a burden on elderly people attending funerals. Trustee Van Deurzen suggested that if there is a two-hour parking limit it would eliminate the residents from parking there all the time and it would help the funeral home's business. R. Van Gheem noted that this is not the only business that has requested limited parking time in front of their business. C. Kell stated that the owner's of Baker's Outlet have complained about this issue because of people long term parking in front of their store during business hours and the Post Master has also contacted the Village about the same problem with people parking long term in front of the Post Office. Discussion took place. Skip Smith from Baker's Outlet, 505 Grand Avenue, commented that it is a complex issue and it happens when events are happening at the church and school and many times this is during their business and the Post Office's busiest times. Mr. Smith stated that for their business a 10 or 15 minute time limit is needed and he thinks the Village and the church and businesses need to work closely together on this issue. Trustee Van Deurzen noted that the issue he has brought up has nothing to do with the church or school parking. R. Van Gheem stated the issue of downtown parking should be addressed as a whole. Trustee Elrick asked if a meeting could be facilitated between the funeral home, the school and church and the affected businesses and residents. President Fischer stated he agreed with Trustee Elrick's suggestion. Chief Misselt stated the Community Support Officer could arrange a meeting between the parties. Mr. Smith stated he liked the idea of all the parties getting together to talk about the issue as that may solve a lot of the problems. Board members agreed that a date and time for the meeting on the parking issues will be set after the holidays.

### Discussion – Mini Storm/Storm Sewer Lateral Ordinance and Policies

Discussion took place on the issue of homes having their downspouts connected to the mini-storm. Staff commented on the new regulations that are mandated for storm water management noting that the regulations now require the downspouts to be disconnected from the storm sewer. R. Van Gheem noted that the amendments and policy are not new but are being presented to provide clear guidance to the staff and public, to ensure the integrity and maintainability of the Village's storm water system, to minimize the risk of water damage to structures in the Village, and to reaffirm the assessment policy for mini/storm/storm sewer laterals. Board members agreed that the ordinance amendments and policy be placed on the next Board meeting agenda for action. R. Van Gheem stated he will clear up the language in section 42-134 (d)(3) regarding downspouts before it is brought back to the Board for adoption.

**Discussion – Ordinance Amending Village Code Chapter 6 Animals**

Trustee Frassetto thanked Chief Misselt for the work he did on the ordinance and Chief Misselt responded that he will pass on those comments to Officer Steeber and Officer Stahlman as they were the Officers that rewrote the ordinance. Trustee Elrick questioned if the \$75 registration fee for harboring dangerous animals was high enough and Chief Misselt stated the amount of the fee was likely set to be consistent with other municipalities in the Valley. Trustee Mahlik questioned if any specific dogs were going to be designated. Chief Misselt explained that he had researched the idea of breed specific banning but it was decided against designating specific breeds because it is the behavior of the animal that needs to be addressed not the breed of the animal. Chief Misselt also stated that any type of training of dogs for fighting would also be addressed by the Police Department if it is brought to their attention. Trustee Mahlik asked about requiring a dog to be put down after one incident instead of after two incidents. Chief Misselt stated he would have to check with the Village Attorney on that issue. Trustee Hietpas questioned Section 6-26(c)(2) that states a person must be 16 to walk an animal considered dangerous and he asked why the age isn't 18 as his concern is with laws about not being able to sue a minor. Chief Misselt stated he is not sure why the age of 16 is listed but he will check in to it. No action was taken.

**Discussion – Ordinance Amending Village Code Chapter 26-217 Unauthorized Operation of Motor Vehicles on Public or Private Property**

Chief Misselt stated that because of recent State law changes regarding the use of ATV's for snow removal, the Village's ordinance needed to be modified to allow for this and it also identifies that the only authorized operation of an ATV on a roadway will be adjacent to the property owner's property to engage in snow removal and it also lists specific safety equipment and operation guidelines that must be followed to use an ATV on the roadway for snow removal on private property. Chief Misselt stated that State language allows a person to operate the ATV on the roadway for up to a mile for snow removal but he believes that is more for rural areas and he did not include that in the ordinance and he does not recommend allowing for that. Discussion took place on the issue of using equipment for raking the ball diamonds and driving this equipment on Village roads to get between ball fields. Chief Misselt pointed out that the State law changes regarding ATV's were made for snow removal only. Jon Brockman stated he had asked the former Police Chief six or seven years ago about being allowed to drive his ATV for snow removal between his home and a family member's home and his shop and the Chief gave permission for him to drive on the road. Chief Misselt stated the proposed ordinance does not allow for that but State law allows for driving up to a mile so the Board can consider whether they want to allow that but he is concerned about what that may open up. Mr. Brockman also commented on not being able to park a trailer on his property. C. Kell commented on the low speed limit of 5 m.p.h. and asked if that speed was included in State law. Chief Misselt stated he will check with Attorney Koehler on the leeway the Village has for setting the speed limit. Trustee Elrick and Trustee Verstegen stated they would support allowing the ATV to be driven up to one mile and to have staff look at the 5 m.p.h. issue. Chief Misselt stated he will check in to the Trustee's requests and report back to the Board at a future meeting.

**Discussion – Ordinance Amending Village Code Chapter 30 Offenses, Adding Section 30-36 Synthetic Cannabinoid Prohibited**

Chief Misselt stated the Department became aware of this product being sold in Kimberly and the State is moving forward with State legislation to outlaw these types of substances and the State is also recommending that municipalities adopt local ordinances outlawing these substances. Chief Misselt stated the Department is recommending that the Village adopt the proposed ordinance that will ban these substances. Trustee Frassetto commended the Chief for being proactive as it is a dangerous product. The proposed ordinance will be brought back to the Board for adoption.

**Unfinished Business**

Trustee Mahlik asked if staff could check in to putting reflectors or signs on the island by the tracks on Washington Street so it alerts drivers that something is there. R. Van Gheem stated the Department will check in to it.

**Items for Future Agenda**

Trustee Frassetto asked for a future discussion on extending the time for beer sales to midnight for Class A licensed establishments and Chief Misselt stated that the Department is already working on amending the ordinance language to change the time and the ordinance will be presented to the Board at a future meeting.

President Fischer noted that the Board would not be taking any action following the Closed Session.

*Moved by Trustee Van Deurzen, seconded by Trustee Verstegen to Enter into Closed Session.  
(7:01 p.m.)*

Ayes 7, Nay 0 – Motion Carried Unanimously

Staff and the Village Clerk were excused from the meeting at this time.

**Closed Session: Deliberations or negotiations on the purchase of public properties, investing of public funds or conducting other specific public business when competitive or bargaining reasons require a closed session. 19/85(1)(e) Wis. Stats.**

**Purchase of Land for Industrial Park Development**

**Purchase of Land for Downtown Redevelopment and Public Open Space**

*Moved by Trustee Van Deurzen, seconded by Trustee Verstegen to Exit Closed Session. (8:15 p.m.)*

**Adjournment**

*Moved by Trustee Elrick, seconded by Trustee Mahlik to Adjourn the Committee of the Whole meeting at 8:15 p.m.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

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By: Charles Fischer, Village President

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Attest: Vicki Schneider, Village Clerk