

## **MINUTES OF THE REGULAR BOARD MEETING OF MARCH 7, 2012**

The Regular Board meeting was called to order at 6:00 p.m. by Michael Vanden Berg, Village President

### **Invocation**

### **Pledge Allegiance to the Flag**

President Vanden Berg led members in the reciting of the Pledge of Allegiance.

### **Roll call of Trustees**

PRESENT: Michael Vanden Berg, President  
Bob Berken, Trustee  
Tammy Frassetto, Trustee  
James Hietpas, Trustee  
Dan Mahlik, Trustee  
Bill Peerenboom, Trustee  
Skip Smith, Trustee

### **Roll Call of Officers and Department Heads**

PRESENT: Charles Kell, Village Administrator  
Tom Flick, Director of Parks, Recreation, and Forestry  
Teri Matheny, Finance Director  
Jim Moes, Community Development Director  
Erik Misselt, Police Chief  
Roy Van Gheem, Public Works Director  
Beth Carpenter, Library Director  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

OTHERS PRESENT: Interested Citizens and Media Reps

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

Michael Stouffer, 714 Bluff Ave., commented that the people in attendance are not always provided with the handouts that are provided to the Board at the meetings and he would like to have at least one packet of complete information provided for the audience.

### **Approval of Minutes**

Regular Board Meeting Minutes – February 15, 2012

Committee of the Whole Minutes – February 22, 2012

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to approve the Regular Board Minutes of February 15, 2012 and the Committee of the Whole Minutes of February 22, 2012 as presented.*

Ayes 7, Nays 0–Motion Carried Unanimously

### **Report of Other Minutes-Other Informational Items**

Minutes of the Water Commission Meeting of December 20, 2012

Minutes of the Library Board Meeting of January 24, 2012

Fox Valley Metro Incident Reports January & February 2012

Board members noted receipt of the informational items.

### **Ordinances:**

#### **a) Amending Village of Little Chute Municipal Code – Chapter 26 Motor Vehicles and Traffic – Article III Parking Regulations – Section 63(c) Restrictions on Parking: Posted Limitations**

*Moved by Trustee Mahlik seconded by Trustee Berken to Adopt Ordinance No. 4, Series of 2012 Amending Village of Little Chute Municipal Code – Chapter 26 Motor Vehicles and Traffic – Article III Parking Regulations – Section 63(c) Restrictions on Parking: Posted Limitations as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**b) Amending Village of Little Chute Municipal Code of Ordinances Chapter 32 Park and Navigable Waters, Section I Park Regulations (c)(20) Specific Regulations - Animals**

T. Flick commented that eight of the surrounding communities allow leashed dogs on municipal trails and about one-half of them supply dog waste stations at trail heads and/or rule signs. T. Flick stated that he and the Park Planning Committee still support amending the ordinance to allow leashed dogs on trails in the Village's parks. T. Flick noted that if the ordinance amendment is approved, he would request to install rule signs and waste stations on an as needed basis and as the operational budget would allow. T. Flick reviewed the changes that were made to the proposed ordinance based on the comments made by Board members at the last meeting.

*Moved by Trustee Frassetto, seconded by Trustee Smith to Adopt Ordinance 5, Series of 2012 Amending Village of Little Chute Municipal Code of Ordinances Chapter 32 Park and Navigable Waters, Section I Park Regulations (c)(20) Specific Regulations – Animals.*

Further Discussion: Trustee Hietpas questioned if other communities in the area had gone from a no animals policy to allow animals. Chief Misselt stated that Appleton went from a zero pets in the parks policy to allowing them on leashes in parks with trails and T. Flick stated the most recent one he is aware of is the City of Menasha changing their policy to allow for dogs on leashes in parks with trials.

Larry Spaeth, 1511 Violet Ln., commented that he is totally against allowing dogs in parks and he commented on various incidents of dogs running at large in the parks and that includes dogs with electronic leashes and he further commented on the trouble with dogs in the parks and he stated that he has called the Police but no tickets are ever issued. Mr. Spaeth also commented on the dog waste that is found in the park and on the streets. Trustee Mahlik stated he agreed with Mr. Spaeth and he is opposed to allowing dogs on leashes in the parks. Steve Rutten, 1717 E. Wisconsin Ave., commented that he walks a lot around the Village and he sees dog waste all over the Village and he guarantees that people will not pick up after their dogs on the trails. Gerald Janssen, 614 S. Buchanan St., commented on an incident that took place today at Heesakker Park that involved a dog being at large in the park and Mr. Janssen stated he confronted the person about having the dog in the park. Mr. Janssen expressed additional concerns supporting his opposition to allowing dogs in the parks. Trustee Frassetto asked if the ordinance passes if there was a means to increase patrol at the parks and begin ticketing. Chief Misselt stated that time permitting they can increase their presence and if the ordinance passes it would be good to spend the initial time at the parks and address any issues with dogs at large. Chief Misselt stated that in his opinion this ordinance does make the issue of irresponsible dog owners not picking up after their pets any worse or better. Trustee Mahlik stated that doing the best we can is not allowing the dogs in the parks and he further commented on it being a sanitary/health issue. Mr. Spaeth commented on the number of daycare and school children that are in the park. T. Flick stated that he does have the authority to write citations per village code but to date he has chosen not to pursue that authority and he stated he and the parks staff inform the people of the ordinance and ask them to leave the park and in most cases it is repeat offenders. T. Flick stated that if the ordinance is changed he would ask that the Board direct him to use his authority to issue tickets. T. Flick stated that he and the Park Planning Committee have discussed the problems with dogs in the parks and they view this as a means to get more people in the parks to help self-patrol those that are allowing their dogs to run at large. T. Flick stated that other measures could be taken to lock down the trails and parks if the users are not complying with the rules. Trustee Mahlik stated his opinion is that adding more people is just adding more to the problem. T. Flick stated his opinion is that people will likely keep their dog on a leash if they encounter more people. Michael Stouffer suggested that fines be doubled. Ben Schultz commented on penalizing the people that are law abiding. Mr. Spaeth commented on leashes not even making a difference and dogs not belonging in the parks with people and he wants people to be ticketed. T. Flick commented on enforcement of the ticket. Attorney Koehler informed the Board that it is within their power to pass an ordinance like this with a sunset date in order to test the situation and evaluate how it worked. Trustee Peerenboom stated he was originally opposed to this ordinance but he could support it if there is an honest enforcement effort being made and there is an option to review the ordinance in six months or a year.

*Moved by Trustee Frassetto, seconded by Trustee Smith to amend the ordinance to include that the ordinance would be in effect on a trial basis until November 1, 2012.*

Vote on the Amendment to the Motion: Ayes 4, Nays 3(Vanden Berg, Hietpas, Mahlik) – Motion Carried  
Vote on the Main Motion to Adopt the Amended Ordinance:

Ayes 4, Nays 3(Vanden Berg, Hietpas, Mahlik) – Motion Carried

**Resolutions:**

**a) Authorizing the Sale of 319 W. Main Street**

*Moved by Trustee Berken, seconded by Trustee Frassetto to Adopt Resolution No.8, Series of 2012 Authorizing the Sale of 319 W. Main Street to William Koepsel.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**b) Designating an Additional Public Depository – TD Ameritrade Institutional**

*Moved by Trustee Mahlik, seconded by Trustee Smith to Adopt Resolution No. 9, Series of 2012 Authorizing TD Ameritrade Institutional as an Additional Public Depository.*

Further Discussion: Trustee Frassetto asked what the reason was that we were not staying with Bankers Bank and T. Matheny stated it is because that partnership with Ehlers had been dissolved and Ehlers is now using TD Ameritrade Institutional.

Vote on the Motion: Ayes 7, Nays 0 – Motion Carried Unanimously

**Action on Investment Management Services – Investment Advisory Agreement with Ehlers Investment Partners, LLC**

*Moved by Trustee Peerenboom, seconded by Trustee Mahlik to Authorize the Finance Director to Sign an Investment Advisory Agreement with Ehlers Investment Partners, LC.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Action on Temporary Class B Retailers License – Little Chute Baseball Club – Softball Tournament – May 18 through May 20, 2012 – Doyle Park**

*Moved by Trustee Frassetto, seconded by Trustee Berken to Approve the Temporary Class B Retailers License for Little Chute Baseball Club for May 18 through May 20, 2012 at Doyle Park.*

Further Discussion: Trustee Hietpas asked if 25% of the proceeds from selling beer had to be kicked back to the Village. T. Flick stated that the Club operates the concession stand at a 100% profit. Trustee Hietpas asked if the only kick back the Village received was from the signs. T. Flick stated that the Club has a five-year lease for the sign program but that program hasn't been implemented yet and the Village would receive 25% if the program moves forward. Trustee Hietpas asked T. Flick if consideration had been given to rescinding the 25%. T. Flick responded that he hasn't thought about it because the Baseball Club hasn't contacted him about starting that program up and he views it as when the lease runs out it the proposed program is over unless the program is up and running by that time.

Vote on the Motion: Ayes 7, Nays 0 – Motion Carried Unanimously

**Appointment of Ben Schultz to Joint Library Board**

*Moved by Trustee Smith, seconded by Trustee Frassetto to Appoint Ben Schultz to the Joint Library Board.*

Further Discussion: Trustee Berken asked if openings for different Boards/Committees are put on the Village's website. President Vanden Berg stated not always as sometimes someone will come forward as Mr. Schultz has and he finds this acceptable but if someone didn't come forward, we would advertise.

Vote on the Motion: Ayes 7, Nays 0 – Motion Carried Unanimously

## Review and Approval of Site and Building Plans for Poly-Flex

J. Moes stated the Building Plan had not changed since it was presented to the Board at the last Committee of the Whole meeting and staff is recommending approval of the Site Plan.

*Moved by Trustee Peerenboom, seconded by Trustee Berken to Approve the Site and Building Plans for Poly-Flex as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

## Discussion/Action – Award Bid Private Sanitary Laterals

R. Van Gheem reviewed the bids and the recommendation to award the bid to the lower bidder M & E Construction. R. Van Gheem noted that this is the company that did the work last year and there were not any issues with them. Trustee Frassetto commented on her experience with the company last year stating they did a very good job and they were very professional.

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Award the Contract for the 2012 Sanitary Lateral Rehabilitation Program to M & E Construction of Kaukauna, WI for a total of \$214,920.*

Further Discussion: Trustee Peerenboom stated that the Village ordinance and policy requires unit prices on sewer lateral replacements and this bid doesn't seem to include a unit price as required. R. Van Gheem responded that it is all unit prices. Trustee Peerenboom stated he didn't see it broken down as unit prices. R. Van Gheem stated that what was agreed upon was to use a base unit price and that price cannot be determined until the project is final and the residents were provided with an estimated price in the letter that was sent to them and he anticipates the price for the resident to be less than \$2,400 depending on extra items the resident may choose to add to the project and he explained the extras that could be added.

R. Van Gheem stated that the basic package rate is for up to 45 feet and that covers the majority of the homes. Trustee Peerenboom stated he would like to see the base price listed. T. Matheny committed on the other costs that are included above the contract costs before the billing is finalized and she stated that base price isn't determined until it is final. Trustee Frassetto stated that the bill she received last year was broken down by cost and it was within a couple hundred dollars of the estimate. Trustee Hietpas noted that the variance between the first and the second bidder was 20% and he asked if that was the case last year. R. Van Gheem stated from what he recalls there was a variance last year but not as great as this year but there was a new contractor that bid this year. Trustee Peerenboom stated he agrees that it is a very good price and the people were happy with the contractor but he asked that the policy be looked at as it doesn't seem that it is followed the way the policy states. President Vanden Berg agreed that the policy should state what we are actually doing. Trustee Frassetto stated that the intent of the Board is being followed but the wording in the policy may need to be changed. R. Van Gheem stated he will review the policy.

Paul Hartjes, Village Limits Supper Club, stated his sanitary lateral currently goes out to Main Street and he asked if it could be changed to go to Sanitorium Rd. R. Van Gheem stated they will look into seeing if that is a possibility and he asked Mr. Hartjes to contact him.

Vote on the Motion:

Ayes 7, Nays 0 – Motion Carried Unanimously

## Discussion/Possible Action – Public Works Staffing – Engineering Aid II Position

C. Kell commented that as this study was being put together by R. Van Gheem, staff seriously looked at what could be done to move some of the duties to the Building Inspector and he sat down with the Building Inspector and went through the work program in detail including the hours that he is spending in Kaukauna and the results of those discussions are reflected in Roy's report. C. Kell stated subsequent to that, this last Monday the Building Inspector informed him that he is putting in for his retirement and he will be retiring in April and it is going to be quite a quandary to figure out what is going to be done to get inspections done as we will not have a totally certified inspector. C. Kell asked the Board to keep that in mind as they review Roy's report as some of the alternatives in the report are no longer an option. Trustee Peerenboom stated that with due respect to Mr. Van Gheem's upcoming report, he completely changes his opinion on this issue due to this information and he supports replacing this position at this time. Board members did not think it was necessary for Mr. Van Gheem to review the report. Trustee Mahlik stated he agrees the position needs to be filled. Trustee Frassetto stated that in Mr. Van Gheem's report the expense is justified for the position and it is the most cost effective way to go.

*Moved by Trustee Mahlik, seconded by Trustee Smith to Approve Filling the Engineering Aide II Position.*

Further Discussion: Trustee Peerenboom stated he will have a lot of questions on the Building Inspector replacement but he does support this.

Vote on the Motion:

Ayes 7, Nays 0 – Motion Carried Unanimously

### **Review/Discussion – MS4 Annual Report**

R. Van Gheem briefly commented on the report. Board members acknowledged receipt of the MS4 Annual Report. No discussion, no action needed.

#### **Operator's Licenses:**

Christine N. Priest	213 Jean St.	Combined Locks	Moasis
Erin N. Schmalz	1193 Bartlein Ct.	Menasha	The 5 <sup>th</sup> Quarter
Crystal M. Shepard	420 Bicentennial Ct.	Kaukauna	Down the Hill Bar
Mary Kathy Van Den Bloomer	116 Idlewild St.	Kaukauna	M & M Bar
Philip G. Weigman	1008 Manor Pl.	Little Chute	LC Baseball Club

*Moved by Trustee Frassetto, seconded by Trustee Berken to Approve the Operator's Licenses as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

### **Department and Officers Progress Reports**

B. Carpenter reported that the Library Board had authorized changing the Youth Services Librarian position to a full-time position and she reported that she is in the hiring process to fill two vacant positions and one seasonal position. B. Carpenter provided Board members with a copy of the annual report she had filed with the State and she noted the increase of usage in all areas. Trustee Frassetto commented the Library Director and her staff for always being warm and welcoming to patrons. Chief Misselt stated that two officers will be starting March 12 and the remaining two open positions would likely be starting in April. Chief stated that the two lieutenant vacancies have been posted internally and at this time the tentative start date for those two positions will be June 11. Chief stated that their annual report is complete and it is currently being printed and it will be provided to the Board in a few weeks. Chief also commented on the February and year to date stats that were included in the Board's packet. T. Matheny commented on issues with WRS reporting and the legislation actions on utility billing noting the Water Commission did send comments for the public hearing and she will continue to monitor the situation. C. Kell stated that the cell tower lease with T-Mobile will be on next week's agenda for action. C. Kell reported that everything is in place for selling the Village North Subdivision lots and ads are running four times in the *Times/Villager* and the ad will be an insert in the Village Newsletter and it will also be placed on the Village's website. C. Kell asked the Board if they wanted an ad placed in the *Post Crescent* and Board members agreed that an ad should be placed one time in the *PC*. C. Kell reported that he is evaluating a Blanket of Coverage insurance proposal for the volunteer firefighters and any other volunteers for the Village. C. Kell stated the reason this is being brought up as there are retired firemen that are no longer on the force but they volunteer to help out at the Fire Department and they also drive village vehicles. C. Kell stated that before it would be finalized, he would bring it before the Board. Trustee Mahlik questioned why they would be allowed to drive village trucks if they are no longer on the Fire Department roster as volunteers. C. Kell stated his understanding is the Fire Dept. has a need for their service and this insurance isn't very expensive and there are other volunteers that serve the Village that would be covered with this program. C. Kell provided Board members with a copy of a GIS application that the GIS Manager put together for the Police Dept. that includes information for Kimberly and Combined Locks. C. Kell reported that he received the appeal papers from DPI for the school district boundary change and he noted that LCSD confirmed that they will pay the \$750 filing fee and he has been meeting with the School District and their attorney on the appeal presentation. C. Kell noted that Kaukauna School Board denied the petition. C. Kell recognized John Elrick, President of BACE, for receiving the HOV Chamber's Rising Star Award for a new business in the HOV. J. Moes – no report. T Flick reported that members of the late Jim Harp family will be in attendance at next week's meeting to present a check to the Village for the purchase of five benches for the trail system at Island Park and Heesakker Park.

T. Flick reported that Park Planning is working on a recommendation for naming the park in the Village North Subdivision and that will be brought to the Board in the near future. T. Flick reported Chuck Stangel, Chair of Park Planning, is volunteering his services to work on the Master Plan for the Village North Park that will be presented to the Board at a future meeting and he thanked Chuck for this service. T. Flick reported on the progress of the Pedestrian Bridge project noting the completion date is on schedule for June. T. Flick reported that the terrace tree trimming is being wrapped up and he commended the Union guys in the Forestry Dept. as they have been receiving a lot of thank you comments from the Public for their work. R. Van Gheem stated that the private sanitary lateral project would start this month and work is continuing on the work for the Sanitorium Rd. and Buchanan St. projects and the Dept. will be interviewing four candidates next week for the Mechanic position. R. Van Gheem also reported that they now have signed contracts for the utility work for the Polk Pond subdivision lots. Trustee Peerenboom questioned when the Polk Pond lots would be going up for sale. R. Van Gheem stated the utilities should be finished this month and C. Kell stated it would be soon. Trustee Peerenboom also asked if those that are not part of this year's sewer lateral replacement project would be allowed to be a part of this year's project and R. Van Gheem stated that they would be allowed if they meet the criteria and V. Schneider reported that there is an article in the Spring Newsletter to notify residents of this option and she reported that the newsletter is at the printer and the hard copy would be mailed in two weeks and the electronic copy would be sent out next week. Clerk Schneider also provided an update on the small claims suit filed by Mr. Sherwood regarding his claim that was denied by the Board, noting that the judge dismissed the case and awarded the Village court costs. Clerk Schneider also reported that the Village received reimbursement of \$22,857 for storm damage from last September to Public Works facilities. Attorney Koehler – no report. T. Flick noted that he did provide Board members a packet of information concerning Heesakker Park.

## Disbursement List

Trustee Hietpas commented on 19.8% of taxes collected going to Kaukauna School District and he also asked if FVTC would be coming in to explain the referendum. C. Kell reported that they presented last Friday at a Chamber meeting that was held at Village Hall but they have not offered to come to talk to the Board. C. Kell noted that LCSD will be presenting information about their referendum at next week's Board meeting.

*Moved by Trustee Peerenboom, seconded by Trustee Smith to Approve the Vouchers and Authorize the Finance Director to pay all vendors. Ayes 7, Nays 0 – Motion Carried Unanimously*

## Call for Unfinished Business

Paul Hartjes, Village Limits, asked when the issue with his parking lot would be discussed by the Board and R. Van Gheem stated he will be contacting him yet this week to go over the options for his parking. Trustee Frassetto stated she would like the Board to give T. Flick permission to issue citations for dogs running at large in the parks. President Vanden Berg stated that Mr. Flick has the authority through Village ordinance and Board members agreed he should issue citations.

## Items for Future Agendas

School District Referendum Presentation and Village Limits Supper Club parking proposals. Trustee Peerenboom stated he would like to have a discussion at a future meeting on what the Village's plans are for the land they that is owned between Grand Ave. and Depot St. Trustee Hietpas stated that he believes the Board is required to do a review of the Administrator before the Election and he requested that it would be done on the 14<sup>th</sup> or the 21<sup>st</sup> but not the 28<sup>th</sup>. President Vanden Berg recommended the 21<sup>st</sup>. C. Kell asked if the other personnel issue should also be on that agenda and Board members agreed that issue should also be on the agenda for the 21<sup>st</sup>.

*Moved by Trustee Smith, seconded by Trustee Mahlik to Enter into Closed Session. (7:33 p.m.)*  
Ayes 7, Nays 0 – Motion Carried Unanimously  
ment Heads and the Village Clerk were excused from the meeting at this time.

**Closed Session:** 19.85(1)(e) Wis. Stats. 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.

- a) *Property Negotiations Regarding Purchase of Land for Heesakker Park Pond Project*
- b) *Negotiations Regarding Village Hall Project*
- c) *Discussion on Funding/Development Agreement Options for Evergreen LC Development Projects*

*Moved by Trustee Smith, seconded by Trustee Mahlik to Exit Closed Session. (9:40 p.m.)*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Adjournment**

*Moved by Trustee Smith, seconded by Trustee Mahlik to Adjourn the Regular Board meeting at 9:40 p.m.*

Ayes 7, Nays 0 - Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

By: \_\_\_\_\_

Michael R. Vanden Berg, Village President

Attest: \_\_\_\_\_  
Vicki Schneider, Village Clerk