

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF JANUARY 12, 2011

### 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

EXCUSED: Trustee Verstegen

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

### Public Appearance for Items not on the Agenda

None

### Action – Resolution – CSM – Bob De Bruin – Estate of Marie De Bruin – 912 E. Lincoln Avenue

*Moved by Trustee Elrick, seconded by Trustee Mahlik to Adopt Resolution No. 1, Series of 2011, Approving the CSM for Bob De Bruin – Estate of Marie De Bruin – 912 E. Lincoln Avenue as presented.*

Further Discussion: Trustee Frassetto asked if the shed would be removed from the Village's property and staff responded that Mr. De Bruin would have the shed removed by October.

Ayes 6, Nay 0 – Motion Carried

### Review/Discussion – Amending Village Code of Ordinances Chapter 6 Animals

No discussion. President Fischer stated the ordinance will be placed on next week's agenda for action.

### Review/Discussion – Amending Village Code of Ordinances Chapter 26, Sec. 217 Unauthorized Operation of Motor Vehicles on Public or Private Property – Snow Removal by ATVs

Chief Misselt stated that by State Statute the range that is allowed is two miles but this range is not included in the ordinance being presented as he is not recommending that the Village allow driving ATV's on the roadways. Chief reported that the speed limit under State Statute, if the ATV is being allowed to be operated on the roadway, is 15 mph and 5 mph on the sidewalk but the Statutes also read that if the ATV is being operated within 150 feet of a residence, it may only travel at 10 mph and this would be the case for most areas of the Village. Discussion took place. Trustee Hietpas asked if someone needed a Driver's License to operate the ATV on the street and Chief Misselt responded that to operate a motor vehicle on the roadway a Driver License is needed so he is 99% sure that a Driver's License would be needed to operate an ATV on the roadway, but he will check into that. Trustee Elrick stated he supports allowing the ATV to be operated on the roadway as he doesn't see there being a huge amount of people that will do it. Trustee Van Deurzen stated he agreed with Trustee Elrick as long as the ATV is equipped with the required lights. Chief Misselt again expressed his opposition to allowing the ATVs on the Village roadways. Trustee Elrick stated he understands the Chief's concern but he thinks driving on the roadway will not be a huge problem and if becomes a problem the ordinance could be changed to not allow it. Jon Brockman, 1330 Garfield Avenue, asked if there was a serious problem in the Village at this time and Chief Misselt stated up until recently when the State change the law it has been illegal and he doesn't want to see a problem develop. Board members agreed to put the ordinance on next week's agenda for action.

### Review/Discussion – Amending Village Code of Ordinances Chapter 4, Sect. 89 Alcohol Beverages – Closing Hour

Chief Misselt stated this issue of changing the closing time for Class A beer sales from 9 p.m. to midnight is being brought forward as it was asked about in Kimberly and Trustee Frassetto has also asked about the issue. Chief stated that the Department's official standpoint is that they are not advocating for it either way but they don't have any concerns with changing the time. Trustee Mahlik stated he doesn't know why the ordinance would be changed to allow sales until midnight as he has concerns with people going out at

midnight to buy more alcohol. Trustee Mahlik stated that he is opposed to changing the ordinance. Trustee Frassetto stated she brought it forward to allow Little Chute businesses another three hours of business to generate additional revenue so people don't go to another municipality to spend their money. Trustee Mahlik stated the facts are that the majority of OWI arrests occur late at night and why would we want to put more potential drunk drivers on the road to cause more danger. Trustee Van Deurzen stated he would like to see it allowed to accommodate swing shift workers. President Fischer stated the ordinance would be put on next week's agenda for action.

**Request to the Village to Install Thin Ice Warning Signs by One of the Inlet Pipes to Buchanan Pond**

C. Kell stated the request came to him personally by the owner of Crystal Print and the owner's position is that he sold the land to the Village for the pond and he has concerns with liability. C. Kell stated he did talk with the Village Attorney about the issue but there isn't any clear guidance and the Village's policy has been to not place signs on the ponds. Discussion took place. C. Kell stated that the Board did not need to make a decision tonight and they could take some time to think about the request and R. Van Gheem asked Board members to go out and take a look at the pond. President Fischer suggested that the request be put on next week's agenda for action. J. Moes suggested that a sign be put up that reads "Caution Warm Water Discharge".

**Action – Village Acceptance of Evergreen Pond Project**

*Moved by Trustee Frassetto, seconded by Trustee Elrick to Formally Accept the Evergreen Pond Project.*

Further Discussion: Trustee Elrick asked if staff had accepted the project and staff stated they had and they are in the process of closing out the contract and this official action by the Board is need to claim the grant money. R. Van Gheem requested that the motion include the contract number and the name of the construction company.

*Moved by Trustee Frassetto, seconded by Trustee Elrick to Amend the Motion to State that the Village of Little Chute Board Accepts the Evergreen Pond Project, Contract No. L001-9901154.02 Constructed by Peters Concrete Company.*

Vote on the Amendment to the Main Motion:

Ayes 6, Nay 0 – Motion Carried

Vote on the Amended Motion:

Ayes 6, Nay 0 – Motion Carried

**Discussion/Possible Action to Approve Resident and Non-Resident Season Pool Pass Fees**

T. Flick stated that during the recent pool study process numerous operational recommendations were made and supported by the Park Planning Committee and himself. The recommendation is to change the non-resident fee from double that of a resident to 25% above a resident's fee for pool passes. T. Flick stated he is also recommending that individual and family season passes be increased by \$5.00 to help with offsetting operational and repair costs for the pool facility. Board members reviewed the proposed fee chart and discussion took place.

*Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Approve the Proposed 2011 Resident and Non-Resident Season Pool Pass Fees as presented.*

Ayes 6, Nay 0 – Motion Carried

**Unfinished Business**

Clerk Schneider reminded Board members and staff that RSVPs to the Recognition Dinner are due this week.

**Items for Future Agenda**

Animal Ordinance, ATV Snow Removal Ordinance, Class A Closing Hours Ordinance, Request to install thin ice warning signs by one of the inlet pipes to Buchanan Pond. T. Flick requested to bring forward at a

future meeting a park and recreation policy that addresses setting reduced recreation program fees for families of oversees military personnel. Trustee Hietpas asked for an update on the Dutch Boyz project before the end of January and he also asked for a copy of the contract to be included in the packets.

**Adjournment**

*Moved by Trustee Van Deurzen, seconded by Trustee Frassetto to Adjourn the Committee of the Whole meeting at 6:33 p.m.*

Ayes 6, 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