

MINUTES OF THE REGULAR BOARD MEETING OF JANUARY 5, 2011

The Regular Board meeting was called to order at 6:00 p.m. by John Elrick, Village President Pro Tem

Invocation

President Pro Tem Elrick called for a moment of silence.

Pledge Allegiance to the Flag

President Pro Tem Elrick led members in the reciting of the Pledge of Allegiance.

Roll call of Trustees

PRESENT: John Elrick, President Pro Tem
Tammy Frassetto Trustee
James Hietpas, Trustee
Dan Mahlik, Trustee
Janet Verstegen, Trustee

EXCUSED: Charles Fischer, President
Don Van Deurzen, Trustee

Roll Call of Officers and Department Heads

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

Public Appearance for Items Not on the Agenda

Amanda Diedrich, 1404 N. Harrinan St., Appleton, introduced herself as a candidate for County Clerk.
Michael Stouffer, 714 Bluff Avenue, stated he is interested in seeing a list of people that are going to be affected by the storm sewer ordinance change and the effect it is going to have on them and he asked the Board to consider having staff prepare an impact statement.

Approval of Minutes

Regular Board Meeting Minutes – December 15, 2010

Committee of the Whole Meeting Minutes – December 22, 2010

Moved by Trustee Verstegen, seconded by Trustee Mahlik to approve the Regular Board Minutes of December 15, 2010 and the Committee of the Whole Minutes of December 22, 2010 as presented.

Ayes 5, Nay 0-Motion Carried

Report of Other Minutes-Other Informational Items

Plan Commission Meeting Minutes – November 8, 2010

Kimberly-Little Chute Public Library Board Meeting Minutes – November 16, 2010

Board noted receipt of items.

Ordinances:

- a) **Creating Section 30-36 Synthetic Cannabinoid Prohibited of Chapter 30 Offenses of the Village of Little Chute Municipal Code**

Moved by Trustee Frassetto, seconded by Trustee Verstegen to Adopt Ordinance No. 1, Series of 2011 Creating Section 30-36 Synthetic Cannabinoid Prohibited of Chapter 30 - Offenses of the Village of Little Chute Municipal Code as presented.

Ayes 5, Nay 0 – Motion Carried

b) Amending Village Code of Ordinances Chapter 16, Finance and Taxation – Section 102 Mini-Storm Sewers/Storm Sewer Laterals, Chapter 34 Public Utilities, Section 34-2 Mini-Storm Sewers/Storm Sewer Laterals, Section 34-128(f) Sump Pump Discharge Regulated and Section 42-134(d)(3) Subdivision Regulations – Drainage System Requirements – Sump Pump Connection Requirements

President Pro Tem Elrick asked the Public Works Director if he could comment on Mr. Stouffer's request. R. Van Gheem stated that they do not have a count on the number of downspouts in the Village that would need to be disconnected and it would take quite a while for staff to determine the number because it would require a Village wide inspection of all homes and he also noted that the ordinance is just clarifying the policies that have been in place for a long time. R. Van Gheem stated that the requirements of the ordinances will be dealt with during Village construction projects or if there is an area with an issue, then an order would be issued. R. Van Gheem stated that as of now the Department is not going out to look for problems. Discussion continued.

Moved by Trustee Verstegen, seconded by Trustee Mahlik to Adopt Ordinance No. 2, Series of 2011 Amending Village Code of Ordinances Chapter 16, Finance and Taxation – Section 102 Mini-Storm Sewers/Storm Sewer Laterals, Chapter 34 Public Utilities, Section 34-2 Mini-Storm Sewers/Storm Sewer Laterals, Section 34-128(f) Sump Pump Discharge Regulated and Section 42-134(d)(3) Subdivision Regulations – Drainage System Requirements – Sump Pump Connection Requirements as presented.

Ayes 5, Nay 0 – Motion Carried

Action to Approve Amending the Village's Mini-Storm Sewer/Storm Sewer Lateral Policy

R. Van Gheem stated that the policy is being updated to reflect the requirements of the ordinances and the practices that were adopted in the 1990's.

Moved by Trustee Frassetto, seconded by Trustee Verstegen to Approve the Village's Mini-Storm Sewer/Storm Sewer Lateral Policy as presented.

Ayes 5, Nay 0 – Motion Carried

Draw Names for Ballot Placement – Village President and Village Trustee Candidates

Clerk Schneider stated that there are three candidates running for the Village President seat and a Primary Election for this office will be held on February 15, 2011 with the General Election being held on April 5. The names of the candidates for Village President were drawn by Attorney Koehler in the following order for ballot placement:

1. Mike Vanden Berg
2. Chuck Fischer
3. Steven E. Ransbottom

Clerk Schneider stated that there are six candidates for Village Trustee and Trustee Verstegen has filed non-candidacy papers. The election for Village Trustees will be April 5, 2011. The names of the candidates for Village Trustee were drawn by the Village Attorney in the following order for ballot placement:

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|--------------------|--------------------|
| 1. Brian Joosten | 4. John Elrick |
| 2. Bill Peerenboom | 5. Don Van Deurzen |
| 3. Bob Berken | 6. Skip Smith |

Discussion/Possible Preliminary Approval of Holland Road Agreement

C. Kell recognized County Supervisor Don De Groot for his work on the issue stating Mr. De Groot has been a real advocate for the Village on this issue. C. Kell reviewed the background of an agreement signed in 2005 between the Village, the County, and the Towns of Vandebroek and Grand Chute concerning the reconstruction and expansion of the County Landfill and the reconstruction of Holland Road between Florida Avenue and W. Elm Drive. The County is requesting that Holland Road be upgraded in 2011 because in late 2011 or early 2012 the landfill is going to be used by Brown and Winnebago Counties as part of the three county landfill consortium agreement. C. Kell stated the Town of Vandebroek has refused to be responsible for the reconstruction costs of their half of Holland Road which led to negotiations and a proposal for a new agreement. C. Kell reviewed the proposed new agreement between the Village, County, and Town of Vandebroek for payment of the reconstruction of Holland Road and he noted that Grand Chute is not part of the road agreement. As part of the agreement the Town of Vandebroek will turn over ownership of the West side of Holland Road to the Village and the street will be annexed into the Village. C. Kell noted that the funding agreement is not completely equitable but it is superior to where the negotiations with the Town and County originally started. The total project cost is estimated at \$448,000 and the County trust fund for impact fees allots \$300,000 for the Holland Road projects and \$60,000 of that fund is designated to the Town for Holland Road reconstruction and \$216,000 to the Village for the reconstruction. The preliminary agreement requires the Town of Vandebroek to allocate its \$60,000 towards the project and it also requires the Town to agree to the West half of Holland Road between Elm Dr. and Florida Avenue being annexed into the Village. The Village is required to allocate its \$216,000 to the project and the County will contribute \$86,000. Discussion took place on the proposed preliminary agreement. Trustee Mahlik expressed concerns with the truck traffic coming into the Village on Hwy. N and Cty. OO. C. Kell stated he would like the Board to take action on the preliminary agreement but he noted that the agreement is not in final form as the signature page needs to be added. Trustee Frassetto questioned if there would be any modifications in the agreement and C. Kell stated that he didn't believe there would be any and the agreement with the Town regarding the annexation would be a separate agreement as the County does not want to be involved in that agreement. C. Kell noted that an agreement with Vandebroek for them to turn the road over to the Village needs to be in place before any money is spent on the road except the Village may move forward with the design as soon as possible. President Pro Tem Elrick expressed concern with attracting favorable bids from contractors. Trustee Frassetto stated she would like to see the agreement in final form before it is signed. C. Kell stated that the agreement needs to be approved by the County and the Town and any of these units could request changes and he is recommending that the Village Board approve the preliminary agreement so the County knows where the Village stands on the agreement. Attorney Koehler commented that he had reviewed the agreement and the essential terms are in the agreement and the Board can reserve the right to review the agreement if there are any material changes to the substance of the agreement and if the Board signs it now it can serve as in impetuous for the other municipalities to sign it. Discussion continued on signing the agreement at this time.

Moved by Trustee Verstegen, seconded by Trustee Mahlik to Approve the Holland Road Agreement and if there are any material changes it is to be brought back to the Village Board.

Ayes 5, Nay 0 – Motion Carried

Operators License:

None

Department and Officers Progress Reports

B. Carpenter provided Board members with a handout on the programs coming up in January and she also informed the Board that she has started a six month planning process to evaluate the library based in part on

the Wisconsin Public Library Standards and focus groups are being established for the process and the result will be a five year plan for the library. B. Carpenter also invited Board members to stop by the library for a personal tour. Chief Misselt responded to Board members questions from the last meeting on the ordinances that were presented. Chief stated that in regards to the animal ordinance and the question if an animal can be euthanatized after one attack the answer is no as State Statutes read the animal shall be euthanatized after two attacks. Chief Misselt stated the fee of \$75 for registering the vicious animal is just a standard fee and he also noted a typo in the proposed ordinance was corrected. Chief Misselt stated that the requirement to be the age of at least 16 to walk a pet is if the animal has been classified as a dangerous animal. Chief Misselt stated that in response to questions concerning the ATV snow removal ordinance, the statutes refer to a two-mile range but regardless he does not recommend allowing ATV's on the roadway in this way but that is an issue for the Board to decide and the ordinance will be brought back to the Board for discussion. Chief Misselt clarified that the speed issue for the ATV's is that if they are being allowed from one point to another on the roadway, they are allowed to go up to 15 mph and the 5 mph restriction is for the ATV while it is plowing snow but because we are a Village and not a rural area, the laws state the maximum speed is 10 mph when traveling between areas. Chief Misselt reported that the Class A beer sales closing time ordinance is ready to be presented to the Board and he also reported that the meeting with the downtown businesses concerning parking is being planned and the Board will be notified of the meeting date. Chief Misselt updated the Board on the hiring status of an officer to fill a vacant position stating they are down to one candidate and they are currently in the process of conducting a background check. D. Haug reminded the Board that several months ago they approved the hiring for a deputy clerk position that would be shared between the Clerk's office and the Finance Department and that process of sharing the position has been working out well. D. Haug noted that there is a more than usual amount of invoices being presented for payment with this week's disbursement list because of property tax refunds, committee and commission member payments, and year-end invoices. C. Kell reported that Hollie Hammen, a LC resident that serves on the Design Review Board and the individual responsible for painting the mural at Legion Park, is in the process of investigating opening an art gallery in the former locks tender house on Mill St. and as part of the venture she is considering the submittal of a grant application for a "Phantom Art Gallery" which she would like to place in a vacant store front in the downtown. C. Kell provided Board members with a handout on the grant program and stated he would like to provide a letter of support from the Village and assist with some in-kind funding. C. Kell stated he will keep the Board updated on the project. C. Kell provided Board members with a copy of an email and the design proposal for the Ebben Subdivision from Architect Curtis Biggar. C. Kell stated that staff reviewed the proposal of a condo (common) ownership development concept and staff all agreed that the development would be difficult to market in Little Chute and it would be a very high risk undertaking. C. Kell noted that Mr. Biggar is suggesting that a public informational meeting be held on the proposed design and the Administrator asked the Board where they want to go with this issue. Trustee Verstegen stated that she agrees with the Administrator and staff on going ahead with the initial plan. Trustee Hietpas stated he would be in favor of waiting another week or two on making a decision to give him a chance to review the proposal. Trustee Mahlik stated he agreed with the Administrator. President Pro Tem Elrick commented on the Village having to be responsible for the maintenance of the common use areas and he hears that in the market condos are not fairing well. T. Flick stated that the proposal that Mr. Biggar is presenting eliminates all park land that is proposed for that area. C. Kell stated staff will proceed as originally planned with the subdivision. C. Kell also reported that the closing took place on December 30 for the real estate transactions for the Phillips and De Bruin properties and he also noted that he is still working with Keller and the Plastics Company and it is still a live project. C. Kell reported that a national pizza franchise is in the process of negotiating a lease for a downtown property. C. Kell commented on the goal as presented in the 2011 budget to study alternatives for the Village's building inspection program but due to the election of a new governor and the changes he is planning for the Dept. of Commerce, he would like to hold off as right

now the Dept. of Commerce does all of the building plan reviews for commercial and industrial properties and that may be changing and it could be that municipalities will be required to perform additional duties. C. Kell mentioned that he and the Finance Director had attended a Northeast Wisconsin Economic Development forum and a number of CEO's from major companies were involved in the forum panel including Peter Helander of Heartland Business Systems and the Village was publically given a glowing endorsement for working with companies. C. Kell stated there is a webcast of the forum and he is going to see if he can get permission to use the clip of the comments about Little Chute on the Village's website. J. Moes – no report. T. Flick reported that applications for summer positions are now available on the Village's website and he also noted that 12 deer were culled in this year's hunt compared to 10 deer culled last year. T. Flick reported that the Shooting Stars Dance Team took part in another competition and they took 1st place in two competitions and they have been granted a request to participate in a State competition and the Dept. is very proud of them as they are doing a phenomenal job. T. Flick reported that the Department has completed their first route through the Village for Christmas tree collection and they will continue to do this through February. T. Flick informed the Board that at the end of December he received formal notification that the Village had received the grant funding for the Pedestrian Bridge and Trail project. T. Flick reported that the Park Planning Committee will be meeting next week to continue formalizing short and long term plans for the Board to review on pool maintenance and the future of the facility and he also noted that Mary Gitter has resigned from the Committee and a new member will be recommended for appointment. R. Van Gheem provided an update on the Buchanan Pond construction project and stated they are currently advertising for bids for a project at Wellhouse No. 3. V. Schneider reported that the 2009 Board of Review will be reconvening on Thursday, Jan. 13th to reclassify the David Allen property. Attorney Koehler reported on the case of the razing of the dilapidated duplex and the court granted a judgment in favor of the Village at the end of December so the property owner was ordered to raze the duplex and this should be done by spring.

Disbursement List

Moved by Trustee Verstegen, seconded by Trustee Frassetto to Approve the Vouchers as presented and Authorize the Finance Director to draw from the Respective Funds.

Ayes 5, Nay 0 – Motion Carried

Call for Unfinished Business

Chief Misselt provided Board members with a copy of frequently asked questions concerning snow removal with ATV equipment.

Items for Future Agenda

ATV Snow Removal Ordinance, Vicious Animal Ordinance, Class A Beer Sales Closing Time Ordinance

Adjournment

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adjourn the Regular Board meeting at 7:27 p.m.

Ayes 5, Nay 0-Motion Carried

VILLAGE OF LITTLE CHUTE

By: _____
John Elrick, Village President Pro Tem

Attest: Vicki Schneider, Village Clerk