

MINUTES OF THE REGULAR BOARD MEETING OF MARCH 16, 2011

The Regular Board meeting was called to order at 6:00 p.m. by Charles Fischer, Village President

Invocation

President Fischer called for a moment of silence.

Pledge Allegiance to the Flag

President Fischer led members in the reciting of the Pledge of Allegiance.

Roll call of Trustees

PRESENT: Charles Fischer, President

John Elrick, Trustee

Tammy Frassetto, Trustee

James Hietpas, Trustee

Dan Mahlik, Trustee

Don Van Deurzen, Trustee

Janet Verstegen, 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

Vicki Schneider, Village Clerk

EXCUSED: Charles Koehler, Village Attorney

Public Appearance for Items Not on the Agenda

Michael Stouffer, 714 Bluff Avenue, commented on the snow and ice removal agenda item and he recommended that since a sidewalk in violation of not being shoveled in 24 hours most likely needs to be inspected to determine if it is a violation, it seems to him that it would be straightforward to notify the owner of the offending property by putting a tag on the door thereby notifying them of the Village's intent to clear the snow in the next 24 hours. Mr. Stouffer commented that he doesn't believe that would be a difficult thing to do administratively and it would go part way toward a due process for a Village resident when the Village is going to assess them for snow removal. Mr. Stouffer commented on the issue of a resident being out of town during a snow storm and further stated he would protest the way that the ordinance is written as there is not adequate due process involved in it. Mr. Stouffer also stated he has complained both publically and privately on a number of occasions over the last several years about the Board's practice of putting an item on the agenda in closed session and then immediately voting on the item during the same meeting in open session as that doesn't allow for any public commentary on the item.

Brian Peterson, Little Chute Parks Employee spoke on behalf of their union that represents the Public Works and Parks Department, stating that as a union they want the Village Board to understand their reasoning for the approach they are taking with the contract proposal. Mr. Peterson further stated that they understand the financial strain the Village will have in the future and by redoing the contract and extending it for two years, declining any raises and contributing towards their retirement and more towards their health insurance, they are hopefully doing what they can to reduce the Village's financial burden.

Approval of Minutes

Regular Board Meeting Minutes – March 2, 2011

Committee of the Whole Meeting Minutes – March 9, 2011

Moved by Trustee Verstegen, seconded by Trustee Frassetto to approve the Regular Board Minutes of March 2, 2011 and the Committee of the Whole Minutes of March 9, 2011 as presented.

Ayes 7, Nay 0-Motion Carried Unanimously

Report of Other Minutes-Other Informational Items

None

Ordinances:

a) Amending Village of Little Chute Code of Ordinances Section 30-36 Synthetic Cannabinoid Prohibited

Chief Misselt stated this is a modification of the existing ordinance and it was requested by the municipal courts to separate out possession and sale in terms of penalties.

Moved by Trustee Frassetto, seconded by Trustee Verstegen to Adopt Ordinance No. 6, Series of 2011 Amending the Village of Little Chute Code of Ordinances Section 30-36 Synthetic Cannabinoid Prohibited as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

b) Amending Village of Little Chute Code of Ordinances Section 40-65 Snow and Ice Removal

R. Van Gheem stated notification will be through publishing a notice each year but direct notification will not be given. R. Van Gheem explained that the Village only responds to complaints and he explained the process that is currently used and stated they are asking for consideration for changing the ordinance because in many instances it involves repeat offenders and the ordinance change would no longer require that a written notice be sent but the Board could also opt to leave the ordinance as is or change the timeframe to 48 hours. Discussion took place.

Moved by Trustee Frassetto, seconded Trustee Elrick to Adopt Ordinance No. 7, Series of 2011 Amending Village of Little Chute Code of Ordinances Section 40-65 Snow and Ice Removal as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

Resolutions:

President Fischer stated the Plan Commission had reviewed the resolution for the CSM's and they have recommended approval.

a) Approving CSM for Ashford Leasing, LLC – Lot 3 of Elmview Heights

Moved by Trustee Verstegen, seconded by Trustee Elrick to Adopt Resolution No. 5, Series of 2011 Approving the CSM for Lot 3 of Elmview Heights as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

b) Approving CSM for Ashford Leasing, LLC – Lot 4 of Elmview Heights

Moved by Trustee Verstegen, seconded by Trustee Elrick to Adopt Resolution No. 6, Series of 2011 Approving the CSM for Lot 4 Elmview Heights as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

c) Approving CSM for Ashford Leasing, LLC – Lot 5 of Elmview Heights

Moved by Trustee Verstegen, seconded by Trustee Elrick to Adopt Resolution No. 7, Series of 2011 Approving the CSM for Lot 5 Elmview Heights as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

d) Congratulating the LCHS Boys Basketball Team on Their Successful Season and First Trip to the WIAA State Tournament

Moved by Trustee Hietpas, seconded by Trustee Elrick to Adopt Resolution No. 8, Series of 2011 Congratulating the LCHS Boys Basketball Team on Their Successful Season and First Trip to the WIAA State Tournament.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action to Approve Joint Library Agreement

Moved by Trustee Elrick, seconded by Trustee Mahlik to Approve the Kimberly-Little Chute Joint Library Agreement as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action on Kimberly-Little Chute – Combined Locks Intergovernmental Police Protective Services Agreement

Chief Misselt commented that the Combined Locks Village Board unanimously to enter into the agreement and they think that this agreement will benefit everyone involved and it is an exciting time and he looks forward to taking this on and moving forward with the Department. The Kimberly Village Board will be acting on the agreement next Monday.

Moved by Trustee Elrick, seconded by Trustee Mahlik to approve the Kimberly-Little Chute-Combined Locks Intergovernmental Police Protective Services Agreement as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action to Transfer the Liquor License for the 5th Quarter to The Factor Inn, LLC

C. Kell explained that the current owner has voluntarily surrendered the business to the bank and the creditors and the bank wants to keep the business open so it maintains its value and there is a better opportunity for sale of the property and that is why the request is to transfer this license to a leasee that will be representing the receivership in this surrender. C. Kell stated that this business had received a revolving loan from the Village about six years ago and they currently are in arrears on their payments to the Village totaling \$9,200 and the Village is in second mortgage position on the property and the total balance of their revolving loan is \$66,000 and they also owe \$2,300 in personal property taxes.

C. Kell stated that they are hoping that as the bank moves through this process with a new owner that something is worked out so the Village can collect what is owed. C. Kell stated that this particular operator, operates a bar in Ashwaubenon and they have agreed to temporarily lease the property and keep it open for the bank and they may look at an eventual purchase. Chief Misselt informed the Board that given this particular case and given it is a temporary situation, they have no objections but should it become a more permanent or long term situation there are some things that came up during the background check that the Board will be made aware of.

Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to approve the transfer of the liquor license for the 5th Quarter to the Factor Inn, LLC.

Ayes 6, Nay 1(Frassetto) – Motion Carried

Discussion/Possible Action – Little Chute Baseball Club Light Request

T. Flick commented on the options being presented which are for the Village to provide financing with the Club making a 50/50 match; the Village provides financing and the Club repays 100%; or the Village provides financing and pays 100%. T. Flick also commented on the issues that staff wants the Board to consider which are that the lighting project will not be included in the CIP and if approved he does not want the improvement to reflect negatively against future requests for park development; to consider if a precedent is being set for other organizations to request non-budgeted park improvements; and if the

Village is providing financing, what type of guarantee is there from the Baseball Club that payments will be made and what recourse is there for the Village if they fail to uphold their financial commitment to the project. Discussion took place. Tom Meyers commented that if they would receive any donations from other groups towards the project, all of the money donated would be put toward the project and he also stated that as far as reassurance he noted all of the projects completed in the past for the parks and all of those projects are debt free. Trustee Van Deurzen stated he supports option B but with the Club putting something towards the cost to start off with. President Fischer stated he could also accept option B with little or no interest being charged. Trustee Frassetto stated she was in favor of option A as it is an improvement to the parks and for the Baseball Club and it should be a shared cost. Tom Meyers stated the project would not happen until 2012. Trustee Verstegen suggested that a contract be drawn up and stated she was in favor of option A. T. Flick stated four out of the current six diamonds are available for Little League. Tom Meyers stated that they only use two diamonds for Little League play. Trustee Elrick commented on the lights being planned for in a future CIP and he doesn't know if the club should be on the hook for the entire cost of the project if the Village would be planning to put them in at some time anyway.

Trustee Van Deurzen expressed concern with setting precedence for other clubs. Trustee Elrick stated that he didn't think the Board could come to a consensus this evening but he asked for the issue to be looked at later in the year during budget discussions. No action was taken.

Operators License:

Bob E. Gersmehl W2414 Buchanan Rd. Appleton Pine Street Bar

W2414 Buchanan Rd. Appleton

on Pine Street Bar

Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to Approve the Operators' Licenses as listed on the agenda.

Ayes 7, Nay 0 – Motion Carried Unanimously

Department and Officers Progress Reports

B. Carpenter informed the Board that today was Fox Cities Read promo day and she encouraged involvement in the Fox Cities Read Program and book discussion programs and she also invited Board members to a wine and cheese tasting event at the Library on March 17th. B. Carpenter stated that community leaders are being selected to gather their input as part of the Library's Planning Program and focus groups will also be set up. B. Carpenter stated that National Library Week is April 11th – 18th. B. Carpenter also reported that she has completed the 2010 Annual Report that is submitted to DPI and a copy will be provided to the Village Administrator. Chief Misselt – no report. D. Haug commented that the two tier budget bill information being provided has not had final numbers so staff will continue to monitor the situation with the State's budget bills. D. Haug also reported that he is in the process of completing the PSC annual report and the annual audit will begin next month. C. Kell reported that he had received a number of calls from citizens regarding the Public Works Department picking up snow and the Public Works Director had stated to him that this is a routine practice to keep water off the streets. C. Kell reported that Richard Phillips, 707 Florida Ave, has complained to him again this year regarding standing water and the Public Works Director reviewed the situation and there is some settlement in the curb line and it would cost approximately \$1,500 or more to fix. C. Kell stated that Mr. Phillips isn't happy that it hasn't been fixed and he would like to appear before the Village Board in the near future. C. Kell informed the Board that Baker's Outlet will be submitting a façade renovation plan that will be reviewed by the Design Review Board he will be bringing forward a request from them for the matching loan from the façade improvement program. C. Kell informed the Board that has a preliminary ok from one land owner on Rose Hill Road for the pedestrian trail concept and they are still awaiting feedback from the owner of the apartment complex. C. Kell also reported that he and J. Moes had met with the school district representatives regarding the Ebben subdivision and the school district boundaries and the School Superintendent is going to do a study on school choice students they already have in Little Chute schools from the surrounding area. J. Moes reported that the 2010 census numbers are not correct for Little Chute as they reduced the Village's population approximately 600 from what the DOA had estimated and he has

found numbers for the census blocks and it is apparent that the Census Bureau has omitted an area of the Village and he is currently investigating to see if there is an appeal process to get the figures corrected, as the population number has a dramatic effect on the Village's shared revenue and shared services allocations. T. Flick reported that the notice for bid proposals for the Pedestrian Bridge and Trail is currently being advertised and the bid opening will be April 4th. T. Flick also reported that the Jaycees may be coming forward with a proposal for a park improvement project and he will keep the Board updated on the proposal. T. Flick also alerted the Board that a stay of order for trimming of some bushes is ending on May 1st and the Department will move forward with enforcing the order after May 1st if nothing is done to change the ordinance. R. Van Gheem stated that in addition to their normal duties they are working with Open Range Communications on the installation of their equipment on the Jefferson Street Water Tower and they are also working on bid packages for the 2011 projects.

V. Schneider reported that the Spring newsletter will be sent electronically this week and the hard copy will be mailed next week and she also reported that absentee ballots for the April 5th Election are now available.

Disbursement List

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

Ayes 7, Nay 0 – Motion Carried Unanimously

Call for Unfinished Business

President Fischer thanked Trustee Verstegen for all she has done as a trustee and for her involvement with the Garden Club and the other committees she has been involved in and he further stated that she has been a great contributor to the Village.

Items for Future Agendas

Board members agreed to the Finance Director's recommendation to have the Village's Financial Consultant make a presentation at the May 11th Committee of the Whole Meeting concerning a debt package for the 2011 projects.

Moved by Trustee Elrick, seconded by Trustee Verstegen to Enter into Closed Session. (7:14 p.m.)

Ayes 7, Nay 0- Motion Carried Unanimously

Closed Session: 19.85(c) Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute

a) Performance Evaluation of the Village Administrator

b) Union Proposal to Amend the Existing AFSCME Local – 130 Bargaining Agreement and Extend the Agreement through 2013

Moved by Trustee Frassetto, seconded by Trustee Elrick to Exit Closed Session and Return to Open Session. (8:30 p.m.)

Ayes 7, Nay 0 – Motion Carried Unanimously

Return to Open Session –

Action on 2011 Salary Increase for Village Administrator

Moved by Trustee Frassetto, seconded by Trustee Hietpas to Table Action on the Salary Increase for the Village Administrator until next week's Committee of the Whole meeting.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action on Union Proposal to Amend the Existing AFSCME Local – 130 Bargaining Agreement and Extend the Agreement through 2013

Moved by Trustee Frassetto, seconded by Trustee Hietpas to Table Action on the Union Proposal to Amend the Existing AFSCME Local 130 Bargaining Agreement until next week's Committee of the Whole meeting.

Ayes 7, Nay 0 – Motion Carried Unanimously

Reconsider/Possible Action on Non-Union Retirement Benefits/Wage Issue – Requested by Trustee Elrick

Moved by Trustee Elrick, seconded by Trustee Frassetto to Table Action on Reconsidering the Non-Union Retirement Benefits/Wage Issue until next week's Committee of the Whole Meeting.

Ayes 6, Nay 1(Mahlik) – Motion Carried

Adjournment

Moved by Trustee Van Deurzen, seconded by Trustee Frassetto to Adjourn the Regular Board meeting at 8:35 p.m.

Ayes 7, Nay 0 - Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk