

## **MINUTES OF THE REGULAR BOARD MEETING OF AUGUST 17, 2011**

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

EXCUSED: Skip Smith, Trustee

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

PRESENT: Charles Kell, Village Administrator  
Mark Recker, Police Captain  
Jim Moes, Community Development Director  
Tom Flick, Director of Parks, Recreation, and Forestry  
Roy Van Gheem, Director of Public Works  
Vicki Schneider, Village Clerk  
Charles Koehler, Village Attorney

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

Michael Stouffer, Bluff Ave., commented on the Open Meetings law.

### **Approval of Minutes**

Regular Board Meeting Minutes – August 3, 2011

Committee of the Whole Meeting Minutes – August 10, 2011

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to approve the Regular Board Minutes of August 3, 2011 and the Committee of the Whole Minutes of August 10, 2011 as presented.*

Ayes 6, Nays 0-Motion Carried

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

*Minutes of the Plan Commission Meeting-July 11, 2011*

*Record of the Public Hearing on Special Assessments – August 10, 2011*

Board members noted receipt of the informational items. Trustee Berken pointed out an error in the Record of the Public Hearing on Special Assessments concerning the area described for construction of concrete pavement and Clerk Schneider stated she will make the correction to the record.

### **Ordinances**

#### **Amending Village of Little Chute Municipal Code Section 26-131 (a) –(d) Penalties**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adopt Ordinance No. 15, Series of 2011 Amending the Village of Little Chute Municipal Code Section 26-131 (a)-(d) Penalties.*

Ayes 6, Nays 0 – Motion Carried

#### **Amending Village of Little Chute Municipal Code Section 40-177 Street Use Permits**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adopt Ordinance No 16, Series of 2011 Amending Village of Little Chute Municipal Code Section 40-177 Street Use Permits.*

Ayes 6, Nays 0 – Motion Carried

## **Discussion/Possible Action – Rosehill Road Bike Lanes**

Mike Vande Voort, 2200 E. Wisconsin Ave., stated that although he is an avid bike rider he felt that having a bike lane for one block would be ridiculous and that Rosehill Rd. has limited parking to start with and he commented on various reasons why he opposes eliminating parking for bike lanes. Gordy McDaniel, 33 St. Charles Place stated that he is an avid bike rider and that he bikes on Rosehill Rd. and he believes it is important to have bike lanes and he provided comments on his position to support bike lanes and he noted that bike lanes are an asset for communities that have them. Sara Eslinger, 1005 Washington Street, stated the difference between bike route and bike lane should be discussed. Ms. Eslinger commented that if a bike route was chosen then bike riders would still have a route and parking is allowed on a bike route and not on a bike lane. Lori Malone, 1209 Rosehill Rd., stated that she has family that comes to see her in the winter and if parking is taken away on the street then where are people supposed to park as she and her neighbors have small driveways and she also stated that as taxpayers and having to pay special assessments for the new road, the parking should not be taken away from the residents. Trustee Frassetto commented on a suggestion received from Fox Cities Greenway, Inc. that would allow for bike lanes on both sides of the street with parking on one side. R. Van Gheem stated that based on the bike facility planning guide for one lane of parking, two driving lanes, and whether you are accommodating or creating bike lanes, the width of the street needs to be 41 feet back to back and this section of Rosehill Rd. is not planned for reconstruction at that width and if the road is widened the terraces will be narrower, trees will be removed, and the driveway aprons will be steeper. R. Van Gheem noted that if the Bike Facilities Design Handbook isn't followed then there are probably other possibilities. R. Van Gheem noted that the Board had already made a decision on the design of this street and if they want staff to look at it again, it will delay the project. Trustee Frassetto stated that she understands bike lanes are important but so is parking and she would like the Board to find a way to accommodate both. C. Kell stated that he supports the idea to try to accommodate both bike lanes and parking but the Board should be aware of the fact that the street plan the Board decides on will be in place for 40 to 50 years and he believes that biking will become more important in the future. Discussion continued. Board members reviewed the Bike Facilities descriptions document that was provided by the Public Works Director. Trustee Mahlik pointed out that if residents would show up at the public meetings for the planning of the streets then some of these issues could have been taken care of so not to slow down the progress of the project. Trustee Mahlik stated he also supports bike lanes as there are not many safe places for biking and the Board needs to look toward the future. Trustee Peerenboom stated that his suggestion would be to keep the road as it currently is which is a shared roadway. The description of a shared roadway is one where bicyclists and motorists are accommodated in the same travel lane.

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to continue the project on Rosehill Road as a Shared Roadway which would be a bike route which would allow for parking and bicyclists.*

Further Discussion: Trustee Mahlik questioned whether it should be marked as a bike route as it isn't really doing any good, as a bike route is supposed to guide the cyclist to a designated bike trail. R. Van Gheem stated that would be directing them to a preferred route and he could think of a better route than Rosehill Rd. R. Van Gheem stated in his opinion it does not pay to put up signs for the bike route. Trustee Mahlik stated that because parking is being allowed, it should be left as is with two driving lanes with parking and it shouldn't be marked as a bike route. R. Van Gheem stated that the issue is that parts of the bike plan are being chopped off so why not change the plan. T. Flick noted that Rosehill Rd. north of Hwy. 96 will have bike lanes so someday they will be sending people to a designated route and Cty. 00 and Rosehill Rd. is the connection to the Paper Trail. Discussion continued. T. Flick noted that staff has been talking at a possible change to the bike plan and looking at a different road, possibly Sanitorium Rd., based on the width of roads and he agrees that the bike signs on Rosehill Rd. from Wisconsin Ave. to Main St. should not be put up at this time and they could always be put up in the future. R. Van Gheem stated that Sanitorium Rd.

is currently being designed and it does not call for bike lanes so if the Board wants to consider adding them, that should be looked at in the very near future. Trustee Peerenboom stated that he agreed with Trustee Frassetto that as soon as the Board decides on a bike plan, it should be signed as a bike route so the people become familiar with it. Trustee Frassetto stated that at this time the motion does not call for any additional expense for the road project and the expense to add bike lanes and signage would be a future cost.

Mr. McDaniel stated that he is concerned that if the bike lanes are taken out now to allow for parking, they will never come back and the decision was made earlier by the Board on how to build the road and now they are going to change that and he is not happy that the bike lanes are being eliminated. Trustee Peerenboom confirmed that the assumption is that there would be no lines on the road for parking, bikes, or a center line. President Vanden Berg stated his feeling is that the Board needs to revisit the bike facilities plan as there are issues with parking and he fully understands the concerns of the citizens. Discussion continued.

R. Van Gheem suggested a meeting be held very soon concerning the street design for Sanitorium Road.

*Trustee Peerenboom called the question.*

Vote on the Motion:

Ayes 6, Nays 0 – Motion Carried

### **Discussion/Possible Action - Deer Culling Program**

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Approve the Deer Culling Program for Heesakker Park and Electric Island as recommended by the Parks Director.*

Further Discussion: Trustee Berken question whether the Parks Director had checked with the DNR to see if this area is in a herd control zone and the Parks Director responded that he had not. Trustee Peerenboom commented that a number of people had commented to him that they are glad the Village is going to continue this program and he also has received questions about the proposed archery range. Russ Drews, 2309 Riverside Dr., commented that the bucks are the biggest problem and nuisance and he questioned why the doe are being culled but not the bucks. T. Flick explained that it was the DNR's recommendation to eliminate the female species in order to control population. Discussion continued on the possibility of adding a earn a buck aspect to the program if the area is in a herd control zone. John Elrick, 501 Appletree Ln., commented on taking one of each species or requiring the taking of two doe before being allowed to take a buck.

*Trustee Frassetto withdrew her motion because the motion didn't specify including the earn a buck program if the area is in a deer herd control zone.*

President Vanden Berg asked if the consensus from the Board was to allow for the earn a buck program if it is allowed in this area and Board members agreed.

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to approve the Deer Culling Program as presented with the option to include a earn a buck program following the State's regulations if the area is in a herd control zone.*

Further Discussion: Trustee Berken stated he liked Mr. Elrick's recommendation that a hunter would have to shoot two doe before being allowed to shoot a buck. John Elrick commented that he is fairly certain the rules for herd control are that multiple doe and a buck can be culled in the same season but his point was that if a hunter shot a doe this year, next year they could shoot another doe and then a buck. T. Flick stated that his recommendation states each hunter may cull multiple deer if this section is a herd control zone so he will see what can be done.

Vote on the Motion:

Ayes 6, Nays 0 - Motion Carried

### **Discussion/Possible Action Regarding Request for a Rock Crushing Permit at 1800 W. Main St, North of the Railroad Tracks**

Trustee Peerenboom questioned if there had been any complaints with the operation in the past decade and staff indicated they had received complaints. Chris Hartwig stated that they had not received any complaints since 2006 when they met with the neighbors and the complaints concerned the starting time of

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6 a.m. and they have moved the starting time to 7 a.m. Mr. Hartwig stated that they have installed a blacktop

driveway and they are not dragging material onto the highway and they are controlling the dust. Mr. Hartwig stated that Michels Corporation is scheduled to do the vibrating screening project which recycles concrete into road material and he would like to start the operation on Monday. Mr. Hartwig stated that they will have a DOT grade specification product that can be used on the Village's sewer projects and that he discussed using this material with Hietpas & Sons and the Village will save \$30,000 on their utilities bid and he has also committed this product for use for the windmill project. Mr. Hartwig stated that Michaels Corporation has the required insurance and a DNR air permit to run the mobile plant and he is asking for the permit until the middle of October but he expects the project to be completed by the end of September and he will do his utmost to cooperate with the Village.

Mr. Hartwig also reported that sill fence has been installed so there won't be a problem with runoff issues and a water meter will be obtained from the Village and they will introduce water into the breaker part of the operation so that very little adverse dust will be coming out of the process. Mr. Hartwig stated that Michaels only has two of these mobile plants and they had been in Milwaukee working and he wasn't exactly sure when they would be working on his site and they just confirmed last week that they would be available to start next week and he had informed Mr. Kell of this last week.

*Moved by Trustee Mahlik to Approve the Rocking Crushing Permit for Mr. Hartwig.*

Mr. Hartwig stated that if there is anything they can do better or if the Board doesn't think they are doing a good job or if the neighbors have issues, they should let him know. Mr. Hartwig further stated that they will be making about 100,000 ton of product and this will not be consumed or sold by him and the Village's bid with Hietpas and Sons will take about 15,000 tons and he will be working with Hietpas and Sons to save the Village approximately \$30,000. Trustee Peerenboom asked Mr. Hartwig if he would have any opposition if the motion states that all crushing operations must be water inclusive and Mr. Hartwig stated he did not have a problem with that as Michaels will be paying for all the water they use and they will have a big tanker truck to introduce water into the initial phasing of the breaking of the material.

*Trustee Mahlik agreed to include in his motion that the method of screening requires all crushing operations to be water inclusive, Trustee Peerenboom seconded the motion.*

Vote on the Motion: Ayes 6, Nays 0 – Motion Carried

Mr. Hartwig thanked the Board for approving the permit.

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

Paula J. Lanaville	PO Box 114	Little Chute	Express
Brian T. Smits	200 Depot St.	Kaukauna	Piggly Wiggly

*Moved by Trustee Frassetto, seconded by Trustee Berken to approve the operator's license as listed on the agenda.*

Ayes 6, Nays 0 – Motion Carried

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

Captain Recker stated that Chief Misselt would like to present information on the Crossing Guard Program at the next Committee of the Whole meeting. C. Kell reported that the County has signed the agreement for funding assistance of \$191,000 for the Mill Street Bridge project. C. Kell reported that he has had a discussion with the Village's insurance company regarding the MABAS agreement and they informed him that they don't like the agreement and would never recommend approving the agreement but they also stated if the Board accepts the agreement they will stand behind the Village and they have indicated that it is very hard to remove these clauses from these agreements and the insurance company has insured other communities where this agreement has been approved. C. Kell stated that he would try to get something in writing from the Village's insurance company that indicates they will stand behind the Village with the MABAS agreement. C. Kell reported that U.S. Ventures has approved and signed the offer to purchase for the properties surrounding the Express Station and the process is moving forward and the closing on the properties will be in October. C. Kell stated that the Windmill Committee has asked if a webcam can be

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installed on the roof at Village Hall to record the construction of the windmill and he is willing to allow this

if there is no cost to the Village. C. Kell informed the Board that Seth Lenz will be paying off his small business loan with the Village next week and Mr. Lenz is buying the building that he had been leasing for his coffee shop. C. Kell stated that he has met with an industrial developer that is interesting in developing in TID #4. J. Moes reported that the Board of Review held appeal hearings on two property values and both property assessment values were upheld by the Board of Review and now he is working with the Clerk on filing the required forms with the DOR. T. Flick reported that the pool would be closing on Sunday and the Rock Cancer event would be held this upcoming Saturday at Doyle Park. T. Flick also reported that a men's softball tournament would be taking place at Doyle Park next Tuesday through Saturday. T. Flick reported that the project with the Baseball Club to move the outfield fence at Van Lieshout Park had been completed and he also reported that the end of year carnival that was held today at Legion Park was a great success with record attendance. T. Flick reported that clean backfill is needed to fill in the old ice rink area at Heesakker Park and he noted that the ice rink has been shifted to the west end of the park. T. Flick reported that he had met with the Jaycees and a park site for the archery range had been selected and he is planning to meet with the property owner adjacent to the proposed site and the plans will be brought to the Board in September. R. Van Gheem provided an update on the status of current projects noting that there are three crews beginning work on Rosehill Rd., Holland Rd. and the Village North Subdivision.

R. Van Gheem reported that the Kelbe/Moasis project is being completed and the preconstruction meeting with the Polk Pond contractor would be taking place next week. C. Kell reported that the DOT has informed the Village that the Main Street project from Rosehill Road to the east village limits will not be done in 2012 due to complications with right-of-way acquisitions and completing property title work.

V. Schneider thanked the Board members and staff that attended the Windmill Groundbreaking Ceremony. V. Schneider reported that the summer recall elections cost the Village approximately \$3,000 and the County also had expenses for these elections. V. Schneider asked to be excused from next week's meeting as she is attending the annual WMCA conference. Attorney Koehler – no report. T. Flick stated he has had a local business owner request live music at a shelter rental at Doyle Park on Saturday, September 3 from 12 p.m. to 6 p.m. and it is for a small reunion with an anticipated crowd of 50 to 75 family members and children.

Board members did not object to the request but Trustee Frassetto asked that the Park's Director to make a suggestion to the person renting the shelter that the music being played does not include any profanity as it is being amplified in the Village's parks. J. Moes reported that the Library Board had met and approved a five-year plan and the plan is available to download from the Library's website. J. Moes reported that the Library Board has also approved the Library Director's 2011 budget as it was proposed with no increase. Attorney Koehler – no report.

### **Disbursement List**

*Moved by Trustee Frassetto, seconded by Trustee Berken to Approve the Vouchers as presented.*

Ayes 6, Nays 0 – Motion Carried

### **Call for Unfinished Business**

None

### **Items for Future Agendas**

Crossing Guard Program, Temp Class B license for Little Chute Jaycees, Request by Pop In for Outdoor Music/Alcohol Sales, Closed Session – Personnel.

*Moved by Trustee Peerenboom, seconded by Trustee Frassetto to Enter into Closed Session. (7:42pm)*

Ayes 6, Nays 0 – Motion Carried Unanimously

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Department Heads, with the exception of J. Moes and T. Flick, and the Village Clerk were excused from the meeting at this time. J. Moes and T. Flick were excused prior to the personnel item in the Closed Session.

**Closed Session:**

**19.85(c) Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute *Finance Director Position***

**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. *Offer to Purchase of Village Property – Vacant Land at Corner of Cypress and Main Streets***

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Exit Closed Session and Return to Open Session. (7:58 p.m.)*

Ayes 6, Nays 0 – Motion Carried

**Return to Open Session**

No action was taken.

**Adjournment**

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Adjourn the Regular Board meeting at 7:59 p.m.*

Ayes 6, Nays 0 - Motion Carried

**VILLAGE OF LITTLE CHUTE**

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

Michael R. Vanden Berg, Village President

Attest: Vicki Schneider, Village Clerk