

MINUTES OF THE REGULAR BOARD MEETING OF DECEMBER 7, 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

Bill Peerenboom, Trustee

Skip Smith, Trustee

EXCUSED: James Hietpas, Trustee

Dan Mahlik, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator

Chief Misselt, FVMPD

Jim Moes, Community Development Director

Tom Flick, Director of Parks, Recreation, and Forestry

Teri Matheny, Finance Director

Roy Van Gheem, Public Works Director

Beth Carpenter, Library Director

Vicki Schneider, Village Clerk

OTHERS PRESENT: Nick Vande Hey- McMahon & Associates, Interested Citizens, and Media Reps

Public Appearance for Items Not on the Agenda

None

Approval of Minutes

Regular Board Meeting Minutes – November 16, 2011

Committee of the Whole Meeting Minutes – November 30, 2011

Moved by Trustee Frassetto, seconded by Trustee Peerenboom to approve the Regular Board Minutes of November 16, 2011 and the Committee of the Whole Minutes of November 30, 2011 as presented.

Ayes 5, Nays 0-Motion Carried

Report of Other Minutes-Other Informational Items

Plan Commission Meeting - October 10, 2011

Water Commission Meeting – October 18, 2011

Minutes of the Fox Valley Metro Police Commission (Unapproved) – November 8, 2011

Minutes of the Kimberly-Little Chute Public Library Board – October 18, 2011

Board members noted receipt of informational items

Objection by Robert Schertz Contesting Designation of his Dogs as Dangerous Animals

Chief Misselt stated that Mr. Schertz's dogs were originally declared dangerous animals but because Mr. Schertz did not comply with village ordinances his dogs have now been declared prohibited dangerous animals. Chief Misselt noted that the victim of the dog attack was available for questions. Mr. Schertz, 1515 Vandenbroek Rd. #15, stated that he was not contesting the prohibited animal classification for both dogs because the older female dog, Ava, was relocated to a home in the country. Mr. Schertz stated that he has film footage and witnesses available to attest that his dog is not dangerous. Mr. Schertz stated that if the electric fence would have been working properly and the female dog was not present the attack would not have happened. Mr. Schertz stated his male dog has had some training and his behavior has greatly improved. Chief Misselt stated that it is irrelevant that Mr. Schertz's dogs are good now and the fact is that his dog attacked another dog and there have been four incidents of his dogs being off his property and at

large. Chief Misselt stated that Mr. Schertz was minimizing his case, as the victim of the dog attack was dragged into the street and bruised because of the incident. Chief Misselt noted that Mr. Schertz's dogs were not registered with the Village and they did not have rabies vaccinations. Officer Steeber stated that Mr. Schertz has not complied with the provisions of the dangerous or the prohibited dangerous animal ordinance. Mr. Schertz requested that the Village Board look at video of his dog being friendly with other dogs. Terry Watson, 501 Wilson St, owner of the Kennel where the dog is kept, testified that Mr. Schertz came to her for help after the dog attack and that she was apprehensive about taking the dogs at first because of aggression issues and lack of vaccinations. Ms. Watson stated that after female dog was removed from the kennel, the male dog behavior was much better and he got along with the other dogs and has not shown any aggression and the dog has now had his vaccinations. Christina Schertz, 1515 Vandenbroek Rd., requested the dangerous animal designation be removed so the dog could be allowed back into the mobile home park where they reside. Officer Steeber stated that on October 18, 2011, Mrs. Bongers was walking her dog when Mr. Schertz's Boxers attacked her small dog and in the process she was dragged into the street and knocked down. Officer Steeber stated that a passerby stopped to help Mrs. Bongers. Officer Steeber passed around photographs of injuries that Mrs. Bongers and her dog received from the incident. Mrs. Bongers provided testimony on her account of the attack. Officer Steeber noted that Mrs. Bongers was walking her dog and the attack was not provoked in any way and that it would be a liability if the Village allows the dog to stay in the care of Mr. Schertz. Trustee Peerenboom stated that he is concerned that Mr. Schertz will not comply with the dangerous animal ordinance because that is what has been done in the past. Trustee Frassetto stated that she agreed with Trustee Peerenboom and that she could not in good conscience let the animal stay in the village.

Moved by Trustee Frassetto, seconded by Trustee Smith to uphold the classification of Prohibited Dangerous Animal per Section 6-26 of the Village of Little Chute Ordinances.

Ayes 5, Nay 0 - Motion Carried

Appointment of Kevin Coffey to Water Commission

Moved by Trustee Smith, seconded by Trustee Berken to Reappoint Kevin Coffey to the Water Commission for a five-year term.

Ayes 5, Nay 0 – Motion Carried

Appointment of Election Inspectors and Special Voting/Registration Deputies to a Two Year Term

Moved by Trustee Berken, seconded by Trustee Frassetto to Appoint the Election Inspectors and Special Voting/Registration Deputies listed on the IFC to a two-year term.

Ayes 5, Nay 0 – Motion Carried

Approval of 2012 Meeting Schedule

Moved by Trustee Frassetto, seconded by Trustee Smith to Approve the 2012 Meeting Schedule

Ayes 5, Nay 0 – Motion Carried

Review/Discussion- Possible Heesakker Park Pond

R. Van Gheem stated that because of the Board's decision to route the storm sewer through Heesakker Park he looked into putting a retention pond in the park which would help with the Village's requirement by the DNR to reduce the total maximum daily load requirements. R. Van Gheem stated that because of DNR grant money that could be used for the project a fence would not be allowed around the retention pond. R. Van Gheem stated that it would be possible to build the retention pond in conjunction with the Sanitorium Road storm sewer project. Trustee Smith questioned what water would be treated with the retention pond and R. Van Gheem responded that water coming off of Main Street and some of the side streets leading up to Sanitorium Road. R. Van Gheem stated that he needed Board direction so he could get the required reports filed with the State and to schedule the Public Hearing. Trustee Frassetto commented that she would not feel comfortable moving forward with this project until she has heard from the public. C. Kell stated that it would be more timely and cost effective to tie in the report preparation and submittal for the pond with the storm sewer project on Sanitorium Road. Trustee Peerenboom stated that he would like the Village to go in the direction of placing the sewer pipe on Sanitorium Road with the open ditch and wait until 2013 and see if grant money is awarded. A Public Information meeting on the proposed pond will be set for December 21, 2011. R. Van Gheem noted that the costs being presented are pre-design cost estimates.

Discussion/Possible Action on Temporary Health Insurance Changes for the Local 130-C Public Works/Park Union Employees

S. Van Deurzen stated that the Union is currently working with a representative in Madison and he has not received any information yet. S. Van Deurzen stated that he hopes to have more information next week. C. Kell stated that he is recommending tabling discussion and action on this item for this meeting because of information that the staff is waiting to receive from ETF concerning the insurance plan that will take effect in January 2012.

Moved by Trustee Peerenboom, seconded by Trustee Berken to table this agenda item.

Ayes 5, Nays 0 – Motion Carried

Operator's License:

<i>Stacey M Gersmehl</i>	<i>W2414 Buchanan</i>	<i>Appleton</i>	<i>Pine Street</i>
<i>Mark E Harp</i>	<i>1515 Vandenbroek Rd.</i>	<i>Little Chute</i>	<i>Village Lanes</i>
<i>Taylor M Henn</i>	<i>1600 N. Oneida St.</i>	<i>Appleton</i>	<i>Express</i>
<i>Carra G Smith</i>	<i>720 Depot St.</i>	<i>Little Chute</i>	<i>Pine Street</i>
<i>Kaylyn M VanDerSteen</i>	<i>944 E Elm Dr. 4</i>	<i>Little Chute</i>	<i>Moasis</i>

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

Ayes 5, Nays 0 – Motion Carried

Department and Officers Progress Reports

B. Carpenter reported over 125 families registered for the 1000 Books Before Kindergarten program and she also reported that computers at the library have been updated with Office 2010 software. B. Carpenter reported that software licenses of the public computers were paid for with a technology grant that lowers the price of software for Public Libraries. Chief Misselt reported that the remodel of the Safety Center is finished except for some minor items and that the remodel came in within budget. Chief Misselt reminded the Board that they are invited to a tour of the Little Chute Safety Center on December 15th at 6:00 p.m. Chief Misselt informed the Board that Captain Recker plans to retire in January of 2012. Chief Misselt reported that the Command Staff will now be down to six. Chief Misselt reported that the Kimberly High School annexation went through and a Police Liaison Officer will be placed at the High School in January. Teri Matheny reported that tax bills were mailed today and that plans with Capitol Credit Union to take tax payments have been finalized. C. Kell reported that he met with representatives from Boldt Construction regarding the Village Hall remodeling and the square that would be between the Windmill and the Hall. C. Kell stated that he would like to speak with Mr. Hartwig about the project because it is clear that Mr. Hartwig wishes to work with the Village on the remodeling project. C. Kell reported that he is still working with the plastics company and he expects to have a closed session item on this issue on next week's agenda. J. Moes reported that he met with two local realtors and toured them through the homes the Village owns on W. Lincoln and Main St. and he will put an item on next week's agenda requesting to list the homes with the realtors. T. Flick reported that to date five deer have been culled from Heesakker Park and Electric Island and no issues have been reported. T. Flick reported that he had a pre-construction meeting with Great Lakes Marine and construction for the Pedestrian Bridge and Trail could begin next week. T. Flick commented that the Park Planning Committee had recently met and discussed changing the Village ordinance to allow leashed dogs on park trails and the proposed ordinance amendment will be presented to the Board at a future meeting. T. Flick reported that the final amount for the DNR Stewardship Funding is \$163,000 which is \$13,000 over what he was expecting. Trustee Peerenboom thanked T. Flick and grant writers for a job well done. R. Van Gheem reported that his department is working to close out 2011 projects. R. Van Gheem reported that leaf pickup has ended and that trucks have been converted for snow pickup. V. Schneider reported that Jerry Sherwood had filed an insurance claim that was denied by the Board and now Mr. Sherwood has filed against the Village in small claims court and the Village's Insurance Company's Attorney will be representing the Village in this matter. V. Schneider reported that the winter newsletter has been sent to the printer and it will be distributed by Christmas.

Disbursement List

Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Approve the Vouchers as presented and Authorize the Finance Director to pay all vendors.

Ayes 5, Nays 0 – Motion Carried

Call for Unfinished Business

None

Items for Future Agendas

None

Moved by Trustee Frassetto to enter Closed Session seconded by Trustee Berken (8:01 p.m.),

Ayes 4, Nays 1 (Peerenboom) – Motion Carried

Staff and the Village Clerk were excused from the meeting at this time.

Closed Session: Personnel Consideration of employment, promotion, compensation or performance evaluation data of any public employee of the Village of Little Chute 19.85(1)(c), Wis. Stats
Discussion /Village Board Input on the Performance of Department Heads and Department Head Evaluations with the Village Administrator

Moved by Trustee Frassetto, seconded by Trustee Peerenboom to exit Closed Session and return to Open Session. (9:00 p.m.)

Ayes 5, Nays 0 – Motion Carried

Return to Open Session

No action taken.

Adjournment

Moved by Trustee Berken, seconded by Trustee Frassetto to Adjourn the Regular Board meeting at 9:00 p.m.

Ayes 5, Nays 0 - Motion Carried

VILLAGE OF LITTLE CHUTE

By: _____

Attest: _____

Michael R. Vanden Berg, Village President

Vicki Schneider, Village Clerk