



Village of

Little Chute

AGENDA

LITTLE CHUTE VILLAGE BOARD COMMITTEE OF THE WHOLE MEETING

PLACE: Little Chute Village Hall
DATE: Wednesday, May 24, 2017
TIME: 6:00 p.m.

- A. Call to Order
- B. Roll Call
- C. Public Appearance for Items Not on the Agenda

1. Approval of Minutes
Minutes of the Regular Board Meeting of May 17, 2017
2. Operator License Approvals
Haase, Katrina Hawks Next Little Chute
Barton, Aaron Seth's Coffee Little Chute
3. Discussion—Election Equipment Procurement
4. Discussion—Fireworks Ordinance
5. Unfinished Business
6. Items for Future Agendas
7. Closed Sessions:
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. *Loan Discussion*
8. Return to Open Session
9. Action—Facade and Micro Loan Application for Main Event Steakhouse, Inc.
10. Adjournment

MINUTES OF THE REGULAR BOARD MEETING OF MAY 17, 2017

Call to Order: President Vanden Berg called the Regular Board Meeting to Order at 6:00 p.m.

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

David Peterson, Trustee

Skip Smith, Trustee

John Elrick, Trustee

Bill Peerenboom, Trustee

EXCUSED: James Hietpas, Trustee

Larry Van Lankvelt, Trustee

Roll call of Officers and Department Heads

PRESENT: James Fenlon, Village Administrator

Eric Misselt, Fox Valley Metro Police Department

Teri Matheny, Finance Director

Adam Breest, Director of Parks, Recreation and Forestry

Jeff Elrick, Public Works Director

Jim Moes, Community Development Director

Kurt Geiger, Staff Engineer

Tyler Claringbole, Village Attorney

Laurie Decker, Village Clerk

Interested Citizens

Public Appearance for Items Not on the Agenda

Tim Van Roy from Rainbow Play Systems requested a permit for Fireworks, Administrator Fenlon stated there is not a permit for fireworks, and it would have to be a Special Event Permit but will need to be approved by the Police and Fire Department and the board will get back to Rainbow Play Systems at a later date.

Approval of Minutes

Minutes of the Regular Board Meeting of May 3, 2017

Moved by Trustee Smith, seconded by Trustee Peterson to Approve the Minutes of the Regular Board Meeting of May 3, 2017

Ayes 5, Nays 0 – Motion Carried

Discussion/Action—Harvest Trail 2017 Concrete Paving Project for Sidewalks

Staff Engineer Kurt Geiger provided an overview and advised that the low bid for the installation of sidewalks on Harvest Trail was Vinton Construction. Completion is estimated in August and recommended sidewalks for board approval for 2017 and not wait until 2018 to complete. Tracy Whittmann, 919 Harvest Trail and Brad Van Schyndel 1000 Harvest Trail asked that the Board approve the sidewalk installation this year. Mr. Van Schyndel asked about an installment plan for the assessment on sidewalks. Finance Director Teri Matheny advised that sidewalk installation can be paid on an installment plan in five year increments and current interest rate is 2.5% but the interest rate will not be set until July. Trustee Peerenboom stated that residents will have the right to defer and hire their own contractor with guidelines determined by the Village Board. Administrator Fenlon advised the Board that they can take action to have all sidewalks done in 2017. The residents must advise if they are opting out and using their own contractor by a date that will be set by the Department of Public Works.

Motion made by Trustee Elrick to approve installation of Harvest Trail sidewalks in 2017 and allow Residents to obtain their own contractor with the deadline as determined by Public Works

Ayes 5, Nays 0 – Motion Carried

Moved by Trustee Elrick, seconded by Trustee Smith to Defer Assessing Harvest Trail 2017 Sidewalks to the 2018 billing cycle

Ayes 5, Nays 0 – Motion Carried

Discussion/Action—Logo/Branding

This item was tabled to June 7, 2017 when all Board members are present

Action—Approve Special Event Permit for Memorial Day Parade

Moved by Trustee Smith, seconded by Trustee Elrick to Approve the Special Event Permit for Memorial Day Parade

Ayes 5, Nays 0 – Motion Carried

Action—Approve Outdoor Alcohol Permit for “Down the Hill”

Moved by Trustee Smith, seconded by Trustee Elrick to Approve Outdoor Alcohol Permit for “Down the Hill”

Ayes 5, Nays 0 – Motion Carried

Discussion—Wheel Tax Overview

Administrator Fenlon presented an overview on wheel tax. The Village has approximately 9800 registered vehicles including trailers and would have just under 8300 vehicles that would be charged the wheel tax if approved. City of Kaukauna has a \$10.00 tax and the City of Appleton is \$20.00. Director Matheny reported Appleton did well in their first year but then had a drop off in renewals and there isn't any enforcement mechanism for wheel tax. One of the downsides to this as a policy avenue is due to the legislative climate in Madison so the staying power of the wheel tax is unknown at this time. There are current discussions going on in Madison in regards to the Transportation Policy. Madison is looking at possibly changing sales tax versus gasoline tax and could restrict future wheel tax. Trustee Peerenboom stated he doesn't know if it is worth adding effort and time until we know what the State is going to do. He believes the Village needs to address a policy that is in some cases putting a five figure assessment on people. Trustee Peerenboom feels that individual assessments are becoming overbearing on property owners. Resident Ron Braun spoke on assessments to property and feels residents are in favor of this tax and hopes to see it move forward. Director Matheny reiterated that this tax is only applicable to residents. Administrator Fenlon stated next year we will continue to reconstruct streets so this problem will continue. Trustee Elrick was not in favor of a wheel tax and feels the Village must be doing something right and assessments are not out of control. His figures showed a \$1000.00 increase since 1998 using his own property. The board recommends waiting to see what is done on the State or Federal level to make any decisions.

Action—Adopt Resolution No. 14 Bridgewater CSM

Moved by Trustee Peerenboom, seconded by Trustee Elrick to Approve Resolution No. 14 Bridgewater CSM

Ayes 5, Nays 0 – Motion Carried

Action—2017/2018 CIP Bonding

Director Matheny presented information on approving funding for 2017/2018. Board will hold off vote until all of the members are present.

Action—Doyle Pool Plan

Director Breest stated at the May 3, 2017 meeting options were discussed for developing a plan moving forward for the Doyle Park pool. He recommends that the board approves development of a survey similar to the Community Survey performed in 2016 to get the public's opinion of the pool. The timeline of events include sending out the survey, holding one public meeting and presenting the results to the board.

Moved by Trustee Elrick to implement Action as presented by Director Breest, seconded by Trustee Peerenboom

Ayes 5, Nays 0 – Motion Carried

Discussion—Municipal Services Building Progress Update

Director Elrick presented slides with updates on the Municipal Services Building. 85% of the contingency is still remaining, progress is on schedule.

Disbursement List

Moved by Trustee Peerenboom, seconded by Trustee Elrick to Approve Disbursement List and Authorize the Finance Director to pay all vendors

Call for Unfinished Business

None

Ayes 5, Nays 0 – Motion Carried

Items for Future Agenda

None

Closed Session

a) 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. *FVMPD De-merger*

Moved by Trustee Smith, seconded by Trustee Peterson to enter into Closed Session

Ayes 5, Nays 0 – Motion Carried

b) 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. *Bridgewater Development Agreement*

Moved by Trustee Smith, seconded by Trustee Peterson to enter into Closed Session

Ayes 5, Nays 0 – Motion Carried

Return to Open Session

Moved by Trustee Elrick, seconded by Trustee Peterson to Return to Open Session

Ayes 5, Nays 0 – Motion Carried

Possible Action—Bridgewater Development Agreement
No Action Taken

Possible Action—FVMPD Agreement with Combined Locks and Kimberly

Moved by Trustee Elrick, seconded by Trustee Peerenboom to Approve the FVMPD Agreement with Kimberly and Combined Locks

Ayes 5, Nays 0 – Motion Carried

Adjournment

Moved by Trustee Elrick, seconded by Trustee Smith to Adjourn the Regular Board Meeting at 8:15 pm.

Ayes 5, Nays 0 - Motion Carried

VILLAGE OF LITTLE CHUTE

By:

Attest: _____ Michael R. Vanden Berg, Village President

Laurie Decker, Village Clerk

Village of Little Chute

REQUEST FOR BOARD'S CONSIDERATION

ITEM DESCRIPTION: Election Equipment Procurement

REPORT PREPARED BY: Laurie Decker

REPORT DATE: May 19, 2017

ADMINISTRATOR'S REVIEW / COMMENTS:

No additional comments to this report:

See additional comments attached: 

EXPLANATION: Attached is the Intergovernmental Agreement and Resolution from Outagamie County for the purchase of new election equipment. The approved Resolution approves a 50/50 cost share for one new machine for each polling location, which is 3 machines for us. As pricing is highly dependent upon the number of units purchased, it is necessary to obtain commitments from municipalities well ahead of any purchase to determine an accurate cost estimate. There will also be five and ten year financing options available. There will be a 7 member procurement team formed and I have put my name in to be considered. I will bring the Intergovernmental Agreement for action to a future board meeting.

RECOMMENDATION: For information/review only



OUTAGAMIE COUNTY CLERK'S OFFICE
410 South Walnut Street | Appleton, WI 54911
Lori J. O'Bright, County Clerk
Sara Hickey, Deputy Clerk
Lynette Gitter, Deputy Clerk Assistant
Telephone: 920-832-5077 | Fax: 920-832-2200
Website: www.outagamie.org

May 16, 2017

Laurie Decker, Village of Little Chute

RE: Outagamie County/Municipal Intergovernmental Agreement – Election Equipment Procurement

Dear Laurie:

Enclosed for your municipality approval is the Intergovernmental Agreement (2 copies) for Election Equipment Procurement (IGA) between Outagamie County and your municipality. The IGA provides for a cost sharing arrangement for replacement of legacy election equipment.

Please have your municipal board, commission, council approve the agreement and return both copies to the County Clerk by June 16, 2017. The County will sign the two copies of the IGA and return one copy to your municipality.

Following is background related to the IGA for Election Equipment Procurement.

The Outagamie County Clerk recommended in January to the Outagamie County administration and Finance Committee to procure election equipment countywide. Originally, the County Clerk anticipated the request for new election equipment to occur in 2018 for 2019 deployment. However, the County Clerk recommended new election equipment procurement be moved up to 2017 with deployment early 2018 due to the following:

- **New Technology:** Aging (legacy) election equipment countywide has been deployed in some municipalities for over 15 years. Issues have been reported with feeding ballots and several municipal clerks have reported concerns with the reliability of the legacy equipment. Newer technology provides better security, enhanced communications for providing election night results, and the ability to accommodate early voting or an enhanced in person absentee voting process.
- **Equipment Replacement Responsibility:**
 - **Municipal Responsibilities** - Municipalities are the responsible entity for equipment procurement, replacement, and maintenance.
 - **County Responsibilities** - Counties are responsible for the bulk of costs related to programming equipment and printing ballots. Municipalities and schools reimburse for their portion of contests/referenda in spring or special elections.
 - **Equipment Replacement Costs** – A variety of cost share arrangements for replacement of legacy voting equipment has occurred throughout WI. After the federal Help America Vote Act, federal grant monies were available for providing for ADA compliant equipment. However, no federal or state grant monies have been available since to replace legacy equipment.
 - **Wisconsin Counties/Municipal Replacements** – As of April 2017, 24 counties have either partially or fully replaced legacy election equipment. Approximately 526 municipalities have completed their replacement of legacy equipment with newer technology. Numerous additional counties/municipalities are either considering or have plans to replace equipment.

- **Various Equipment Platforms vs. One Equipment Platform:** Currently, the 33 municipalities that report election results (2 municipalities do not have voters in the county) do so with the following equipment platforms:
 - Sequoia AVC Edge II (ADA compliant equipment)
 - Optical Scan Equipment:
 - Optech III-P Eagle
 - Optech Insight
 - ES&S M-100 (ADA compliant equipment – Automark)
 - Imagecast Evolution (ICE) – newer equipment – C. New London
 - ES&S DS200 (Automark) – newer equipment – V. Wrightstown
 - Paper Ballots (along with Edge II)

Reducing the various equipment platforms to a single platform for most of the county (C. of New London and V. of Wrightstown have purchased new equipment) provides the benefit of most of the county being on a single platform with the following benefits.

- **Single Equipment Platform Benefits:**
 - Consolidating Equipment/Voting Methods: Lower costs for programming and printing. The largest potential savings countywide is the opportunity to bring election media programming in-house. Programming in-house potentially saves an expenditure of approximately \$100,000 (some of which is passed onto municipalities) in a four-election year cycle.
 - Equipment Sharing: The County will procure two pieces of election equipment that provides redundancy if a piece of equipment fails in the future.
 - Enhanced Election Night Reporting: Numerous election equipment platforms do not provide an opportunity to have modem returns to the county. Modem election returns provides for accuracy and speed. Consolidating under a uniform platform provides the benefit of working with one platform to provide unofficial election returns to the county, which are posted for the public, candidates, and media. The set-up of unofficial election returns posting with modem returns also saves labor at the county level (County Clerk and Planning staffs).
- **Legacy Equipment Issues:**
 - Inaccurate Unofficial Election Night Reports: The County Clerk has experienced numerous election night reporting errors of unofficial returns from municipalities. These errors were particularly notable with the 2016 Presidential Election. While the errors are corrected at the County Board of Canvass and/or at recounts; unfortunately, public perception of election accuracy is substantially reduced, and with it, election integrity is diminished in the publics' eyes.
 - 2016 Presidential Election Recount Issues:
 - At the 2016 Presidential Election Recount, ADA (Edge) compliant equipment failed to produce ballots in two municipalities with one of the municipality's equipment screen going blank.
 - At the 2016 Presidential Election Recount, hand counted (paper ballots) election ballots were inaccurately tabulated. Newer election equipment produces an image of every ballot cast, which ensures a ballot comparison to the paper ballots within a container.
 - 2016 Presidential Election Audit Issue (Optech III-P Eagle):
 - Three municipalities were audited within Outagamie County with two municipality audits within acceptable limits.
 - One municipality (7 currently deploy Eagle equipment) has legacy Eagle equipment. The 2016 Presidential Election Eagle audit produced results unacceptable to the WI Elections Commission. The unacceptable results occurred in January. The county and WI Elections Commission also ran audits on the same ballots.

- Because of the problems with the equipment audit, municipalities were required in the Spring 2017 Election to deploy special procedures in using the Eagle equipment.
- When new election equipment is certified by the U.S. Election Assistance Commission, equipment must not have error rates of anything over 1 in 500,000 ballot positions with a target error rate of 1 in 10,000,000 ballot positions.
- **WI Elections Commission Advice:**
 - Replacement Guidance: The Wisconsin Elections Commission (WEC) and former Government Accountability Board (GAB) have maintained that when legacy equipment begins to have errors/failures, equipment replacement should occur. However, neither the WEC nor the GAB have provided decommissioning advice.
 - Equipment Failure Liability: The liability of having equipment failures end up at the municipal and county levels with requests for recounts, open records requests, negative media coverage, and distrust by the public.
- **Unofficial Election Results Reporting New Legislation:** Newer legislation (2015 Act 261) requires unofficial election results to be reported more quickly than in the past and that additional municipal and school contests/referenda be reported. Wis. Statutes read as follows:
 - Municipal Reporting Requirement: Wis. Stat. 7.51(4)(c) On election night the municipalities shall report the returns, by ward or reporting unit, to the county clerk no later than 2 hours after the votes are tabulated.
 - County Reporting Requirement: Wis. Stat. 7.60(1) Keep Office Open. On election night the county clerk shall keep the clerk's office open to receive reports from the ward inspectors and shall post all returns. On election night the clerk shall post all returns, by ward or reporting unit, on an Internet site maintained by the county no later than 2 hours after receiving the returns.
 - Number of Reporting Units Countywide: Due to the time limits now imposed, municipal clerks, election inspectors, and county clerk staffs are pressured to post up unofficial results. In Outagamie County in certain spring elections, the number of reporting units has been as high as 122 reporting units.
- **2018 Elections:**
 - Contests: 2018 elections include spring county supervisory, municipal, school races and the fall Partisan elections, which includes the gubernatorial race.
 - Voter Participation: Voter participation will be higher in 2018 vs. 2019 due to the additional fall Partisan elections. The gubernatorial race has been a considerably higher turnout election in the past several elections.
 - Early Voting or Enhanced Absentee Voting Procedures – Proposals are being circulated by municipal clerks for a possibility of providing an enhanced absentee voting procedure which allows for in person voters to cast their ballot within election equipment that can tabulate and store ballots. Legacy voting equipment does not provide this option. The proposals being submitted are optional for municipalities. Legislators may or may not approve an optional procedure or mandate future legislation. Legislation in the future could possibly require a true early voting option versus the current absentee voting method or the proposed enhanced absentee voting procedure being proposed. New voting equipment provides methods for securing the vote within the equipment either for early voting or for an enhanced in person voting procedure.
 - Election Integrity: To ensure election integrity for the 2018 elections, legacy equipment replacement will enhance the election process with newer technology that ensures votes are counted properly, provides for a PDF of every ballot, accurately reports unofficial elections returns for all races/referenda, and provides cost savings with election equipment programming.

Note that if your municipality does not take advantage of the equipment replacement cost share arrangement, all indications are that the county will not provide the county cost share portion in the future when legacy equipment fails.

If considering retaining legacy equipment, note that additional election costs will occur with the retention of legacy equipment. Examples of additional costs will include media cost return to the current vendor, larger possibilities of future State equipment audits (as legacy equipment is replaced statewide, the pool of legacy equipment auditable municipalities shrink), and combined maintenance facilitation will need to be provided by the municipality with legacy equipment (possibly increasing future maintenance costs from the vendor).

If you or your municipality would like me to attend your municipal board, trustee, or council meeting, please contact me to schedule my attendance as soon as possible.

Because of the compressed timeframe with procuring election equipment and having it deployed prior to the February 2018 primary, return of the IGA is being requested within one month with the deadline June 16, 2017.

Thank you.

Sincerely,



Lori J. O'Bright
County Clerk

Enc. Intergovernmental Agreement (2 copies – return both to Outagamie County; one copy will be returned when signed by Outagamie County)
Resolution No. 4—2017-2018
pc Town Chairs, Village & Council Presidents (without enclosures)

P.S. Procurement Team:

- If you are a clerk interested in participating in the procurement team, please let me know. Members must be from a municipality who is participating in the IGA.
- If more than one individual from a representative area is interested, a drawing will be conducted to determine the voting member.
- Resolution No. 4—2017-18 (enclosed) specifies the procurement team members as:
“a procurement team will be formed consisting of seven (7) members to include
 - three (3) Outagamie County representatives [members: Lori O'Bright, Sara Hickey, IT Shane Polakowski],
 - one (1) City of Appleton representative [member: Kami Lynch],
 - one (1) Fox West area representative,
 - one (1) Heart of the Valley representative, and
 - one (1) representative from the rural municipalities.”
- All clerks with municipalities participating in the IGA will be able to give input on the procurement process; voting members of the team are in accord to Resolution No. 4.

INTERGOVERNMENTAL AGREEMENT

ACKNOWLEDGEMENTS

The County would like to encourage municipalities within Outagamie County to obtain updated and consistent voting machines that will enhance accuracy, timely reporting of results and create an auditable trail of the tabulations.

The County Clerk is undergoing a procurement exercise that includes municipal officials to determine the voting machine that would best suit the needs of municipalities at the most reasonable price.

This intergovernmental agreement sets forth the terms and conditions for a 50-50 cost sharing arrangement between the county and individual municipalities.

As pricing is highly dependent upon the number of units purchased, it is necessary to obtain commitments from municipalities well ahead of any purchase in order to determine an accurate cost estimate.

The Outagamie County Board of Supervisors has adopted a resolution that enables the County Clerk to gauge the degree of interest municipalities have in purchasing new and uniform voting machines on a 50-50 cost share basis. The County Board has not yet appropriated funding for such a purpose until final cost estimates are established. At that time, the board will consider the amount of the county's share as well as the number of municipal participants when it votes on the appropriation.

AGREEMENT

Outagamie County and Village of Little Chute, Municipality, for good and valuable consideration agree as follows:

1. Outagamie County will purchase the voting machines through a competitive procurement process consistent with Outagamie County purchasing policies. Further guidelines for the procurement are set forth in County Board Resolution No. 4-2017-2018, a copy of which is attached for reference.
2. Municipality agrees to reimburse Outagamie County for 50 percent of the purchase cost by the Municipality. The Municipality shall check one of the following options to reimburse Outagamie County and will be bound by the terms of the chosen payment option:

No Financing. Municipality will pay its 50 percent share of the purchase price to Outagamie County in full on July 1, 2018.

Five-Year Financing. Municipality will pay its 50 percent share of the purchase price to Outagamie County based upon a five year amortization of the principle amount, plus interest. Interest shall be the same rate of interest the county pays on its debt. Payments will be made annually, commencing on July 1, 2018, and annually thereafter until paid in full.

Ten Year Financing. Municipality will pay its 50 percent share of the purchase price to Outagamie County based upon a ten year amortization of the principle amount, plus interest. Interest shall be the same rate of interest the county pays on its debt. Payments will be made annually, commencing on July 1, 2018, and annually thereafter until paid in full.

Failure to pay by above listed July 1 due dates will result in an additional .5% per month charge until such principal and interest amounts due are paid in full.

3. Outagamie County will not participate in this cost sharing arrangement beyond the initial procurement. Municipalities that may decide to purchase voting equipment beyond the initial procurement shall pay 100 percent of the purchase price of those voting machines.

4. Municipalities shall be 100 percent responsible for any equipment and software maintenance, programming and replacement of voting machines procured through this agreement.

5. The number of voting machines that may be purchased through the terms of this agreement shall be determined by the chosen vendor based upon the number of residents in the Municipality or precincts within the Municipality who voted in the 2016 presidential election.

A. If the Municipality wishes to purchase a machine(s) in excess of the number determined by the vendor, the Municipality shall pay 100 percent of the cost of such excess machine(s).

B. Municipalities with multi-county polling locations shall fund 100 percent of machines purchased through this agreement for machines utilized in locations with a majority of non-Outagamie County residents.

6. The County will fund 100 percent of two back-up machines which will be available to municipalities in the event of equipment failure.

7. The terms and conditions of this agreement are contingent upon the Outagamie County Board of Supervisors' appropriation of funds for the purchase of the voting machines. Upon adoption of the appropriating resolution, both parties to this agreement are bound by the terms and conditions contained herein.

Dated this ____ day of _____, 2017.

VILLAGE OF LITTLE CHUTE

OUTAGAMIE COUNTY

Lori J. O'Bright, County Clerk

Approved to Form: _____
Outagamie County Corporation Counsel

Date

RESOLUTION NO.: 4-2017-18

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 The voting machines at various municipalities within Outagamie County are outdated and
2 lack consistency in how votes are tabulated and reported. With the increasingly rigid
3 federal and state election reporting requirements, along with intense scrutiny given to the
4 election process and results, it is desirable for the county's municipalities to have modern
5 and standardized voting machines that can both automatically tabulate votes, and create
6 an audit trail for canvassing purposes. Although the purchase of voting equipment is
7 generally within the purview of individual municipalities, all results are then reported to
8 the County Clerk's office and then becomes a county function to report the outcomes as
9 well as to canvass the results. Given this partnership and the need for accurate, auditable
10 and timely tabulations and results, this resolution seeks authority to commence the
11 procurement process for county-wide voting equipment to determine the cost for such
12 equipment.

13 This resolution also authorizes the county clerk to enter into an intergovernmental
14 agreement with municipalities to gauge interest regarding the purchase of such equipment
15 based on a fifty-fifty (50/50) cost share between the municipality and the county. Such
16 agreements would be contingent upon a further county board resolution to fund the
17 county's share once final costs and municipal participation are known. It would be
18 administration's recommendation to bond for the outlay.

19
20 Municipalities would be presented with the following financing options:

21 1) No financing. The municipality will pay its full share in 2018.
22
23 2) Five-year (5) financing. The municipality will pay its full share over a five-year (5)
24 period, with interest, equivalent to the rate of the county's bond.
25
26 3) Ten-year (10) financing. The municipality pays its full share over a ten-year period
27 (10), with interest, equivalent to the rate of the county's bond.

28 These options are a one-time offer. Municipalities that do not participate from the out-
29 set will not receive county funding should they purchase voting equipment in the future.
30 It is anticipated that the total hardware cost will be in the range of \$500,000 to \$750,000.

31
32 NOW THEREFORE, the undersigned members of the Finance Committee recommend adoption
33
34 of the following resolution.

Resolution No. 4-2017-18

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1 BE IT RESOLVED, that the Outagamie County Board of Supervisors does authorize the county
2 clerk to commence the procurement process to determine the cost of the proposed county-wide election
3 equipment purchase, and

4 BE IT FURTHER RESOLVED, a procurement team will be formed consisting of seven (7)
5 members to include three (3) Outagamie County representatives, one (1) City of Appleton
6 representative, one (1) Fox West area representative, one (1) Heart of the Valley representative, and one
7 (1) representative from the rural municipalities, and

8 BE IT STILL FURTHER RESOLVED, that the Outagamie County Board conceptually approves
9 of a fifty-fifty (50/50) cost share arrangement between Outagamie County and each municipality subject
10 to the following:

11 1) Municipalities are responsible for 100% of ongoing equipment/software maintenance costs.
12 2) The number of voting machines will be determined by the chosen vendor based on the number
13 of residents in each municipality or precincts within a municipality who voted in the 2016
14 presidential election.

15 3) The county will fully fund 100% of two (2) back-up machines which will be available to
16 municipalities in the event of equipment failure.

17 4) Municipalities who wish to purchase voting machines in excess of the number recommended
18 by the vendor will be responsible for 100% of the machine cost.

19 5) Municipalities with multi-county polling locations will fund 100% of machines utilized in
20 locations with a majority of non-Outagamie County voters, and

21 BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does
22 authorize the county clerk and corporation counsel to draft an Inter-Governmental Agreement,
23 consistent with the terms of this resolution, for presentation to municipalities to gauge interest level and
24 contingent upon adoption of a subsequent resolution appropriating funds, and

Resolution No. 4-2017-18

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1 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
2 of this resolution to the Outagamic County Executive, and the Outagamie County Finance Director.

3 Dated this 18th day of April 2017

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5 Respectfully Submitted.

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7 FINANCE COMMITTEE

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Kevin Sturm

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Kevin Sturm

Peter Stueck

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James Pleuss

Nadine Miller

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Chris Croatt

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Chris Croatt

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Duly and officially adopted by the County Board on: April 18, 2017

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Joe Nease Sonja O'Brien

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Signed: Boards Chairperson

County Clerk

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Approved: 4-20-17

Vetoed: _____

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Signed: 7/1/17

County Executive

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ELECTION EQUIPMENT COST SHARE OPTIONS

Municipalities	50/50 Cost Share		County covers 1st unit, then 50/50 cost share		60/40 Cost Share		40/60 Cost Share	
	County Cost	Municipal Cost	County Cost	Municipal Cost	County Cost	Municipal Cost	County Cost	Municipal Cost
30 - 1 unit muni	150,000	150,000 (\$5,000/muni)	300,000	0	180,000	120,000 (\$4,000/muni)	120,000	180,000 (\$6,000/muni)
Appleton - 14 units	70,000	70,000	75,000	65,000	84,000	56,000	56,000	84,000
Grand Chute - 4 units	20,000	20,000	25,000	15,000	24,000	16,000	16,000	24,000
Greenville - 3 units	15,000	15,000	20,000	10,000	18,000	12,000	12,000	18,000
Kaukauna - 2 units	10,000	10,000	15,000	5,000	12,000	8,000	8,000	12,000
Little Chute - 3 units	15,000	15,000	20,000	10,000	18,000	12,000	12,000	18,000
*Addtl county costs	100,000		100,000		100,000		100,000	
TOTALS	\$6	380,000	280,000	\$55,000	105,000	486,000	224,000	324,000
								336,000

*Assumes a per unit cost of \$10,000 - This considers only the cost of the election units, not additional costs to the county for procurement/programming, etc. or municipal costs for annual maintenance (estimated to be roughly \$650/unit/year). The additional county implementation costs are estimated to be anywhere from \$75,000 - \$150,000, depending on the vendor selected and in-house programming vs. external programming. The annual county costs are estimated to be between \$15,000 - \$50,000.

Village of Little Chute

REQUEST FOR BOARD'S CONSIDERATION

ITEM DESCRIPTION: Fireworks Discussion
REPORT PREPARED BY: Laurie Decker
REPORT DATE: May 19, 2017
ADMINISTRATOR'S REVIEW / COMMENTS: No additional comments to this report: <u>JPF</u> See additional comments attached:
<p>EXPLANATION: Tim Van Rooy, the owner of Rainbow Play Systems appeared at the meeting last week asking for a permit to discharge fireworks at his business for a private event that is not opened to the public. Our current ordinance only allows a permit to be issued to public authorities, fair associations, amusement parks, park boards, civic organizations, and agricultural producers. The Village of Kimberly amended their ordinance to add "any individual or group of individuals."</p> <p>The Fire Chief went out to the property and spoke to the neighboring business at "Power Sports" and they are in support of it. The Fire Chief recommends approval of a permit for this event. Attached are the firework ordinances for the Village of Little Chute, Village of Kimberly and a map of the property.</p>
RECOMMENDATION: For discussion only

ARTICLE VIII. - FIREWORKS^[2]*Footnotes:*

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State Law reference— Regulation of fireworks, Wis. Stats. § 167.10.

Sec. 10-189. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fireworks means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (1) Fuel or a lubricant.
- (2) A firearm cartridge or shotgun shell.
- (3) A flare used or possessed or sold for use as a signal.
- (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (5) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (6) A toy snake which contains no mercury.
- (7) A model rocket engine.
- (8) Tobacco and a tobacco product.
- (9) A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
- (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (11) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three grams in total weight.
- (12) A device that emits smoke with no external flame and does not leave the ground.
- (13) A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75-inch, designed to sit on the ground and emit only sparks and smoke.
- (14) A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

(Code 2006, § 7-7-1(a))

Sec. 10-190. - Sale.

No person may sell or possess with intent to sell fireworks, except:

- (1) To a person holding a permit under section 10-191(c);
- (2) To a municipality; or
- (3) For a purpose specified under section 10-191(b)(2) through (6).

(Code 2006, § 7-7-1(b))

Sec. 10-191. - Use.

- (a) *Permit required.* No person may possess or use fireworks without a user's permit from the village president or from an official or employee of the village as designated by the village board. No person may use a device listed under the definition of fireworks in section 10-189(5) through (7) and (9) through (14) while attending a fireworks display for which a permit has been issued to a person listed under subsection (c)(1)–(5) of this section or under subsection (c)(6) of this section if the display is open to the general public.
- (b) *Permit exceptions.* Subsection (a) of this section does not apply to:
 - (1) The village, except that village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.
 - (2) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations.
 - (3) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
 - (4) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - (5) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- (c) *Who may obtain permit.* A permit under this section may be issued only to the following:
 - (1) A public authority.
 - (2) A fair association.
 - (3) An amusement park.
 - (4) A park board.
 - (5) A civic organization.
 - (6) An agricultural producer for the protection of crops from predatory birds or animals.
- (d) *Crop protection signs.* A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- (e)

Bond. The village president issuing a permit under this section shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the office of the village.

- (f) *Required information for permit.* A permit under this section shall specify all of the following:
 - (1) The name and address of the permit holder.
 - (2) The date on and after which fireworks may be purchased.
 - (3) The kind and quantity of fireworks which may be purchased.
 - (4) The date and location of permitted use.
 - (5) Other special conditions prescribed by ordinance.
- (g) *Copy of permit.* A copy of a permit under this section shall be given to the fire chief and chief of police at least two days before the date of authorized use.
- (h) *Minors prohibited.* A permit under this section may not be issued to a minor.

(Code 2006, § 7-7-1(c))

Sec. 10-192. - Storage and handling.

- (a) *Fire extinguisher required.* No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguisher approved by the fire chief.
- (b) *Smoking prohibited.* No person may smoke where fireworks are stored or handled.
- (c) *Fire chief to be notified.* A person who stores or handles fireworks shall notify the fire chief of the location of fireworks.
- (d) *Storage distance.* No wholesaler, dealer or jobber may store fireworks within 500 feet of a dwelling.
- (e) *Restrictions on storage.* No person may store fireworks within 500 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

(Code 2006, § 7-7-1(d))

Sec. 10-193. - Parental liability.

A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

(Code 2006, § 7-7-1(e))

Chapter 273. Fireworks

[HISTORY: Adopted by the Village Board of the Village of Kimberly 10-3-1988 as Title 7, Ch. 7, of the 1988 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Public entertainment — See Ch. **252**.

Fire prevention — See Ch. **270**.

Hazardous materials — See Ch. **289**.

§ 273-1. Definition.

In this chapter, "fireworks" shall be defined as provided in § 167.10(1) (intro) and (1)(e), (f), (i), (j), (k), (l), (m) and (n), Wis. Stats.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 273-2. Sale.

No person may sell or possess with intent to sell fireworks, except:

- A. To a person holding a permit under § **273-3C**;
- B. To a person who is not a resident of this state; [1]
[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- C. To a municipality; or
- D. For a purpose specified under § **273-3B(2)** through **(6)**.

§ 273-3. Use.

- A. Permit required. No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village as designated by the Village Board. No person may use fireworks or a device listed under § 167.10(1)(e), (f), (i), (j), (k), (l), (m) and (n), Wis. Stats., while attending a fireworks display for which a permit has been issued to a person listed under Subsection **C(1)** through **(5)** or under Subsection **C(6)** if the display is open to the general public. [1]
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- B. Permit exceptions. Subsection A above does not apply to:
 - (1) The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.
 - (2) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Safety and Professional Services.
 - (3) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.

- (4) The possession or use of explosive or combustible materials in any manufacturing process.
- (5) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
- (6) A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. §§ 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- (7) The possession of fireworks in the Village while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance. Subsection A applies to a person transporting fireworks under this subsection if, in the course of transporting the fireworks through the Village, the person remains in the Village for a period of at least 12 hours.^[2]
^[2] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

C. Who may obtain permit. A permit under this section may be issued only to the following:

- (1) A public authority.
- (2) A fair association.
- (3) An amusement park.
- (4) A park board.
- (5) A civic organization.
- (6) An agricultural producer for the protection of crops from predatory birds or animals.
- (7) Any individual or group of individuals.^[3]
^[3] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

D. Crop protection signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

E. Bond. The Village President issuing a permit under this section shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the office of the Village Administrator.

F. Required information for permit. A permit under this section shall specify all of the following:

- (1) The name and address of the permit holder.
- (2) The date on and after which fireworks may be purchased.
- (3) The kind and quantity of fireworks which may be purchased.
- (4) The date and location of permitted use.
- (5) Other special conditions prescribed by ordinance.

G. Copy of permit. A copy of a permit under this section shall be given to the Fire Chief and Chief of Police at least two days before the date of authorized use.

H. Minors prohibited. A permit under this section may not be issued to a minor.

§ 273-4. Storage and handling.

- A. Fire extinguishers required. No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
- B. Smoking prohibited. No person may smoke where fireworks are stored or handled.
- C. Fire Chief to be notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
- D. Storage distance. No wholesaler, dealer or jobber may store fireworks within 500 feet of a dwelling.
- E. Restrictions on storage. No person may store fireworks within 500 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

§ 273-5. Parental liability.

A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

§ 273-6. Violations and penalties.

Section 167.10(9)(b), Wis. Stats., provides that a person violating an ordinance adopted under § 167.10(5), Wis. Stats., shall forfeit not more than \$1,000.

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

From: Tim Van Rooy [<mailto:tim@rainbownew.com>]
Sent: Thursday, May 18, 2017 3:36 PM
To: Laurie Decker
Subject: Rainbow Fireworks

Hi, Laurie—

Here are some points that I think may help the committee get a better idea of where I am coming from:

1. I am NOT advocating allowing just anyone to get a fireworks permit. I don't believe homeowners who want to shoot on their streets or in their backyards be allowed to get permits. I don't believe changes need to be made to the existing laws necessarily, but that each request be taken on a case by case basis. I think approval should be granted if certain requirements have been met, such as those I detail here.
2. The shoot will be entirely on private property. There is no need for street closures or other precautions, as the shoot will take place on our very large blacktop parking lot (all private property).
3. We carry our own insurance.
4. It is not open to the public. This is just for family and friends and as a thank you to our employees. That being said, many in the neighborhood have stopped by telling us how much they love the show and look forward to watching it every year (watching from their own driveways and backyards).
5. I have 30+ years of experience with fireworks, and I have an ATF license. I get a visit every year from an ATF agent to make sure I am up to speed on the proper ways to store and transport fireworks.
6. I do not drink alcohol when I do a show.
7. We always have fire extinguishers at the ready, along with several buckets of water and a running hose.
8. I know there is concern with the new storage units going up near us. They do have metal roofs, so there is no danger in that respect, but nothing should be able to reach their property anyway. If the wind blows some debris onto their property over the course of the next day or so, I would happily go and sweep things up.

Thanks for listening and taking the time!

Tim Van Rooy
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Village of Little Chute
REQUEST FOR VILLAGE BOARD CONSIDERATION

ITEM DESCRIPTION: Small Business Micro Loan and Business Improvement/Facade Renovation Financial Assistance Program Application

PREPARED BY: James P. Fenlon, Administrator

REPORT DATE: May 18, 2017

ADMINISTRATOR'S REVIEW/COMMENTS: (See Below)

EXPLANATION: In late April, Main Event Steakhouse, Inc. owner Matt Fronsee submitted a an application for \$30,000 Small Business Micro Loan along with a \$30,000 Business Improvement Façade Renovation Financial Assistance (62% of total project cost) to significantly remodel the interior, update the exterior and rebrand the restaurant to compete in a different segment of the restaurant market. In addition, the requested loan term was for 10-12 years from the applicant.

On April 18, 2017, the Loan Review Committee (Administrator, Finance Director, Village Attorney and Community Commercial Lender) met to discuss the merits of the application and present a recommendation for the Village Board to consider. As you recall, the Small Business Micro Loan program is for businesses of 10 employees or fewer and is meant incentivize job creation, leverage private investment and to perpetuate a positive and proactive business climate that encourages retention and expansion. The Business Improvement Façade Renovation Financial Assistance was created to provide an incentive and financial assistance to business and property owners to improve their building facades and signage in accordance with an Old World European design theme.

The committee discussed a number of issues pertaining to the application, reviewed the application's supporting financial documentation and discussed additional items needed to provide a recommendation to the Village Board. In early May, the applicant provided a detailed budget on renovations planned within the context of the project in addition to a detailed financial statement from the company's ownership.

Based upon the committee's review, it was recommended that the Micro Loan Program offer Main Event Steakhouse a loan for \$30,000 for a term of 10 years and at a rate of 2.5%. In addition, the committee recommends that the Business Improvement Façade Renovation Financial Assistance program provide Main Event Steakhouse a \$30,000 incentive to renovate the exterior of the establishment. Lastly, the recommendation would require the following to secure the loan:

- 2nd Mortgage on home owned by applicant/co-owner
- Personal guarantees of the ownership
- Life Insurance Assignment by co-owners
- Apply for approval through the Design Review Board for exterior improvements

These terms have been agreed to in principle by the owners of the Main Event Steakhouse, Inc.

RECOMMENDATION: Approve and direct staff and the Village Attorney to finalize the specific terms and documents and execute a loan for a \$30,000 Small Business Micro Loan and a \$30,000 Business Improvement/Facade Renovation Financial Assistance Program for Main Event Steakhouse.