

## MINUTES OF THE REGULAR BOARD MEETING OF MAY 5, 2021

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

### Roll call of Trustees

PRESENT: Michael Vanden Berg, President  
Larry Van Lankvelt, Trustee  
John Elrick, Trustee  
Don Van Deurzen, Trustee  
James Hietpas, Trustee  
Bill Peerenboom, Trustee  
Brian Van Lankveldt, Trustee

### Roll call of Officers and Department Heads

PRESENT: James Fenlon, Village Administrator  
Dave Kittel, Community Development Director  
Kent Taylor, Director of Public Works  
Katherine Freund, LC Library Director  
Laurie Decker, Village Clerk  
Tyler Claringbole, Village Attorney  
Lisa Remiker-DeWall, Finance Director  
Officer R. Lozano and Lieutenant E. Slinde  
EXCUSED: Chris Murawski, Village Engineer  
Dan Meister, Fox Valley Metro Police Chief

### Public Appearance for Items Not on the Agenda

None

### Consent Agenda

*Items on the Consent Agenda are routine in nature and require one motion to approve all items listed. Prior to voting on the Consent Agenda, items may be removed at the request of any Board Member or member of the public. Any removed items will be considered immediately following the motion to approve the other items.*

1. Minutes of Regular Board Meeting of April 21, 2021
2. Minutes of Special Board Meeting of April 28, 2021
3. Special Event Permits:
  - American Legion Memorial Day Parade, May 31, 2021
  - Rock Cancer, August 21, 2021
4. Temporary Class "B" Retailers License for Rock Cancer
5. Adopt Resolution No.12, Series 2021 Approving Cveten CSM
6. Disbursement List

*Moved by Trustee L. Van Lankvelt, seconded by Trustee Peerenboom to Approve Consent Agenda items as listed*

Ayes 7, Nays 0 – Motion Carried

### Discussion/Action—Objection by Kristen Van Lankvelt Contesting Designation of her Dog as a Dangerous Animal

Ms. Kristen Van Lankvelt was present to contest her dog, Nola as a vicious animal. Ms. Van Lankvelt acknowledged her dog was in a fight with a neighbor dog while her son was walking the dog. Ms. Van Lankvelts son then addressed the board that the neighbor's dog came after Nola and Nola bit the other dog's neck and that the neighbor kicked their dog, but Nola did not stop, so the neighbor got the shovel and hit him 4-5 times until Nola was knocked out and her son ran back home. Ms. Van Lankvelt advised that they feel the dog thought it was protecting her son and they now have enrolled their dog in a 2-week extensive training

class learn how to not be aggressive towards other dogs or feel the need to protect. She also advised that they are fencing in their yard.

Officer Lozano, FVMPD then went over his report and that Fox Valley Metro was called for an animal bite. He spoke with Mr. Gitter who advised that his dog was pinned down by the neck, he kicked the Van Lankvelts dog several times, but it did not release his dog, so he got a shovel and hit the dog to save his own dog. Officer Lozano advised that Mr. Gitter was asked by the Van Lankvelts not to call the police as this was the second incident. Office Lozano also said a neighbor was witness to this. Officer Lozano contacted Jade Van Lankvelt, but they were on the way to the vet. He was called back the next day and got a statement from the son which confirmed that the dog got out of his leash and collar and Mr. Gitters dog was not tied up. Mr. Gitter then spoke to confirm that his dog was in the front yard and he was in the back and heard the dog yelp, he did kick the dog, but it did not release his dogs' neck so then he got the shovel. He did confirm Ms. Van Lankvelt asked him not to call the police as this had happened once before. Trustee L. Van Lankvelt asked if his dog had injuries, Mr. Gitters advised that yes, he was taken to the vets and that the Van Lankvelts paid for his vet bill to receive antibiotics to stop any infections. Trustee B. Van Lankveldt asked about the previous incident and if it involved the police: Lt. Slinde advised that yes, it was documented from March 16, 2018 and it was similar incident with the son walking the dog and Nola went after another dog. Ms. Van Lankvelt advised that in the 2018 incident that had only had the dog for a couple weeks and her son has walked the dog numerous times over the years without another incident.

Trustee Van Deurzen asked what Ms. Van Lankvelt expected the board to do as this obviously is not acceptable, Ms. Van Lankvelt responded that they are already putting in a fence and sending the dog away for two weeks for behavior training and they are also ok with the harness and shorter lease request. Trustee Peerenboom asked what part of the restrictions they are objecting too; Ms. Van Lankvelt felt that a sign on the door stating a dangerous animal is present was not necessary or fair.

Trustee Peerenboom asked if once the animal is designated dangerous if it is for life or can the Board make it temporary. President Vanden Berg advised that they could keep the order in place, dismiss the order or modify the order; and he personally felt it should be permanent. Mr. Gitter stated that the thought of this dog attacking his kids is keeping him up at night and also wanted it to be permanent. Ms. Van Lankvelt's older son advised that this dog is around kids a lot and has never shown any aggression towards kids.

*Moved by Trustee Peerenboom, seconded by Trustee Elrick to keep the citation enforced for one year and that the owner comply with all the rules on the citation and can come back in a year for reconsideration.*

Ayes 6, Nays 1 (Vanden Berg) – Motion Carried

#### **Roll Call Vote**

Michael Vanden Berg, President	Nay
Larry Van Lankvelt, Trustee	Aye
John Elrick, Trustee	Aye
Don Van Deurzen, Trustee	Aye
James Hietpas, Trustee	Aye
Bill Peerenboom, Trustee	Aye
Brian Van Lankveldt, Trustee	Aye

Judge Mark Schroeder advised he is in Branch 7 and just wanted to introduce himself and see how this case was handled.

#### **Presentation—KerberRose—Final Annual Comprehensive Financial Report**

Ms. Krisztina Dommer went over the audit done by KerberRose per the attached report.

[Final Annual Comprehensive Financial Report](#)

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

Departments and Officers provided progress reports to the Board

**Action—2021 Budget Adjustment—Storm Sewer and CTH OO Sanitary Relay**  
Administrator Fenlon went over the budget adjustment needed for the Storm Sewer.

*Moved by Trustee Elrick, seconded by Trustee Peerenboom to Approve the land purchase from the December 16<sup>th</sup>, 2020 Resolution No. 43 as presented*

**Roll Call Vote**

Michael Vanden Berg, President	Aye
James Hietpas, Trustee	Aye
Larry Van Lankvelt, Trustee	Aye
Bill Peerenboom, Trustee	Aye
Don Van Deurzen, Trustee	Aye
John Elrick, Trustee	Aye
Brian Van Lankveldt, Trustee	Aye

Ayes 7, Nays 0 – Motion Carried

Administrator Fenlon presented the CTH OO Sanitary Relay budget adjustment.

*Moved by Trustee Elrick, seconded by Trustee Peerenboom to Approve the budget adjustment for the sewer and water facility as presented*

**Roll Call Vote**

Brian Van Lankveldt, Trustee	Aye
John Elrick, Trustee	Aye
Bill Peerenboom, Trustee	Aye
Don Van Deurzen, Trustee	Aye
James Hietpas, Trustee	Aye
Larry Van Lankvelt, Trustee	Aye
Michael Vanden Berg, President	Aye

Ayes 7, Nays 0 – Motion Carried

**Action—Agropur Site Plan**

Director Kittel went over the site plan for the new building for Agropur. The Plan Commission is recommending approval from the board with any comments from staff addressed.

*Moved by Trustee Peerenboom, seconded by Trustee L. Van Lankvelt to Approve the site plan for Agropur as presented including staff comments on landscaping*

Ayes 7, Nays 0 – Motion Carried

**Action—Agropur Development Agreement**

Administrator Fenlon went over the Development Agreement for Agropur and advised staff is recommending approval. He also advised representatives from Agropur are in attendance for questions.

*Moved by Trustee Elrick, seconded by Trustee L. Van Lankvelt to Approve the Agropur Development Agreement as presented*

Ayes 7, Nays 0 – Motion Carried

**Discussion/Possible Action—No Fault Sewer Back Up**

Administrator Fenlon provided information for the Village of Little Chute on purchasing additional insurance for Sewer Utility backup at an annual cost of \$8,041.00. Trustee Peerenboom felt this would be a great addition for Little Chute residents and the Village of Little Chute.

**Call for Unfinished Business**

None

**Items for Future Agenda**

None

**Closed Sessions:**

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. *Economic Development Negotiations*

*Moved by Trustee Elrick, seconded by Trustee L. Van Lankvelt to enter into closed session*

Ayes 7, Nays 0 – Motion Carried

b) 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. *Discuss Legal Matters and Outagamie County Landfill*

*Moved by Trustee Elrick, seconded by Trustee L. Van Lankvelt to enter into closed session*

Ayes 7, Nays 0 – Motion Carried

**Return to Open Session**

*Moved by Trustee L. Van Lankvelt, seconded by Trustee Van Deurzen to Approve the Consent Agenda items as listed*

Ayes 7, Nays 0 – Motion Carried


**Adjournment**

*Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Adjourn the Regular Board Meeting at 9:16 p.m.*

Ayes 7, Nays 0 – Motion Carried

**VILLAGE OF LITTLE CHUTE**

Attest:



Laurie Decker, Village Clerk

By:



Michael R. Vanden Berg, Village President