

## **MINUTES OF THE REGULAR BOARD MEETING OF DECEMBER 17, 2008**

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

### **Invocation**

President Fischer called for a moment of silence.

### **Pledge Allegiance to the Flag**

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

### **Roll call of Trustees**

PRESENT: Charles Fischer, Village President  
John Elrick, Trustee  
Jason Leicht, Trustee  
Skip Smith, Trustee  
Uriah Van Ooyen, Trustee  
Janet Verstegen, Trustee

EXCUSED: Steven Ransbottom, Trustee

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

PRESENT: Charles Kell, Village Administrator  
Mark Recker, Assistant Police Chief  
Dale Haug, Finance Director  
Tom Flick, Director of Parks, Recreation, and Forestry  
Roy Van Gheem, Director of Public Works  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

EXCUSED: Jim Moes, Community Development Director

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

Paul Hartjes, Village Limits Supper Club, question the Board on snow removal policies. Mr. Hartjes stated his business is located on a corner that is considered unsafe but the Village only takes the snow away from one area and the corner. Mr. Hartjes complaint is that his terrace area is very narrow and the snow from his sidewalk spills into the road and he has been notified by the Village that he has to remove the snow from the terrace area and he has to pay a contractor to haul the snow away. Mr. Hartjes stated he feels that the Village should remove his snow as they do with the snow in the downtown area. R. Van Gheem stated the Board would have to change the policy as the Village does not haul snow from private businesses and it is only removed from the downtown bumpout areas, parking lots and street parking areas. R. Van Gheem acknowledged that it is unique situation as the parking lot abuts the sidewalk at this business. Mr. Hartjes stated he is willing to work with the Village on the issue. President Fischer stated he does not see that Mr. Hartjes business is being treated any differently than other businesses and property owners are responsible to keep their terraces and the corners of their property safe for traffic but if Trustees wanted they could put the issue on a future agenda for discussion. Trustee Smith stated that if the snow is not from Mr. Hartjes' parking lot and only from the terrace area, then he doesn't see a reason that the Village could not pick up the snow. No decision was made. Mr. Hartjes asked the Board to get back to him on the issue. Trustee Verstegen stated that when Main Street is redone the terrace area should be expanded and that should help with the problem.

Mr. Jim Clark, 819 Grand Avenue, stated to the Board that he does not agree with the ordinance that was recently passed that does not allow for parking on lawns. Mr. Clark also expressed concerns with his neighbor's landscaping. Staff stated that they will have Jim Moes contact Mr. Clark about the landscaping issue. Mr. Clark also asked about the timeline for reconstructing McKinley Street and staff informed him that reconstruction on McKinley from Madison St. to Jackson St. is scheduled to start in 2009 but it may be done in two phases so it does not conflict with the school year because construction will affect the Elementary School.

*Moved by Trustee Elrick, seconded by Trustee Verstegen to enter into the Public Hearing for the RFB financing for the Community Blood Center.*

Ayes 6, Nay 0 – Motion Carried

**Public Hearing: Related to Proposed Revenue Bond Financing for Community Blood Center, Inc. (Electors from the Village of Little Chute and the Town of Grand Chute will be provided an opportunity to comment on the proposed project.)**

No Comment

*Moved by Trustee Elrick, seconded by Trustee Smith to exit the Public Hearing.*

*Moved by Trustee Elrick, seconded by Trustee Smith to enter the Public Hearing for the Preliminary Plat of Wildenberg Estates II.*

All Ayes – Motion Carried

**Public Hearing: Preliminary Plat of Wildenberg Estates II, 1830 Rosehill Road, Daval Engineering**

In response to Trustee Verstegen's questions, staff stated that Park Fees would be collected for the lots, that sidewalk is currently not being planned for the area, and explanations were provided on the driveway and roadway situations. The Plan Commission has reviewed and is recommending approval of the plat.

*Moved by Trustee Elrick, seconded by Trustee Leicht to close the Public Hearing for the Preliminary Plat for Wildenberg Estates II.*

Ayes 6, Nay 0 – Motion Carried

## **Approval of Minutes**

***Regular Board Meeting Minutes – December 3, 2008***

***Committee of the Whole Meeting Minutes – December 10, 2008***

Trustee Verstegen pointed out that the word interrupted should be interpreted and that the sidewalks have been recorded using GPS and these items should be corrected in the December 10 meeting minutes.

*Moved by Trustee Elrick, seconded by Trustee Smith to approve the Regular Board minutes of December 3 as presented and the Committee of the Whole meeting minutes of December 10, 2008 as corrected.*

Ayes 6, Nay 0 – Motion Carried

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

*Park Planning Committee Meeting Minutes – June 3, 2008*

*Police School Liaison Monthly Report – November 2008*

*Plan Commission Meeting Minutes – October 13, 2008*

*Fox Valley Metro Police Commission Meeting Minutes – November 25, 2008*

Board members noted receipt of the items listed above.

## **Resolutions:**

### ***Final Resolution Regarding Revenue Bond Financing for the Community Blood Center***

*Moved by Trustee Elrick, seconded by Trustee Leicht to adopt Resolution No. 46, Series of 2008 Final Resolution Regarding Revenue Bond Financing for the Community Blood Center, Inc.*

Roll Call Vote: Trustee Verstegen – Aye, Trustee Van Ooyen – Aye, Trustee Smith – Aye, Trustee Leicht – Aye, President Fischer – Aye, Trustee Elrick – Aye  
Ayes 6, Nay 0 – Motion Carried

### ***Approving Preliminary Plat for Wildenberg Estates II, 1830 Rosehill Road***

*Moved by Trustee Leicht, seconded by Trustee Smith to Adopt Resolution No. 47, Series of 2008 Approving the Preliminary Plat for Wildenberg Estates II, 1830 Rosehill Road.*

Ayes 6, Nay 0 – Motion Carried

### ***Approving Final Plat for Wildenberg Estates II, 1830 Rosehill Road***

*Moved by Trustee Elrick, seconded by Trustee Leicht to Adopt Resolution No. 48, Series of 2008 Approving the Final Plat for Wildenberg Estates II, 1820 Rosehill Road.*

Ayes 6, Nay 0 – Motion Carried

### ***Approving an Urban Non-Point Source & Storm Water Construction Grant Program–Heesakker Pond***

*Moved by Trustee Elrick, seconded by Trustee Van Ooyen to Adopt Resolution No. 49, Series of 2008 Approving an Urban Non-Point Source & Storm Water Construction Grant Program for Heesakker Pond.*

Ayes 6, Nay 0 – Motion Carried

### ***Approving an Urban Non-Point Source & Storm Water Construction Grant Program –Evergreen Pond***

*Moved by Trustee Van Ooyen, seconded by Trustee Elrick to Adopt Resolution No. 50, Series of 2008 Approving an Urban Non-Point Source & Storm Water Construction Grant Program for Evergreen Pond.*

Ayes 6, Nay 0 – Motion Carried

### **Possible Action – Appeal of Special Assessment Bill – Robert & Kathryn Berken, 182 Grant St.**

President Fischer stated the issue was reviewed and discussed at last week's meeting and a motion would be needed to change the current assessment. Attorney Koehler provided an opinion that the appeal is beyond the statute of limitations as according to State Statute 66.0703 an appeal must be filed in circuit court within 90 days after the date of the notice of the publication of the final resolution. Mr. Berken stated that he had contacted President Fischer in November 2007 about the appeal and the President did not get back to him on the issue. Discussion took place. Attorney Koehler explained his opinion regarding the proper assessment methodology as stated in his letter of November 20, 2008 to Roy Van Gheem. No action was taken and the assessment bill was upheld. Mrs. Berken questioned the request to have the terrace area restored. R. Van Gheem stated that the contractor had restored the terrace area following completion of the project and the Village is not responsible for what happened in the terrace since it had been restored. Trustee Van Ooyen stated that the issue could be brought up under future agenda items for discussion at a future meeting.

### **Decision on Sidewalk Assessments and Warranty Period for 2008 Sidewalk Rehab Project**

President Fischer stated the issue had been discussed last week and Board members expressed support for offering a six or seven year warranty for sidewalks that were replaced as part of the 2008 sidewalk rehab program. Staff stated the normal cycle for reviewing sidewalks is six years and the normal warranty on the work from the contractor is one year. Trustee Verstegen asked if the warranty could be disclosed when property ownership transfers. Staff stated they will develop to the best of their ability a program to track the

warranty so it is disclosed to new buyers. Staff stated they will send a letter with the assessment bill to the affected property owners and they will be informed of the warranty period and also informing them that they will need to contact Public Works if there is a problem with their sidewalk. C. Kell stated that all affected sidewalks were recorded using GPS and can be mapped if necessary.

*Moved by Trustee Elrick, seconded by Trustee Smith to bill the 2008 rehab sidewalks at the full assessment rate and to offer a seven (7) year warranty program on the sidewalks and to communicate in writing this information to the residents when issuing their sidewalk assessment bill.*

Ayes 6, Nay 0 – Motion Carried

### **Action – 2008 Budget Adjustments**

D. Haug pointed out the use of fund balance was for the historic high costs for snow removal and Public Works vehicle maintenance which included fuel costs.

*Moved by Trustee Verstegen, seconded by Trustee Smith to approve the 2008 year-end budget adjustments as listed. (Budget Adjustment Listing will be filed with minutes).*

Roll Call Vote: Trustee Van Ooyen – Aye, Trustee Smith – Aye, Trustee Leicht – Aye, President Fischer – Aye, Trustee Elrick – Aye, Trustee Verstegen – Aye  
Aye 6, Nay 0 – Motion Carried

*Moved by Trustee Verstegen, seconded by Trustee Elrick to approve \$42,800 carryover of unspent funds in the General Fund to 2009.*

Roll Call Vote: Trustee Smith – Aye, Trustee Leicht – Aye, President Fischer – Aye, Trustee Elrick – Aye, Trustee Verstegen – Aye, Trustee Van Ooyen – Aye  
Ayes 6, Nay 0 – Motion Carried

### **Discussion/Action – 2009 Utility Budget**

D. Haug stated that the updated budgets illustrate the proposed sanitary sewer rate increase that was discussed at last week's meeting. D. Haug stated the Water Commission has reviewed the water utility budget and they are recommending approval of the water utility budget.

*Moved by Trustee Leicht, seconded by Trustee Van Ooyen to approve the 2009 Utility Budgets as presented.*

Roll Call Vote: Trustee Leicht – Aye, President Fischer – Aye, Trustee Elrick – Aye, Trustee Verstegen – Aye, Trustee Van Ooyen – Aye, Trustee Smith – Aye  
Ayes 6, Nay 0 – Motion Carried

### **Discussion/Action - 2009 Sanitary Sewer Rate Increase**

D. Haug stated that if the rate increase is approved an ordinance change will be brought to the Board in January and the increase will go into effect February 1. D. Haug also stated that residents will be notified by including a message noticing the increase on the utility bills prepared by Kaukauna Utilities.

*Moved by Trustee Van Ooyen, seconded by Trustee Smith to increase the sanitary sewer rate to \$6.65 per 1,000 gallons and add a fixed charge of \$3.00 per month to all accounts effective February 1, 2009.*

Roll Call Vote: President Fischer – Aye, Trustee Elrick – Aye, Trustee Verstegen – Aye, Trustee Van Ooyen – Aye, Trustee Smith – Aye, Trustee Leicht – Aye  
Ayes 6, Nay 0 - Motion Carried

### **Discussion/Action – 2009 Kaukauna Utilities Billing Agreement**

D. Haug stated that the cost to the Village has decreased due to the meter conversion process being completed and further stated that the Water Commission has reviewed the 2009 agreement and they are recommending approval.

*Moved by Trustee Leicht, seconded by Trustee Van Ooyen to Approve the 2009 Kaukauna Utilities Billing Agreement as presented.*

Ayes 6, Nay 0 – Motion Carried

**Operator's License:**

Tabitha Leah Klingensmith	1801 Grandview Lane	Kaukauna	Van Zeelands
Brittany Ann Roberts	1921 W. Russet Ct. #4	Appleton	Van Zeelands
Katherine Lynn St. Martin	103 Hidden Ridges Way	Combined Locks	Jacks or Better

*Moved by Trustee Van Ooyen, seconded by Trustee Elrick to Approve the Operator's Licenses as presented.*

Ayes 6, Nay 0 – Motion Carried

**Department and Officers Progress Reports**

Asst. Chief Recker reported that the Winter Overnight Parking Ban is being lifted from December 19 through January 4 for the holidays but vehicles can be ordered to be removed from the street if needed by declaring a snow emergency. Assistant Chief Recker apologized to the Board for not providing the monthly activity reports and stated it has been due to being behind at the Department and the implementing of a new computer reporting system but they are getting caught up and the reports will be presented to the Board in the near future. D. Haug reported that the tax bills had been sent to property owners and the collection process is going well. D. Haug stated that bills can also be paid at Capital Credit Union branches in Little Chute. D. Haug reported that the Village is required to pay taxes of Village owned property that was purchased and not yet declared exempt and he further reported that a preliminary meeting with the auditors on the 2008 audit had taken place and the current auditing firm will be presenting a proposal to conduct the audit. President Fischer announced that the Village has received a Certificate of Achievement in Excellence for Financial Reporting for 2007 and congratulated the Finance Director. D. Haug stated the accomplishment is shared with all Departments and the staff of the Finance Department. Administrator Kell reported that he is working with McMahon on a preliminary feasibility study for Island Park development and he expects the plan to be completed in January and it will then be brought to the Board for review. Administrator Kell reported that a new security system has been installed at Village Hall and the front door handicap accessible keypad has been installed. Administrator Kell reported that he and the Kimberly Administrator are proceeding with the search for a consulting firm for the new Police Chief search and a recommendation will be made to the Police Commission in January. Administrator Kell reported that he will be on vacation from December 22 to January 5<sup>th</sup>. T. Flick stated that the ice rink at Heesakker Park has been flooded and is ready for use. T. Flick reported that payment to the pool painting contractor is being withheld until the hazards of the completed project are corrected in the spring and the issue has been reviewed by the Village Attorney. T. Flick reported that Fox Locks Authority has agreed to the easement for the levy trail and the grant for the trail will be available until 2010. T. Flick also informed the Board that in January he will be bringing forward a proposal for a park eviction policy that he has been working on with the Police Department. R. Van Gheem reported that the Ebben Pond project is continuing as well as lining projects and also that the efficiency improvement projects for Wells #3 & #4 will be started next week. V. Schneider reported that the invitations for the recognition dinner will be mailed next week and the date of the dinner is January 23 at Liberty Hall. C. Koehler – no report.

**Disbursement List**

*Motion by Trustee Leicht, seconded by Trustee Elrick to approve the disbursement list as presented.*

Ayes-6, Nay 0-Motion Carried

**Call for Unfinished Business**

Kate Berken, 182 Grant Street, addressed the Board stating that the issue of restoring their terrace should be addressed now as it was part of the appeal. R. Van Gheem stated that the terrace had been restored following completion of the project and the Village is not responsible for what may have happened since the restoration.

**Regular Board Meeting Minutes – December 17, 2008**

### **Items for Future Agenda**

Trustee Van Ooyen suggested putting the issue of the Berken's terrace on the April agenda so the terrace can be observed.

*Moved by Trustee Van Ooyen, seconded by Trustee Elrick to enter into Closed Session.*

Ayes 6, Nay 0 – Motion Carried

### **Closed Session:**

**1) Legal 19.85(1)(g) Wis. Stats - Conferring with legal counsel for the Village, legal counsel rendering oral or written advice concerning strategy to be adopted by the Village Board with respect to litigation in which the Village is now or is likely to become involved.**

*Moved by Trustee Verstegen, seconded by Trustee Leicht to exit Closed Session and return to Open Session.*

Ayes 6, Nay 0 – Motion Carried

### **Return to Open Session**

### **Adjournment**

*Moved by Trustee Elrick, seconded by Trustee Smith to Adjourn the Regular Board Meeting at 7:46 p.m.*

Ayes - 6, Nay 0-Motion Carried

## **VILLAGE OF LITTLE CHUTE**

Attest: \_\_\_\_\_  
Vicki Schneider, Village Clerk

By: \_\_\_\_\_  
Charles Fischer, Village President