

## **MINUTES OF THE REGULAR BOARD MEETING OF MAY 6, 2009**

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

Steven Ransbottom, Trustee

Skip Smith, Trustee

Don Van Deurzen Trustee

EXCUSED: Janet Verstegen, Trustee

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

PRESENT: Charles Kell, Village Administrator

Mark Recker, Assistant Police Chief

Dale Haug, Finance Director

Jim Moes, Community Development Director

Tom Flick, Director of Parks, Recreation, and Forestry

Vicki Schneider, Village Clerk

Charles Koehler, Village Attorney

EXCUSED: Roy Van Gheem, Director of Public Works

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

Steve Hietpas, 1234 Dotty Street, stated that a few years ago he appeared before the Board about the issue of his concrete apron and sidewalk being cracked and broken due to the concrete street in front of his apron expanding each spring and at that time the Village Board took a vote and determined it was his responsibility to fix the apron and sidewalk. Mr. Hieptas stated that the issue has been going on for about five years when the new concrete street was poured and two years ago the concrete street was cut with a two-inch gap on each side of the road to allow for the expansion and this procedure did stop his concrete apron from moving.

Mr. Hietpas stated the Village should be responsible for fixing his concrete apron and sidewalk as the street expansion caused the damages to his apron. Trustee Elrick stated there were a few other areas in the Village that had the same problem with the concrete street expanding. Board members informed Mr. Hieptas that the issue will be put on a future agenda for discussion and he will be sent a notice of the meeting.

Michael Stouffer, 714 Bluff Avenue, commented on the Governor's 2009 Proclamation on Toxic Injury and provided the Clerk with copies of a Toxic Injury summary sheet, a Gulf War Research study, and an article that he and his wife had written on the difficulty of home repairs.

### **Approval of Minutes**

*Regular Board Meeting Minutes – April 15, 2009*

*Committee of the Whole Minutes – April 22, 2009*

*Moved by Trustee Ransbottom, seconded by Trustee Smith to approve the Regular Board minutes of April 15, 2009 and the Committee of the Whole Minutes of April 22, 2009 as presented.*

Ayes 6, Nay 0 – Motion Carried Unanimously

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

*Police/School Liaison Report – March 2009*

*Minutes of the Plan Commission Meeting – March 9, 2009*

*Minutes of the Joint Library Board Meeting – April 23, 2009*

*Quarterly Web Trends Report*

Board members noted receipt of the informational items.

### **Advance Little Chute/UW Extension Representatives – First Impressions Exchange Program**

Jim Resick, UW Extension and Diane (Bunny) DeBruin, Advance Little Chute, explained how the First Impressions Exchange Program works and how the program will be used to assist businesses, government, organizations, and tourist attractions in Little Chute. Board members were invited to participate in the program and Ms. DeBruin requested that the Board consider making a donation to assist in matching the \$250 ALC is contributing towards participants' reimbursement costs for lodging and travel expenses.

*Moved by Trustee Elrick, seconded by Trustee Leicht to approve donating \$250 to ALC to be used for reimbursement costs for those that are participating in the First Impressions Exchange Program.*

Ayes 6, Nay 0 – Motion Carried

### **Ordinance:**

#### **Amending Building Code Sections 8-20 Building Permits and Inspections and 8-21 State Uniform Dwelling Code**

J. Moes explained the proposed amendments are to correct spelling, to describe what is considered structural portions of a building, and section (e) was added to describe construction materials and methods and section (f) to describe what constitutes temporary roofing materials and to limit the time for temporary materials to 28 days. The proposed language also clarifies what is considered minor repairs. J. Moes stated that the Board could approve exceptions to the timeline for emergency situations such as storm damages.

*Moved by Trustee Ransbottom, seconded by Trustee Smith to adopt Ordinance No. 6, Series of 2009 amending the Building Code Sections 8-20 Building Permits and Inspections and 8-21 State Uniform Dwelling Code as presented.*

Further Discussion: Trustee Leicht stated he thought enforcement of the ordinance should be delayed until fall, possibly October 1, to allow for compliance with the ordinance. J. Moes stated that he is aware of one property that is currently in violation and Trustee Leicht stated he is aware of one if not two properties that would be in violation. President Fischer allowed participation from the audience and in response to a question posed by Mr. Stouffer, 714 Bluff Avenue, J. Moes stated the language of the proposed ordinance is consistent with State building codes. J. Moes stated the Village's current ordinance does not have any regulations on temporary roofing or repairs. Mr. Stouffer made various comments on the issue and his concern with the 28 day timeframe. Trustee Elrick stated he is not in favor of extending the compliance deadline to October 1 and he agrees the ordinance meets the Department of Commerce rules. Discussion continued and Mr. Stouffer made further comments on the length of time allowed for the roofing underlayment. Trustee Smith suggested further review of ordinances to include timelines for other types of repairs to properties so they are not allowed to sit for two or three months without any progress being made to the property. Mr. Stouffer commented on the communications he has had with J. Moes and the progress of the roofing project and he also commented on the difficulty of the project because of the special circumstances of health issues in his household. Mr. Stouffer stated he has had a tarp on the roof of his garage since November 2007 and on the roof of his house since August of 2008 but that tarp has been replaced four or five times. Trustee Leicht stated he now believes

an extension to October 1 for properties currently not in compliance may be too long but he believes it should still be longer than 28 days. Mr. Stouffer stated that he is trying to correct structural damages to the original house and the issue is putting together plans that are consistent with his wife's chemical injuries. Trustee Ransbottom stated that individual requests for an extension can be brought to the Board and he called for a vote on the motion.

Vote on the Motion:  
Carried

Ayes 5, Nay 1 (Leicht) – Motion Carried

**Resolution:**

**Purchase of 8,501 Sq. Ft. of Property Located at 400 Randolph Drive to be used for Development of Hartzheim Drive**

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to adopt Resolution No. 17, Series of 2009 approving the purchase of 8,501 square feet of property located at 400 Randolph Drive to be used for Development of Hartzheim Drive.*

Ayes 6, Nay 0 – Motion Carried

**Action – Insurance Claim Denial**

Assistant Chief Recker explained how the damages occurred to the claimant's vehicle when an officer responded and assisted with a vehicle lockout. Asst. Chief Recker stated that since the Department has gone paperless a waiver form has not been used when assisting with vehicle lockouts. Trustee Smith recommended that the Department include procedures to require that a waiver be signed before an officer assists with a vehicle lockout.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to accept the recommendation of the Village's Insurance Company and Deny the Claim filed by Debra Verhyen.*

Ayes 6, Nay 0 – Motion Carried

**Discussion/Possible Action – STP Urban Project for Reconstruction of County Hwy. "OO"**

C. Kell explained staff has had several discussions with the County about the future of Hwy. 00 and the County was planning to do a pavement resurfacing in a few years and a complete reconstruction would not be done for another 15 years. Now, the County Highway Commissioner is proposing to submit a Federal Application for funding a reconstruct of a portion of the road in 2014 and 2015 and the application has to be submitted by May 15<sup>th</sup> of this year. The segment of the road from Holland Rd. to Freedom Rd. would be upgraded and the project would include the storm sewer system, installing new sidewalk, and possibly creating three roundabouts. The approximate cost is \$10,700,000 and if the STP grant is obtained, it would cover \$8,560,000 of the project and the County and Village would each be responsible for 10% and that would amount to approximately \$1,070,000. C. Kell stated that staff believes this would be a good deal for the Village and the Board is being asked to approve indicating to the County to proceed with the application for funding.

*Moved by Trustee Ransbottom, seconded by Trustee Van Deurzen to authorize the Administrator to notify the County Highway Commissioner that the Village supports the County's application of a STP Urban Project for Reconstruction of County "OO".*

Ayes 6, Nay 0 – Motion Carried

**Appointment of Tim Wegand to the Water Commission**

President Fischer stated he is recommending that Tim Wegand be appointed to the Water Commission to fill the late Terry Huiting's term.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to appoint Tim Wegand to the Water Commission to fill the vacant term.*

Ayes 6, Nay 0 – Motion Carried

**Award Bid – Legion Park**

Trustee Elrick stated he would abstain from the discussion and vote. T. Flick reviewed the bids for the project and stated staffs' recommendation is to postpone work at Van Lieshout Park and scheduled work at Doyle Park in order to completely finish Legion Park. Administrator Kell stated he agrees with the approach that is being recommended by the Parks and Recreation Director. Discussion took place. Trustee Leicht requested that future bid award include the details of the plan and the related bid amounts.

*Moved by Trustee Leicht, seconded by Trustee Ransbottom to award Contract A Base Bid to Utschig, Inc., N1040 Craftsman Drive, Greenville, WI for \$321,811.85*

Ayes 5, Nay 0, Abstained (Elrick) – Motion Carried

**Operator's License:**

Sara Jane Jozwiak 966 E. Elm Drive #2 Little Chute Moasis

*Moved by Trustee Elrick, seconded by Trustee Smith to approve the Operator's License as presented.*

Ayes 6, Nay 0 – Motion Carried

**Department and Officers Progress Reports**

Assistant Chief Mark Recker reported that National Police Week will be held May 11 to the 15 and the Department will be hosting an Open House on Wednesday, May 13 beginning at 4:30 and the Board and staff are invited to attend the event. D. Haug provided an update on the status of the 2008 audit. C. Kell stated the individual that is requesting that the Village enact an ordinance to allow for electric vehicles has been informed he will need to get written authorization from the County to present to the Village before the Village will proceed with proposing an ordinance. C. Kell stated that as discussed at the Quad Communities meeting, the electric vehicles are not allowed on County Roads and yet Kaukauna has enacted an ordinance to allow the vehicles. C. Kell reported that Tammy Castonia has been hired as the GIS/LIS Manager and she started on May 4<sup>th</sup>. C. Kell report that he had met with a company from Milwaukee that has expressed interested in the Island Park Development project and they had been given a tour of the site. C. Kell further stated that the company is experienced in sustainable developments and they have been asked to submit a Statement of Interest to the Village by the end of May. C. Kell reported that he will be meeting with the DOT in Madison next week on the Mill Street Bridge issue. C. Kell reported that the Buchanan Street bridge will be reopened this coming weekend or at the latest on Monday, May 6<sup>th</sup> and also reported that the Public Works Department had hired Tim Paulson for the labor position. J. Moes – no report. T. Flick reported that contractor that had painted the pool last year is back on site making the necessary repairs and repainting. T. Flick reported that he will be bringing the Pedestrian and Bike Facility Plan study to the Board to review at a meeting later this month. V. Schneider reminded Board members to inform her if they planned to attend either the Leagues Dinner meeting or New Official meeting. Attorney Koehler – no report.

**Disbursement List**

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

Ayes-6, Nay 0-Motion Carried

**Call for Unfinished Business**

President Fischer read a thank you note addressed to the Board from the Destination Imagination team.

**Items for Future Agenda**

C. Kell stated that at next week's meeting the Public Works Director will also be bringing forth items for consideration on the Washington Street/Paradise Drive projects and on a Kaukauna paving project on Wildenberg Drive. The Village Clerk and Administrator also informed the Board that requests filed by residents for an extension of the timeline for sewer lateral replacements will need to be addressed at a future

meeting. Trustee Elrick requested that the Public Works Director first check with the HOVMSD to see if the Village can be granted an extension on the timeline for compliance. Michael Stouffer, 714 Bluff Avenue, suggested that the Board consider a loan program for residents that are required to replace their sewer laterals.

*Moved by Trustee Ransbottom, seconded by Trustee Elrick to enter into Closed Session. (7:35 p.m.)*  
Ayes 6, Nay 0 – Motion Carried

**Closed Session: Legal (g) 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. 19.85(1)(g), Wis. Stats. GH Investments/Evergreen L.C. Development/Village of Little Chute Development Agreement**

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to exit closed session. (7:52 p.m.)*  
Ayes 6, Nay 0 – Motion Carried

**Return to Open Session/Possible Approval of GH Investments/Evergreen L.C./Village of Little Chute Development Agreement**

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to approve the Development Agreement between GH Investments LLP/Evergreen L.C. Development and the Village of Little Chute subject to a final review and approval by the Village Attorney.*

Ayes 6, Nay 0 – Motion Carried

**Adjournment**

*Moved by Trustee Ransbottom, seconded by Trustee Smith to Adjourn the Regular Board Meeting at 7:52 p.m.*  
Ayes - 6, Nay 0-Motion Carried

**VILLAGE OF LITTLE CHUTE**

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

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