

## **MINUTES OF THE REGULAR BOARD MEETING OF OCTOBER 21, 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  
Skip Smith, Trustee  
Steve Ransbottom, Trustee  
Don Van Deurzen, Trustee  
Janet Verstegen, Trustee

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

PRESENT: Charles Kell, Village Administrator  
Erik Misselt, Police Chief  
Dale Haug, Finance Director  
Jim Moes, Community Development Director  
Tom Flick, Director of Parks, Recreation, and Forestry  
Roy Van Gheem, Director of Public Works  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

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

None

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Enter into the Public Hearing for Amending Village Code, Zoning Code Article VII Signs and Billboards Section 44-213 Definitions – Banner and Section 44-215 Exemptions.*

Ayes 7, Nay 0 – Motion Carried

### **Public Hearing – Amending Village Code, Zoning Code Article VII Signs and Billboards Section 44-213 Definitions –Banner and Section 44-215 Exemptions**

J. Moes reported that the amendment defines banner advertising and allows for the placement of banners in Village Parks upon meeting the requirements of the ordinance and with the approval of the Parks Director.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Exit the Public Hearing.*

Ayes 7, Nay 0 – Motion Carried

### **Approval of Minutes**

*Regular Board Meeting Minutes – October 7, 2009*

*Moved by Trustee Verstegen, seconded by Trustee Leicht to approve the Regular Board Minutes of October 7, 2009 as presented.*

Ayes 7, Nay 0-Motion Carried Unanimously  
**Regular Board Meeting Minutes – October 21, 2009**

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

*Fox Valley Metro Activity Report – August 2009*

*Minutes of the Plan Commission Meeting – September 14, 2009*

*Minutes of the Joint Library Board Meeting – September 24, 2009*

*Minutes of the Joint Library Board Meeting – October 1, 2009*

*Minutes of the Fox Valley Metro Police Commission Meeting – October 1, 2009*

*Quarterly Budget Status*

*Quarterly Investment Summary*

Board members noted receipt of the above items.

### **Ordinance:**

***Amending Village Code, Zoning Code Article VII Signs and Billboards Section 44-213 Definitions – Banner and Section 44-215 Exemptions***

T. Flick reported that he is currently working on defining the lease agreement with the Baseball Club and the lease will also be forwarded to the Village Attorney for review. The lease with the Baseball Club and any other leases for placement of banners in Village Parks will come before the Board for approval.

*Moved by Trustee Leicht, seconded by Trustee Ransbottom to Adopt Ordinance No. 11, Series of 2009 Amending Village Code Zoning Code Article VII Signs and Billboards Section 44-213 Definitions – Banner and Section 44-215 Exemptions.*

Ayes 7, Nay 0 – Motion Carried

### **Resolutions:**

***Preliminary Assessment Resolution – To Set Assessment Hearing for the Asphalt Mill & Overlay Project on Paradise Drive***

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Adopt Resolution No. 33, Series of 2009 Setting the Public Hearing for November 11, 2009 at 6:00 p.m. for the Assessments for the Asphalt Mill & Overlay Project on Paradise Drive.*

Ayes 7, Nay 0 – Motion Carried Unanimously

### **Discussion/Possible Action Regarding Terrace Tree at 518 Vanden Broek Street**

T. Flick reported that he had made an assessment of the terrace tree and he does not believe that the roots of the tree are causing the foundation problems. T. Flick stated that he would caution the Board against removing trees because of issues with the sidewalk. T. Flick stated that he does believe the tree is the wrong type for the width of the terrace and it is in very close proximity to the house and the branches may cause mold damage to the roof and shingles. Discussion took place. Board members indicated agreement with having the tree removed by the Forestry Department staff and to require the property owner to purchase an appropriate tree through the Village's Terrace Tree Program. It was noted that normally these issues do not come before the Board and are handled by staff but the Forestry Director had previously not been made aware of this situation.

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to direct the Forestry Director to deal with this situation as he sees fit.*

Ayes 7, Nay 0 – Motion Carried

### **Discussion/Possible Action – Dave Hammen Lateral Issue at 807 Bluff Avenue**

C. Kell reported on the issue of the lateral at 807 Bluff Avenue. Mr. Hammen owns the house at 807 Bluff Avenue

and the house is not inhabited, the water and sewer are shut off, and he does not plan to allow anyone to live in it. Mr. Hammen was issued orders to correct the lateral deficiencies at both of his properties. Mr. Hammen stated that he plans to have the house at 807 Bluff Avenue torn down and he does not want to replace the lateral. Mr. Hammen stated his contractor did replace the lateral at his residence at 809 Bluff but the Contractor did not

Staff noted that Village code does not allow for disconnecting of the sewer lateral if a house is on the property. C. Kell stated the decision before the Board is whether to allow Mr. Hammen to remove the lateral at this time and allow for the vacant house to remain for a period of time. A \$50 charge is being applied to Mr. Hammen's utility bill for non-compliance with the orders to correct the lateral at 807 Bluff. Mr. Hammen has indicated that he is working with Habitat for Humanity to take the house down. Discussion took place between the Board, staff, and Mr. Hammen. Mr. Hammen agreed that he would have the house removed by the end of July 2010. Trustee Elrick suggested that Mr. Hammen take the house down by December 31 so he doesn't have to pay taxes on the house next year. The Board also requested that Mr. Hammen bring back his contractor and have the contractor contact Kaukauna Utilities to assist with the utility pole situation and proceed with removing the lateral and capping the line at 807 Bluff. The Board agreed that staff should hold off on issuing condemnation orders on the house at 807 Bluff Avenue until the end of July 2010.

*Moved by Trustee Ransbottom, seconded by Trustee Leicht to Direct Staff to Not Issue Condemnation Orders on the House at 807 Bluff Avenue until the end of July, 2010.*

Ayes 7, Nay 0 – Motion Carried

C. Kell clarified that Mr. Hammen is still under orders to remove the lateral. Trustee Verstegen asked for clarification on the penalty for not having the lateral removed. Staff stated that the penalty fee is attached to the utility bill. The deadline for replacing the faulty laterals was August 29<sup>th</sup> and a grace period notice was sent in September. As of October, the \$50 fee per month is being applied to Mr. Hammen's utility bill and it will continue to be applied as a monthly penalty fee until the lateral is removed at this property. R. Van Gheem stated that there are approximately 18 residents that have not complied with the lateral correction orders and are now being charged the monthly penalty fee on their utility bill.

#### **Review and Approval of Shared Use/Lease Agreement for LC Windmill Inc. Parking**

Discussion took place on the shared use/lease agreement that the Administrator had drafted based on Board action and the agreement is similar to the agreement that the Village has with the School District. C. Kell stated the agreement was provided to the Windmill Committee but it was not discussed at their last meeting. President Fischer stated that he would like to see the Windmill Comm. approve the agreement first before it is signed by the Village Board. Trustee Van Deurzen had questions about items #2 and #12 asking for clarification or what recourse there is on the term "substantial efforts" and the timeline of "2 to 3 years" as there may be concerns brought up before then by businesses that are complaining about parking issues. C. Kell stated that the Board's motion is not really enforceable, as how is the Board going to require them to make significant effort. C. Kell stated that the agreement as written does not require the Windmill Comm. to provide parking if the public parking agreement does not work out. Trustee Smith stated that there needs to be some sort of plan in place by the Windmill to address parking issues that may arise. Trustee Leicht stated putting in 13 stalls behind the library doesn't make sense to him and there is public parking available for the Windmill site. Attorney Koehler commented that the agreement does provide a sunset provision that it will be looked at between 24 to 36 months and Item 11 allows for any issues to be looked at immediately and six months termination notice can be given. Attorney Koehler stated it is hard to come up with a plan now to deal with a problem that you don't know the magnitude of yet. Attorney Koehler stated he believes it is a workable agreement and his initial reading of the agreement is that if the Village revokes the Windmills privilege to use public parking they will need to come up with a solution to avoid losing their occupancy permit. Discussion continued and the Administrator was directed to revise the agreement to change the wording in Item 12 from "substantial" to "required" and before the permit is issued the lease has to be signed by the Windmill Committee.

#### **Review/Possible Action – Deer Culling – Heesakker Park**

T. Flick reviewed the proposal to develop a lottery system for permits and four applications will be drawn each week for the hunt. T. Flick reported that of this afternoon the Village has been given permission by Kaukauna Utilities that for one year Electric Island may be hunted and that brings in an additional 20 acres of

could be used so additional permits may be issued. Proficiency tests will be given to the hunters and there will be setbacks from streets and private property lines. The Board is being asked to agree to close Heesakker Park from November 29<sup>th</sup> to December 19<sup>th</sup> for the hunt and to open the hunt only to LC residents and also a no feeding ordinance needs to be adopted. The recommendations also state that the applicant must be 18 years old and the applicant will have to pay for the background check. Applicants that are approved to hunt will receive a bow hunting authorization letter, policies, rules and regulations, bow hunting authorization log, and they will be permitted to only cull one doe. Discussion took place. Chief Misselt also presented a draft of the requirements the Police Department is proposing for hunting in the parks and on private property. T. Flick stated the park will be posted “closed” with bright colored signs placed at key areas around the park.

*Moved by Trustee Ransbottom, seconded by Trustee Elrick to follow the recommendations for the Deer Culling Hunt as presented by the Parks and Recreation Director.*

The Village Attorney stated he does not see an issue with charging an application fee for the background check. Trustee Van Deurzen asked about his suggestion for assigning areas for the hunters. T. Flick stated the recommendation was reviewed but decided against and the area will be treated like public hunting land with the first person on site being able to claim a spot.

Vote on the Motion:

Ayes 7, Nay 0 – Motion Carried

**Action to Award Bid – Razing of Village Owned Properties**

*Moved by Trustee Leicht, seconded by Trustee Smith to Award the Bid for the Razing of Village Owned Properties to Statewide Razing, Inc. of Greenleaf, WI for the Amount of \$29,300.*

Ayes 7, Nay 0 -Motion Carried

**Action – Parade Permit – LCHS Student Walk on October 31, 2009 to Raise Funds for Harbor House**

*Moved by Trustee Verstegen, seconded by Trustee Elrick to Approve the Permit for the LCHS Student Walk on October 31, 2009.*

Ayes 7, Nay 0 – Motion Carried

**Action – Parade Permit – LC Kiwanis Christmas Parade – November 30, 2009**

*Moved by Trustee Elrick, seconded by Trustee Smith to Approve the Parade Permit for the LC Kiwanis Christmas Parade on November 30, 2009.*

Ayes 7, Nay 0 – Motion Carried

**Set Public Hearing – Rezoning 306, 312, 316 and 320 W. Lincoln Avenue and 325 W. Main Street from RC – Conventional Single Family District to CB – Central Business District**

*Moved by Trustee Elrick, seconded by Trustee Smith to Set the Public Hearing for November 11, 2009 at 6 p.m. for the Rezoning Request for 306, 312, 316 and 320 W. Lincoln Avenue and 325 W. Main Street from RC – Conventional Single Family District to CB – Central Business District.*

Ayes 7, Nay 0 – Motion Carried

**Reappoint Water Commission Member**

President Fischer recommended the reappointment of Larry Van Lankvelt to the Water Commission for a five-year term.

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to reappoint Larry Van Lankvelt to the Water Commission for a five-year term.*

Ayes 7, Nay 0 – Motion Carried

## 2010 Budget Discussion

D. Haug led a review of the 2010 budget and highlighted areas of the budget that were put into format based on the decisions that the Board has guided staff with. D. Haug reviewed the summary page that shows the budget being presented at a 3% tax levy as authorized and the equalized tax rate is \$6.195. The Village is still waiting for the DOR assessment ratio but for now the budget is using an estimated ratio of .94. The proposed budget falls within the expenditure restraint program. Staff reported that both the Police and Public Works and all employees have had no lost time accidents in four years and because of this safety record the Village is only one of five communities of a pool of 275 to 300 in the State that will not see an increase in Worker Comp Insurance rates. D. Haug commented on the Public Fire Protection fees that are split between the levy and the customer's utility bill and an option for the future would be to allocate the fee totally to the customer's utility bill but that is not being recommended for 2010. Discussion on the 2010 budget with an emphasis on the CIP items will continue at next week's meeting.

### Operator's Licenses:

Nicole Lee Jahnke	1611 Freedom Road Apt. B	Little Chute	Country Inn & Suites
Lydia Marie Kirk	W2776 Cty. Rd. KK	Appleton	Moasis

*Moved by Trustee Leicht, seconded by Trustee Smith to Approve the Operator's Licenses as presented.*

Ayes 7, Nay 0 – Motion Carried

### Department and Officers Progress Reports

Chief Misselt reported that he will be bringing forward a proposal for an ordinance on beer gardens at a future meeting. Chief Misselt also reported that the Department has received two grants of \$2,000 each to purchase Hybrid Electric Vehicles and these grants will be used towards the purchase of new patrol cars in 2010. Board members agreed with the Finance Director's proposal to hold the Budget Hearing on November 18 at 6 p.m. Board members agreed with the hearing date. C. Kell reported on an issue of non-compliance with two permanent mailbox structure permits. The property owners did not follow the height and setback requirements for the structures. T. Flick reported that the annual Jets banquet was held this past Friday and it had a good attendance and also the fall sports programs have ended. T. Flick reported that the long range pool facilities study is scheduled to be completed by the end of February and the study will be brought to the Board. T. Flick also reported that the pool has been drained and winterized. R. Van Gheem reported that the Department is working on normal duties including leaf pickup and the projects on Paradise Drive and the Kraft turning lane have begun. R. Van Gheem also reemphasized congratulating the employees on their worker's comp safety record. V. Schneider – no report. Attorney Koehler – no report.

### Disbursement List

*Moved by Trustee Van Deurzen, seconded by Trustee Leicht to Approve the Disbursement List as Presented and Authorize the Finance Director to Draw from the Respective Funds.*

Ayes 7, Nay 0 – Motion Carried

### Call for Unfinished Business

T. Flick stated that to move forward with the Deer Herd Culling he will have informational packets available in the Parks Office for interested residents beginning on Oct. 28.

### Items for Future Agenda

Trustee Verstegen asked to have a future agenda item include a discussion on the straightening of Vanden Broek and Depot Streets. Trustee Leicht asked to have a future agenda include a discussion on the Joint Library Funding. Trustee Ransbottom asked to have a future agenda item included a discussion on municipal sustainability. Staff will be bringing ordinance amendments for hunting and for a deer feeding ban

to a future meeting for review. T. Flick reported that he will have an agenda item for next week's meeting to reopen Island Park. C. Kell reported that he will not have the Business Improvement fund proposal ready for the next meeting but it will be brought forward at a future meeting for Board consideration.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Enter into Closed Session. (8:34 p.m.)*

Ayes 7, Nay 0 – Motion Carried

All staff members and the Clerk were dismissed from the meeting at this time.

**Closed Session:**

*Real Estate (e) 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. 19.85(1)(e), Wis. Stats.*

Chief Misselt was in attendance for the Personnel Closed Session.

*Personnel (c) Consideration of employment, promotion, compensation or performance evaluation data of any public employee of the Village of Little Chute. 19.85(1) (c), Wis. Stats.*

*Moved by Trustee Leicht, seconded by Trustee Ransbottom to Exit Closed Session. (9:10 p.m.)*

Ayes 7, Nay 0 – Motion Carried

**Return to Open Session – Possible Action on Closed Session Items**

No action on Real Estate matter.

**Possible Approval of Police Department Reorganization Plan**

*Moved by Trustee Ransbottom, seconded by Trustee Smith to Approve the Reorganization Plan for the Fox Valley Metro Police Department.*

Ayes 7, Nay 0 – Motion Carried

**Adjournment**

*Moved by Trustee Ransbottom, seconded by Trustee Elrick to Adjourn the Regular Board meeting at 9:12 p.m.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

By: \_\_\_\_\_

Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk