

MINUTES OF THE REGULAR BOARD MEETING OF NOVEMBER 18, 2009

The Regular Board meeting was called to order at 6:07 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
Tom Flick, Director of Parks, Recreation, and Forestry
Jim Moes, Community Development Director
Roy Van Gheem, Director of Public Works
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk
EXCUSED: Dale Haug, Finance Director

Public Appearance for Items Not on the Agenda

None

Moved by Trustee Verstegen, seconded by Trustee Smith to enter the Public Hearing on the 2010 Budget and Tax Levy.

Ayes 7, Nay 0 – Motion Carried Unanimously

Public Hearing – 2010 Budget and Tax Levy

No public comment.

Moved by Trustee Ransbottom, seconded by Trustee Van Deurzen to Exit the Public Hearing on the 2010 Budget and Tax Levy.

Ayes 7, Nay 0 – Motion Carried Unanimously

Approval of Minutes

Regular Board Meeting Minutes – November 4, 2009

Committee of the Whole Minutes – November 11, 2009

Moved by Trustee Elrick, seconded by Trustee Smith to approve the Regular Board Minutes of November 4, 2009 and the Committee of the Whole Minutes of November 11, 2009 as presented.

Ayes 7, Nay 0-Motion Carried Unanimously

Regular Board Meeting Minutes – November 18, 2009

Report of Other Minutes – Other Informational Items

Citizen Advisory Board on Beautification Meeting Minutes – September 1, 2009

Fire Commission Meeting Minutes – November 9, 2009

Third Quarter 2009 Weights and Measures Report

Board members noted receipt of the above items.

Ordinances:

Amending Section 30-21 Regulations of Firearms and Explosives; Section 30-32 Throwing or Shooting of Arrows, Stones, and other Missiles Prohibited; Section 32-1 Park Regulations

Moved by Trustee Verstegen, seconded by Trustee Erick to Adopt Ordinance No. 13, Series of 2009, Amending Section 30-21 Regulations of Firearms and Explosives; Section 30-32 Throwing or Shooting of Arrows, Stones, and other Missiles Prohibited; Section 32-1 Park Regulations

Ayes 7, Nay 0 – Motion Carried Unanimously

Trustee Verstegen removed herself from the Board table and requested to abstain from voting on the following ordinance.

Amending Chapter 44 of the Village of Little Chute Municipal Code – Zoning Change – 306 and 312 W. Lincoln Avenue from RC – Residential Conventional Single Family District to CB – Central Business District and a Conditional Use Approval for 316 and 320 W. Lincoln Avenue and 325 W. Main Street.

C. Kell reminded the Board that because a protest petition against the rezoning was filed, a three-fourths vote will be needed to approve the zoning. Trustee Elrick asked the Attorney to explain conditional zoning.

Attorney Koehler stated that Wisconsin law allows conditional zoning and means that if a property owner wishes to give a Village Board motivation to rezone property, the property owner can voluntarily put certain conditions and restrictions on their own property. Attorney Koehler stated the Board is free to make a decision to rezone the properties, rezone part of the properties and wait and see what kind of conditions are put in place on the other properties, or to deny rezoning on all parcels until conditions are in place. Trustee Elrick read a statement he had written (complete statement attached to the minutes) that concluded with expressing his support to rezone 306 and 312 W. Lincoln Avenue.

Moved by Trustee Elrick, seconded by Trustee Ransbottom to approve the rezoning of 306 and 312 W. Lincoln Avenue from RC District to CB District and to deny the rezoning for 316 and 320 W. Lincoln Ave. and 325 W. Main Street.

Further Discussion: Trustee Van Deurzen question if Mr. Van Dyn Hoven owned enough land to close down the street. Trustee Elrick stated that he understands the Developers are looking at options.

Trustee Elrick moved to restate the motion to approve the rezoning of 306 and 312 W. Lincoln Avenue from RC District to CB District and to deny the rezoning for 316 and 320 W. Lincoln Ave. and 325 W. Main Street as well as direct staff to pursue the closing of the street (not vacating) intersecting of W. Lincoln Ave. and Madison St. and pursue an alternate route out to Main Street for the residents, seconded by Trustee Ransbottom.

Further Discussion: Attorney Koehler stated that in his opinion if the motion passes it leaves open for the Board to further review and an opportunity to exam conditions that the Developer/Owner might put on the remaining three properties and the Developer/Owner could agree to put conditions on the two properties that are subject to this motion. Attorney Koehler confirmed that an ordinance needs to be adopted to change the zoning.

Trustee Elrick corrected the motion by moving to Adopt Ordinance No. 14, Series of 2009 to approve the rezoning of 306 and 312 W. Lincoln Avenue from RC District to CB District and to deny the rezoning for 316 and 320 W. Lincoln Ave. and 325 W. Main Street as well as direct staff to pursue the closing of the street (not vacating) intersecting of W. Lincoln and Madison and pursue an alternate route out to Main Street for the residents, motion seconded by Trustee Ransbottom.

Vote on the Motion: 5 Ayes, Nay 1 (Van Deurzen), Abstained 1 (Verstegen) - Motion Carried
Regular Board Meeting Minutes – November 18, 2009

Trustee Verstegen returned to the Board table at this time. (6:30 p.m.)

Resolutions:

Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing

Moved by Trustee Verstegen, seconded by Trustee Elrick to Adopt Resolution No. 37, Series of 2009, Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing.

Ayes 7, Nay 0 – Motion Carried Unanimously

Adopting 2010 Budget and Establishing the Tax Levy

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Resolution No. 38, Series of 2009, Adopting the 2010 Budget and Establishing the Tax Levy

Roll Call Vote: Trustee Elrick – Yes, Trustee Leicht – Yes, Trustee Ransbottom – Yes, Trustee Smith – Yes, Trustee Van Deurzen – Yes, Trustee Verstegen – Yes, President Fischer – Yes

Ayes 7, Nay 0 – Motion Carried Unanimously

Approval of Shared Use Parking Agreement for Little Chute Windmill Inc.

C. Kell stated the Windmill Committee had approved and signed the parking agreement.

Moved by Trustee Elrick, seconded by Trustee Leicht to Approve the Shared Use Parking Agreement with Little Chute Windmill, Inc.

Further Discussion: Trustee Smith stated that he feels the agreement is too vague on what is being allowed and not enough for him and the Village is leaving itself way to open.

Vote on the Motion:

Ayes 6, Nay 1 (Smith) – Motion Carried

Discussion/Possible Action – Providing the Availability of Larger Recycling Polycarts

Board members and staff had a discussion on the number of carts that should be ordered and about placing a notice in the newsletter. Board members agreed that the residents will need to purchase the carts which cost \$40.56 plus the cost of shipping. The cost of shipping is unknown at this time as the Village will be combining the order with another municipality. The carts will be offered on a first-come, first-served basis and the residents will be required to turn in their smaller cart and they will be informed that even though they purchase the carts, they are to remain with the property when the property is sold. Trustee Verstegen verified that the new carts will match the carts we have now.

Moved by Trustee Smith, seconded by Trustee Van Deurzen to authorize staff to purchase 100 – 95 gallon recycling polycarts and to place a notice in the Village Newsletter noticing the availability of the 100 carts and residents will be required to pay for the carts.

Further Discussion: Trustee Elrick requested that the newsletter make clear that there are 100 carts available and they will be provided to residents on a first-come, first-serve basis until such time that it is possible to order more carts.

Ayes 7, Nay 0 – Motion Carried Unanimously

Approval of Land Acquisition for Buchanan Pond Expansion and Storm Water Management Agreement

Moved by Trustee Elrick, seconded by Trustee Smith to Adopt Resolution No. 39, Series of 2009 Approving the Acquisition of Land for the Buchanan Pond Expansion and Authorize staff to execute the Storm Water Management Agreement.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action to Award Contract – Buchanan Pond Expansion Project

Moved by Trustee Leicht, seconded by Trustee Elrick to Award the Contract for the Buchanan Pond Expansion to J&E Construction Co., Inc. in the amount of \$522,379.55.

Further Discussion: Trustee Van Deurzen asked if the company had previously worked for the Village. R. Van Gheem stated they have previously worked for the Village and they performed satisfactory work.
Ayes 7, Nay 0 – Motion Carried Unanimously

Discussion/Possible Action – Business Improvement/Facade Renovation Program

Trustee Van Deurzen stated he has concerns with not repaying the fund until the business is sold and he would like to see the Village require the businesses to start paying back in five years with some interest being charged. Trustee Leicht stated this program helps the businesses as the Village is requiring that they follow the Design Review Manual. Trustee Ransbottom and Trustee Elrick stated they support the Program and they believe the value of the properties will be increased and that will increase the tax revenue to the Village. Trustee Smith stated this program is what is needed to get the downtown to move toward revitalization.

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Approve the Business Improvement/Façade Renovation Program as presented.

Ayes 6, Nay 1 (Van Deurzen) -Motion Carried

Operator's Licenses:

Jennifer Rae Leurgun	106 N. Main St. Apt. 2	Black Creek	The Pump House
Nicholas Jon Derks	N2659 Cty. N	Appleton	Super 41 Shell

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

Ayes 7, Nay 0 – Motion Carried Unanimously

Department and Officers Progress Reports

R. Van Gheem stated the Paradise Drive paving project has been completed and the work on the Kraft turning lane is close to being completed. T. Flick reported that the terrace tree planting has been completed for the year and the Deer Culling project is finalized and 18 permits for the hunt have been issued. The hunt will take place in Heesakker Park and on Electric Island from November 30 to December 20th and signs have been ordered and they will be placed around the park to inform the public of the Park's closing during the hunt dates. T. Flick stated that an ad will also run in the *Times-Villager* noticing the Park closing dates and he is working with the Police Dept. on the program. T. Flick reported that the Village has received a 2010 Urban Forestry Grant to be used towards the purchase of tree inventory software for the parks and terrace trees. T. Flick also reported that the East side of the Village is heavily infested with Gypsy Moths and he will be applying for a DNR grant to assist with the cost of aerial spraying of the moths. The last time spraying was done was in 2002. Chief Misselt stated that the next bill's list will contain numerous bills for the Police Department as many items were held off on buying until the new Chief was hired. Chief Misselt also reported that he is continuing to work on the Beer Gardens ordinance language to address the upcoming smoking ban and numerous tavern owners have already contacted him on the smoking ban issue. J. Moes stated he has been attending meetings concerning law changes on taxation of property and he also has been working with a billboard company that wants to lease some of the Village's land in the Schumacher subdivision and this proposal will be presented to the Plan Commission for recommendation to the Board. C. Kell reported that a preliminary draft of the Facilities study has been completed and he plans to meet with Department Heads on the draft plan to go over the recommendations in the report and then the final plan will be presented to the Board at a future meeting. C. Kell stated that the Board will have to look at prioritizing areas of the plan if they decide to move forward as the total cost for facility recommendations is approximately \$10 million. Attorney Koehler stated that he has revised the ordinance for the rezoning of W. Lincoln as stated in the motion made tonight by the Village Board. V. Schneider informed the Board that the Type A Notice of Spring Election ad for Village Trustee and Municipal Judge seats will appear in the *Times Villager* on November 21 and commented on her recent visit to Pella, Iowa.

Regular Board Meeting Minutes – November 18, 2009

Disbursement List

Moved by Trustee Verstegen, seconded by Trustee Smith to Approve the Disbursement List as Presented and Authorize the Finance Director to draw from the Respective Funds.

Ayes 7, Nay 0 – Motion Carried Unanimously

Call for Unfinished Business

Trustee Verstegen asked about the status of the Design Review Board. C. Kell stated that currently there has not been enough citizen interest for serving on the Board as five citizen members are needed and only two citizens have expressed interest. C. Kell stated that there have been a few other residents that have recently been contacted and they may agree to serve on the Board. Staff will put an article in the Village newsletter and Board members were asked to make an effort to ask citizens if they are interested in serving on the Board.

Items for Future Agenda

C. Kell reminded the Board that they had agreed to cancel next week's meeting but if it should become necessary to hold a meeting, they will be contacted.

Adjournment

Moved by Trustee Van Deurzen, seconded by Trustee Ransbottom to Adjourn the Regular Board meeting at 7:04 p.m.

Ayes 7, Nay 0 – Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: _____
Vicki Schneider, Village Clerk