

MINUTES OF THE REGULAR BOARD MEETING OF NOVEMBER 17, 2010

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, President
John Elrick, Trustee
Tammy Frassetto Trustee
James Hietpas, Trustee
Dan Mahlik, Trustee
Don Van Deurzen, Trustee
Janet Verstegen, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator
Eric 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

Approval of Minutes

Regular Board Meeting Minutes – November 3, 2010

Committee of the Whole Meeting Minutes – November 10, 2010

Moved by Trustee Verstegen, seconded by Trustee Elrick to approve the Regular Board Minutes of November 3, 2010 and the Committee of the Whole Meeting Minutes of November 10, 2010 as presented.

Ayes 7, Nay 0-Motion Carried Unanimously

Report of Other Minutes-Other Informational Items

Police Commission Meeting Minutes – September 7, 2010

Fire Commission Meeting Minutes – September 8, 2010

Plan Commission Meeting Minutes – October 11, 2010

Board noted receipt of items.

Ordinance:

Amending Village Code Chapter 28 – Nuisances, by Creating Section 28-57 & 28-58 Chronic Nuisance Premises & Penalty

Chief Misselt pointed out a typo in the language that was corrected. Trustee Van Deurzen asked about repeat offenders at a residence and Chief Misselt explained how the ordinance will be applied if someone should have three nuisance premise violations in a twelve month period and noted that at some point over time a person could start fresh. Trustee Verstegen questioned how this ordinance will apply to apartments

and mobile home parks and Chief Misselt explained that it will depend on if the home is owner occupied in a mobile home park and if it involves the landlord or property owner allowing the criminal activity to take place at multiple locations in an apartment complex or mobile home park.

Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Adopt Ordinance No. 20, Series of 2010 Amending Chapter 28 – Nuisances by Creating Section 28-57 and 28-58 Chronic Nuisance Premises & Penalty.

Ayes 7, Nay 0 – Motion Carried Unanimously

Resolution:

Resolution Adopting the 2011 Budget and Establishing the Tax Levy

C. Kell thanked the Department Heads and the Departments for the budget work on bringing in a budget that is not going to be onerous on the public this year and the levy presented is an increase of 0.17%, which is less than ½ percent and he believes it may be one of the lowest in the Valley. C. Kell noted that by not using the levy capacity it will hurt down the road if there are increased costs. C. Kell noted that no fund balance was used to balance the budget this year. C. Kell noted that the raises agreed to are comparable with what other communities are offering to their employees. C. Kell recommended adoption of the resolution.

Moved by Trustee Verstegen, seconded by Trustee Elrick to Adopt Resolution No. 30, Series of 2010, Adopting the 2011 Budget and Establishing the Tax Levy.

Roll Call Vote: Trustee Elrick – Yes, Trustee Frassetto – Yes, Trustee Hietpas – Yes, Trustee Mahlik – Yes, Trustee Van Deurzen – Yes, Trustee Verstegen – Yes, President Fischer – Yes

Ayes 7, Nay 0 – Motion Carried Unanimously

Discussion/Possible Action to Approve the Construction of a Village Owned Storm Water Management Pond on the De Bruin Property on the West End of Polk Street between East Lincoln Avenue and Charles Street

Trustee Frassetto commented that based on the feedback received from the neighborhood as well as at the public hearing, she thinks it is a great win-win for the Village and the Developer.

Moved by Trustee Frassetto, seconded by Trustee Verstegen to Approve the Construction of a Village Owned Storm Water Management Pond on the De Bruin Property on the West End of Polk Street between East Lincoln Avenue and Charles Street.

Ayes 7, Nay 0 – Motion Carried Unanimously

Appeal of “Class B” Liquor License Application Denial – Requested by Mark Landreman, Landreman’s Family Restaurant

President Fischer informed Mr. Landreman that he may speak and then if there is no motion to reconsider, the license will stay denied. Mr. Landreman asked for clarification on what is considered a significant investment. President Fischer stated he doesn’t think there is any specific dollar amount and C. Kell commented that in this case it is related more to there not being a proposal presented for new investment like an expansion to the property or an increase in employment and a new development would likely bring in several hundred thousand dollars. President Fischer stated that from his standpoint if there were more than one license available it wouldn’t be a concern but the Board feels the one available license should be kept for the possibility of a future development. Mr. Landreman stated that he wants the criteria kept the same for everybody and he doesn’t want competition to come downtown and get a liquor license if it has the same capacity as his business. Mr. Landreman commented on licenses being available for hotels and restaurants with a certain seating capacity and the Restaurant Association has indicated to him that they will work with the Village on this issue. Trustee Elrick, Clerk Schneider, and the Village Attorney clarified that the criteria for being granting the privilege of a license for a restaurant is that it has to have 300 seats, and that doesn’t mean maximum capacity and all available liquor licenses have to be issued before the exception is granted for a 300 seat restaurant or a hotel with banquet facilities.

Trustee Mahlik commented on his concern that their restaurant is only open to 7:30 p.m. and he doesn't believe that if a restaurant is brought in that it would be direct competition as it would likely stay open until at least 10 p.m. and it likely wouldn't be competing with them in the mornings or at the lunch hour. Mr. Landreman stated he didn't know what he could expect in additional revenue from liquor sales but if granted a license they will establish a bar in their building and they will stay open later if that is requested and he is willing to do whatever the Board requests. Discussion continued. C. Kell stated staff could check with the Restaurant Association to see what they have to offer and a survey of restaurants and restaurant chains could also be conducted to see what type of seating capacities they have. Staff stated it shouldn't take too long to gather the required information and Mr. Landreman indicated he is no hurry but he wants to be considered first for the license. Mrs. Landreman asked if there were others that have shown interest in opening a restaurant soon in the Village. C. Kell stated that he was contacted by another party that has requested a liquor license but he doesn't think that business would meet the criteria and he had received another inquiry about opening a family type restaurant but they did not indicate that they would be applying for a liquor license. Board members agreed to have staff check with the Restaurant Association and conduct a survey and bring the findings back to the Board at a future meeting and Mr. Landreman will be kept informed. Attorney Koehler stated there is not a statutory time frame on this specific decision and the liquor license is still denied at this point and he believes the appeal can be left open for the time being.

Discussion/Possible Action to Establish an Unmanned Yard Waste Disposal Site at the Municipal Services Site

R. Van Gheem explained the advantages and disadvantages and stated that staff believes the best long term, most effective option is to provide a secure unmanned site at the Municipal Services Building by enclosing the existing north entrance with a six foot fence and installing an automated gate. The approximate cost would be \$13,000 not including Village labor to install conduit and wiring. The proposal also changes the process for curb side pickup to be done on a call-in basis only. Discussion took place.

Moved by Trustee Frassetto, seconded by Trustee Van Deurzen to approve construction of a secure yard waste drop-off site, continue curb side pickup on a call-in basis, and review the performance of both services after one year as outlined in the plan.

Further Discussion: Trustee Elrick stated he is not against establishing the area but he questions the location as he thinks it should be located back by the current yard waste site so employees don't have to load it and move it. R. Van Gheem responded that locating it by the yard waste site was looked at but there were issues with up front costs because of having to pave, install new gates, and much more fencing would need to be added. President Fischer stated he sees this as two separate issues; one being moving forward with the site and the second determining where to locate the site. Discussion continued. President Fischer stated that tonight the Board should decide whether they want to implement the yard waste drop off and the location could be decided in the future. R. Van Gheem stated staff can investigate the cost of moving the site to the current yard waste site and report that back to the Board. Trustee Verstegen commented on educating the public that the residential pickup will now be on a call-in basis. C. Kell stated that staff could bring a proposal back to set aside the money from this year's budget for this project. Discussion continued.

Vote on the Motion:

Ayes 7, Nay 0 – Motion Carried

Action to Approve Mutual Aid Agreement – FVMPD, Kaukauna, and Combined Locks Police Depts.

Moved by Trustee Elrick, seconded by Trustee Frassetto to Approve the Mutual Aid Agreement for the FVMPD, Kaukauna, and Combined Locks Police Departments as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

Discussion/Possible Action to Dissolve the Citizens Advisory Board on Beautification

Trustee Verstegen reviewed the accomplishments of the Board and stated that it was never meant to be a full-time Board and their mission has been accomplished and now there are not enough projects to work on and the Board has run its course. Trustee Verstegen noted that the Garden Club will continue to maintain the completed projects and the Beautification Fund will continue with the Administrator administering the funds. Trustee Verstegen stated that it was a unanimous decision of the Beautification Board to disband.

Moved by Trustee Elrick, seconded by Trustee Verstegen to Dissolve the Citizens Advisory Board on Beautification.

Further Discussion: Trustee Frassetto asked if there are new ideas for beautification are they to be taken to the Garden Club or the Village Administrator and Trustee Verstegen responded that ideas should be presented to the Village Administrator.

Vote on the Motion:

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

Operators License:

Whitney A. Hartjes

504 Division St.

Kaukauna

Village Limits

Moved by Trustee Frassetto, seconded by Trustee Mahlik, to approve Operator's License as presented.

Ayes 7, Nay 0-Motion Carried Unanimously

Department and Officers Progress Reports

Chief Misselt reported that he and Officer Lund from Combined Locks have completed preliminary budgets on the proposed consolidation and that information will be presented at the December 14th meeting. Chief Misselt stated that the new hybrid police vehicles are now on the road. D. Haug reported that the Village's Financial Advisor had been contacted and informed to put the debt planning effort on hold for now as staff feels the projects for 2011 are not quite finalized. D. Haug also updated the Board on the status of the budget accounting standards and if a realignment of funds is needed it will be brought back to the Board in December. D. Haug stated that he has followed up with the *Post Crescent* on the budget article they published that incorrectly implied there was a Village wide revaluation of 1.27% and that didn't happen but with that assumption, the local tax would go up when in fact what the Board approved was a reduction in the tax rate and staff felt it was important that the Board received credit for achieving that. C. Kell informed the Board of a beautification request to place a bench in the Veteran's Memorial Garden outside Village Hall. C. Kell reported that the City of Appleton has agreed to cover all of the costs for the right-of-way acquisition and the construction for the French Road/Evergreen Drive roundabout and the only cost the Village may incur is for a minor water main extension and possibly some sewer main work and the project is expected to start next spring. C. Kell reported on an issue with handicap parking not being available on Grand Avenue in front of the Little Chute Elementary School and the handicap parking was eliminated by the School District at this location and in other school district locations and he directed the concerned party to contact the School District Superintendent but he doesn't know if the issue will be resolved. C. Kell reported that one business in the community that has a revolving loan with the Village is behind in their payments and they will continue to work with the business but the Attorney may end up getting involved. C. Kell reported that the Village President and staff members will be meeting with Outagamie County officials next Monday to discuss the Holland Road upgrade. C. Kell recommended canceling next week's Committee of the Whole meeting. J. Moes reported that on Nov. 18th at 6:30 at the Library, the Friends of the Library are sponsoring a meeting on digital cameras and on how to improve your pictures. J. Moes reported that the stakes in the property on Bluff Avenue owned by Habitat for Humanity are for grid work for soil testing. T. Flick reported that the three week deer hunt on Electric Island ends tomorrow and only three deer had been culled in the first two weeks and the hunters are reporting that they are not seeing the deer on Island Park this year. T. Flick reported that the three week hunt at Heesakker Park and Electric Island begins on the Monday following Thanksgiving and there will be six hunters per week. T. Flick reported that the pool upgrades passed the initial inspection by the State Pool Inspectors and the final

inspection will take place next summer. T. Flick stated that when the terrace tree program concludes next week approximately 85 terrace trees will have been planted not including the trees on Washington Street. T. Flick reported that the Gypsy Moth spraying program that took place this year was very successful. T. Flick reported that he will likely be filing an insurance claim for wind damage to the roofs at the Van Lieshout Park buildings and he estimates that there is \$15,000 in damages. R. Van Gheem reported on the Buchanan Pond project and the leaf pickup process and noted that equipment is being prepared for winter snow plowing. V. Schneider reminded the Board that articles for the winter newsletter are due in to her next week. Attorney Koehler – no report.

Disbursement List

Moved by Trustee Verstegen, seconded by Trustee Mahlik to Approve the Vouchers 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 Frassetto asked if the no parking signs had been removed from Sanitorium Road and R. Van Gheem responded that they were scheduled to be removed yesterday.

Items for Future Agenda

Trustee Van Deurzen asked for an agenda item to discuss installing two hour parking time limit signs on a portion of Grand Avenue in front of the funeral home and Board members agreed to put the issue on a future agenda. President Fischer asked for a motion to cancel next week's meeting.

Moved by Trustee Van Deurzen, seconded by Trustee Verstegen to cancel next week's Committee of the Whole Meeting.

Ayes 6, Nay 1 (Frassetto) – Motion Carried

Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to Enter into Closed Session. (7:13 p.m.)

Ayes 7, Nay 0 – Motion Carried Unanimously

(The Village Clerk and Dept. Heads were excused at this time, R. Van Gheem and the Village Attorney remained at the meeting for the Closed Session.)

Closed Session:

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. Vinton Construction/Village of Little Chute Mutual Settlement Agreement

Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Exit Closed Session and Return to Open Session. (7:43 p.m.)

Ayes 7, Nay 0 – Motion Carried Unanimously

Return to Open Session – Possible Action on Closed Session Items

Motion by Trustee Elrick, seconded by Trustee Mahlik to approve the Vinton Construction/Village of Little Chute Mutual Settlement Agreement for the 2008 Concrete Paving Contract.

Ayes 7, Nay 0 – Motion Carried Unanimously

Adjournment

Moved by Trustee Frassetto, seconded by Trustee Van Deurzen to Adjourn the Regular Board meeting at 7:45 p.m.

Ayes 7, Nay 0-Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____

Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk