

MINUTES OF THE REGULAR BOARD MEETING OF AUGUST 18, 2010

Corrected 9/1/10

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
Janet Verstegen, Trustee
Don Van Deurzen, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator
Eric Misselt, Police Chief
Dale Haug, Finance Director
Tom Flick, Director of Parks, Recreation, and Forestry
Jim Moes, Community Development Director
Roy Van Gheem, Director of Public Works
Robert Vanden Heuvel, Fire Chief
Charles Koehler, Village Attorney
Cindy Dillinger, Deputy Treasurer-Accounting

EXCUSED: Vicki Schneider, Village Clerk

PLAN COMMISSION MEMBERS PRESENT: President Fischer, Trustee Mahlik, Commission Van Gheem, Commission Peerenboom, Commissioner Schevers, Commissioner Van Berk, Commissioner Verstegen

Moved by Trustee Verstegen, seconded by Trustee Elrick to enter into the Public Hearing on the Proposed Amendment No. 1 to Tax Incremental Financing District No. 4.

Ayes 7, Nay 0-Motion Carried Unanimously

Public Hearing-Proposed Amendment No. 1 to Tax Incremental Financing District No. 4

J. Moes explained that the Plan Commission had reviewed the proposed amendment and recommended this hearing for the proposal to increase the potential financial assistance percentage to Developers because of the current economic situation and the length of tax increment of TID #4 will be extended to cover the additional expense. J. Moes stated that any potential development would be reviewed individually and a developer's agreement would be brought to the Board for review and approval. C Kell stated that he had checked with Appleton when the Village was competing on a proposed development and they provide up to a 20 percent incentive and in his calculations Kaukauna offered up to 16 ½ percent in incentives for the project that the Village was competing for. The Village had offered seven percent in proposed incentives for the project and that was not even in the ballpark compared to the incentives that our neighboring communities are offering. A resolution to approve the amendment will be presented to the Plan Commission at their September meeting and then it will be presented to the Board for approval.

Moved by Trustee Frassetto, seconded by Trustee Verstegen to exit the Public Hearing and enter into the Regular Board Meeting.

Ayes 7, Nay 0-Motion Carried Unanimously

Public Appearance for Items Not on the Agenda

Michael Stouffer, 714 Bluff Ave., asked President Fischer about the relationship the Village Attorney has with the staff and Village Board. He wanted to know if the Village Attorney gives individual advice to staff and/or Village Trustees and the role of the Village Attorney. President Fischer stated the Village employs a firm for legal advice and it is basically a client professional relationship. M. Stouffer questioned whether a Trustee can individually contact the Attorney. President Fischer stated he would want to see Trustees talk about the issue first before contacting the Attorney. C. Kell stated that generally Trustees and staff run an issue through the Administrator so there is some knowledge of what is going and to prevent any legal costs from being duplicated or incurred unnecessarily.

Approval of Minutes

Regular Board Meeting Minutes – August 4, 2010

Committee of the Whole Meeting Minutes – August 11, 2010

Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to approve the Regular Board Minutes of August 4, 2010 and the Committee of the Whole Meeting Minutes of August 11, 2010 as presented.

Ayes 7, Nay 0-Motion Carried Unanimously

Report of Other Minutes-Other Informational Items

Minutes of the Board of Review-August 2, 2010

Board members noted receipt of the informational item.

Trustee Verstegen asked President Fischer if Item N could be moved up on the agenda because there is a news crew in the audience.

Moved by Trustee Verstegen, seconded by Trustee Mahlik to address Item N after Item H.

Ayes 7, Nay 0-Motion Carried Unanimously

Discussion/Possible Action-Regarding the Fire Department's Operational and Purchasing Practices

President Fischer stated that Chief Vanden Heuvel was present and available to answer questions from Trustees. C. Kell presented information in relation to the issue that has been raised about the consumption of alcohol on village property by Fire Department personnel and the purchase of alcohol from the Fire Department's budget and the issue of liability. C. Kell reviewed the personnel policy regarding alcohol use and noted that use, possession, and/or distribution of alcoholic beverages during non-working hours at formally planned events at designated locations on Village property may be permitted with prior authorization of the Village and it has been his understanding that this has been a long standing practice in the Village and that has been authorized by the Village Board with knowledge that the Fire Department's budget was providing for the purchase of these products. C. Kell stated that this has also been the practice of our community band. C. Kell stated that Attorney Koehler provided an opinion on the liability issue and the liability is not on the Village but on the person consuming the product. A detailed bill of the last Valley Liquor invoice was provided and it indicates what was purchased. C. Kell stated the Fire Department's budget for 2010 is \$19,200 for food and beverages and that also includes the cost of a couple of off-site parties that the Fire Department holds each year. Trustee Mahlik questioned Attorney Koehler on the liability issue. Attorney Koehler stated that to his knowledge in Wisconsin liability is not on the provider of an alcoholic beverage as in Wisconsin beer is a legal substance and the responsibility of overconsumption is put on the person doing the drinking and this appears to be a well established law in Wisconsin. Attorney Koehler noted the exceptions for underage persons or forcing or deceiving someone to drink alcoholic beverages. Trustee Mahlik stated he has a problem with drinking at the Fire Department but he would be ok if they were to take the alcohol or drink the alcohol off village premises as this is occurring in a neighborhood where people and children are walking by. Trustee Mahlik stated the he feels it gives a very bad impression when it is occurring on the premises. Trustee Van Deurzen stated the Fire Department never did abuse it and the money used for the beverages also includes

events with family members and a competition event and there are also 45 guys in the Department and it really isn't that much per person when you add it up. Trustee Frassetto stated she had the opportunity to visit the Fire Station unexpectedly during one of their practices and she observed alcohol being consumed but no one was acting inappropriately and she asked that the Chief be given an opportunity to explain to the Board his operating budget and the amount of participation that is given by the fire fighters. Trustee Mahlik commented that no one is questioning the quality and competency of the Department and he thinks they do a phenomenal job but he cannot overlook the drinking at the Fire Department as it gives a bad impression and in his opinion there shouldn't be any drinking on the premise because it is their place of business. Chief Vanden Heuvel indicated he is working on a very tight budget and what the Department is operating on is a very favorable and efficient operation compared to the majority of Fire Departments in communities the size of Little Chute. Chief Vanden Heuvel stated the Department is made up of volunteer men and there is camaraderie among the men and they are truly dedicated individuals and they have no monetary or personnel issues within the Department. Chief Vanden Heuvel stated that the Department wants to be there to serve the community and they haven't done anything wrong and they haven't abused anything and are operating within the Village policies. Chief Vanden Heuvel stated the Department has a fire rating in the top six percent in the State and the top 200 percent in the nation and if you start taking away from them, you give them the message that they are not doing good enough. Trustee Mahlik stated he disagreed, this is not what is being said and he knows the Department is respected but he wants the respect maintained and the alcohol should be taken off premise and that is not something negative against the guys. Chief Vanden Heuvel stated the bottom line is unless you understand what you are talking about and how it works and what it took to get the Department where it is now, he feels he is lucky to be the Chief and it is an awesome group. Discussion continued. Trustee Verstegen thanked the Fire Department and stated she trusts and respects them and she is sorry that this issue came up. Bill Peerenboom, 726 Monroe St., stated that in the 19 years of living here he never once saw the Fire Department causing a disturbance and they are a respected, hardworking bunch. President Fischer stated since there is no motion there will be no action taken on this issue.

Ordinances

Amending Village of Little Chute Code of Ordinances Chapter 28 Nuisances-Section 31-Noxious Weeds

*Moved by Trustee Elrick, seconded by Trustee Verstegen, to approve Ordinance #15, Series of 2010
Amending Chapter 28 Nuisances-Section 31-Noxious Weeds.*

Ayes 7, Nay 0-Motion Carried Unanimously

Amending Village of Little Chute Code of Ordinances Chapter 28 Nuisances-Section 87 Same Regulation-Length of Lawn and Grasses

*Moved by Trustee Elrick, seconded by Trustee Verstegen, to approve Ordinance #16, Series of 2010
Amending Chapter 28 Nuisances-Section 87 Regulation length of lawn and grasses.*

Ayes 7, Nay 0-Motion Carried Unanimously

Amending Village of Little Chute Code of Ordinances Chapter 40-Streets, Sidewalks, and Other Public Places-Section 66-Terrace Area

Trustee Verstegen stated she would like to talk about this issue as she feels the three foot height is ok and she has never wanted it at four feet like it was mentioned at the Plan Commission meeting as not all trustees indicated they supported four feet and she is not in support of the four foot length as it is not safe and it is not good looking and she thinks it should be limited to a three foot height or not allowed at all. Trustee Mahlik said four foot hedges are not unsightly and flowers don't normally grow four feet tall and he commented that he never said that everyone on the Board agreed to the four foot length. Trustee Elrick stated he does not agree with the numbers and he will vote against the amendment and he doesn't agree with amending an ordinance for one property in the Village.

Moved by Trustee Frassetto, seconded by Trustee Hietpas to Adopt Ordinance No. 17, Series of 2010 Amending Village Code Chapter 40 – Streets, Sidewalks, and Other Public Places, Section 66- Terrace Areas.

Ayes 3, Nay 4 – (Fischer, Elrick, Verstegen, Van Deurzen) – Motion Failed

Resolution:

Approving the 2009 Amendment to the 1917 Assessor's Plat of the Village of Little Chute

J. Moes reviewed the amendment that corrects the property lines in an area along the river, west of Madison Street. J. Moes stated agreements had been made with all the property owners. Trustee Verstegen asked Attorney Koehler if the two trustees that own lots on the plat should be voting on the amendment or if it is a conflict of interest. Attorney Koehler responded that he didn't see this as a substantial economic interest and he doesn't think it crosses the line.

Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Adopt Resolution No. 18, Series of 2010 Approving the 2009 Amendment to the 1917 Assessor's Plat of the Village of Little Chute.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action on Special Event Permit-Kermis Dutch Festival-September 17 & 18th, 2010

T. Flick stated the organizers are asking to exceed park hours on Friday evening as they want to run until 12:00 a.m. and they are also asking to exceed the ordinance to allow amplified music to midnight. T. Flick also stated the event has doubled in cost from the previous two years when it was held downtown and was only a one day event. T. Flick stated the last couple of years it cost approximately \$1,000 for staff support and this year it is estimated to cost around \$2,000 for staff support and he noted that this cost does not include Metro staff. Trustee Elrick stated he appreciated the information but he doesn't see the event much different than Cheese Fest in the closing time and time of the amplified music and the event was exempted from Village costs. Trustee Elrick stated he would like to see how things go for the Festival this year.

Moved by Trustee Elrick, seconded by Trustee Mahlik, to Approve the Special Event Permit for the Kermis Dutch Festival on September 17 and 18th, 2010.

Trustee Verstegen stated she had talked with the Chair of the committee and he indicated that he would like to change the time of opening to 4:00 p.m. on Friday. Board members agreed to the time change. Trustee Frassetto thanked the Trustees and staff that signed up to be in the dunk tank and she encouraged others to contact her about being involved. Trustee Verstegen stated they are also looking for people to help out in the Garden Club booth.

Vote on the Motion: Ayes 7, Nay 0 – Motion Carried Unanimously

Action on Special Event Permit-Volks(op) Loop Run/Walk-September 18, 2010

Moved by Trustee Elrick, seconded by Trustee Mahlik to Approve the Special Event Permit for the Volks(op)Loop Run/Walk – September 18, 2010.

Ayes 7, Nays 0 – Motion Carried

Action on Temporary Class B Beer License-Little Chute Jaycees-Kermis Dutch Festival-September 17 & 18, 2010

Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Approve the Temporary Class B Beer License for the Little Chute Jaycees – Kermis Dutch Festival – September 17 and 18th, 2010.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action on 2010 Mid-Year Budget Adjustments

Trustee Mahlik questioned the construction funds for Dutch Boyz and D. Haug stated the project had been approved by the Village Board and this amount was being added to acknowledge the action the Board has taken and in financial planning he is anticipating this commitment of funds.

Moved by Trustee Elrick, seconded by Trustee Verstegen to Approve the 2010 Mid-Year Budget Adjustments as presented.

Roll Call Vote: Trustee Elrick – Yes, Trustee Frassetto – Yes, Trustee Hietpas – No, Trustee Mahlik – No, Trustee Van Deurzen – Yes, Trustee Verstegen – Yes, President Fischer – Yes
(Budget Adjustment Spreadsheet Attached to Minutes) Ayes 5, Nay 2 (Hietpas, Mahlik) – Motion Carried

Set Public Hearing Date-Amending Village Code of Ordinances-Chapter 44 Zoning Code-Article X Accessory Uses and Structures-Section 394 Fences and Hedges

No action taken.

Operator's Licenses:

Ericka L. Kinney	410 E. Kimberly Ave.	Kimberly	VanZelands Marathon Station
Melanie L. Schnell	1110 Terry Lane #6	De Pere	Express

Moved by Trustee Frassetto, seconded by Trustee Van Deurzen to Approve the Operator's License as presented.
Ayes 7, Nay 0 – Motion Carried

Department and Officers Progress Reports:

Chief Misselt reported on meetings the Department has had with bar owners and various issues in the downtown and he will provide a written report to the Board on the bar patrol program at the conclusion of the program. D. Haug provided additional handouts for the CIP binders that will be used for next week's CIP discussion. C. Kell asked Trustee's to bring their calendars next week so a meeting date can be selected for meeting with Kimberly for a discussion on the joint departments. C. Kell stated that in the past he had mentioned a couple of potential industrial park projects and those are still active projects and the Village is still in the running for the projects. C. Kell stated that he and J. Moes met this week with a representative of a company that is interested in moving a manufacturing facility to this area. C. Kell reported that ~~raise raze~~ orders have been issued by the Village for 817 E. Main Street, because of the condition of the property and the owners failure to address this over the last couple of years. J. Moes spoke to Cliff Peeters about a property sale and Mr. Peeters agreed to the terms of the sale and a resolution to approve the sale will be brought to the Board at a future meeting. T. Flick reported the DNR aerial gypsy moth spraying of 80 acres in the Village has been completed and the cost to the Village was \$900. T. Flick reported that the annual summer carnival took place today and was a success and he also stated that the pool will close on Saturday, August 21st. R. Van Gheem reported the Evergreen Pond project is completed and the Buchanan Pond project is moving ahead slowly. R. Van Gheem also reported that the railroad at Buchanan Street is scheduled for repairs.

Disbursement List

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

Ayes 7, Nay 0 – Motion Carried Unanimously

Items for Future Agenda

Trustee ~~Verstegen~~ Van Deurzen would like to see on a discussion about ways to control the weeds and ~~abuse of~~ disposing of yard waste **at the municipal garage on a** future agenda.

Call for Unfinished Business

None

Adjournment

Moved by Trustee Van Deurzen, seconded by Trustee Elrick to Adjourn the Regular Board meeting at 7:30 p.m.

Ayes 7, Nay 0-Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: Cindy Dillinger, Deputy Treasurer-Acctg