

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF JULY 28, 2010

Call to Order

President Fischer called the Committee of the Whole meeting to order at 6:00 p.m.

Roll Call

PRESENT: President Fischer, Trustee Elrick, Trustee Frassetto, Trustee Hietpas, Trustee Verstegen

EXCUSED: Trustee Mahlik, Trustee Van Deurzen

ALSO PRESENT: C. Kell, D. Haug, E. Misselt, T. Flick, R. Van Gheem, V. Schneider

Public Appearance for Items not on the Agenda

Michael Stouffer, 714 Bluff Avenue, stated that the minutes of May 6, 2009 have two errors. On page one the document referred to as written by Mr. Stouffer and his wife should read "The Difficulty of Home Repairs for the Chemically Injured". Mr. Stouffer stated the second error is on page three and there was a comment that he was trying to correct structural damage to his house and that is incorrect as there was never any structural damage to his house and his intent was to bring the home up to current code with making minor repairs.

Steve Ransbottom, 112 W. Florida Ave., addressed the Board with a concern about ordinance violations and citizens feeling like they are being targeted when they are cited for an ordinance violation and he feels that there is a disconnect between the Board and the citizens. Mr. Ransbottom questioned why all obvious violations or issues within a neighborhood are not addressed at the same time to provide fairness to all in the neighborhood.

Moved by Trustee Verstegen, seconded by Trustee Frassetto to Enter into the Public Hearing for the Special Assessments for 2010 Sidewalk Projects.

Ayes 5, Nay 0 – Motion Carried

Public Hearing – Special Assessment Hearing on 2010 Sidewalk Projects

R. Van Gheem reviewed the sidewalk repair program that addresses substandard sidewalks in quadrants of the Village. The quadrant being addressed this year is from Buchanan Street to the east and south of Hwy. OO to the river. The contract was bid and awarded to Vinton Construction. The sidewalk prices are \$4.10 for 4" new sidewalk; \$4.62 for 6" new sidewalk; \$4.73 for 4" rehab sidewalk and \$5.25 for 6" rehab sidewalk. R. Van Gheem explained that resident's have the option to have the Village's contractor fix the sidewalk or they can do it themselves or hire their own contractor and if the crack isn't too wide the Village will allow crack sealing but this has to be approved by the Village. Sue Gosse, 35 St. Charles Place, stated she has lived at this address 18 years and they put in all new sidewalk when they purchased the house and this year it will be the fourth time she has had to replace sidewalk and the only issue is that it slopes at an angle because her yard slopes. Ms. Gosse also reported that her neighbor has a manhole cover in the sidewalk that is down a number of inches. R. Van Gheem asked Ms. Gosse to contact Mike Jansen at the Public Works Dept. and he will come out and take a look at the sidewalks. Judy Siewert, 1408 Lincoln Ave., stated she had talked with PW staff about the one square of sidewalk in front of her house being damaged by Kaukauna Utilities when they took out the utility pole and PW staff informed her that she would not be responsible for the assessment on that sidewalk if KU caused the crack. R. Van Gheem informed Ms. Siewert that he will follow up with his staff and KU on the issue. Cyril Joosten, 1112 Buchanan St., stated he had two sidewalks to replace and he has done this already and R. Van Gheem informed Mr. Joosten to contact the PW office and they will come out and inspect the sidewalks. Michelle Hartjes, 4 St. Charles Pl., commented on sidewalks heaving due to terrace trees and this is the case with her sidewalk and she didn't think that it was fair that she had to pay as she didn't ask for the tree to be planted on the terrace. T. Flick explained that the current policy does not require removal of terrace trees because they are causing sidewalk heaving and he also commented on the benefits of the terrace trees. R. Van Gheem stated that current policy requires the homeowner to pay for

the sidewalk replacement even if the substandard sidewalk condition is caused by a terrace tree. Trustee Frassetto asked about the frequency of replacing sidewalks that are damaged by terrace trees and Ms. Hartjes stated this was the first time she was replacing this sidewalk and she has lived at this home for 14 years. R. Van Gheem explained that each situation is different and there are many variables to consider in deciding whether a terrace tree should be removed or not. D. Haug noted that the sidewalk replacement projects take place in different quadrants of the Village so property owners have their sidewalks evaluated on a rotating basis of only every five to six years or maybe longer. T. Flick stated that there are probably close to 800 terrace trees that would have to be removed because of issues with sidewalks popping and this will be an issue for the next 20 years.

Moved by Trustee Verstegen, seconded by Trustee Hietpas to Exit the Public Hearing for the Special Assessments for 2010 Sidewalk Projects.

Ayes 5, Nay 0 – Motion Carried

Presentation on Retail Business Survey Conducted by Advance Little Chute, Inc. for Downtown Little Chute by Jim Resick, UW-Extension – Outagamie County

Jim Resick, UW-Extension, stated he has been working with Advance Little Chute since its inception a few years ago and he also worked on a market analysis for the Village. Mr. Resick reviewed and commented on the results of the survey that was done with ALC members that asked for opinions on the top five ideas for viable destination businesses for Little Chute. Ten people responded to the survey and the business ideas that received five or more votes were a Microbrewery; an Old World/Dutch Bakery; an Artisan indoor mini-mall; and an ice cream/confections/fudge/chocolate shop. Mr. Resick stated these are craftsman type businesses and an additional analysis could be done on these types of businesses but it will not be a feasibility type analysis as a business owner would have to perform a specific analysis on the development of a business. Mr. Resick reviewed the ideas for a recruitment program and commented that it would difficult to turn an existing building into a big office complex as it is very much investment driven. Mr. Resick stated that restaurants are another issue and the Village will need additional restaurants to serve the traveling public but currently the approach should be on retention of current establishments. Mr. Resick stated, in response to Trustee Verstegen's question on the Village Board's role, that Board members will need to consider the overall strategy including infrastructure.

Mr. Resick commented on a four point approach that includes economic restructuring that includes entrepreneurship, recruitment and finding new uses for existing buildings; promotions and marketing including signage; finding a way to connect the riverfront to the downtown revitalization program; and organization of getting people and businesses involved and the Village has to keep putting the vision out there. C. Kell mentioned that the Village does have \$100,000 in the budget for signage but because the Windmill has not yet been constructed, they are holding off on putting up new signage as the Windmill will be an important part of the signage. C. Kell also mentioned that more individuals are needed to assist with working on the ideas being presented.

Review/Discussion on Listening Session Issues:

a) Creating an Ordinance on Vicious Dogs

Chief Misselt stated that an Officer is currently working on updating the Village's ordinance on vicious dogs and he is also developing processes and procedures for handling the situations and the ordinance will also define what a vicious dog is. Chief Misselt stated the proposed ordinance, policy and procedures will be brought to the Board for review in the near future. Laurie Kappell, 823 Bluff Ave., asked if a person has to be a subject or victim to report a vicious dog or can someone outside of a direct situation report on a vicious dog. Chief responded it can be reported to the Department and they will do what they can to address the situation. Chief also stated that if an animal is not licensed and there is a vicious attack report on the animal, the owner will be cited for an unlicensed animal. Steve Ransbottom, 112 W. Florida Ave., asked about the issue of dogs in front yards and electric fences. Chief Misselt stated that the ordinance was recently modified to address this type of situation. Michael Stouffer, 714 Bluff Ave., shared information on a past situation with a vicious dog.

b) Establishing Representation on Village Board by Districts

Steve Ransbottom, 112 W. Florida Ave., commented on an article written by Tom Collins that appeared in the Times Village on July 7 concerning the issue of representation and he suggested that everyone should read the article. Mr. Ransbottom commented that he had brought this issue up a few times before and the community is becoming quite large and it will be expanding and he feels that a Board member cannot set in their little slice of the woods and know what is happening on the other side of the community and he tried to do this when he was a Board member but he could not because the only way you know is if you live there. Mr. Ransbottom feels it is unfair for some areas of the Village to not have a voice of representation on the Board and he suggested that the Board take a look at this issue and ask the community through a referendum in the fall election. Michael Stouffer, 714 Bluff Ave., commented on the issue and the number of wards and the different sizes of the wards and stated it is a lot more complicated than it sounds and it would be complicated to maintain the fairness of the election process. Trustee Frassetto commented that at election time any resident is given the opportunity to run for office or vote and she thinks the current system is fine but if the opinion of the majority of the Village is that they want to see that changed she is not opposed to that but as it stands every resident has a right to contact their trustees and they have the right to change those trustees at every election. Skip Smith, 819 Briarwood Ave., commented that the issue is complicated but he sees a change to representation by district as a way to connect better with people and represent smaller areas of the Village and the issue goes back to the last election. Mr. Ransbottom stated that there would be more participation, votes and voters if their neighborhood, district or ward is segregated and represented by someone in that community and he challenged the Board to let the community decide. Trustee Frassetto reiterated that she is not opposed to asking the community and she also stated that based on where you live doesn't define who you represent and she personally makes contact with citizens throughout the community.

Review/Discussion – Creating Section 26-102 Use of Neighborhood Electric Vehicles

Chief Misselt stated that State Statutes have changed and they now give the Village the authority to allow the use of electric vehicles on any roads in their jurisdiction and Kimberly and Combined Locks have both passed the ordinance and he is recommending that the Village also pass this ordinance. Chief Misselt noted that these vehicles will be allowed to travel on roads posted 35 mph and under. President Fischer asked if there was a safety issue because these vehicles are so quiet. Chief Misselt stated that there are hybrids that are out there already that are quiet and it may just be a matter of getting used to these types of vehicles. Board members agreed to put the ordinance on next week's agenda for action.

Discussion/Possible Action – Deer Culling Program

T. Flick reviewed the recommendations to create an archery hunt only on Electric Islands from Oct. 31 to November 19 and allow five hunters per week and to create an archery hunt at Heesakker Park and Electric Islands from November 29th – December 10th and allow six hunters per week. T. Flick noted that Kaukauna Utilities will need to approve both requests. T. Flick stated that the number of permits being issued is almost double of what was issued last year and he will also be checking to see if this unit qualifies as a Herd Control area and if it does then the hunters selected will be allowed to shoot multiple deer. Trustee Elrick commented that he is in favor of the recommendations. Board members agreed to put the Deer Culling Program on next week's agenda for action.

Unfinished Business

Chief Misselt stated that he had met with the Rock Cancer Coordinator and the Coordinator agrees with the recommendation to end beer sales at 11:30 p.m.

Trustee Elrick asked the other trustees if there are any reasons that the Board should not be looking into possibly creating Village Board representation by districts. President Fischer stated the issue was looked at about 20 years ago and at that time the Board did not want to change from open representation. Trustee Frassetto stated that she is open to looking at it but her personal opinion and concern is that with open representation you are allowed to vote to the candidates that you think are best instead of being limited to the candidates that live in your neighborhood. Trustee Elrick asked if this change should be considered

and reviewed by the Board as they were elected to represent the residents and it may not be necessary to go to a referendum as this may be a decision that the Board can make that will be good for the Village. Clerk Schneider cautioned that there may not be candidates for every district and then there would be open seats. Skip Smith, commented on trustees setting their personal feelings aside and represent the entire Village and he wants to see fair representation on the Board. Larry Franzke, 966 E. Elm Dr., commented that the current system works excellent because if you get someone in your district that you don't want to vote for and then you don't have any other options, you will be stuck with that individual and the way it is now, you are able to vote for any candidates that are running in the Village. C. Kell commented that the Village could be structured with only a certain number of represented districts and some trustee positions could still remain at large and the President's position is always an at large position. C. Kell suggested studying the options that would be available. Trustee Verstegen stated she agreed with Mr. Franzke and had the same concerns as the clerk as there may not be enough people to run for offices within a district and she feels the current system is working and the timing isn't right to make a change. Trustee Frassetto stated that for the record in reply to Mr. Smith's comment, she doesn't allow her personal opinions to affect her decisions when voting on issues and 600 residents of the Village thought she was capable of voicing their opinions in the Board Room. Michael Stouffer commented that listening is a critical issue for Board members to be effective.

C. Kell provided Board members with the results of the workshop and the cost estimate for the Mill Street lift bridge and this will be in the grant application that is submitted to the DOT on Friday morning and it doesn't commit the Village to accepting the grant. C. Kell stated it has not been determined if the grant would cover the cost of removing the existing bridge structure and the consultant is doing some additional research on this issue. C. Kell stated that under this submittal, the Village would be responsible for \$187,776 of the cost of the project and the County would be responsible for a like amount and the County has committed up to a maximum of \$250,000 for the project. C. Kell noted that if the cost of removing the existing bridge has to be taken out of the grant application, then the Village's cost share raises to approximately \$457,776.

C. Kell will keep the Board updated on the status of the grant application. Trustee Frassetto complimented Administrator Kell for involving the public in the workshop. C. Kell stated the Village also received six letters of support from local organizations for the project and three of those will be included with the grant application and the rest will be sent to representatives of the DOT.

C. Kell stated last week he brought up the issue of retired firefighters assisting at the Firehouse and now some issues have come up with the insurance company and additional insurance may need to be purchased. Staff is working on the issues and it will be brought to the Board at a future meeting.

Items for Future Agenda

Ordinance on Electric Vehicles and the Deer Culling Program will be on next week's agenda for action. Trustee Elrick asked to have the issue of representation by districts on a future agenda to further discuss the options. Trustee Verstegen stated she previously had brought up the issue of the term of trustee the Village President's seat and she would like to see this added to the agenda at the same time the issue of representation by districts is discussed. (corrected at Board meeting on 8/4/10)

Adjournment

Moved by Trustee Elrick, seconded by Trustee Frassetto to Adjourn the Committee of the Whole meeting at 7:23 p.m.

Ayes 5, Nay 0 – Motion Carried

VILLAGE OF LITTLE CHUTE