

## **MINUTES OF THE REGULAR BOARD MEETING OF MAY 5, 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, Village 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  
Dale Haug, Finance Director  
Erik Misselt, Police Chief  
Tom Flick, Director of Parks, Recreation, and Forestry  
Jim Moes, Community Development Director  
Jeff Elrick, Asst. Director of Public Works  
Beth Carpenter, Library Director  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

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

Michael Stouffer, 714 Bluff Ave., stated he wanted to bring up something that has irritated him about the village's closed session meetings. Mr. Stouffer commented on information in the Compliance Guide from the Department of Justice. Mr. Stouffer stated there must be enough information for the public to discern whether the subject matter is authorized and that stating the statute is not enough according to the Compliance Guide. Mr. Stouffer offered a copy of the Compliance Guide to the Village Board.

*Moved by Trustee Verstegen, seconded by Trustee Frassetto to Enter the Public Hearing for Amending the Zoning Code Chapter 20 – Floodplain Zoning.*

Ayes 7, Nay 0 – Motion Carried

### **Public Hearing – Amending Village Code of Ordinances – Chapter 20 – Floodplain Zoning**

No public audience members commented during the public hearing.

J. Moes explained that the amendment to the language in the code is being required by the DNR and FEMA so the citizens of the Village may continue to participate in the National Flood Insurance Program. FEMA has revised the floodplain maps but there were no significant changes made to the map that would impact the Village.

*Moved by Trustee Van Deurzen, seconded by Trustee Elrick to Exit the Public Hearing for Amending the Zoning Code Chapter 20 – Floodplain Zoning.*

Ayes 7, Nay 0 – Motion Carried

## Approval of Minutes

*Regular Board Meeting Minutes – April 21, 2010*

*Committee of the Whole Meeting Minutes – April 28, 2010*

*Moved by Trustee Verstegen, seconded by Trustee Elrick to approve the Regular Board Minutes of April 21 and the Committee of the Whole Minutes of April 28, 2010 as presented.*

Ayes 7, Nay 0-Motion Carried Unanimously

## Report of Other Minutes-Other Informational Items

Water Commission Meeting Minutes – March 15, 2010

Joint Review Board Meeting Minutes – March 24, 2010

Joint Review Board – Resolution No. 1, Series of 2010

Joint Library Board Meeting Minutes – March 25, 2010

Park Planning Committee Meeting Minutes – March 15, 2010

Board members noted receipt of the above items.

## Ordinance

### Amending Village Code of Ordinances – Chapter 20 – Floodplain Zoning

*Moved by Trustee Verstegen, seconded by Trustee Frassetto to Adopt Ordinance No. 6, Series of 2010 Amending Village Code of Ordinances – Chapter 20 – Floodplain Zoning.*

Ayes 7, Nay 0 – Motion Carried Unanimously

## Action on Combination Class B Liquor/Fermented Beverage License – The Penalty Box – 517 Pine St. – Crystal Eisch Owner/Agent

Clerk Schneider stated the applicant was approved by the Police Department and asked the Board to approve the license on the condition that the current license for the establishment held by Brian Schuh is surrendered to the Village.

*Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Approve the Class B Liquor/Fermented Beverage License for The Penalty Box – 517 Pine Street – Crystal Eisch Owner/Agent on the condition Brian Schuh surrenders the liquor license he currently holds for the establishment.*

Ayes 7, Nay 0 – Motion Carried

## Operator's Licenses:

Brian Heiting	1829 Maplewood Dr.	Little Chute	The Heiting Place/5 <sup>th</sup> Quarter
Gary A. Miller	2121 Edgewood Ct.	Kaukauna	Walgreens
Michelle L. Fritz	1508 Hoover Ave.	Little Chute	Walgreens

*Moved by Trustee Frassetto, seconded by Trustee Elrick to Approve the Operator's License as presented under item J.*

Ayes 7, Nay 0 – Motion Carried

## Department and Officers Progress Reports:

Chief Misselt stated he gave each board member a pamphlet on the Nixel Interactive Program, which is a program that allows residents to sign up for e-mails or texts that relay information or alerts from the Police Department. Chief Misselt stated the Department is also in the process of completely redesigning the Metro's website. Chief Misselt announced that the Police Department is holding an Open House and Bike Rodeo on May 12 from 4 p.m. to 6 p.m. Chief Misselt stated residents on Taylor Street have requested to hold a block party on May 22 from 3 p.m. to 12 p.m. and he is recommending approval of the Block Party Permit and Village Board action is required. D. Haug reviewed the chart of accounts and provided comments on the process of compiling and approving the bills list. C. Kell recognized Vicki Schneider for her accomplishment of obtaining a Masters of Municipal Clerk designation. C. Kell reported the Village is working on storm water

planning and alternatives for storm water runoff when Main St. is reconstructed in a couple of years. C. Kell commented on a six to seven acre plot of land for a possible detention pond site between Lincoln Ave. and Charles Street. C. Kell commented the property is owned by the De Bruin family and they are considering developing the property. C. Kell stated it is possible the Village and the property owners may be able to work out a deal that will benefit both the Village and the property owners. C. Kell stated Mc Mahon Engineering is looking at the property to determine if the site is suitable for a detention pond and an engineering report will be presented to the Village Board at a later date. C. Kell stated part of the grant money from the Heesakker Park retention pond plan would be tagged for the possible new site; otherwise the Village could lose the grant money. Trustee Mahlik questioned how much of this land would be needed for the retention pond. C. Kell stated he would estimate three to four acres would be needed. C. Kell stated these ponds are built so pipes don't surcharge and flood in other areas. Trustee Elrick commented these ponds are designed for the 100 year storm. Trustee Mahlik questioned C. Kell if other sites have been looked at for possible retention ponds since the Heesakker site. C. Kell explained that other sites have been considered but property owners were not willing to sell the land to the Village. Trustee Mahlik questioned what the Village was doing to safeguard children from the retention ponds. C. Kell explained how the ponds are designed with a safety shelf and sometimes fencing is used. C. Kell stated as part of the Main St. project the DOT is willing to help with the cost of the piping to a detention pond. C. Kell stated he would like to schedule a Public Information meeting for next week for the public to view proposed site plans for the new street at West Lincoln to Main St. C. Kell stated he met with Chris Hartwig and the cost for the Washington Street will be more than Mr. Hartwig offered to donate. C. Kell stated he spoke with DOT and they would be willing to help with the cost of the Washington Street reconstruction project if certain criteria is met and stated the design plan for Washington Street will be put on next week's agenda for possible action. C. Kell reviewed a handout on the Village's debt status and stated the Village will be at 48 percent of the legal limit of its obligation debt and fiscally the Village is in good shape. C. Kell stated at the Plan Commission meeting next week, they will be considering an annexation North of Hwy 41 and Holland Rd. and the Village has a tentative agreement with the County that they will pay for the sewer extension to connect this property as the County needs the property to be hooked up to sanitary sewer before they can move forward with constructing a new landfill cell. J. Moes – no report. T. Flick stated he was contacted by the DNR and the gypsy moth spraying has been moved to May 12-14, which is earlier than it has been in the past. T. Flick stated his department would be participating in an awareness program through the DNR about the Emerald Ash Borer and educational signs would be posted in the Village. T. Flick stated last week he submitted the pedestrian bridge grant to the DNR and the Village should receive word on the grant status by the end of July. T. Flick reported on coordinating with the Fox Locks Authority on preparing the pool for opening and stated everything went well with the coordination. J. Elrick provided information about one of the Village's garbage trucks catching fire and noted the extent of the damage was confined to the box and Kimberly and Village staff are fixing the truck. B. Carpenter stated that the Fox Cities Book Festival was a success and also noted the library has started registrations for the summer library program. B. Carpenter invited Board members to participate in the next Friends of the Library program on May 20<sup>th</sup>. V. Schneider stated she would like Board members to arrive early at the next Regular Board meeting so pictures can be taken of the new board and of new board members for posting on the Village's website. Attorney Koehler – no report.

### **Disbursement List**

*Moved by Trustee Hietpas, seconded by Trustee Van Deurzen 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**

### **Items for Future Agenda**

Taylor Street Block party, Washington Street Reconstruction

New Street between W. Lincoln Ave. and W. Main St.

Pool Study Presentation

Committee/Commission Appointment/Appoint President Pro Tem

## **Call for Unfinished Business**

Chief Misselt asked the Board to consider putting the Block Party request on next week's agenda for action. Board members agreed. President Fischer stated he will have an agenda item for next week to make additional committee/commission appointments and to appoint a President Pro Tem.

Trustee Hietpas stated he had sent an email to President Fischer on April 30<sup>th</sup> and he had copied the email to Trustees and the email asked President Fischer to clarify what happened at an Outagamie County Board meeting. Trustee Hietpas stated he did not receive a reply from President Fischer. President Fischer stated he did not recall seeing an email from Trustee Hietpas but he would check his email files and he will see what he can do. Trustee Hietpas provided President Fischer with a copy of the email.

Trustee Frassetto asked if there was any concern about the Board moving into closed session and is the Board fulfilling their obligations of proper notification to move into closed session. Trustee Frassetto stated she did not know if the Board was violating the law and she does not want to move into closed session if they are. Attorney Koehler provided an opinion and stated this particular agenda item is common in what he has seen in other municipalities for Boards to discuss in closed session negotiations for purpose of land and the notice seems adequate to him and he doesn't see this alone as a violation. Mr. Stouffer read from the Dept. of Justice handout he provided to the Board regarding noticing of closed sessions. C. Kell stated historically they have taken their advice from their legal council regarding noticing closed sessions.

*Moved by Trustee Verstegen, seconded by Trustee Elrick to Enter into Closed Session. (6:51 p.m.)*

Ayes 5, Nay 2 (Frassetto, Mahlik) – Motion Carried

Staff members and the Clerk were dismissed from the meeting at this time. (6:51 p.m.)

## **Closed Session:**

**(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.**

*Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Exit Closed Session and Return to Open Session. (8:20 p.m.)*

Ayes 7, Nay 0 – Motion Carried Unanimously

## **Return to Open Session**

No action was taken on closed session items.

## **Adjournment**

*Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Adjourn the Regular Board meeting at 8:20 p.m.*

Ayes 7, Nay 0 – Motion Carried Unanimously

## **VILLAGE OF LITTLE CHUTE**

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

Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk