

## **MINUTES OF THE REGULAR BOARD MEETING OF APRIL 21, 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  
Roy Van Gheem, Director of Public Works  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

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

None

President Fischer congratulated and welcomed the new trustees.

### **Approval of Minutes**

*Regular Board Meeting Minutes – April 7, 2010*

*Committee of the Whole Meeting Minutes – April 14, 2010*

*Moved by Trustee Verstegen, seconded by Trustee Elrick to approve the Regular Board Minutes of April 7 and the Committee of the Whole Minutes of April 14, 2010 as presented.*

Ayes 7, Nay 0-Motion Carried Unanimously

### **Report of Other Minutes-Other Informational Items**

Fox Valley Metro Police Department Reports - January & February 2010

Plan Commission Meeting Minutes – March 8, 2010

Quarterly Budget Summary & Quarterly Investment Report

Board members noted receipt of the above items.

### **Ordinance**

***Amending Village of Little Chute Code Section 40-124 Location, Design and Construction Requirements – Driveways***

*Moved by Trustee Elrick, seconded by Trustee Frassetto to Adopt Ordinance No. 5, Series of 2010 Amending Village of Little Chute Code Section 40-124 Location, Design, and Construction Requirements – Driveways.*

Further Discussion: Laurie Hanson, 832 Bluff Ave., asked about an existing curb cut on her property and staff responded that her property likely does not meet the requirements for a second driveway.

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

## Resolution:

## *Proclaiming Arbor Day*

*Moved by Trustee Verstegen, seconded by Trustee Frassetto to Adopt Resolution No. 14, Series of 2010  
Proclaiming Arbor Day in the Village of Little Chute.*

Ayes 7, Nay 0 – Motion Carried Unanimously

## Action on Committee/Commission Appointments

President Fischer's Recommendations: Michael Bevers – Board of Appeals - 2010 – 2013, Gary Steffens – Board of Review - 2010 – 2015, Carl Peeters – Fire Commission – 2010 – 2013, Pat Nikolay – Fire Commission – 2010 – 2013, Todd Vanderloop – CDA – 2010 – 2014, Randy Sanders – CDA – 2010 – 2014, Bill Peerenboom – Plan Commission – 2010 – 2013, Bill Van Berkell – Police Commission – 2010 – 2013, Ellen Mischler – CABOB – 2010 – 2013.

*Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to Approve the Committee/Commission Appointments as recommended by the Village President.*

Ayes 7, Nay 0 – Motion Carried

Trustee Van Deurzen was excused from the meeting at this time (6:32 p.m.)

## Operator's Licenses:

Brian Vanden Berg 1612 Florence St. Kaukauna Rose Hill Tavern

*Moved by Trustee Elrick, seconded by Trustee Frassetto to approve the Operator's License as presented.*

Ayes 7, Nay 0 – Motion Carried

## **Department and Officers Progress Reports:**

Chief Misselt reported that he plans to present proposed amendments to the Village's smoking ordinance so it complies with the State law that becomes effective in July. Chief Misselt informed the Board that all Police Agencies in the State are being required to record new data on all traffic stops. Chief Misselt also reported that there have been three internal applicants for the Community Support Officer's position and by May he plans to make a selection and send the selected officer to training for this position. D. Haug reported that the Water Commission reviewed detailed financial reports that indicate the utility should proceed with a PSC rate study and this will likely lead to a water rate increase. D. Haug stated the Board will be kept updated on the status of a possible rate study. C. Kell reported that he and the Village President had attended a 50<sup>th</sup> anniversary event at the Kraft Plant and they met the new officials from Nestle. C. Kell commented on the issue with the neighbors in the Bluff Ave/Grant St. area and the complaint of the bushes on one of the properties being a safety hazard. C. Kell stated that the previous Police Chief had ordered the residents to bring the bushes into compliance with the traffic vision safety requirements. Chief Misselt stated he personally measured the distance and height of the bushes and he did not find a safety issue at this time. Trustee Mahlik commented on this being a neighborhood dispute and not a safety issue. Chief Misselt noted that he had contacted two of the neighbors informing them the Department would like to meet with them to provide mediation and the new Community Support Officer will be taking the lead to set up the mediation. T. Flick stated that staff is looking for direction on this issue as village ordinance does not allow for woody materials in the terraces. Laurie Hanson, 832 Bluff Ave., commented that in her eyes this is a safety issue and she said in the past they have tried to have mediation sessions with the Berkens but they have always declined. President Fischer reminded Board members that the agenda item was Department and Officers Report. C. Kell reported that the residents that were ordered to bring their mailboxes into requirement with the Village's policy have not yet done so and they have not responded to a letter from the Public Works Dept. requesting a date by which compliance will occur. C. Kell stated he will ask Public Works to send one more letter and if

residents to not follow through with compliance after receiving the next letter, the issue will be brought back to the Board. C. Kell stated that staff is recommending the Board hold a public informational meeting at next week's meeting on the Washington Street reconstruction project. C. Kell updated the Board on meetings he has had with the Mill Street Bridge design consultants. C. Kell informed the Board that Jim Martin, 326 W. Lincoln Ave., has asked the Village's engineers about keeping an existing driveway in place when the new road is put in and to do this he would have to purchase 8 or 9 feet from the Village. C. Kell stated the issue is complicated because the Developer's Agreement with Dutch Boyz requires a 26 ft. buffer on the south end and if the Developer would agree to this, the Developer's Agreement would need to be amended. C. Kell reported that Mr. Van Dyn Hoven has informed him that he plans to have the contractors for the project selected by the end of next week and the Village plans to close on the properties being purchased for the road by the end of May. C. Kell also reported that the Joint Review Board had met this afternoon and they unanimously approved the Resolution approving Amendment #3 to TID #1. J. Moes reported that Wisconsin had taken the lead in Census returns at 80% and Outagamie County and the Village returns are at 83%. T. Flick provided a map that showed the areas in the State where Emerald Ash Borer trapping is going to be conducted and noted that Outagamie County is in the high risk area and there may be testing done on trees within the Village. T. Flick stated that the Gypsy Moth spraying is tentatively scheduled to take place between May 15 and May 20<sup>th</sup> and he will do his best to notify the public when he gets word from the DNR that they will be spraying. He also stated the DNR has indicated that the spray is not harmful to humans, animals, vegetation or materials but it may leave a residue on hard surfaces such as cars. T. Flick reported that the Park Planning Committee will be meeting next Tuesday to finalize three options from the pool study to bring to the Board for discussion on May 12<sup>th</sup>. R. Van Gheem reported on the Department's activities and noted that hydrant flushing was currently taking place, well projects are moving forward, and the sidewalk rehab program is beginning and property owners are being notified. V. Schneider reminded board members to notify her by Friday if they planned to attend the League's Officials Workshop or Regional Dinner meeting. Attorney Koehler – no report.

### **Items for Future Agenda**

Smoking Ordinance Amendments

Washington Street Reconstruction Informational Hearing

Staff recommended and Board members agreed to review the ordinance on woody vegetation not being allowed in terrace areas.

Trustee Frassetto brought up a resident's request for an answer concerning financial assistance from the Village for private lateral replacements and asked to have the lateral replacement policy put on next week's agenda.

Trustee Frassetto commented that she would like to see listening sessions held for residents and asked that a discussion on this topic be added to next week's agenda.

Trustee Elrick asked to have his request on next week's agenda concerning the new trustee's providing information on their goals, ideas, and proposals for the future focus of the Board. Trustee Mahlik expressed his disagreement with being required to do this unless all others were required to also perform this task and questioned why the new board members were being asked to do this if it had never been done in the past.

Trustee's Elrick and Mahlik exchanged comments on this issue. Trustee Verstegen asked to have the Village's Rules of Conduct on next week's agenda for review of what procedures the Board wants to continue to follow.

Don De Groot, 407 Kadinger Way, commented that the Board members were acting out of line and stated the Village President is the one that controls the meeting. Michael Stouffer, 714 Bluff Ave., stated that the three new trustees were interviewed prior to the Election and their comments are available on his website.

### **Disbursement List**

Staff answered Trustee's questions about items on the disbursement list.

*Moved by Trustee Verstegen, seconded by Trustee Mahlik 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**  
**Regular Board Meeting Minutes – April 21, 2010**

**Call for Unfinished Business**

None

**Adjournment**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adjourn the Regular Board meeting at 6:57 p.m.*

**Ayes 7, Nay 0 – Motion Carried Unanimously**

**VILLAGE OF LITTLE CHUTE**

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

Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk