

MINUTES OF THE REGULAR BOARD MEETING OF MARCH 17, 2010

corrected 4/7/10

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, Village President
John Elrick, Trustee
Jason Leicht, Trustee
Steve Ransbottom, Trustee
Don Van Deurzen, Trustee

EXCUSED: Skip Smith, 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
~~Beth Carpenter, Library Director~~
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk

Public Appearance for Items Not on the Agenda

None

Approval of Minutes

Regular Board Meeting Minutes – March 3, 2010

Committee of the Whole Meeting Minutes – March 10, 2010

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

Ayes 5, Nay 0-Motion Carried

Report of Other Minutes-Other Informational Items

CABOB Meeting Minutes – November 3, 2009

Fox Valley Metro Police Commission Meeting Minutes – January 12, 2010

Plan Commission Meeting Minutes – February 8, 2010

Plan Commission Meeting Minutes – February 15, 2010

Board members noted receipt of the above items.

Ordinance – Recodifying the Village of Little Chute Municipal Code as to all New, Amended, and Repealed Ordinances Adopted in the Year 2009 and all Ordinances Adopted, Amended or Repealed in Prior Years

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Approve Ordinance No. 4, Series of 2010 Recodifying the Village of Little Chute Municipal Code as to all New, Amended, and Repealed Ordinances Adopted in the Year 2009 and all Ordinances Adopted, Amended or Repealed in Prior Years.

Ayes 5, Nay 0 – Motion Carried

Resolutions –
Outdoor Recreational Aids

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Resolution No. 9, Series of 2010 for Outdoor Recreational Aids.

Ayes 5, Nay 0 – Motion Carried

Approving the 2008 Amendment to the 1917 Assessor’s Plat of the Village of Little Chute

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Resolution No. 10, Series of 2010 Approving the 2008 Amendment to the 1917 Assessor’s Plat of the Village of Little Chute.

Ayes 5, Nay 0 – Motion Carried

Possible Action – Appeal by Mike Hoefler to Denial of Driveway Permit for 832 Sunnydale Ln.

Mr. Hoefler stated that the shed that is currently located on the site is being sold and moved and the proposed plan is to build a 24 x 28 detached garage in this location. J. Moes stated that he can't tell based on the drawing if it meets all the setback requirements but there is enough room to meet the requirements. Trustee Leicht stated he can not see why we wouldn't allow access with an additional driveway. R. Van Gheem stated that unless there are compelling reasons to allow a second driveway, the Village ordinance only allows for one driveway per residence and in his opinion there is no compelling reason to warrant a second driveway for this residence. R. Van Gheem stated that if the Board wants to allow for second driveways, then the ordinance should be changed. R. Van Gheem stated additional costs for the Village are because of the second apron, snow storage, and storm water runoff issues. Additional discussion took place. Trustee Ransbottom stated he supports the decision to deny the permit based on the fact that there are no extenuating circumstances in this case and because the ordinances do not allow for a second driveway but he is willing to review the current ordinances and he wants to know the possible consequences that come along with changing the ordinance.

Moved by Trustee Ransbottom, seconded by Trustee Elrick to Deny the Appeal for Driveway Permit based on the Village’s current ordinance.

Further Discussion: Trustee Van Deurzen questioned if other ordinances are not discussed on a case-by-case basis and he does not understand why a driveway could not be placed in this location. Trustee Elrick responded stating that the current ordinance does not allow for a second driveway and that is why he seconded the motion and he is willing to review the ordinance as that is the proper way to go with this issue. Trustee Ransbottom agreed with Trustee Elrick. R. Van Gheem stated that the Department receives a few requests each year and occasionally they are granted because of topography issues such as a step lot or for handicap reasons. Mr. Hoefler stated that time is not an issue and commented that he has a fenced in yard along side his current garage and approximately \$20,000 worth of landscaping in the area and that is why he does not want to put a garage addition and driveway next to the current garage. Mr. Hoefler further stated that because of the configuration of his roofline it is almost impossible to add on to the current garage structure. President Fischer stated he agrees with the points made on following the current ordinance. Trustee Ransbottom commented that he would like staff to have time to compile information on the consequences of changing the ordinance and then bring the ordinance before the Board for review at a future meeting. President Fischer pointed out that he is not saying the ordinance should be changed. There being no further discussion the vote on the motion to deny was taken.

Ayes 3, Nay 2(Leicht, Van Deurzen) – Motion Carried

Possible Action on Auction Permit – Thiel & Thiel Auctions – Tucker’s Restaurant

Chief Misselt stated the Department has reviewed the Auction Permit application and they do not have any issues with approving the permit.

Moved by Trustee Leicht, seconded by Trustee Van Deurzen to Approve the Auction Permit for Tucker’s Restaurant.

Ayes 5, Nay 0 – Motion Carried

Appointment of Donald De Groot to the Joint Review Board

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Appoint Donald De Groot to the Joint Review Board.

Ayes 5, Nay 0 – Motion Carried

Review/Possible Action – Tower Lease Agreement Jefferson Street Water Tower

C. Kell reviewed the details of the lease and commented that it was similar to the lease the Village has with a cell phone company for space on the Industrial Park water tower. C. Kell stated this lease is with a wireless internet company and the Village Attorney reviewed the lease and his recommendations regarding language concerning indemnification of the Village were made to the language in the lease. C. Kell stated there are a few minor adjustments that may be made to the lease regarding the space being used and the Public Works Director will be working with the company on the issue. C. Kell stated the lease agreement is a good revenue source for the Village and the Water Commission has reviewed the lease agreement and they are recommending approval. Attorney Koehler pointed out a correction needed to the reference notation on page 13, No. 21 noting it should read 13(ii), not 12(ii).

Moved by Trustee Leicht, seconded by Trustee Van Deurzen to Approve the Tower Lease Agreement for the Jefferson Street Water Tower with the correction as noted by Attorney Koehler.

Ayes 5, Nay 0 – Motion Carried

Operator's Licenses:

<i>Daniel James Ebb</i>	<i>921 E Franklin St.</i>	<i>Appleton</i>	<i>Walgreens</i>
<i>Kelly M. Fink</i>	<i>8727 N. Oakwood Ave.</i>	<i>Neenah</i>	<i>Walgreens</i>
<i>Mary M. Garvey</i>	<i>N3861 Hwy. E</i>	<i>Freedom</i>	<i>The Flying Dutchman</i>
<i>Marlene Jayne Jersett</i>	<i>W2329 Greenspire Way</i>	<i>Appleton</i>	<i>Walgreens</i>
<i>Emily Ann Lang</i>	<i>1022 Washington St. #6</i>	<i>Little Chute</i>	<i>Walgreens</i>
<i>Matthew Alan Mossberger</i>	<i>715 Saunders Rd. #2</i>	<i>Kaukauna</i>	<i>Walgreens</i>
<i>Sara M. VandeHey</i>	<i>412 E Lincoln Avenue</i>	<i>Little Chute</i>	<i>Walgreens</i>

Operator's License Applications Being Recommended for Denial:

<i>Michael A. Lindsay</i>	<i>901 Jackson St.</i>	<i>Little Chute</i>	<i>Hawks Nest/Weenies</i>
<i>Marcus W. Stodola</i>	<i>1039 Florida Ave.</i>	<i>Little Chute</i>	<i>Express</i>

Moved by Trustee Leicht, seconded by Trustee Elrick to approve the Operator's License as presented and to deny the Operator's License for Michael A. Lindsay and Marcus W. Stodola as recommended.

Ayes 5, Nay 0 – Motion Carried

Department and Officers Progress Reports:

Chief Misselt – no report. D. Haug reported that BLC Community Bank has been selected as the new provider for direct deposit for the Village's payroll process and they were selected based on service and cost and noted the change does not affect employees. C. Kell reported that the Police Officers' Union has accepted the Village's contract offer and it will be brought to the Board for approval at a future meeting. C. Kell also reported that the ACSME union has not yet accepted the contract and it is still under consideration by the union. C. Kell reported on a grievance that has been filed by the Police Union in regards to sick pay contract interpretation and the Board will be kept updated on the grievance procedures. C. Kell reported that staff is working with a party that is interested in opening a new diner in the downtown. J. Moes reported that Census representatives will be setup at Village Hall on afternoons and they will be offering assistance to individuals that need help with completing their census forms. T. Flick reported that the Attorney had been contacted regarding use of village land by the rugby team and the Attorney did not see any liability issues for the Village so the team was given permission to use the land for practicing until such time as they can move to Heesakker Park. T. Flick stated that he did receive a complaint about the traffic and speed of traffic in the neighborhood

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and he has addressed the issue with the Coach informing him that their rights to use the land for practice will

be taken away if additional complaints are received. Chief Misselt stated they will patrol the area as time permits. T. Flick reported that he has consulted the Attorney on the proposals discussed concerning the deer culling program and he will move forward and meet with Trustees and individuals that want to assist with the program. R. Van Gheem commented on the progress of the well projects and noted the Department is working on spring cleanup and moving forward with projects that are confirmed to take place this year. V. Schneider stated that the spring newsletter had been sent out electronically and hard copies would be mailed at the end of this week or early next week and she also commented that she is preparing for the upcoming elections and absentee ballots are now available. Attorney Koehler – no report.

Items for Future Agenda

Board members agreed to put a review of the driveway ordinance on a future agenda and asked staff to gather information on the possible implications associated with amending the ordinance to allow for more than one driveway per residence. Mike Hoefler commented on homeowners signing a contract to pay for second aprons and he asked to be notified of the meeting date when the Board reviews the ordinance. C. Kell stated that the City of Appleton and their consultants will appear before the Board at next week's meeting to present a proposal to install a round-a-bout on Evergreen Drive and French Road and improvements to French Road and how it will affect the Village.

Disbursement List

Moved by Trustee Van Deurzen, seconded by Trustee Leicht to Approve the Disbursement List as Presented and Authorize the Finance Director to draw from the Respective Funds.

Ayes 5, Nay 0 – Motion Carried Unanimously

Call for Unfinished Business

None

Moved by Trustee Ransbottom, seconded by Trustee Elrick to Enter into Closed Session.

(6:36p.m.) Ayes 5, Nay 0 – Motion Carried Unanimously

C. Kell stated there will not be any action taken on the Dutch Boyz Development Agreement following the Closed Session but depending on how far the Board gets on the issue tonight, there may be a vote scheduled for next week's meeting.

Closed Session:

Reconsideration Hearing - Operators License Application Denial – Tara Vanden Oever

The Village Clerk and Police Chief were excused from the meeting at this time. (7:00 p.m.)

(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. – Dutch Boyz Development Agreement.
Moved by Trustee Ransbottom, seconded by Trustee Elrick to Exit Closed Session and Return to Open Session. (8:40 p.m.)

Ayes 5, Nay 0 – Motion Carried Unanimously

Return to Open Session – Possible Action on Closed Session Items

No action was taken. The Operator's License for Tara Vanden Oever remained denied.

Adjournment

Moved by Trustee Ransbottom, seconded by Trustee Van Deurzen to Adjourn the Regular Board meeting at 8:41 p.m.

Ayes 5, Nay 0 – Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____

Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk