

## **MINUTES OF THE REGULAR BOARD MEETING OF APRIL 7, 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  
Jason Leicht, Trustee  
Steve Ransbottom, Trustee  
Skip Smith, 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  
Beth Carpenter, Library Director  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

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

None

### **Approval of Minutes**

President Fischer noted that the minutes of March 17 should be corrected to reflect that Library Director Beth Carpenter was not in attendance. Trustee Van Deurzen requested a correction to take out the word “not” from the statement he made concerning discussion of ordinances on a case by case basis.

*Regular Board Meeting Minutes – March 17, 2010*

*Committee of the Whole Meeting Minutes – March 24, 2010*

*Moved by Trustee Leicht, seconded by Trustee Elrick to approve the Regular Board Minutes of March 17 with the noted corrections and the Committee of the Whole Minutes of March 24, 2010 as presented.*

Ayes 7, Nay 0-Motion Carried Unanimously

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

Park Planning Committee Meeting Minutes – February 15, 2010

Joint Library Board Meeting Minutes – February 24, 2010

Board members noted receipt of the above items.

### **Resolutions –**

***CSM – Zero Lot Line- Van Vreede – 810 W. Florida Avenue***

J. Moes noted that the Plan Commission had reviewed the CSM and they are recommending approval.

Regular Board Meeting Minutes – April 7, 2010

*Moved by Trustee Verstegen, seconded by Trustee Smith to Adopt Resolution No. 11, Series of 2010 Approving the CSM for a Zero Lot Line for Mike and Tiffany Van Vreede as presented.*

Ayes 7, Nay 0 – Motion Carried Unanimously

***Final Assessment Resolution – Asphalt Mill and Overlay – Paradise Drive, Village of Little Chute***

*Moved by Trustee Elrick, seconded by Trustee Leicht to Adopt Resolution No. 12, Series of 2010 Approving the Final Assessment for Asphalt Mill and Overlay for Paradise Drive.*

Ayes 7, Nay 0 – Motion Carried Unanimously

***Approving Amendment No. 3 to the Project Plan for TID No. 1***

J. Moes noted that the Plan Commission did adopt a resolution approving the amendment. C. Kell explained why the amendment should be adopted before the legislature acts on proposed amendments to the TID laws that allow for extending distressed TIDs and he confirmed that the Developers Agreement dictates what is spent on the Dutch Boyz project.

*Moved by Trustee Leicht, seconded by Trustee Ransbottom to Adopt Resolution No. 13, Series of 2010, Approving Amendment No. 3 to TID No. 1.*

Further Discussion: In response to Trustee Smith's question about the TID being short \$53,000 and that money possibly having to come out of the General Fund, Administrator Kell stated that would be the case only if no other development would take place downtown but they have been speaking with other landowners about other potential projects and they feel that those projects will cover the full TID expenditures. C. Kell explained that land the Village already owns could potentially be provided as the Village's assistance toward a project.

Ayes 7, Nay 0 – Motion Carried Unanimously

***Review/Possible Action – Village of Little Chute Code Sec. 40-123 to 40-124 Driveways***

Mike Hoefler, 832 Sunnysdale Ln., distributed a handout of photos of his property and other properties in the Village that currently have two driveways. Discussion took place on the current ordinance and the criteria used by the Public Works Director to evaluate requests. Trustee Van Deurzen stated he doesn't understand why a property with an oversized lot or a corner lot should not be allowed to install a second driveway with a maximum width allowance and require the property owner to pay for the apron and curb replacement for a second driveway. Trustee Leicht stated he doesn't have a problem with allowing a second driveway for double lots or corner lots but he would like to limit the size. Trustee Elrick and Trustee Smith agreed that a second driveway on corner lots could be allowed. J. Moes stated that the Board may want to consider allowing a second driveway if properties have 200 ft. or more of frontage or an 80 x 120 lot and set a maximum width of 16 ft. for the second driveway. Trustee Verstegen stated she would not want to see driveways put in that don't access a garage or structure. Staff reminded the Board of the recent ordinance that allows for concrete slabs for parking but it was pointed out the slab doesn't allow for a curb cut. Trustee Van Deurzen agreed that a second driveway should only be allowed for access to a garage or structure. Discussion continued on the requirement of the driveway leading to a structure and the required size of the structure. Trustee Elrick stated he would like to see the ordinance amendments brought to the Board in two weeks for possible approval before the permit for Mr. Hoefler is granted. Trustee Van Deurzen asked about the existing properties that have two driveways and is it right to now require them to pay for replacement of the second curb and gutter when in the past they haven't been required to pay for it. J. Moes commented that the suggestion of the requirement of front footage would vacate the individual need to assess for the second driveway as these properties are already paying a higher project cost because of the extra front footage. J. Moes confirmed that the front footage recommendation does not mean that it has to be a corner lot. Trustee Elrick suggested that staff be directed to take from the comments made and bring back an ordinance with these changes. R. Van Gheem stated his understanding of the Board's direction is to amend the ordinance to allow for a second driveway with the requirements of 240 ft for the size of the building, 200 feet required frontage, and a 16 foot driveway.

*Moved by Trustee Ransbottom, seconded by Trustee Smith to direct staff to rewrite the ordinance to allow for second driveways with the requirements to include a 240 sq. ft. structure, lot frontage of 200 feet, and a 16 foot driveway.*

Further Discussion: Al Zierler, 1709 Lyle St., stated that he was issued a permit to build a shed in his backyard and he was told that if it went larger than 200 sq. ft. it would be considered a garage and he doesn't know if this ordinance addresses other areas in the code that have criteria for the size of garages. J. Moes clarified that the maximum size for a shed is 200 sq. ft. President Fischer stated that garages then need to be in excess of 200 sq. ft. Trustee Elrick stated that the bottom line is that staff is directed to change the ordinance to accommodate for a second driveway for properties with 200 feet of frontage and require a 16 foot wide driveway and cross check what our ordinance says as far as the size of a structure. Trustee Ransbottom agreed that is what the intent of the motion is.

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

Mike Hoefler asked when he could proceed with his project. Staff stated that after the Board approves the ordinance it goes into effect the very next day and then Mr. Hoefler can apply for the permit.

#### **Review/Possible Action – Special Event Policy**

T. Flick confirmed that the recommendation allows for the \$25 permit fee to be exempted for the Christmas Parade, LCHS Homecoming Parade, Veterans Day Parade, Memorial Day Parade, Sidewalk Sale, LC Baseball/Softball Club Tournaments and the Pig to Pig Walk. Trustee Verstegen stated that the Kermis Festival is not included in the list for the permit fee exemption or for the exemption from paying for village expenses and she would like to see the Kermis added as an exemption in both instances. President Fischer agreed that the Kermis Walk/Run and the Kermis event should be exempted. Trustee Leicht suggested including a maximum support amount or cap of what the Village's portion should be for assistance. C. Kell pointed out that the policy states the organization may receive 50% cost support from the Village not that they will receive that. Staff confirmed that the Cheese Fest and the Fox Cities Marathon would have to pay the \$25 fee and the LC Baseball/Softball Clubs would have to pay for Village assistance. T. Flick stated that the Fox Cities Marathon is currently charged by some municipalities but most just charge the permit fee but it is possible that may change in the future. Staff confirmed that the parade permits on tonight's agenda would be exempted at this time. Trustee Van Deurzen stated he agreed with Trustee Leicht that there should be a cap on the amount of support provided by the Village and suggested a cap of \$1,500. Discussion continued.

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Approve the Special Event Policy as submitted except to add the words Kermis to item # 2 and item #4 of the IFC.*

Ayes 7, Nay 0 – Motion Carried

#### **Action on Parade/Walk Permit – Little Chute School District – April 22, 2010**

*Moved by Trustee Leicht, seconded by Trustee Van Deurzen to Approve the Parade/Walk Permit for the Little Chute School District for April 22, 2010.*

Ayes 7, Nay 0 – Motion Carried Unanimously

#### **Action on Parade/Walk Permit – Pig to Pig Walk – May 1, 2010**

*Moved by Trustee Verstegen, seconded by Trustee Smith to Approve the Parade/Walk Permit for the Larry's Piggly Wiggly Pig to Pig Walk on May 1, 2010.*

Ayes 7, Nay 0 – Motion Carried Unanimously

#### **Action on Parade Permit – American Legion Jacob Coppus Post 258 – May 31, 2010**

*Moved by Trustee Leicht, seconded by Trustee Elrick to Approve the Parade Permit for the American Legion Jacob Coppus Post 258 for May 31, 2010.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Action on Parade/Run/Walk Permit – Fox Cities Marathon – September 19, 2010**

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Approve the Parade/Run/Walk Permit for the Community First Fox Cities Marathon on September 19, 2010.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Certify Board of Canvass Election Results – Municipal Offices**

*Moved by Trustee Elrick, seconded by Trustee Smith to Certify the Board of Canvass Election Results for Municipal Offices.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Action- Concept for Reconstruction of Evergreen Drive/French Road Intersection**

R. Van Gheem explained that only a portion of the round-a-bout is in the Village and the Village only has control of that area. Trustee Van Deurzen questioned the need for the round-a-bout and why the Village would have to pay for it. Discussion continued. Staff stated Appleton is only asking for concurrence from the Board at this time of the concept of a round-a-bout so they can move forward with their proposals for design of the project. R. Van Gheem stated that at this time Appleton has not requested that the Village participate with any cost sharing.

*Moved by Trustee Leicht, seconded by Trustee Ransbottom to agree to the concept for reconstruction of the Evergreen Drive and French Road intersection.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Review/Possible Action – Private Lateral Replacement Policy**

In response to Trustee Elrick's questions, staff confirmed that currently the policy is that the lateral from the terrace to the home is the responsibility of the property owner and when the Village does the street projects they replace the laterals from the main to the terrace and the estimated cost for the Village's portion for replacing the existing laterals from the main to the terrace is less than \$1,000 but with the new proposal it will likely be less but there are financing costs. R. Van Gheem stating he doesn't see the Village saving any money and to replace 200 laterals it is estimated the Village would have to borrow \$400,000. R. Van Gheem stated that in his preliminary discussions with the Finance Director, if approximately only 100 laterals are replaced it should not impact the utility rates. Trustee Smith stated he wants to see the laterals replaced when the street projects are done and he commented on getting information out to the affected parties to let them know their laterals may need to be replaced at the time of the street construction project. In response to a comment by Dan Mahlik about homeowners being required to replace laterals that were not faulty, staff stated the televising tapes are available at the Public Works Dept. for review. Gabe Konopka, 102 E. McKinley, commented that he doesn't see how the Village can not be saving money and he proposed that the Village assist with the cost of the homeowner's laterals. Staff and Board members commented that the costs are being paid for by all through the utility rates. R. Van Gheem commented that the Village takes on a risk by replacing the laterals on private property. Trustee Leicht stated he would like to see the Village stay out of the loop but work with the Village's contractor to get an alternate bid to offer homeowners the option to work with the Village's contractor. D. Haug explained that construction, engineering, and administrative costs are part of the project costs and the interest rate on special assessments is 4% which is a very low rate. D. Haug stated the issue is on the process and the risk to the Village to participate in private projects, as the costs can be recovered. Trustee Ransbottom commented that with the Board in transition and with new trustees taking office, they should be afforded the opportunity to digest the information as they may have their own questions and concerns and he suggested tabling the item.

*Moved by Trustee Ransbottom, seconded by Trustee Verstegen to table this agenda item and the next agenda item until such time as the new Trustees are seated so they can weigh in on this particular issue because it is a very in-depth issue.*

Ayes 7, Nay 0 – Motion Carried Unanimously

## Review/Possible Action – Private Sanitary Lateral (The Prequel)

Tabled as recorded in the preceding motion.

## Budget Adjustment – Leak Detection and Meter Software

D. Haug stated that the Water Commission has recommended approval of the Budget Adjustment.

		Adopted Budget	Change	Amended Budget
<u>Capital Plan</u>				
Leak Correlator	620-19201	\$17,500	\$(17,500)	\$0
<u>Expenditure</u>				
Small Equipment	620-53644-221	\$1,500	\$3,500	\$5,000
Meter Maintenance	620-53644-253	\$2,500	\$3,300	\$5,800

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Approve the Budget Adjustment for Leak Detection and Meter Software.*

Further Discussion: Trustee Van Deurzen asked if Kimberly would be using this equipment. Staff stated that if the equipment is used by Kimberly they will be charged for the use.

Roll Call Vote: Trustee Elrick – Aye, Trustee Leicht – Aye, Trustee Ransbottom – Aye, Trustee Smith – Aye, Trustee Van Deurzen – Aye, Trustee Verstegen – Aye, President Fischer – Aye

Ayes 7, Nay 0 – Motion Carried

## Operator's Licenses:

Mark Allen Arnoldussen	2001 Welhouse Dr.	Kaukauna	Weenies
Danielle Kayci Beckers	212 N. Erie St.	De Pere	Country Inn & Suites
Kristin P. Dercks	217 Taylor St.	Kaukauna	Pine Street
James R. Duda	116 W. 14 <sup>th</sup> St.	Kaukauna	Gentlemen Jacks
Paula Lynn Heckert	306 W. Main St.	Little Chute	Main Event
Curt Joseph Janssen	W2012 Finnigans Ridge Ln.	Freedom	Walgreens
Leah Marie Kelly	PO Box 365	Little Chute	Moasis
MaryJo Louise Landskron	610 Seventh St.	Menasha	Village Lanes
Heather M. Siebers	808 Lawe St.	Kaukauna	Heiting Place

Operator's License Application Being Recommended for Denial:

Michelle A. Drawenek	901 Jackson St.	Little Chute	Weenies
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*Moved by Trustee Leicht, seconded by Trustee Elrick to approve the Operator's License as presented and to deny the Operator's License for Michelle A. Drawenek as recommended.*

Ayes 7, Nay 0 – Motion Carried

## Department and Officers Progress Reports:

B. Carpenter updated the Board on the status of the Fox Cities Reads Book Festival and invited the Board to participate in the programs. B. Carpenter stated they received over 40 applications for the Youth Services Librarian position and she also provided a handout on "How libraries stack up: 2010". Chief Misselt – no report. D. Haug reported that the auditors are returning next week for another phase of the audit. C. Kell reported that the Dutch Boyz Development agreement was signed yesterday by Mr. Van Dyn Hoven and the document is now implemented and the design work on the street is proceeding. C. Kell stated that in the last two weeks the Village has seen a significant increase in economic development inquiries and that is a good sign. C. Kell stated that it is likely the Village has lost one project and one of the factors was that the TID 4 plan only allows Village participation for up to 7% and it is likely another community offered more assistance. C. Kell commented that it is tough to compete with communities like the City of Appleton that offers up to 20% in incentives for new development and it is also likely that the City of Kaukauna will become a more aggressive competitor of the Village's for new development. C. Kell stated the issue will be discussed once

the new Board is seated. Dan Mahlik stated he didn't understand the 7% participation when the Dutch Boyz was provided with 14% participation. C. Kell explained why the participation level is different for each TID and part of that is based on the revenue predictions in the TID. Board members agreed with the Administrator's recommendation to hold off on the Way Finding Signage until next year. C. Kell reported that the GFOA has again recognized the Village for Excellence in Financial Reporting and he credited Dale and his staff for this award and noted the Village has received this award for the last 10 to 12 years. J. Moes stated that Wisconsin is number one in census form returns and within Wisconsin, Outagamie County is in the top 10. The Wisconsin average return is at 74% and Little Chute's return status is at 78%. J. Moes stated that if anyone knows of someone that hasn't received their forms or hasn't returned them, to encourage them to do so or tell them to stop at Village Hall in the afternoon to receive assistance from the Census Bureau Representative. T. Flick stated that he and Trustees Leicht and Smith met regarding the Deer Culling Program and he asked to have the proposals for the program placed on next week's agenda for review. T. Flick stated that the Park Planning Committee will be meeting with the Pool Consultant the last Tuesday in April and the hope is to bring the proposals to the Board at the Committee of the Whole meeting the second week of May. T. Flick reported that the Gypsy Moth paperwork is set with the DNR and the spraying of Heesakker Park and the east end of the Village will take place in late May or early June. T. Flick stated that the Parks and Recreation Association is putting out a proposal to recognize active service members families by offering a cost reduction for recreational programs and he anticipates bringing that proposal forward to the Board at a future meeting. R. Van Gheem reported that in addition to their normal duties the Department is working on spring cleanup, street sweeping, and the pond projects. V. Schneider reported that with the Board's approval of offering electronic distribution of the newsletter, an estimated 80% was saved in postage costs and 50% in printing costs with the spring newsletter. V. Schneider reported that she attended a meeting with Representative Bernard Shaber to express concerns with the proposed changes to election laws as some of the changes will increase the cost incurred by the Village to administer elections. Attorney Koehler – no report.

#### **Items for Future Agenda**

Board members agreed to place the Deer Culling Program proposals on next week's agenda. Trustee Ransbottom stated that he has concerns with the representation on the Village Board being from a number of Trustees living in the same area and he suggested that the Board look into creating geographical areas for representation on the Board. Attorney Koehler will check into the requirements to change from an at-large Board to representation by geographical area.

#### **Disbursement List**

*Moved by Trustee Van Deurzen, seconded by Trustee Smith 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

#### **Call for Unfinished Business**

None

*Moved by Trustee Smith, seconded by Trustee Ransbottom to Enter into Closed Session.  
(8:08 p.m.)*

Ayes 7, Nay 0 – Motion Carried Unanimously

#### **Closed Session:**

***Reconsideration Hearing - Operators License Application Denial – Michael A. Lindsay  
Reconsideration Hearing – Operators License Application Denial – Marcus W. Stodda***

*Moved by Trustee Ransbottom, seconded by Trustee Smith to Exit Closed Session and Return to Open Session. (8:28 p.m.)*

Ayes 7, Nay 0 – Motion Carried Unanimously  
**Regular Board Meeting Minutes – April 7, 2010**

**Return to Open Session – Possible Action on Closed Session Items**

*Moved by Trustee Leicht, seconded by Trustee Ransbottom to uphold the denial of the license for Michael A. Lindsay and to approve the Operator's License for Marcus W. Stodda as recommend by the Police Chief.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Adjournment**

*Moved by Trustee Leicht, seconded by Trustee Ransbottom to Adjourn the Regular Board meeting at 8:30 p.m.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

By: \_\_\_\_\_  
Charles Fischer, Village President

\_\_\_\_\_  
Attest: Vicki Schneider, Village Clerk