

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF FEBRUARY 24, 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 Leicht, Trustee Ransbottom, Trustee Smith, Trustee Van Deurzen, Trustee Verstegen

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

Public Appearance for Items not on the Agenda

C. Kell recognized resident Andy Sanders and commented on an article in the ThedaCare Newsletter that featured Mr. Sanders.

Review/Possible Action – Annexation Petition for W2910 Progrant Rd.

J. Moes reported that staff and the Plan Commission are recommending that the Village Board deny the annexation petition as presented because of the description and boundary shape of the proposed annexation. J. Moes reported that he is working with the petitioners' attorney on a new petition.

Moved by Trustee Ransbottom, seconded by Trustee Elrick to deny the annexation petition at this time based on the recommendation.

Ayes 7, Nay 0 – Motion Carried

Discussion – Ordinance Creating Section 4-94 Outdoor Alcoholic Beverage Permits

Chief Misselt stated that based on input from the Kimberly and Little Chute Boards, the proposed ordinance has been revised to allow for the owner of the establishment to determine whether they want to keep the outdoor area open for smoking after the required time for closing the area for drinking of alcoholic beverages. Chief Misselt reported that it will be up to the establishment owner to police the outdoor area and if a patron carries a drink into the outdoor area after it's required to be closed, the establishment owner and the person violating the ordinance can be cited, depending on the circumstances. Trustee Van Deurzen stated it may be better financially for Little Chute businesses if they are allowed to have drinks consumed in the outdoor area until bar closing time. Chief Misselt stated he respectfully disagreed from a policing standpoint and explained the situations that could potentially happen and stated in general most places are not allowing the outdoor area to be open until bar closing time. Trustee Leicht expressed concern with outdoor areas being located downtown and youth hanging out in the downtown. Chief Misselt explained that after listening to concerns of the Board and in consulting with the Village Attorney the language was changed to allow for bars located within 50 feet or less of a building used for human occupancy and zoned residential to have an outdoor area with limited hours. Trustee Verstegen commented that she would like to see a variance procedure included for exceptional situations. J. Moes commented that the Department of Commerce is currently reviewing the regulations of what is considered "enclosed" and what is not. Currently, the interpretation is if you have two walls and a roof it is not enclosed but if you have three walls or more it is considered enclosed. Trustee Leicht asked about addressing the issue of noise coming from the building if doors to the outside are left open. Chief Misselt stated they will handle any issues as they do now when they get noise complaints. Chief Misselt stated he would look at clarifying the language concerning the hours that alcohol consumption will be allowed in the outdoor area. Board members agreed to put the ordinance on next week's agenda for possible action.

Discussion – Ordinance Creating Section 40-98 Sidewalk Cafes

Trustee Leicht expressed concern that a five foot pedestrian width may be too narrow for pedestrians in the downtown. Staff stated that five feet is standard and the downtown businesses have been allowed to put out sales tables with allowing for a five foot pedestrian pathway. Trustee Smith stated that if the pedestrian width is required to be made wider, then businesses wouldn't be able to do anything and issues

could be addressed if a problem arises and he would like to work with the businesses. Board members agreed to put the ordinance on next week's agenda for possible action.

Unfinished Business

C. Kell stated that as an FYI with Election time approaching, some campaign signs are not meeting specific state requirements and he asked that candidates take a look at their signs to make sure they comply as starting next week the Police Department will be asked to remove any signs that do not meet the requirements. Tammy Frassetto, W. Lincoln Avenue, asked if there was any additional criteria other than what was in the candidate's packet that she received from the Clerk's office because she followed all the criteria in the packet. C. Kell stated that it is the "authorized and paid for" statement that is needed on the signs. Tammy Frassetto stated that statement is on her signs and she asked if it should be on both sides of the sign. C. Kell stated that if the sign is printed on both sides then the statement should appear on both sides. Tammy Frassetto stated she will make sure her campaign signs are in compliance.

Items for Future Agenda

Ordinance – Outdoor Alcohol Beverage Permits

Ordinance – Sidewalk Cafes

Moved by Trustee Elrick, seconded by Trustee Ransbottom to enter into Closed Session.(6:26p.m.)
Ayes 7, Nay 0 – Motion Carried Unanimously

Closed Session:

(g) Conferring with legal counsel for the Village, legal counsel rendering oral or written advice concerning strategy to be adopted by the Village Board with respect to litigation in which the Village is now or is likely to become involved. 19.85(1)(g), Wis. Stats. *Crane Engineering Settlement Agreement*

(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. – (1) *Dutch Boyz Development Agreement*, (2) *Property Owner's Offer to Sell 129 E. Main Street*

Moved by Trustee Smith, seconded by Trustee Ransbottom to Exit Closed Session and Return to Open Session. (7:47p.m.)

Ayes 7, Nay 0 – Motion Carried Unanimously

Return to Open Session/Possible Action on Closed Session Items

Moved by Trustee Ransbottom, seconded by Trustee Smith to approve the Crane Engineering Settlement Agreement as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

Adjournment

Moved by Trustee Van Deurzen, seconded by Trustee Verstegen to Adjourn the Committee of the Whole meeting at 7:48 p.m.

Ayes 7, Nay 0 – Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk