

## **MINUTES OF THE REGULAR BOARD MEETING OF FEBRUARY 3, 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  
Skip Smith, Trustee  
Steve Ransbottom, Trustee  
Janet Verstegen, Trustee

EXCUSED: Don Van Deurzen, 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

### **Approval of Minutes**

*Regular Board Meeting Minutes – January 20, 2010*

*Committee of the Whole Meeting Minutes – January 27, 2010*

*Moved by Trustee Verstegen, seconded by Trustee Leicht to approve the Regular Board Minutes of January 20 and the Committee of the Whole Minutes of January 27, 2010 as presented.*

Ayes 6, Nay 0-Motion Carried

### **Ordinance – Possible Action-Creating Section 4-94 Village of Little Chute Municipal Code, Outdoor Alcoholic Beverage Permit**

C. Kell commented he handed out a revised copy of the ordinance and the items that were discussed at the previous meeting were highlighted, including eliminating Plan Commission review, changing weekend hours to 10 p.m., and including a grandfather clause for businesses that already have an outdoor drinking area. Trustee Elrick questioned whether board members were only allowed to implement modifications at the annual review or when a complaint is received about a business. C. Kell noted changes could be made to the beverage permit when a new owner buys an existing business or the business asks to change the license for some reason. Trustee Elrick questioned Chief Misselt if there was a problem with a grandfathered business could it be brought up at the annual renewal. Chief Misselt assured Trustee Elrick that it would be brought up at the time of renewal and modifications to the liquor license could be made at that time. Trustee Leicht asked if the Board had the right to revoke an outdoor permit because of noise complaints from area neighbors.

Chief Misselt commented that the burden of proof becomes more difficult with noise. Trustee Verstegen commented on the wording of the Ordinance 4-94 in section b, this paragraph would give the board members more room to deal with offenders of the ordinance and an outdoor permit could be revoked. President Fischer allowed audience members to speak. Dan Mahlik, 329 W. Lincoln Ave., asked if someone built residential property within the 100 ft. of an existing beer garden would bar owners be required to take down their beer garden. J. Moes stated it would be at the Boards' discretion to have a bar owner comply with the ordinance or modify the license at that time. Brian Schuh, owner of Pine Street Bar, questioned whether a bar owner could build a deck or outside area for customers to smoke. Chief Misselt stated the ordinance is purely for outdoor alcohol consumption and outdoor smoking decks only go through the Building Permit process. Tammy Frassetto, 408 W. Lincoln Ave., questioned the 100 ft. parameter of beer gardens and residential property. Ms. Frassetto stated she believes that bars located in the downtown area would not be able to build a beer garden, because of the lack of room, therefore pushing customers out of the downtown to drink in bars in outlying areas. Trustee Elrick commented that it was important to get something on the books for outdoor consumption of alcohol because of the smoking ban that was coming up. Trustee Elrick also noted it was important to do something now so bar owners could modify their businesses if they had to. Greg Manteuffel, owner Down the Hill Bar, stated the 100 ft. distance from residents poses a problem and asked the Board to consider a distance of 50 ft. to provide more opportunity for downtown businesses to create an outdoor area. Brian Schuh agreed stating that the 100 ft. setback would not allow any downtown business to create an outdoor beverage area. Attorney Koehler recommended closer examination of the grandfather provisions and noted he would like to meet with Chief Misselt and Chuck Kell to review the wording of the grandfather provision. Chief Misselt explained the difference between a smoking deck and an outdoor drinking area, and he felt it was important to distinguish between the two on the permit so bartenders could enforce regulations. Trustee Verstegen commented that bars that have extenuating circumstances could be looked at individually at the time of renewal. Further discussion took place. President Fischer commented that Trustees should give the proposed ordinance some thought.

*Moved by Trustee Ransbottom, seconded by Trustee Smith to Table the proposed ordinance for further review.*

Ayes 6, Nay 0 – Motion Carried

Further Discussion: C. Kell commented on whether the grandfather clause weakened the ordinance and businesses would ask for a variance at a later time. Trustee Leicht thought a variance clause should be in the ordinance. Trustee Verstegen stated residents that lived in the top floor apartments of businesses in the downtown area would be within the 100 ft. area, so she would like to see something in the ordinance to address that issue.

#### **Action- Approve 2009 Budget Adjustments**

Copy of budget adjustments is attached.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Approve 2009 Budget Adjustment as presented.*

Roll Call Vote: Trustee Verstegen – Yes, Trustee Smith – Yes, Trustee Ransbottom – Yes, Trustee Leicht – Yes, Trustee Elrick – Yes, President Fischer - Yes

Ayes 6, Nay 0 – Motion Carried Unanimously

#### **Operator's Licenses:**

Dawn Marie Boaz	1103 S. Nicolet Rd.	Appleton	Walgreens
Nicholas W. Bradley	2620 N. Helen St. Apt. 102	Appleton	Walgreens
Tiffany L. Breit	2210 W. Charles St.	Appleton	Walgreens
Elizabeth A. Cooley	605 W. Eighth St.	Kaukauna	The Pump House
Candy Lynn Erdman	727 Manitowoc St.	Menasha	Walgreens
Ellen K. Gaffney	310 E. 3 <sup>rd</sup> St.	Kimberly	Walgreens
Ashley Marie Gauthier	1696 W. Main Circle #25	De Pere	Walgreens
Daniel Paul Grant	242 Grant St.	Neenah	Walgreens
Tammy L. Forrest	1309 Daytona Ln.	Little Chute	Walgreens

*Paul C. Olander  
Shirley M. Otto  
Troy Midwin Rusted  
Amy L. Santiago*

*932 Woodland Dr.  
3145 N. Rankin St.  
826 E. Apple Tree Ln.  
232 S. Maple St.*

*Menasha  
Appleton  
Appleton  
Kimberly*

*Walgreens  
Walgreens  
Walgreens  
Walgreens*

*Move by Trustee Leicht, seconded by Trustee Smith to approve the Operator's License as listed.*

*Ayes 6, Nay 0 – Motion Carried Unanimously*

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

Chief Misselt-no report. D. Haug reported the pace for the tax season was slower, but 72% of all taxes were paid. D. Haug stated there was a shift from paying taxes in December to January. C. Kell stated that he, President Fischer and Roy Van Gheem met with the County about the Holland Rd. reconstruction. C. Kell stated the meeting brought up some issues regarding the 2004 landfill agreement and cost sharing for the road construction. C. Kell stated he and other staff members were in the process of negotiating for shared costs of the project. C. Kell stated he testified at a hearing for the NR151 storm water rates, and he felt the board needed to support the issue because it would give the Village more time to meet standards. C. Kell stated he passed out information regarding the Highway 41 change to Interstate 55 proposed conversion and it will be put on a future agenda for discussion. C. Kell stated staff was in the process of changing the GIS to an in-house management system and it would be beneficial to all. C. Kell noted a portal will be added to the Village website at a later date so the public could access it. C. Kell stated he had received a request from downtown merchants to move the sidewalk sale back on to Main St. and they will also use the parking lots. C. Kell noted there would be a \$300 dollar cost for staff time and traffic control. C. Kell noted merchants were trying to promote more vendors. Trustee Elrick recommended asking Advance Little Chute to pay half of the cost the Village would incur for staff and traffic control. Board members indicated agreement with allowing the sidewalk sale to take place on Main Street and in the parking lots. T. Flick reminded the Board about next week's Gypsy Moth informational meeting and stated Kaukauna residents will be a part of the meeting. T. Flick noted he was working on some grants for a pedestrian bridge that would go from Heessakker Park to Electric Island. T. Flick stated the Fox Locks Authority and Kaukauna Utilities have given their permission to the Village to build the bridge and a trail system on their property. T. Flick stated the draft of the Special Events Policy he has been working on with the Village of Kimberly has been completed and it will be brought to the Board for review at a future meeting. R. Van Gheem stated he was working on well house projects and continues to struggle with moving forward with 2010 projects for various reasons and the CIP list is currently in flux. R. Van Gheem also stated the Department continues to apply for grants from various funding sources for proposed projects. V. Schneider-no report. Attorney Koehler – no report.

### **Disbursement List**

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

*Ayes 6, Nay 0 – Motion Carried Unanimously*

### **Call for Unfinished Business**

Trustee Verstegen asked if the Board will be notified of Design Review Board meetings. V. Schneider assured her, yes she would be notified and the Village website also offers an option to be notified of the meetings.

### **Items for Future Agenda**

None

### **Adjournment**

*Moved by Trustee Ransbottom, seconded by Trustee Smith to Adjourn the Regular Board meeting at 6:52 p.m.*

*Ayes 6, Nay 0 – Motion Carried Unanimously*

**Regular Board Meeting Minutes – February 3, 2009**

**VILLAGE OF LITTLE CHUTE**

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

Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk