

MINUTES OF THE REGULAR BOARD MEETING OF AUGUST 19, 2009

The Regular Board meeting was called to order at 7:45 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
Don Van Deurzen, Trustee
Janet Verstegen, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator
Erik Misselt, Police Chief
Dale Haug, Finance Director
Jim Moes, Community Development Director
Tom Flick, Director of Parks, Recreation, and Forestry
Roy Van Gheem, Director of Public Works
Cindy Dillinger, Deputy Treasurer-Accounting
Charles Koehler, Village Attorney
EXCUSED: Vicki Schneider, Village Clerk

Public Appearance for Items Not on the Agenda

None

Approval of Minutes

*Regular Board Meeting Minutes – August 5, 2009
Committee of the Whole- August 12, 2009*

Moved by Trustee Verstegen, seconded by Trustee Ransbottom to approve the Regular Board Minutes of August 5 and Committee of the Whole Minutes of August 12, 2009 as presented.

Ayes 7, Nay 0-Motion Carried Unanimously

Report of Other Minutes-Other Informational Items

Minutes of the CDA Meeting-July 1, 2009

Minutes from the 2009 Board of Review-August 3, 2009

Minutes of the Fox Valley Metro Police Commission-August 11, 2009

Board Members noted receipt of the informational items.

Ordinances:

Amending Village of Little Chute Municipal Code Section 4-60(1)(f)-Liquor License Applications and Qualifications, Retail Sales Outlets

Moved by Trustee Elrick, seconded by Trustee Ransbottom to adopt Ordinance No. 9, Series 2009, amending section 4-60 article III License Application and Qualifications, Application for License, retail sales outlet of the Village of Little Chute Municipal Code.

Aye-7, Nay 0-Motion Carried Unanimously

Discussion/Possible Action-Heesakker Park Storm Water Project

Moved by Trustee Ransbottom, seconded by Trustee Leicht to table this item until next week so they have time to absorb the information from the Public Hearing.

Further Discussion: Trustee Elrick asked if discussion on the topic would take place next week and does the Board want to discuss the issue this evening. President Fischer stated the item could be listed as an item for discussion and possible action on next week's agenda. Trustee Smith stated he struggles with putting the pond in this location and doesn't want to make a hasty decision because of the possibility of losing stimulus funds of \$137,000. Trustee Elrick stated it would cost more than \$137,000 to build the pond somewhere else and he believes he needs to make a decision in the best interest of all taxpayers. Board members discussed the lack of attendance at the meeting even though a notice had been published in the local newspapers and posted on the website. Trustee Ransbottom agreed that the interest of all taxpayers needs to be considered. In response to Trustee Smith's question on the location, R. Van Gheem stated this location is the most cost effective and other locations were looked at. R. Van Gheem explained the situation with the grant money being designated for this pond. D. Haug stated the funding for the pond comes from storm water fees and is not placed on the tax levy and the four areas of funding for the ponds are fees, developers, TID financing, and grants.

Vote on the Motion:

Ayes 7, Nay 0 – Motion Carried Unanimously

Trustee Leicht suggested putting item K. before Item J on the agenda.

Moved by Trustee Elrick, seconded by Trustee Verstegen to take up Item K – Discussion/Possible Action on the Little Chute Design Manual prior to Item. J - Discussion/Possible Action-Ordinance Creating Section 2-156 Design Review Board and Amending Section 44-50 CB Central Business District

Ayes 7, Nay 0 – Motion Carried Unanimously

Discussion/Possible Action-Adoption of Little Chute Design Manual

Trustee Leicht stated that the color pallet should be adopted and a mandatory meeting should be required with the Design Review Board if the ordinance is adopted and certain materials should be excluded and not allowed downtown. Trustee Leicht stated that it should be the job of the Design Review Board to convince the property owners to go with the look the Village is attempting to achieve and possibly add some incentives to make this happen but he doesn't think all elements of the manual should be made mandatory. Trustee Smith stated he would like to see some program in place to financially help business owners with façade improvements and to make the manual advisory. Trustee Van Deurzen stated he would like to see an incentive program in place before approving the ordinance or the manual. Discussion took place on making the manual mandatory or advisory and the types of building materials that the Board would want to see downtown. Jennifer Sunstrom, Realtors Association of Northeast Wisconsin, handed out a letter to the Board and commented on the proposed design manual and Design Board. Trustee Verstegen stated she likes that the concerns of the business owners have been taken into account and the idea of offering businesses financial assistance if they follow the manual. J. Moes asked the Board to confirm that the desired façade materials is red brick with other brick colors, stone, stucco, and wood also being acceptable and vinyl, aluminum, split-face block, plain block, exposed concrete and corrugated metal not being acceptable materials. Board members agreed and Trustee Ransbottom stated that the unacceptable materials be classified as not allowed. Trustee Smith stated his concern is with someone who doesn't have the money to make improvements

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and he would like to see a financial package to help businesses put in place upfront. Trustee Elrick stated he does not have a problem with the way the manual is headed and he agrees that financing to assist the businesses needs to be considered. Keith Gonnering, 715 Depot Street, commented on the Village taking away rights of property owners if the Design Manual is mandated.

Moved by Trustee Verstegen, seconded by Trustee Ransbottom to authorize the Community Development Director to incorporate the changes as proposed by the Board at tonight's meeting into the Design Manual and to bring forth another amended Design Manual.

Further Discussion: Trustee Smith asked J. Moes to read back the language to be changed in the Design Manual as proposed by the Board. J. Moes stated red brick is the primary desired exterior material. Other brick colors, stucco, stucco like materials, wood and stone are also acceptable materials. Vinyl, aluminum, corrugated metal, split face block, and bare concrete would be unacceptable. Trustee Smith stated that goes further than he wants as he would like to see vinyl siding taken out of the unacceptable materials. Administrator Kell questioned whether the Board wants the Old World European Theme in the renovations of the buildings as allowing buildings to be sided with vinyl will not accomplish that goal. Trustee Smith stated his concern is the other obstacles that need to be faced and he wants to be organized on the plan before a developer comes to the Village. Trustee Smith stated that the businesses need to be on Board and it has to be a partnership with the Village. Staff stated that adopting the manual is a first step and nothing is regulated until the ordinance is adopted.

Vote on the Motion:

Ayes 7, Nay 0 – Motion Carried Unanimously

Discussion/Possible Action-Ordinance Creating Section 2-156 Design Review Board and Amending Section 44-50 CB Central Business District

Trustee Verstegen asked the Board if they agreed to revise the ordinance to change the Review Board Composition wording to state that membership shall include the Village Administrator and his/her designee and one Village Trustee and his/her designee along with five citizen members with two or more of the members being business operators as this will help to establish a quorum for the Review Board. Trustee Verstegen stated she would also like to see two alternate citizen members. Trustee Elrick stated that meetings could be set up as regularly scheduled meetings and if there isn't a need for a meeting it can be cancelled and if there isn't a design review manual adopted there is no need for a review board. Discussion continued. Board members indicated agreement with revising the ordinance language.

Moved by Trustee Ransbottom, seconded by Trustee Leicht to table action on this item and instruct the Community Development Director to revise the language of the ordinance and bring it back to the Board for consideration.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action-Run/Walk Permit-Kermis Volksmarch-October 10, 2009-8 a.m.

T. Flick updated the Board stating the Metro will be assisting with crossing Hwy. 96 and Public Works will be providing cones and barricades for other intersections in the Village and volunteers will be assisting at intersections and the sidewalk will be used for walkers but runners will likely be using the road. T. Flick stated that the application shows a starting time of 8 a.m. and the run/walk is actually starting at 9 a.m. The organization is also changing the name of the run/walk to Volks(op)Loop.

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Approve the Permit for the Volks(op)Loop on October 10, 2009.

Ayes 7, Nay 0 – Motion Carried Unanimously

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Discussion/Possible Action to Approve Design Plan for Washington Street Reconstruction Project

President Fischer stated staff's recommendation is to approve the design plan for Washington Street so the project can be bid out by the DOT and constructed in 2010. Trustee Verstegen asked for clarification on how the design affects the Heiting Place and will they lose nine parking spaces. R. Van Gheem stated they will not be allowed to park in the Village's right-of-way and the sidewalk is not going on the west side and grass will be planted in the public right-of-way. Trustee Van Deurzen asked why we would take the parking away when Mr. Heiting has been using the right-of-way for parking for years. President Fischer stated that the Village has had to take back right-of-way on various occasions such as when residents were encroaching on park land. Trustee Elrick pointed out that the Village is not taking any of Mr. Heiting's property as part of the property being used for his business parking is the Village's right-of-way property. Trustee Van Deurzen stated he does not see a need to put grass in the right-of-way. A resident on north Washington Street asked how far north of Hwy. OO the construction was going on Washington Street. Staff stated that construction was only taking place on the corner as a turn lane is being constructed and the road is being constructed in concrete per Village policy. The resident was informed that there will be a notice sent to her for an assessment hearing on the project. Discussion continued.

Moved by Trustee Leicht, seconded by Trustee Ransbottom to approve the design plan for Washington Street.

Further Discussion: Trustee Van Deurzen asked how the signal lights will operate. Staff responded that the traffic signals may or may not be installed depending on traffic studies and decisions made by the County concerning signalization, a possibly a roundabout and costs.

Vote on the Motion:

Ayes 7, Nay 0 – Motion Carried

Appointment of Resident to Citizen Advisory Board on Beautification

President Fischer stated he is recommending appointing LCHS student Michelle Mills to the Advisory Board.

Moved by Trustee Elrick, seconded by Trustee Verstegen to appoint Michelle Mills to the Citizen Advisory Board on Beautification.

Ayes 7, Nay 0 – Motion Carried Unanimously

Operator's Licenses:

Kara M. Goss	2252 W. Capitol Dr.	Appleton	Express
Angela Lynn Schnueneman	1754 N. Gillett St.	Appleton	Hawks Nest
Jason John Vogl	129 N. James St.	Kimberly	Express

Moved by Trustee Leicht, seconded by Trustee Ransbottom to approve the Operator's Licenses as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

Department and Officers Progress Reports

Chief Misselt – no report. D. Haug – no report. C. Kell stated he is headed back to Madison to talk to the DOT about the bridge project and he also informed the Board that an agreement has been worked out with Habitat for Humanity to salvage items and materials from the Village's homes on Depot St. and Grand Ave. C. Kell reported that a Market Study will soon begin on the Hietpas/DeBruin property. C. Kell reported that Jerry Van Dyn Hoven has scheduled a meeting with W. Lincoln Avenue residents concerning the development project he is proposing for the area and the Plan Commission will be discussing the project at their meeting next week. J. Moes – no report. T. Flick reported that the Rock Cancer event did extremely well and he also reported that the pool closes on Saturday. T. Flick also reported that the DNR denied the grant request for the pedestrian bridge from Heesakker Park to Electric Island and he will reapply again in 2010 for a grant for the bridge. T. Flick reported that the Department received 50 donated tickets to Saturday's preseason Packer game to be distributed among special need and low income youths in the Rec. Programs. R. Van Gheem – no report. Cindy Dillinger – no report. Attorney Koehler – no report.

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 7, Nay 0 – Motion Carried Unanimously

Call for Unfinished Business

None

Items for Future Agenda

The Design Manual and Ordinance creating the Design Review Board will be on next week's agenda along with the Heesakker Park Storm Water Pond Project.

Adjournment

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adjourn the Regular Board meeting at 9:20 p.m.

Ayes 7, Nay 0 – Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: Cindy Dillinger, Deputy Treasurer-Acctg