

MINUTES OF THE REGULAR BOARD MEETING OF NOVEMBER 4, 2009

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 and asked for those in attendance to remember Sgt. Nick Mueller.

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
Roy Van Gheem, Director of Public Works
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk

EXCUSED: Tom Flick, Director of Parks, Recreation, and Forestry

Public Appearance for Items Not on the Agenda

None

Approval of Minutes

Regular Board Meeting Minutes – October 21, 2009

Committee of the Whole Minutes – October 28, 2009

Trustee Verstegen asked for corrections of a spelling and grammar error in the minutes.

Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to approve the Regular Board Minutes of October 21, 2009 and the Committee of the Whole Minutes of October 28, 2009 with the corrections as noted.

Ayes 7, Nay 0-Motion Carried Unanimously

Report of Other Minutes – Other Informational Items

Police School Liaison Monthly Report- August/September 2009

Minutes of the Water Commission Meeting of September 15, 2009

Board members noted receipt of the above items.

Ordinance:

Amending Village Code Chapter 34 Utilities - Sec. 34-82 Use of Hydrants for Construction; Temporary Supply; Sec. 34-84 Refunds of Monetary Deposits; Sec. 34-85 Service Connections or Water Laterals Installation and Testing; 34-86 Service Piping for Meter Settings; 34-92 Meters/Radio Heads Installation; 34-93 Same- Repair to Meters/Radio Heads; 34-96 Inspection of Premises; Sec. 34-98 Disconnection of Services; Sec. 34-102 Duty of Utility Contractor with Respect to Safety of the Public; Sec. 34-106 Cross-Connection Control; 34-107 Private Well Abandonment; 34-496 Leaks Between Curb Box and Meter; Sec. 34-497 Inspection; Sec. 34-498 Water Meters

Moved by Trustee Erick, seconded by Trustee Ransbottom to Adopt Ordinance No. 12, Series of 2009, Amending Village Code Zoning Code Chapter 34- Utilities.

Ayes 7, Nay 0 – Motion Carried Unanimously

Resolutions:

Purchase of Property at 720 Grand Avenue

Moved by Trustee Verstegen, seconded by Trustee Smith to Adopt Resolution No. 34, Series of 2009, Authorizing the Purchase of the Property at 720 Grand Avenue as presented.

Ayes 6, Nay 0, Abstained 1(Ransbottom) – Motion Carried

Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing – Storm Water Treatment Facility Project

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Resolution No. 35, Series of 2009, Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing – Storm Water Treatment Facility Project.

Ayes 7, Nay 0 – Motion Carried Unanimously

Authorizing Representative to File Applications for Financial Assistance from the State of WI Environmental Improvement Fund – Storm Water Treatment Facility Project

Moved by Trustee Leicht, seconded by Trustee Verstegen to Adopt Resolution No. 36, Series of 2009 Authorizing Representative to File Applications for Financial Assistance from the State of WI Environmental Improvement Fund – Storm Water Treatment Facility Project

Ayes 7, Nay 0 – Motion Carried Unanimously

Discussion/Possible Action – Mailbox Encroachment Permit

R. Van Gheem provided Board members with a copy of the ornamental mailbox construction requirements sketch that will now be included with the custom built mailboxes permits. Trustee Verstegen asked about providing this notice when building permits are taken out. J. Moes stated a notice of the required permit can be added to the listing of permits that are required to be obtained from the Public Works Dept. Discussion took place. Trustee Leicht provided comments that explained why he was willing to overlook the setback requirement on the one property but require both properties to remove one level of the brick layer to bring the structure into the height requirement and to move forward with a zero tolerance policy from this point forward. Trustee Verstegen suggested adding a penalty if the structure is not built according to the Village's requirements. Trustee Elrick stated that he feels the zero tolerance policy was put in place when the ordinance was passed and the requirements were established. Trustee Ransbottom stated that because of the extenuating circumstances which led to the setback requirements not being met for Mr. Newhouse's property, he was in agreement with Trustee Leicht to overlook the setback requirement but require the structures to remove one layer of brick to come into compliance with the height requirement.

Moved by Trustee Leicht, seconded by Trustee Ransbottom to require the mailboxes at 1901 and 1909 Vandenberg Lane to have one row of bricks removed from the structures and the setback from the curb will be overlooked.

Trustee Smith stated having them remove one row of bricks will not bring the structures into compliance and he is willing to allow them to leave the structures as they are. Trustee Verstegen stated she will vote against the motion because she agrees with Trustee Smith that one row of bricks is so minor that the property owners should not have to go through that.

Roll Call Vote:

Trustee Elrick – Nay, Trustee Leicht – Yes, Trustee Ransbottom – Yes, Trustee Smith – Nay, Trustee Van Deurzen – Yes, Trustee Verstegen – Nay, President Fischer – Nay

Ayes 3, Nays 4 - Motion Failed

Moved by Trustee Smith to allow the two existing mailboxes to stand as is and move forward with the new drawing and no exceptions from this day forward.

Further Discussion: Trustee Van Deurzen stated the drawing is no different than what is in the ordinance requirements right now. Trustee Smith commented on things to stand firm on and things to be easy on and he doesn't see any gross negligence in this case. Trustee Leicht stated they did do it wrong and they did have the permit in hand and he believes there should be some type of consequence for not following the rules.

President Fischer asked Trustee Smith to repeat the motion:

Moved by Trustee Smith, seconded by Trustee Verstegen to allow the two mailboxes that were installed to stand as they are and not be changed and to take the new drawing by Public Works and enforce the requirements from this day forward with zero tolerance.

Further Discussion: President Fischer stated his concern is with overlooking the requirements this time but not next time. Trustee Smith stated there was a lot of confusion over the whole issue. Trustee Leicht commented that he is willing to overlook some of the requirements for these property owners because they came to the Board on the issue and they tried to do it by the rules when they could have just built it while the Board was discussing the issue and nothing would have been done to them. Trustee Ransbottom commented that the structures were never allowed in the previous ordinance and he is willing to allow the setback because of the circumstances with the boulder but overlooking the requirements has to stop somewhere. Trustee Verstegen stated that is why she would like to have a policy discussion at a future meeting and look at establishing a \$500 fine because of the staff time that is taken up with these issues.

Roll Call Vote:

Trustee Leicht – Yes, Trustee Ransbottom – Nay, Trustee Smith – Yes, Trustee Van Deurzen – Nay, Trustee Verstegen – Yes, President Fischer – Nay, Trustee Elrick – Nay

Ayes 3, Nay 4 – Motion Failed

Moved by Trustee Verstegen, seconded by Trustee Leicht to reconsider the first motion.

Ayes 7, Nay 0 – Motion Carried Unanimously

Moved by Trustee Verstegen, seconded by Trustee Leicht to require the two mailbox structures to remove one row of brick and to allow the one mailbox structure that is seven inches to close to the curb to remain.

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

Ayes 5, Nays 2 – Motion Carried

Review/Action – Class A Fermented Beverages/Class A Liquor License for Walgreen Co.

The Village Clerk stated that the license had been approved by the Police Department and Inspections Department.

Moved by Trustee Elrick, seconded by Trustee Smith to Approve the Class A Fermented Beverages and Liquor License for Walgreen Company.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action – Operator’s License Fee Increase

Moved by Trustee Leicht, seconded by Trustee Elrick to Approve the Operator’s License Fee Increase to \$50 beginning January 1, 2010.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action – Fund Designation – Park Improvement – Island Park

<u>Fund</u>	<u>Amount</u>	<u>Designated Purpose</u>
203-29212 Park Improvement	\$19,300	future Island Park Improvements
Designated – Island Park		

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Approve 2009 Park Improvement Fund Balance Designation of \$19,300 for Island Park Improvements.

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

Ayes 7, Nay 0 -Motion Carried Unanimously

Action – Budget Transfer – Windmill Pocket Park

<u>Transfer</u>	<u>Account</u>	<u>Fund or Dept.</u>	<u>Original Budget</u>	<u>Change</u>	<u>Amended</u>
<u>Revenue</u>					
Transfer In	101-39101	General	\$0	\$ 575	\$ 575
<u>Expenditure</u>					
Transfer Out	205-56900-499	Beautification	\$0	\$ 575	\$ 575
Wages	101-51960-101	Vil. Promotion	\$ 4,475	\$1,500	\$ 5,975
Social Security	101-51960-103	Vil. Promotion	\$ 800	\$ 300	\$ 1,100
Retirement	101-51960-104	Vil. Promotion	\$ 800	\$ 300	\$ 1,100
Health Insurance	101-51960-105	Vil. Promotion	\$ 1,600	\$1,300	\$ 2,900
Small Equipment	101-51960-221	Vil. Promotion	\$0	\$ 925	\$ 925
Retirement	101-51400-104	Administrator	\$ 9,175	\$ (600)	\$ 8,575
Health Insurance	101-51400-105	Administrator	\$14,975	\$(2,800)	\$12,715

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Approve the Budget Transfers for the Windmill Pocket Park and Festival Support as presented.

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

Ayes 7, Nay 0 – Motion Carried Unanimously

2010 Budget Discussion

D. Haug stated that the final assessment ratio had been received from the DOR and it was lower than the estimated ratio. A revised handout was provided to the Board. D. Haug stated that the final assessment ratio has resulted in an assessment rate that is \$6.6935 which is approximately .5¢ lower than the previously estimated rate and the overall tax rate increase to taxpayers is approximately 1.80%. D. Haug pointed out that the personnel expenses are 3.96% this year and that is close to the seven year average of 3.8%. The majority of the increase was in insurance costs and retirement benefits as the 2010 budget is shown with a 0% wage increase for employees. D. Haug reviewed the utility budgets stating that he will be recommending a mid-year water rate case study and is estimating the increase for water rates could be as high as 12% and a sewer rate increase of 5% is being proposed as the HOV rates are expected to go up 5% for next year. The storm water fee is being recommended to be reduced 13% and the monthly rate would be reduced to \$7. The remainder of

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the budget was reviewed and Board members were encouraged to contact staff with questions or bring any questions or concerns to next week's meeting. Board members thanked D. Haug for providing the budget review.

Operator's Licenses:

Wendy Kay Dierich	W2672 Center Valley Rd.	Kaukauna	Super 41 Shell
Sandra Lee Hauser	1511 Miami Circle	Little Chute	Hawks Nest
Michelle E. Reale	2021 Taylor St.	Little Chute	Village Lanes

Moved by Trustee Leicht, seconded by Trustee Van Deurzen to Approve the Operator's Licenses as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

Department and Officers Progress Reports

Chief Misselt reported that he has been observing the parking situation on Vandenbroek Road and since the parking restrictions were implemented he has not seen any cars parked on the road. D. Haug – no report. C. Kell reported that the Metro has an ad placed for a police officer and it isn't to fill a new position but to develop a pool of candidates because of an expectation of a future vacancy. C. Kell provided the Board with a revised parking contract with the Windmill Committee and stated that the contract has been provided to the Windmill President and Director. C. Kell alerted the Board to issues that may need to be addressed if the deer culling program is opened to private property owners. J. Moes reported that a resident had contacted him thanking the Village for adopting the off-site storage of vehicles ordinance as their neighborhood is now looking nicer. R. Van Gheem reported that the work is progressing on the Kraft turn lane on Hwy. 00 and the Paradise Dr. project. R. Van Gheem reported that the Dept. is busy with leaf pickup and preparing equipment for snow removal. R. Van Gheem asked Board members if they wanted to consider offering larger recycling polycarts to residents as there have been numerous requests for larger carts. Board members agreed that they will but the issue on a future agenda. R. Van Gheem responded to a question regarding the Vinton concrete issues and stated that meetings are still taking place with Vinton and he will bring forward information at a future meeting. V. Schneider reported on the number of households that have signed up to continue to receive the newsletter by mail and the number that have requested the newsletter by email. Attorney Koehler – no report.

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

Items for Future Agenda

Chief Misselt stated the Hunting Ordinance would be presented to the Board for review at next week's meeting. Board members agreed to have a discussion on requests for larger recycling polycarts at a future meeting. Trustee Smith requested that Board members be provided with ID Badges. Trustee Ransbottom asked for a discussion at a future meeting on setting up email for Board members through the Village's email system. Board members were reminded that next week's meeting will be held in the Community Room because of the two scheduled public hearings. Board members tentatively agreed to cancel the Committee of the Whole meeting on November 25, 2009.

Adjournment

Moved by Trustee Van Deurzen, seconded by Trustee Elrick to Adjourn the Regular Board meeting at 7:22 p.m.

Ayes 7, Nay 0 – Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____

Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk