

MINUTES OF THE REGULAR BOARD MEETING OF DECEMBER 16, 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.

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

EXCUSED: 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
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk

Public Appearance for Items Not on the Agenda

None

Moved by Trustee Elrick, seconded by Trustee Ransbottom to enter into the Public Hearing for the Assessments/Hookup Fees – New Storm Sewer for Evergreen Pond. (6:04 p.m.)

Ayes 6, Nay 0 – Motion Carried

Public Hearing – Assessments/Hookup Fees – New Storm Sewer for Evergreen Pond

C. Kell stated that this is a second hearing for the assessment/hookup fees for the new storm sewer for Evergreen Pond. The Board had adopted the Preliminary Assessment resolution on August 5 and the previous hearing was held on August 26th but at the hearing, comments were made that led to some confusion on when the hook-up fee charges would be applied to the Town parcels and the Village Attorney recommended that the Board hold another hearing to clarify the ordinance language. C. Kell reported that a comment was made at the previous hearing that the hookup fee is not payable until the property is annexed and the owner requests to be hooked up and that isn't correct. The hookup fee is payable according to the assessment ordinance and it doesn't say anything about hooking up but the hookup fee is due when the property is annexed and the purpose

of this second hearing is to clarify the issue and what the Village ordinance states. Mr. Al De Bruin, W2750 Evergreen Drive, asked why the new storm sewer is going in and why is it so urgent that the project is going in before anything can get straightened out. R. Van Gheem stated the project is moving forward at this time because of timelines on the grants and because of the contract's execution date. Mr. De Bruin asked if there was a grant for this project and if so, why isn't it being applied to the assessment. R. Van Gheem stated there

is a grant and it is being applied toward the project. Mr. De Bruin stated he didn't see where the grant was applied on the cost sheet. R. Van Gheem stated the grant is being applied to a portion of the project that is not being assessed. Mr. De Bruin stated if there was no grant for the storm sewer, why is it such a rush to get it in.

R. Van Gheem stated that the grant is part of the same project. Mr. De Bruin asked why he is paying for a huge pipe, why is he paying for eight foot manholes, why is he paying for a T-intersection on a road that has stubs going out in every direction, why is he is paying for the extra digging, removing of soil and the extra stone around it, why is this part of his costs? R. Van Gheem stated that the pipe is sized for the area it is going to serve and the properties are assessed on a 24 inch pipe. Mr. De Bruin asked about all the extra costs associated with the large manholes and the large pipe? R. Van Gheem stated the engineer should prorate the price. Mr. De Bruin commented that Dennis Buschke had made a statement "Al, this does no good for your property seeing that the water from your property runs directly to the north". Mr. De Bruin asked the Trustees if any of them had read the statements in the Village's policy about paying for the laterals? Mr. De Bruin handed out documents to Trustees only. Mr. De Bruin stated that the policy states that the Town has to ok the assessments and the Village received a letter that the Town is totally against it. Mr. De Bruin stated the Village's policy states the Village does not have the right to assess without the Town's permission.

Mr. De Bruin stated that there is money coming out of the Town's pockets and he doesn't believe the Village has the right as they have no representation and their share is over \$80,000 and that doesn't seem right to him. Mr. De Bruin stated that at the first meeting he was asked to write up a contract stating what he was told and he did and paid quite dearly for that to his Attorney and he asked if the Village Board was going to reimburse him for that? Attorney Koehler stated that if the assessment is going to be imposed on town property before annexation, while it was still in the town, then Town Board approval would be required. The ordinance just acknowledges that fact but once the property is annexed it is no longer outside of the Village and the Village has authority to assess it and that doesn't mean that once the property is annexed, we still need Town Board approval as that is no longer needed after annexation takes place. Mr. De Bruin stated that once the \$29,000 assessment is put against his property and the property is annexed and if the storm water district puts in a pond between JJ and Evergreen Drive and he has to go to that pond, then the \$29,000 that the Village is assessing him has to be paid and it is assessed against his property but he is never going to use it. Mr. De Bruin stated he is contesting that the assessment shouldn't be put against his property and the Village can hang on to it in case they ever get annexed. Mr. De Bruin stated that he now will owe \$97,000 on his property that has two buildable acres and that is \$40,000 an acre that the Village has against it and he commented on the financial burden. Mr. De Bruin stated that he has 40 days to appeal the assessment to a judge. Staff stated that the lien is payable upon annexation to the Village. Mr. Darwin Schmalz, S&S Storage, 911 Evergreen Dr., commented on his property being annexed into the Village and the amount of assessments he has had to pay to the Village. Mr. Schmalz was informed that the properties on the south side of Evergreen Drive were being assessed for the new storm sewer. Mr. Schmalz stated that he also pays \$2,100 to Kaukauna Utilities for storm water charges per year. President Fischer stated that everyone is treated equally. Mr. Schmalz stated he didn't

believe he was treated equally when he was annexed. Staff stated that the new storm sewer pipe is being put in

to help with meeting the required 40% reduction in storm water by 2013 and it is also being put in for future expansion in this area. Mr. Schmalz stated that they have had to pay four times and D. Haug stated he will get back to Mr. Schmalz on what the assessment charges are that appear on his tax bill. Mr. De Bruin reiterated that the storm sewer is not doing any good to his property and he doesn't believe there should be an assessment against the property at this time.

Moved by Trustee Leicht, seconded by Trustee Ransbottom to Exit the Public Hearing. (6:26 p.m.)

Ayes 6, Nay 0 – Motion Carried

Approval of Minutes

Regular Board Meeting Minutes – December 2, 2009

Committee of the Whole Meeting Minutes – December 9, 2009

Moved by Trustee Leicht, seconded by Trustee Ransbottom to approve the Regular Board Minutes of December 2, 2009 and the Committee of the Whole Meeting Minutes of December 9, 2009 as presented.

Ayes 6, Nay 0-Motion Carried

Report of Other Minutes – Other Informational Items

Joint Library Board Meeting Minutes – October 8, 2009

Board members noted receipt of the above items.

Ordinance:

Creating Section 6-23 Feeding of Deer Prohibited

Staff stated that the DNR recommended that the Village adopt a Feeding Ban Ordinance although it is not a requirement but staff feels that it is necessary for the culling program to be successful. Staff stated they will be taking steps to educate residents on the feeding ban ordinance and the Police Department will allow time for residents to adjust to the new ordinance. Staff agreed with Trustee Leicht that the feeding ban may be a requirement if the culling program took place outside of the regular DNR deer hunting season. Staff stated there is always a penalty in place for an ordinance violation. Chief Misselt stated that notice of the new ordinance will be put in the Village's newsletter and one on one education will take place with residents.

Moved by Trustee Ransbottom, seconded by Trustee Smith to Adopt Ordinance No. 15, Series of 2009 Creating Village of Little Chute Ordinance Section 6-23 Feeding of Deer Prohibited.

Trustee Leicht asked if the ordinance should go into effect at a future timeframe such as November 1, 2010. Trustee Ransbottom stated he is comfortable with the motion the way it is as the Chief has a plan in mind and it is in his discretion on how to apply it. Mr. Andy Sanders, commented that the Village may want to educate the public on what types of plants and trees that can be planted that the deer will not touch.

Vote on the Motion: Ayes 6, Nay 0 – Motion Carried

Resolution:

CSM – Time Merkl, Charles B. Siekman, Francis S. Romero – Wisc. Ave/French Rd

J. Moes stated that the Plan Commission had reviewed the CSM and unanimously vote to recommend that the Village Board approve the CSM.

Moved by Trustee Elrick, seconded by Trustee Smith to Adopt Resolution No. 41, Series of 2009, CSM for Tim Merkl, Charles B. Siekman, Francis S. Romero – Wisc. Ave/French Rd.

Ayes 6, Nay 0 – Motion Carried

Action – Authorizing Staff to Move Forward with Preliminary Design of VandenBroek and Depot Street, E. Lincoln Avenue and Pine St.

President Fischer commented on moving forward before the East Main Street project takes place in 2012 as recommended by Trustee Verstegen. Trustee Ransbottom stated he supports finding out what the design options will be.

Moved by Trustee Ransbottom to Authorize Staff to move forward with the Preliminary Design of VandenBroek and Depot Streets, E. Lincoln Avenue, and Pine Street.

Further Discussion: Trustee Smith asked what the cost will be for the preliminary designs. R. Van Gheem stated the design costs may be several thousand dollars but he doesn't have the numbers pulled together at this time. Trustee Smith stated he has concerns with moving forward without knowing the costs for the preliminary engineering and the probability of moving forward with the projects. Trustee Ransbottom stated he sees the design as an ongoing need of the community and it is wiser to look at all the areas at the same time.

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Trustee Smith stated he can agree with straitening VandenBroek and Depot but he doesn't want to spend money and move other projects around right now. C. Kell stated that until the design of the intersection is determined, the Village won't know what it can do with the property it now owns so he doesn't want the issue to remain in limbo very long. Trustee Van Deurzen stated he would like more time to consider the issues such as the Pine Street issue. Staff stated the preliminary design would have to be brought forward to the Board for approval and R. Van Gheem stated that the Pine Street issue has been discussed numerous times and recommendations are made based on traffic flow. Discussion continued on the expansion of E. Lincoln, design of VandenBroek and Depot Streets and the future of Pine Street and how it affects the design of the intersection. D. Haug stated that bond funding includes dollars for design work for future projects. Peggy Edmonds, Kings Variety, reminded the Trustees how she felt about the closing of Pine Street and commented about the history of the decisions on Pine Street stating at one time it was voted to keep Pine Street open. Ms. Edmonds asked what the number one reason is for closing the street. President Fischer stated his view is because of the flow of traffic and his biggest concern was cars headed west turning left onto Pine Street as they can really back up traffic although it was discussed to not allow left turns during certain hours. Trustee Smith stated if certain designs are recommended for Pine Street he would like to see the back side of the businesses given a front door look. R. Van Gheem stated that various design options will be presented to the Board for the intersection and Pine Street. Trustee Ransbottom repeated the motion:

Moved by Trustee Ransbottom to Authorize Staff to move forward with the Preliminary Design of VandenBroek and Depot Streets, E. Lincoln Avenue, and Pine Street.

Trustee Smith stated that based on the discussion, he will second the motion.

Vote on the Motion: Ayes 6, Nay 0 – Motion Carried

Review/Action – Correct Personal Property Tax – Retirement Strategies, LLC

Moved by Trustee Leicht, seconded by Trustee Elrick to Authorize the Treasurer to Correct the Personal Property Tax for Retirement Strategies, LLC.

Ayes 6, Nay 0 – Motion Carried

Action to Appoint Election Inspectors to a Two-Year Term

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Appoint the Individuals presented as Election Inspectors and Registration Deputies to serve for the 2010 and 2011 Elections.

Ayes 6, Nay 0 – Motion Carried

Discussion/Possible Action on Designating the Use of Fox Valley Metro Designated Reserve Funds for the Early Replacement of an Officer Vacancy

Chief Misselt stated the use of reserve funds will allow him to get an officer on staff as soon as possible. C. Kell stated that ordinarily he would want to follow the standard procedures of waiting until the payout money has been recovered before filling the position but in this case because the 26th officer was cut out of the budget, he approves moving forward with replacing the position at this time. Staff stated the money is used for the resigning officer's sick pay and vacation payout and this will reduce the Department's fund balance.

2010 Fund Balance Request

101-29218 Designated Fund Balance – Fox Valley Metro	\$8,520(reduce fund balance)
(Current balance is \$54,185)	

2010 Budget Adjustment

<u>Revenue</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Net Change</u>
207-39101 Transfer from General Fund	\$1,738,589	\$1,747,109	\$8,520
207-33321 Local Police Services – Kimberly	\$1,077,396	\$1,082,276	\$5,280

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Expenditures

207-52120-101 Salaries	\$1,542,800	\$1,556,600	\$13,800
101-59000-492 Transfer to FV Metro – Little Chute	\$1,738,589	\$1,747,109	\$8,520

Moved by Trustee Ransbottom, seconded by Trustee Smith to approve the 2010 Little Chute fund balance request for patrol officer replacement.

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

Ayes 6, Nay 0 – Motion Carried

Discussion/Possible Action on Establishing E-mail Accounts for Village Trustees

C. Kell stated that the issue was brought up by Trustee Ransbottom as an inquiry to see if the Trustees could have email accounts through the Village's email system. C. Kell stated that it is possible because there are currently eight unused email accounts but normally it would cost \$120 per account. Discussion took place and Trustees suggested putting the item on the next agenda for action.

Operator's Licenses:

None

Department and Officers Progress Reports

Chief Misselt reported on the hiring process to fill Officer Mueller's position and on the reorganization of the Department informing the Board that Lieutenant Ray Lee had been selected by the Police Commission to fill the second Captain's position. D. Haug stated the Department is busy with tax collections and the process is going well and approximately 10% of taxpayers have already paid their taxes. D. Haug reported that staff is working on finalizing a recommendation for utility rates and he will be bringing the recommendation to the Board in January. C. Kell reported that a local contractor and an architect have volunteered to go door-to-door to area businesses to talk about the facade improvement program and to offer free design sketches upfront to the businesses. C. Kell reported that he would be on vacation between Christmas and New Years. J. Moes reported that he is currently working on the annual review of personal property accounts and recently completed a new construction report for the Census Bureau. T. Flick reported that the Park Planning Committee has started the review of the Pool Facilities Study and they expect to have their review completed by the end of February and then it will be brought to the Board with their recommendations. T. Flick reported that to date, nine deer had been culled and there have been no problems reported with the culling program and he also reported that the Heesakker Park ice rink is being prepared for the season. R. Van Gheem reported that the Evergreen Pond project is progressing but recently the weather has played a part in slowing down the progress on the project. R. Van Gheem also reported on the Departments operations with the recent heavy snowfall and cleanup procedures. V. Schneider reported that Board members had received their invitations to the Village's recognition dinner on January 22. V. Schneider reported that a test run for the residents that had requested the newsletter by email had been completed with no issues and it is anticipated that the hard copy of the Winter newsletter will be mailed to residents at the end of the week. V. Schneider reported that she will be attending a public hearing in Madison on recommendations being made for early voting. Attorney Koehler commented that Village Code section 1.2 refers to general penalties and a violation of the Feeding of Deer Prohibited ordinance would refer to this section for penalties.

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 6, Nay 0 – Motion Carried Unanimously

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Call for Unfinished Business

President Fischer stated that after conversations with staff about the lack of discussion items for next week's meeting, he is recommending the December 23 Committee of the Whole meeting be canceled.

Moved by Trustee Smith, seconded by Trustee Ransbottom to Cancel the Village Board Committee of the Whole meeting for December 23, 2009.

Trustee Elrick requested that the Village Engineer verify the numbers that are being used for the assessments/hookup fees for the Evergreen Storm Sewer project. Attorney Koehler commented on State Law and Village Ordinances regarding assessments being imposed on a reasonable basis and they are presumed reasonable if the Board adopts them and it is a fair and equitable concept. Staff reported that a final assessment resolution on the Evergreen Storm project will be presented once the project is completed in 2010.

Items for Future Agenda

Decision on establishing Village Board Email accounts.

Adjournment

Moved by Trustee Ransbottom, seconded by Trustee Van Deurzen to Adjourn the Regular Board meeting at 7:41 p.m.

Ayes 6, Nay 0 – Motion Carried

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk