

MINUTES OF THE REGULAR BOARD MEETING OF AUGUST 4, 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, President
John Elrick, Trustee
Tammy Frassetto Trustee
James Hietpas, Trustee
Dan Mahlik, Trustee
Janet Verstegen, Trustee

EXCUSED: Don Van Deurzen, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator
Eric Misselt, Police Chief
Dale Haug, Finance Director
Tom Flick, Director of Parks, Recreation, and Forestry
Jim Moes, Community Development Director
Roy Van Gheem, Director of Public Works
Beth Carpenter, Library Director
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk

Public Appearance for Items Not on the Agenda

Jerry Van Dyn Hoven, Dutch Boyz Development, gave a status report on the project. Mr. Van Dyn Hoven stated the project is proceeding as planned and the bid documents have been circulated and well over 50 contractors/suppliers/vendors have shown interest in bidding on the project and the bid process should be completed in approximately 10 days. Mr. Van Dyn Hoven stated that after the numbers come in and they are consolidated to determine if they fall within the budget, then they will be proceeding and they are looking forward to working with the staff on the details as they move forward.

Moved by Trustee Verstegen, seconded by Trustee Frassetto to enter into the Public Hearing for the Request for Zoning Change – Parcel 260-1295-10 – Corner of Kelly and Jay Streets - Zoning Change from CH – Commercial Highway District to RT – Residential Two-family District- Applicant – Jody Freund – Turn Key Homes.

Ayes 6, Nay 0 – Motion Carried

Public Hearing - Request for Zoning Change – Parcel 260-1295-10 – Corner of Kelly and Jay Streets - Zoning Change from CH – Commercial Highway District to RT – Residential Two-family District- Applicant – Jody Freund – Turn Key Homes

No comments or questions.

Moved by Trustee Verstegen, seconded by Trustee Frassetto to exit the Public Hearing.

Ayes 6, Nay 0 – Motion Carried

Approval of Minutes

Regular Board Meeting Minutes – July 21, 2010

Committee of the Whole Meeting Minutes – July 28, 2010

Trustee Verstegen asked for a correction to the July 28, 2010 minutes under “unfinished business” to read that she was referring to the term of the Village President’s seat, not trustee seats.

Moved by Trustee Verstegen, seconded by Trustee Elrick to approve the Regular Board Minutes of July 21, 2010 as presented and the Committee of the Whole Meeting Minutes of July 28, 2010 as corrected.

Ayes 6, Nay 0-Motion Carried

Report of Other Minutes-Other Informational Items

Fox Valley Metro Activity Report – May 2010

Library Board Meeting Minutes – June 15, 2010

Board members noted receipt of the above items.

Ordinances

Amending Village of Little Chute Code of Ordinances Zoning Code – Rezoning Property Located at Corner of Kelly and Jay Streets - Zoning Change from CH – Commercial Highway District to RT Residential Two-family District- Applicant – Jody Freund – Turn Key Homes

Moved by Trustee Verstegen, seconded by Trustee Elrick, to Adopt Ordinance No 13, Series of 2010 Amending Section 44 of Ordinance Zoning Code to rezone the property located at the corner of Kelly and Jay Streets from CH – Commercial Highway District to RT Residential Two-family District - Owner Jody Freund – Turn Key Homes.

Ayes 6, Nay 0 - Motion Carried

Ordinance Creating Section 26-102 Use of Neighborhood Electric Vehicles of the Village of Little Chute Municipal Code

A map was provided that showed the roads in the Village that can be driven on by electric vehicles. Trustee Elrick asked why golf carts are not included and Chief Misselt stated that those were not allowed by State Statute.

Moved by Trustee Elrick, seconded by Trustee Verstegen to Adopt Ordinance No. 14, Series 2010 Creating Section 26-102 Use of Neighborhood Electric Vehicles of the Village of Little Chute Municipal Code.

Further Discussion: Trustee Frassetto asked if this ordinance included mini motorcycles that are currently not allowed on the streets and Chief Misselt stated it did not.

Ayes 6, Nay 0 – Motion Carried

Action on Class B Temporary Beer License – Rock Cancer Foundation – August 21, 2010

Moved by Trustee Elrick, seconded by Trustee Frassetto to approve the Class B Temporary Beer License for the Rock Cancer Foundation for August 21, 2010.

Ayes 6, Nay 0 - Motion Carried

Review/Possible Action on Request to Amend Liquor License for the 5th Quarter to Allow for Outside Liquor Sales and Music on Friday, August 27, 2010 and Saturday August 28, 2010 and Saturday, September 11, 2010 with music required to end at 10:00 p.m.

Larry Mueller, 407 Orchard Lane, addressed the Board and stated that his son is Nicholas Mueller who died in Afghanistan last October and the September 11th event is in remembrance of him and all the music, posters and advertising for the event are in place and the ads indicate that the music would go until 11 p.m. Mr. Mueller stated that if music is only allowed until 10 p.m. as recommended, then additional money will have to be spent to redo the advertising and the event will lose an hour’s worth of funds. Mr. Mueller stated that the organizations that will benefit from the money that is raised are the Little Chute Wrestling Club, the School Band, and the Community Benefit Tree that assists local vets in need with medical bills. Mr. Mueller asked the Board to consider allowing the event to continue until 11 p.m. Tammy Johnson, agent of the 5th Quarter, stated she did not have a problem with ending the music at 10 p.m. for the events on August 27th and 28th.

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Trustee Elrick stated he is aware that there were noise complaints last year from the end of summer event but he does not have a problem with allowing the event on Sept. 11th to go until 11 p.m. Chief Misselt stated the recommendation for the music to end at 10 p.m. was due to the complaints received last year but recognizing the situation the organizers are in, he understands the need to run to 11 p.m. and if they get noise complaints, they will respond and communicate what the event is about. Trustee Frassetto agreed with the 11 p.m. ending time and she believes the community will support this event.

Moved by Trustee Elrick, seconded by Trustee Frassetto to approve the Amendment to the Liquor License for the 5th Quarter to allow for outside liquor sales and music to end at 10:00 p.m. on August 27th and August 28 and to approve the liquor license amendment and allow the outside music until 11 p.m. for the September 11th event for Nick Mueller.

Ayes 6, Nay 0 – Motion Carried

Action on Deer Culling Program

Trustee Elrick asked if approval of the recommendation for proficiency testing was also being asked for at this time. T. Flick stated at this time he is only looking for approval for the two hunts.

Moved by Trustee Elrick, seconded by Trustee Frassetto to approve the Deer Culling Program for an archery hunt only on Electric Island from October 21st through November 19th, allowing five hunters per week and to approve creating an archery hunt only at Heesakker Park and Electric Island from November 29th through December 19th, allowing six hunters per week.

Further Discussion: Trustee Mahlik stated that he thinks it is pointless to shut the park down for 10 deer and if there can't be a way to get more deer then it doesn't even pay to do it. Trustee Elrick stated that the Board had listened to a presentation from the DNR on other ways to cull the deer and the other ways are much more costly and also the DNR won't let you eliminate all the deer. Trustee Elrick stated that the Board approved moving forward with allowing residents of Little Chute, that enjoy archery hunting, to participate with thinning the herd over time. Trustee Mahlik questioned if the herd was really being reduced to a decent level and commented that the park is being cut off. President Fischer stated that the December timeframe was selected because the park is not being used very much at that time. T. Flick stated that the program being proposed for this year is doubling the number of permits from last year to try to double the number of deer taken and if the Board approves the program then he will check with the DNR to see if the park is in a herd control area. C. Kell stated that the public comment he has received is that they support the program and they want it to continue. Trustee Mahlik stated he is not asking for the program to end but he wants to see a solution to get rid of more deer but he doesn't want to see the park shut down. C. Kell stated that the alternative is to hire sharp shooters but it will cost a minimum of \$100 per deer and then the residents don't get an opportunity to participate with the recreation and it would cost the Village more.

Vote on the Motion:

Ayes 6, Nay 0 – Motion Carried

Operator's Licenses:

Amber M. Boehnlein	1301 Rosehill Rd.	Little Chute	Rose Hill Bar
Michelle M. Wolf	1406 Vandebroek Rd.	Little Chute	Rose Hill Bar

Moved by Trustee Frassetto, seconded by Trustee Hietpas to Approve the Operator's Licenses as Recommended by the FVMPD and Listed on the Agenda.

Ayes 6, Nay 0 – Motion Carried Unanimously

Department and Officers Progress Reports:

Chief Misselt – no report. B. Carpenter reported the library had 1,400 people participate in the summer library program and planning is now underway for the fall youth programs. B. Carpenter stated they also have projects going on with the Kimberly Centennial events and she commented on the education and employment component of the Library and she provided comments and a handout on the use of the library by families that home school their children. D. Haug stated the Department is preparing the first draft of the CIP and it is scheduled to appear on next week's agenda and it will be presented in a couple of phases and the first

conversation will generally be on those items supported by the tax levy. C. Kell commented that he has talked with Trustee Van Deurzen and he is in the process of changing employers and he will be back on first shift so he will be able to attend Board meetings possibly beginning next week and if not next week for sure the week after. J. Moes – no report. T. Flick reported that currently there is a four-day girls' softball tournament at Doyle Park with teams participating from various states throughout the Country and they have commented on the impressive amenities at Doyle Park. T. Flick reported that the Family Fun Fest was well attended as over 700 people used the pool which is the largest attendance he has seen over nine summers and over 1,000 hamburgers and hotdogs were served and he thanked the Board for supporting the event. T. Flick reported that the pool revenue is up \$6,000 to \$7,000 to date from last year. R. Van Gheem reported that the Washington Street project is progressing with the concrete paving portions and the timeline for the asphalt paving is not yet known. R. Van Gheem also reported that work is proceeding on the Buchanan Pond project and restoration just needs to be completed on the Ebben Pond project. V. Schneider reminded the Board about the League Conference in October. Attorney Koehler – no report.

Disbursement List

Moved by Trustee Verstegen, seconded by Trustee Elrick to Approve the Disbursement List as Presented.

Trustee Hietpas asked Attorney Koehler for a breakdown of the charges of the bill to his firm that is listed on the bills list and Attorney Koehler responded that he could prepare a breakdown and submit it. Trustee Hietpas also asked about the payment to the Berkens for real estate tax and J. Moes responded that it is regarding the land in dispute and the Judge had ordered the Village to pay back the \$14 tax bill until the matter is settled. D. Haug also noted that he had received instructions to payback a second tax bill to the same property owners. Trustee Frassetto asked about the PSL payment to the Village of Kimberly and D. Haug explained how the PSL billing works and the School Districts share the costs and this is a case of the Metro receiving more in payments then they should have so they returned some payments to the Village of Kimberly. Trustee Mahlik asked about the payment to Valley Liquor for \$676.51. D. Haug stated the bill is coded to the Fire Department. Trustee Mahlik asked what kind of supplies were purchased and D. Haug stated he will provide the details of the bill to Trustee Mahlik.

Vote on the Motion:

Ayes 6, Nay 0 – Motion Carried

Items for Future Agenda

None

Call for Unfinished Business

Trustee Frassetto complimented Director Flick and his staff for the fabulous job they did at the Family Fun Fest.

Moved by Trustee Elrick, seconded by Trustee Verstegen to enter into Closed Session. (6:35 p.m.)

Ayes 6, Nay 0 – Motion Carried

Closed Session:

- a) Operator's License Denial Appeal Hearing – Duaine E. Pingel
- b) 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. – Request by Clifford Peters to Purchase a 1620 Sq. Ft. Piece of Village Owned Property behind 1401 Buchanan Street
- c) 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. – Litigation – Appeal of Drainage District Court Decision

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d) Consideration of employment, promotion, compensation or performance evaluation data of any public employee of the Village of Little Chute. 19.85(1)(c), Wis. Stats. Village Employees Union Local 130-c, AFCSE Final Contract Offer

Moved by Trustee Frassetto, seconded by Trustee Elrick to exit Closed Session and return to Open Session. (7:49 p.m.)

Ayes 6, Nay 0 – Motion Carried

Return to Open Session/Possible Action on Closed Session Items

No action taken on Closed Session Items.

Adjournment

Moved by Trustee Elrick, seconded by Trustee Frassetto to Adjourn the Regular Board meeting at 6:51 p.m.

Ayes 6, Nay 0 – Motion Carried

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: _____
Vicki Schneider, Village Clerk