

## **MINUTES OF THE REGULAR BOARD MEETING OF JULY 21, 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

Mark Recker, Police Captain

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

EXCUSED: Dale Haug, Finance Director

### **Public Appearance for Items Not on the Agenda**

None

### **Approval of Minutes**

Regular Board Meeting Minutes – July 7, 2010

Committee of the Whole Meeting Minutes – July 14, 2010

*Moved by Trustee Verstegen, seconded by Trustee Frassetto to approve the Regular Board Minutes of July 7, 2010 and the Committee of the Whole Meeting Minutes of July 14, 2010 as presented.*

Further Discussion: Administrator Kell asked for clarification from the Board on what their expectation was from staff concerning the bushes on Bluff Ave. Board members indicated that they wanted staff to move forward with determining whether this property could fall under a separate classification. The majority of Board members also agreed that the current height of the bushes is to be regulated at 36" as the current ordinance states.

Vote on the Motion:

Ayes 6, Nay 0-Motion Carried

### **Report of Other Minutes-Other Informational Items**

Washington Street Reconstruction/Rehab Sidewalk Special Assessment Hearing-July 7, 2010

Budget Status Report

Investment Summary Report

Board members noted receipt of the above items

**Ordinance:**

**Amending Village of Little Chute Code of Ordinances Zoning Code- Rezoning Property Located at 1032 Washington Street from RC- Conventional Single-Family District to ID- Industrial District**

*Moved by Trustee Elrick, seconded by Trustee Frassetto to Adopt Ordinance #12, Series of 2010  
Amending Section 44 of Ordinance Zoning Code to rezone the property at 1032 Washington to Industrial District.*

Ayes 6, Nay 0 - Motion Carried

**Resolution:**

**Outagamie County Resolution – Agreement as to Delinquent Special Assessment and Charges**

C. Kell stated this was a request that came from Outagamie County and he, the Finance Director, and the Village Attorney have reviewed the document and they are recommending Board approval. C. Kell stated staff did not think this Resolution would have a major impact on the Village but in the future it may include some foreclosures and he noted that most communities around the area have passed this Resolution. Attorney Koehler commented that if the Village doesn't sign the agreement, the County would not have to pay any assessments to the Village and passing the resolution keeps things status quo except in the rare cases where the County takes title to the property and is unable to sell the property to cover the delinquency for special assessments or charges and he also noted that foreclosed property cases do not necessarily involve assessments.

*Moved by Trustee Elrick, seconded by Trustee Mahlik to Adopt Resolution # 17, Series 2010  
Agreement as to Delinquent Special Assessments and Charges between Outagamie County and the Village of Little Chute.*

Ayes 6, Nay 0 – Motion Carried

**Discussion/Possible Action – Request by Daniel Hietpas to Widen Concrete Apron at 1312/1314 Washington Street**

*Moved by Trustee Frassetto, seconded by Trustee Hietpas to approve the Request by Daniel Hietpas to Widen the Concrete Apron but only on the side of 1312 Washington Street.*

Ayes 5, Nay 1(Trustee Elrick) - Motion Carried

**Action on Special Event Permit- Rock Cancer Foundation- August 21, 2010 11 a.m. to midnight**

*Moved by Trustee Frassetto, seconded by Trustee Elrick to approve the Special Event Permit for the Rock Cancer Foundation.*

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 Mahlik to Approve the Class B Temporary Beer License – Rock Cancer Foundation- August 21, 2010.*

Further Discussion: Captain Recker asked the Board if it were possible to end alcohol sales a half hour before the end of the event. Trustee Elrick inquired about the cost of services from the Village to the Rock Cancer Foundation. T. Flick stated the Village charges 50% of their costs to the Foundation. Captain Recker stated a representative from the Rock Cancer Foundation is scheduled to meet with the Police Chief tomorrow to finalize plans for event.

*Trustee Elrick withdrew his motion; Trustee Mahlik withdrew his second to the motion.*

The Board agreed to bring the Temporary Beer License back at a future meeting for action in order to give Chief Misselt time to confer with Rock Cancer event staff on the issue of ending beer sales a half hour early.

**Action on Request to Amend Liquor License for Down the Hill Bar to Allow for Outside Sales on August 21, 2010 from 3 p.m. to 10 p.m.**

Trustee Verstegen questioned Captain Recker if the Police Department had looked at the fencing around the bar and if he thought it was adequate. Captain Recker stated the Department did look at the fencing and had some concerns with it originally, but the issues have since been taken care of by Mr. Manteuffel.

*Moved by Trustee Verstegen, seconded by Trustee Elrick to Amend the Liquor License for Down the Hill Bar to Allow for Outside Sales on August 21, 2010 from 3 p.m. to 10 p.m.*

Ayes 6, Nay 0 – Motion Carried

**Discussion of Five Year Capital Improvement Plan**

C. Kell stated staff it is not intending to go through a complete review of the Five Year Capital Improvement Plan at this time but it is being presented so the new board members can get an understanding of what the CIP entails. C. Kell stated the previous Board had approved his recommendation to go to a two year engineering cycle so the Village could get the public involved in projects sooner. R. Van Gheem stated the CIP document is prepared so the Board can keep a tab on the number of Village projects and the costs. R. Van Gheem went over the handouts he provided that showed the various means that are used to rate roads and utilities for reconstruction and placement on the CIP. Trustee Hietpas questioned if the Village is still considering having Engineering in house. Trustee Mahlik questioned how much money is spent on McMahon engineering and if other firms are used. R. Van Gheem answered that McMahons is the primary engineer for the Village but the Public Works Department also uses at least five other firms. R. Van Gheem stated the Department pays annually approximately \$300,000-\$400,000 for engineering services. C. Kell stated that most communities the size of Little Chute do not have an engineering department on staff.

**Discussion/Possible Action- Reconstruction of Kelbe Drive**

*Moved by Trustee Frassetto to remove Kelbe Drive from the 2011 CIP plan. Motion died for lack of a second.*

C. Kell stated that the Kelbe Drive project was one of the top items on the CIP because of water main breaks and pavement issues. C. Kell stated the Kelbe project was slated for work back in 2009 and he does not think it is a good idea to push it back any further. C. Kell stated that he and the Financial Director felt it would be better to work with residents on payment plans instead of shuffling projects around or delaying them. Trustee Frassetto stated that the information that she got from the resident on Kelbe Drive was not only the issue of the Special Assessments but also the decreased parking area. Mr. Miller commented that he will lose 11 parking stalls and his employees will not have access to the front of the building and he asked that the road be put in without curb and gutter. Trustee Mahlik inquired about other options to accommodate the resident. Trustee Elrick stated the business is required to provide parking for employees. R. Van Gheem reminded the Board that currently the terrace is being used for parking and that is not allowed per Village ordinance. Discussion took place. Trustee Mahlik asked staff to work with Mr. Miller on the driveway location and financing options. R. Van Gheem stated he will work with the owners the best that he can while still following the Village's ordinances for replacement with a concrete street and curb and gutter. It was noted that the design for the reconstruction of Kelbe Drive will be brought back to the Board for consideration and then it will be presented to the public at an information meeting.

**Discussion/Possible Action – Rosehill Road Reconstruction Design**

R. Van Gheem reviewed the options for the reconstruction project and the recommendation to construct a 47-foot back to back urban section of concrete pavement and due to the bike lanes and sidewalk installation, no street parking would be permitted. Trustee Frassetto questioned the effect that the reconstruction would have on the business that is located on Rosehill Road. R. Van Gheem stated that the project would affect the parking for Rosehill Bar. R. Van Gheem stated that Rosehill Rd. will be major crossing point during the Main Street project and ideally he would like it to be in good condition before the Main St. project starts. Kurt Coenen, owner of Rosehill Bar, addressed the Board regarding the issue of the street parking and stated he appreciated it that it was available and if on street parking was eliminated because of a bike path and sidewalk installation it would be a huge loss for his business. Discussion took place on the need for a bike lane versus a signed bike route. T. Flick pointed out that the proposed bike lane on Rosehill Road is a main connector to

complete the link of a 30 mile bike trail system and it is included in the Village's Pedestrian and Bike Plan. Trustee Elrick asked for a little more time to think about the bike lane versus a signed route.

*Moved by Trustee Frassetto, seconded by Trustee Elrick for Public Works to authorize staff to move forward with the Rosehill Road design portion of the street construction and bring back for the Board to revisit the issue of a bike lane versus a signed route.*

Further Discussion: Trustee Verstegen asked if the motion includes a 37 foot back to back or a 41 foot back to back street width. R. Van Gheem stated the recommendation is a 37 foot street width.

Vote on the Motion:

Ayes 6, Nay 0 – Motion Carried

### **Set Public Hearing Date – Amendment No. 1 to TID #4**

J. Moes stated this will be a joint hearing with the Plan Commission members in attendance.

*Moved by Trustee Elrick, seconded by Trustee Mahlik to set a Joint Public Hearing with the Plan Commission for the Amendment to TID No. 4 for August 18, 2010 at 6:00 p.m.*

Ayes 6, Nay 0 – Motion Carried

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

James R. Austin	222 ½ Canal St.	Little Chute	Weenies Still
Cheyenne Carpenter	1104 Joyce St.	Kaukauna	Rose Hill Bar
Elizabeth Glasheen	206 E. 9 <sup>th</sup> St.	Kaukauna	Landreman's Restaurant
Pamela S. Solka	403 B. Kimberly Ave	Kimberly	Weenies Still
Ronald J. Thoma	304 E. First St.	Kimberly	Down the Hill

*Moved by Trustee Frassetto, seconded by Trustee Elrick 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:**

Captain Recker – no report. C. Kell reported that he had met with the Hietpas/De Bruin Development group on their Evergreen Drive property and it looks like they have some potential buyers and the Development will be brought to the Board as a future agenda item. C. Kell reported on the workshop that was held with the Mill Street Bridge Design Consultants and he commented that it was an excellent meeting with good attendance and participation from the public and the design is going in the direction of a Dutch Style Bascule lift bridge and it would be adequate to handle light car and truck traffic. The consultants will now be moving forward with working on the grant application. C. Kell informed the Board that the Village's GIS is now available as a public portal on the Village's website. C. Kell stated he had received a request from the Fire Department to allow retired firefighters to help out with maintenance items and provide other assistance around the firehouse but they would not be allowed to respond to emergencies. C. Kell stated they would not get paid for their time but they would still be covered under worker's comp and that would be the only cost to the Village and it should not be a significant cost. C. Kell stated that he supported the idea. Board members agreed to the request to allow the retired firefighters to help out at the firehouse. J. Moes reported that the 2010 property assessment notices had been mailed and Open Book is scheduled for July 26<sup>th</sup> and Board of Review will be held on August 2. T. Flick reported that the 5<sup>th</sup> Annual Family Fun Fest will be held on Tuesday, August 3 from 5 to 8 p.m. at Doyle Park. R. Van Gheem reported on the progress of the Washington Street project and pond projects. R. Van Gheem also stated that the Department is looking at getting out bids this August for the private lateral replacement projects so there will be an opportunity for some replacements to take place this fall. V. Schneider reported that an appeal to an operator's license denial had been filed and the hearing on the appeal will be on the August 4 Board Agenda as a Closed Session. Attorney Koehler – no report.

### **Disbursement List**

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

Regular Board Meeting Minutes – July 21, 2010

Discussion: Trustee Hietpas asked Attorney Koehler if he billed quarterly and Attorney Koehler responded that his services are billed quarterly.

Ayes 6, Nay 0 – Motion Carried

**Items for Future Agenda**

T. Flick requested that the Archery Hunt Program be added to next week's agenda and Board members agreed with the request.

**Call for Unfinished Business**

None

**Adjournment**

*Moved by Trustee Elrick, seconded by Trustee Frassetto to Adjourn the Regular Board meeting at 7:20 p.m.*

Ayes 6, Nay 0 – Motion Carried

**VILLAGE OF LITTLE CHUTE**

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

Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk