

## **MINUTES OF THE REGULAR BOARD MEETING OF FEBRUARY 17, 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, Village President  
John Elrick, Trustee  
Jason Leicht, Trustee  
Skip Smith, Trustee  
Steve Ransbottom, Trustee  
Janet Verstegen, Trustee  
Don Van Deurzen, 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

### **Approval of Minutes**

*Regular Board Meeting Minutes – February 3, 2010*

*Committee of the Whole Meeting Minutes – February 10, 2010*

*Moved by Trustee Verstegen, seconded by Trustee Leicht to approve the Regular Board Minutes of February 3, and the Committee of the Whole Minutes of February 10, 2010 as presented.*

**Ayes 7, Nay 0-Motion Carried**

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

Fox Valley Metro Activity Report-November 2009

Kimberly-Little Chute Public Library Board Minutes-December 3, 2009

Plan Commission Meeting Minutes-January 11, 2010

Fox Valley Metro Police Commission Minutes-January 12, 2010

Park Planning Committee Minutes-January 25, 2010

Fire Commission Meeting Minutes-February 8, 2010

Board members noted receipt of the above items.

### **Ordinance – Amending Village of Little Chute Municipal Code, Section 2-156 Design Review Board (a) Composition**

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Approve Ordinance No. 1, Series of 2010*

*Amending the Village of Little Chute Municipal Code, Section 2-156 - Design Review Board Composition.*

**Ayes 7, Nay 0 – Motion Carried Unanimously**  
**Regular Board Meeting Minutes – February 17, 2010**

### **Action- Budget Adjustment-Village Hall Stairway Repairs**

Trustee Leicht questioned the location of the carpet replacement. C. Kell commented the stairway carpeting to the Community Development office and top floor would be replaced because it is a high traffic area and because of the acid leak that caused damage to the carpet. The replacement material will be better suited to the steps.

*Moved by Trustee Verstegen, seconded by Trustee Smith to Approve the use of the unused HVAC unit budget for Village Hall stairway repairs in the amount of \$4,850.*

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

Ayes 7, Nay 0 –Motion Carried Unanimously

### **Action-Creating a Sanitation Service Fee Fund and Adopt 2010 Fees for Sanitation Program**

Trustee Verstegen commented on the report in *The Wisconsin Taxpayer* that Municipal fees for garbage and recycling are happening state-wide and she felt more comfortable applying a fee after reading the article.

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to adopt 2010 Fee for the Sanitation Program as presented.*

**Further Discussion:** Trustee Smith questioned if there was any recourse for County fees. R. Van Gheem replied there was nothing directly that the Village could do. Trustee Smith commented on the County's ability to accumulate debt and drop it off on everyone else. Trustee Van Deurzen questioned the possibility of explaining in the *Times Villager* the reason the Village Board is passing the Service Fee. C. Kell assured the Board that his intentions were to write an article explaining the Village's reason for the fee. D. Haug brought it to the Board's attention the fee would start before an article could be placed. D. Haug commented that he is working on a survey of other incorporated areas to inquire on tax rates and utilities fees. At this time he only has had two responses and both municipalities were adding a recycling fee this year. Trustee Verstegen commented that Tom Collins, reporter for the *Times Villager*, wrote and printed an article explaining the Sanitation Fee.

Vote on the Motion: Ayes 7, Nay 0- Motion Carried Unanimously

### **Action-Lease Agreement with Little Chute Baseball Club**

T. Flick provided a revised copy of the agreement that was updated with corrections to the numbering references. T. Flick commented that he removed the “rent clause” from the original proposal. Trustee Verstegen thanked the Baseball Club for everything they do. Trustee Verstegen questioned if non-profit organizations could advertise at a reduced rate. Tom Myers, President of the Little Chute Baseball Club, replied that reduced rates for non-profits are negotiable. Trustee Verstegen questioned Mr. Myers if he had a price for the 3x6 sign. Mr. Meyers commented the Baseball Club is putting together a contract based on three years, but no monetary figure has been established yet. Trustee Verstegen questioned word usage on signs and if it would be possible to allow the name of the bar/tavern without the use of the word “bar/tavern”. T. Flick commented that he and Trustee Elrick worked with the verbiage of the contract, and they felt it was in the best interest of the youth to not allow signs that include references to alcohol, tobacco, and businesses that serve alcohol without food. Trustee Leicht questioned if it was possible to get in writing the condition of the fences as they are now before the lease moves forward. T. Flick stated it would be possible to take videos and or pictures of the fences to document their current condition. Discussion continued on changing the language to allow for taverns/bars to place advertising signage and suggestions were made to allow only the name of the business but without using certain words that refer to alcohol. T. Flick stated that he would be in agreement if the words tavern, bar, and still were left out of the ads. Trustee Ransbottom stated he is supportive of the agreement as written. Trustee Leicht stated he agreed with Trustee Verstegen. President Fischer commented that he liked the wording in #11 the way it is now.

*Moved by Trustee Verstegen to Adopt the Agreement and Amend Paragraph #11 of the Lease Agreement by taking out the words “and businesses that serve alcohol without serving food. Businesses that serve food are required to have an operational kitchen hood as a condition for being classified as a food service business” and add the words “tavern or pub”.*

Trustee Ransbottom stated the changes should be addressed as a separate item. Trustee Verstegen withdrew the motion.

*Moved by Trustee Verstegen to Amend the Lease Agreement by taking out the words in number 11, line 3 “and businesses that serve alcohol without serving food. Businesses that serve food are required to have an operational kitchen hood as a condition for being classified as a food service business” and add the words “and the words tavern, bar, pub or still”.*

Further Discussion: Trustee Verstegen stated she thinks this will help with the sales of advertising signage and the Village’s taverns and bars are good businesses in the community that support athletics and other volunteer organizations. In response to T. Flick, Attorney Koehler stated the wording would accomplish what the motion is requesting. Tom Meyer asked about a retail business such as Valley Liquor and if they would be allowed to advertise. T. Flick stated that in the agreement under paragraph 12, the Landlord reserves the right to approve or reject the content of any advertising sign or banner. T. Flick stated that because of the word Liquor I the name, Valley Liquor would not be able to purchase an advertising sign. Trustee Leicht asked about the words pub and still. President Fischer stated that he believes staff will use good judgment when approving the signs. T. Flick stated the words pub and still could be added.

*Trustee Smith seconded the motion.*

Vote on the motion to amend the Lease Agreement – Ayes 5, Nay 2(Ransbottom, Van Deurzen) – Motion Carried

*Moved by Trustee Elrick, seconded by Trustee Leicht to Approve the Lease Agreement with the Little Chute Baseball Club as amended.*

Ayes 6, Nay 1 (Van Deurzen) – Motion Carried

**Operator’s Licenses:**

*Lori Jean Brittnacher*

*1200 Coolidge Ave.*

*Little Chute*

*Gentlemen Jacks*

*Craig J. Krueger*

*532 Harrison St.*

*Little Chute*

*Down the Hill Bar*

*Moved by Trustee Leicht, seconded by Trustee Ransbottom to approve the Operator’s License as presented.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Department and Officers Progress Reports:**

Chief Misselt commented that the new officer hired to replace Dave Mueller had started this week and hopes to have him out of field training and on the road by summer. Chief Misselt commented that the beer garden ordinance has been modified and issues have been addressed and it will be on the agenda for the Committee of the Whole meeting next week. D. Haug clarified that the sanitation fee could be postponed until April 1 and the impact would be approximately \$16,000 in revenue loss for the one month postponement but postponing would allow time for an explanation of the fee to be included in the Village Newsletter. Trustees indicated agreement with starting the fee in April instead of March. C. Kell commented the Village is close to an agreement on the lease with Open Range Communication for water tower space and when it is ready it will be presented to the Board. C. Kell commented that the settlement agreement with Crane Engineering will be on next week’s agenda. C. Kell announced that a public information meeting on the Dutch Boyz Development Project will be held at 6 p.m. in the Community Room at the Village Hall on February, 22. C. Kell also commented that residents of West Lincoln were sent a notice of the meeting. C. Kell stated the Board would be discussing the project in closed session tonight but no decisions would be made tonight. J. Moes commented that the downstairs room at the Village Hall had been offered to the Census Bureau for them to use for providing assistance to residents with completing their census forms. J. Moes also commented that he had

just received census promotional items that he had requested in the fall and these items were given to the library to disseminate. T. Flick stated he was notified by the DNR that Little Chute has been awarded Tree City USA status for the 16th year. T. Flick stated the Park Planning Committee continues to review and work on the Pool Study and the proposed recommendations will be brought to the Board for review at a future meeting. T. Flick stated he would like to deny the grant from the DNR to pave the levy trail because Cheesefest wants to award \$100,000 for the pedestrian bridge from Heesakker Park to Electric Island. Trustee Verstegen questioned why we would deny the DNR grant. T. Flick replied the Village would be awarded more points toward the pedestrian bridge grant if a private donor like Cheesefest off-sets the project costs and if the grant for the trail is no longer being requested. Staff stated without access to the trail because of the unknowns with the Mill Street Bridge replacement, it makes more sense to deny the grant for the trail with the hope of getting more points for the grant for the pedestrian bridge. C. Kell commented that although Cheesefest is donating this money for the bridge, their priority is building a larger shelter at Doyle Park. R. Van Gheem commented the Public Works Dept. is working on some small projects at the Well Houses. R. Van Gheem stated Evergreen Pond and Washington St. are projects that are still in progress. V. Schneider stated that newsletter articles are needed by next Wednesday and she also offered assistance in setting up Trustee e-mail addresses as they need to be setup before the next newsletter is published. C. 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**

Trustee Verstegen commented on how bad the Village's orange cones in the school crossing areas looked and inquired about large yellow school crossing signs she saw in a neighboring city. Chief Misselt commented on the use of the yellow crosswalk signs in Appleton and how expensive they were and that they proved to be troublesome. Chief Misselt stated the Department had ordered new orange replacement cones in December and he will check on the status of the replacement cones.

### **Items for Future Agenda**

None

*Moved by Trustee Ransbottom, seconded by Trustee Elrick to Enter into Closed Session. (6:45 p.m.)*

Ayes 7, Nay 0 – Motion Carried Unanimously

Closed Session:

(g) 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. 2008 Vinton Concrete Project and Possible Settlement Agreement

(e) 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. – Dutch Boyz Development

Agreement, Sale of Property on Cypress Street.

*Moved by Trustee Ransbottom, seconded by Trustee Smith to Exit Closed Session and Return to Open Session. (8:35 p.m.)*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Regular Board Meeting Minutes – February 17, 2010**

**Return to Open Session – Possible Action on Closed Session Items**

No action was taken.

**Adjournment**

*Moved by Trustee Leicht, seconded by Trustee Van Deurzen to Adjourn the Regular Board meeting at 8:35 p.m.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

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

Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk