

MINUTES OF THE REGULAR BOARD MEETING OF JUNE 3, 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
Janet Verstegen, Trustee
Skip Smith, Trustee
Steve Ransbottom, Trustee

EXCUSED: Jason Leicht, Trustee
Don Van Deurzen, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator
Mark Recker, Assistant Police Chief
Jim Moes, Community Development Director
Tom Flick, Director of Parks, Recreation, and Forestry
Roy Van Gheem, Director of Public Works
Charles Koehler, Village Attorney
Cindy Dillinger, Deputy Treasurer

EXCUSED: Vicki Schneider, Village Clerk
Dale Haug, Finance Director

Public Appearance for Items Not on the Agenda

Steve Hietpas, 1234 Dotty Drive, presented estimates for replacement of his concrete apron and sidewalk.

Dan Heiting owner of the Heiting Place at 1101 W. North Ave., addressed the Board stating he wants clarity on the sidewalk installation issues on Washington Street as he did not attend last week's meeting when sidewalk installation from Paradise Drive to Hwy. "OO" was approved. Mr. Heiting stated he did not attend last week's meeting as he was not opposed to paving Washington Street in concrete and he believed that sidewalk was not being proposed for the street at this time. Mr. Heiting provided comments opposing the installation of sidewalk on this section of Washington Street because the sidewalk would be constructed through his parking lot and he would lose nine parking stalls and his main entrance on Hwy. "OO" would continue to have the "outskirts of town look." (Copy of Dan Heiting's comments on file in Clerk's office). President Fischer stated that when the Board decided to do a concrete reconstruction instead of an asphalt overlay, the decision was made to include sidewalk. President Fischer informed Mr. Heiting that to reconsider the Board's decision a Trustee who voted in the affirmative would have to motion to reconsider the item.

Steven Woldt, 714 Sanitorium Rd, filed a nuisance complaint about his neighbor's brush/shrubs hanging over the lot line. Mr. Woldt handed out pictures to the Trustee. J. Moes stated he will follow-up on the issue.

Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Enter into the Public Hearing on the Rezoning Request for 1000 W. Main Street and amending the zoning code.

Ayes 5, Nay 0 – Motion Carried

Public Hearing-Rezoning 1000 W. Main Street-Church Counsel, Inc. from RT-Residential Two Family District to CH-Commercial Highway District

Leo De Coster a property owner adjacent to this property asked what the Village's intent was regarding the rezoning from R2 to Commercial District. J. Moes stated that when the property was zoned commercial highway district, a church was not allowed within that zoning, so it was then rezoned to R2 to allow for the church. The church is finding their membership has dropped and the property owner is trying to lease parts of the building and a possible tenant is an electrical supplier and to allow for this use, the property would have to be zoned commercial. L. De Coster stated if the owner wants to have it zoned commercial then he should go into the Industrial Park and the property should stay R2 as he considers a rezoning of the property, spot zoning. Mr. De Coster expressed concern with the potential noise that could be caused from the proposed tenant and stated he was denied a similar rezoning request in 1984. Robert Verkuilen, 904 W. McKinley, asked if the property will be put back on the tax rolls. J. Moes stated that if the use changes to a non-exempt use, then it will be taxed. Gary Lesperance, Vice President, Church Counsel, Inc., commented on the use of the property and stated the property landscaping will be improved and he expects to pay taxes on the property and if the property isn't rezoned, he would ask for a conditional use for the warehouse. In response to Trustee Verstegen's questions, J. Moes stated the church will still be allowed as an existing use and neighbors' concerns about noise could be addressed through a conditional use permit.

Moved by Trustee Elrick seconded by Trustee Ransbottom to close the public hearing. (6:25 p.m.)

Ayes 5, Nay 0-Motion Carried

Moved by Trustee Elrick, seconded by Trustee Ransbottom to enter into public hearing.

Public Hearing-Amending Zoning Code Section 44-191 Storage and Parking of Recreational Vehicles, Automobiles, and Utility Trailers

J. Moes explained that this amendment was reviewed by the Plan Commission and approved on a 4 to 2 vote. Trustee Ransbottom asked what ordinances are in place to prevent residents from storing junk in their yards. J. Moes stated that the Village's ordinances have setback requirements and stored vehicles must be licensed. Laurie Hanson, 823 Bluff Avenue, said there is a driveway on Lincoln Avenue that is full of saw horses, lawn mowers, etc. and she is not in favor of having to pave side yards. J. Moes stated the property on Lincoln is being contacted frequently with orders to comply. Trustee Verstegen stated concerns with the 15 foot setback for corner lots. Trustee Elrick stated a trailer can be parked in a driveway and it would be closer than 15 feet to the front lot line. Trustee Verstegen stated she would like to see a percentage put in place for the amount of space allowed. Josephine Wall, 320 Cherry Lane, asked about the empty lot she owns and her family's vehicles being parked on it including a utility trailer. J. Moes responded that his office enforces the ordinance as long as the vehicles are licensed, not the Metro and as long as the vehicles are parked within the front yard setback they would be ok. Ms. Wall commented on a neighbor that has numerous vehicles and boats parked on the street. Assistant Chief Recker stated that boats are not allowed on a street for longer than 24 hours and if the Metro is called, they will respond to the violation. Laurie Hanson stated that parking on front lawns should be allowed for short periods of time. Trustee Elrick stated the ordinance is geared toward continuous habitual users. Michael Stouffer, 714 Bluff Avenue, commented on the ordinance.

Moved by Trustee Elrick, seconded by Trustee Ransbottom to close the public hearing. (6:45 p.m.)

Ayes 5, Nay 0-Motion Carried

Approval of Minutes

Regular Board Meeting Minutes – May 20, 2009

Committee of the Whole Minutes – May 27, 2009

Moved by Trustee Verstegen, seconded by Trustee Elrick to approve the Regular Board Minutes of May 20, 2009 and the Committee of the Whole Minutes of May 27, 2009 as presented

Ayes 5, Nay 0-Motion Carried

Report of Other Minutes-Other Informational Items

Police/School Liaison Report-April 2009

Minutes of the Joint Library Board Special Meeting-May 12, 2009

Board members noted receipt of the informational items.

Ordinances:

Amending Zoning Code-Rezoning 1000 W. Main Street-Church Counsel, Inc. from RT-Residential Two Family District to CH-Commercial Highway District

J. Moes stated the Board can take action to deny, approve, or subject to their own conditions, approve a conditional use.

Moved by Trustee Smith, seconded by Trustee Verstegen to grant a conditional use permit for 1000 W. Main Street – Church Counsel, Inc.

Moved by Trustee Smith, seconded by Trustee Verstegen to rescind the previous motion.

Moved by Trustee Smith, seconded by Trustee Verstegen to direct J. Moes to negotiate with the property owner on the conditions to be required for a conditional use permit for the property and bring the conditional use application back to the Board for action at a future meeting.

Ayes 5, Nay 0 – Motion Carried

Amending Zoning Code Section 44-191 Storage and Parking of Recreational Vehicles, Automobiles, and Utility Trailers

Moved by Trustee Ransbottom, seconded by Trustee Elrick to Adopt Ordinance No, 7, Series of 2009 an Ordinance Amending Section 44-191 Storage and Parking of Recreational Vehicles, Automobiles, and Utility Trailers as presented.

Ayes 5, Nay 0 – Motion Carried

Resolutions:

Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing

Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Adopt Resolution No. 21, Series of 2009 Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing as presented.

Ayes 5, Nay 0-Motion Carried

Authorizing Representative to File Applications for Financial Assistance from the State of Wisconsin Environmental Improvement Fund

Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Adopt Resolution No. 22, Series of 2009 Authorizing the Village Administrator to File Applications for Financial Assistance from the State of Wisconsin Environmental Improvement Fund.

Ayes 5, Nay 0-Motion Carried

Action-Budget Adjustment-Inflatable Recreation Equipment

| <u>Adjustment</u> | <u>Original Budget</u> | <u>Change</u> | <u>Amended Budget</u> |
|----------------------------|------------------------|---------------|-----------------------|
| <u>Revenue</u> | | | |
| Donation 203-38301 | \$4,600 | \$(4,600) | \$0 |
| Donation 101-38301 | \$0 | \$4,600 | \$4,600 |
| <u>Expenditure</u> | | | |
| Small Equip. 101055300-221 | \$3,500 | \$4,600 | \$8,100 |

Moved by Trustee Elrick, seconded by Trustee Ransbottom to approve the budget adjustment of \$4,600 for inflatable recreation equipment.

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

Ayes 5, Nay 0-Motion Carried

Discussion/Possible Direction - Little Chute Elementary School Traffic Management Strategies

Roy Van Gheem introduced Christopher Murawski, senior project engineer from AECOM. Mr. Murawski presented displays that summarized the findings of their study on traffic congestion and safety issues around the Elementary School. Mr. Murawski reviewed the possible solutions that accommodate pedestrian, bicycle, and vehicular traffic, and improves the safety of the area. Mr. Murawski and staff reviewed the possible options to address the issues. Discussion took place on the recommended alternative, costs, and involvement and responsibility of the School District. R. Van Gheem stated that he is just looking for decisions at this time that affect McKinley Avenue so the Village can move forward with the utilities project for the street. Gabe Konopka, 102 E. Mc Kinley, asked for consideration of a signage alternative to allow for parking when school is not in session or to change the no-parking setback to 30-feet so he retains some parking stalls in front of his home.

Moved by Trustee Verstegen, seconded by Trustee Smith to direct the Public Works Director to move forward with the McKinley Street project using a 37 foot back to back street width with no bump outs or raised crosswalks and with the understanding that if the multi-use trail is constructed it will not be constructed on the curb.

Ayes 5, Nay 0-Motion Carried

Trustee Elrick was excused from the meeting at this time.

Operator’s Licenses:

| | | Little Chute | Moasis |
|---------------------------|---------------------|--------------|-------------------------|
| Judith P. Dunn | 1701 Meadow Ln. | Little Chute | Moasis |
| Sandra M. Giordana | 1100 W. Ducharme | Kaukauna | M & M Bar |
| Jennifer Christine Hermes | 1212 N. Madison St | Little Chute | Moasis |
| Patricia A. Miles | W2533 Wedgewood Ct. | Appleton | 5 th Quarter |
| Julie Jayne Siebers | 103 Idlewood St | Kaukauna | Hollanders |
| Gary John Simpson | 2620 Brookdale Ct. | Appleton | Moasis |
| Abbey Maryilyn Van Boxtel | 1222 Dotty Drive | Little Chute | Country Inn & Suites |

Moved by Trustee Smith, seconded by Trustee Ransbottom to approve the operator’s licenses as presented.

Ayes 4, Nay 0-Motion Carried

Department and Officers Progress Reports

Assistant Chief Recker explained the situation that was reported in the media regarding the gun that was stolen from a Metro vehicle over the weekend and he also reported that the gun was recovered this evening. C. Kell reported that he has another meeting scheduled with the potential developers for Island Park. C. Kell reported that he is reviewing eight proposals for the facilities study that range in cost from slightly under \$20,000 to over \$100,000. C. Kell announced that the new Chief of Police is Erik Misselt and he will start work on July 6. C. Kell passed out a Vision for Growth and Redevelopment report done by a UW Madison student and asked the Board to look at it for ideas for downtown redevelopment. C. Kell reported that there are eight requests for delaying sewer lateral replacements and he feels these requests could be dealt with without asking for an extension from HOV for the Village's I & I reduction requirements. Trustee Ransbottom asked if staff had any suggestions on how to handle these situations. C. Kell commented on possible funding options. C. Kell reported that Outagamie County is not in favor of signalization on Washington St. and Hwy. "OO" because of the round-about plan and they also do not want to participate in the cost of installing a left turning lane to the Kraft property and this issue will be put on the June 17th agenda. J. Moes reported that the Board of Review officially met today and adjourned until the assessment roll is completed which is anticipated to be at the end of June. T. Flick reported the downtown parking lots were completed this week with some pruning, spraying, and cleaning. T. Flick reminded the Board and staff that Cheese Fest was taking place this weekend and he also stated the Legion Park project continues to move forward and is right on schedule to be 95% completed by June 19th. T. Flick reported that the pool opened this evening. R. Van Gheem reported the Public Works Dept. has been working on numerous grant applications and he also reported that the Buchanan Bridge is currently closed and it is expected to open by the end of July and the Vandebroek Road Bridge will be closing June 15th and it is expected to remain closed until the end of August. R. Van Gheem reported that a sewer lining contractor is working in the Village and there have been a couple of instances of sewer backups in to resident's homes and it appears the contractor is taking the appropriate corrective action with these residents. C. Dillinger and Attorney Koehler had nothing to report.

Disbursement List

Motion by Trustee Verstegen, seconded by Trustee Ransbottom to approve the disbursement list as presented.

Ayes 4, Nay 0-Motion Carried

Call for Unfinished Business

Trustee Verstegen stated the Beautification Board approved the expenditure for the concrete surfaces at Windmill View Park as well as for two trash containers and a planter. Trustee Ransbottom asked if some of the planters on Freedom Road could be leveled out along with a trash container by the High School and R. Van Gheem said his Department will check into it. Trustee Verstegen reported that Women's' Life Insurance Organization donated \$300 towards the purchase of the plants for the planters and they also help plant and maintain the plants.

Items for Future Agenda

C. Kell reported that the Heart of the Valley Metro Sewerage District is waiting for a response to their request for funding for the bridge on Island Park and he suggested putting it on the agenda for June 17th.

Trustee Smith asked to have the sidewalk installation on Washington Street included for reconsideration as an agenda item along with the signalization issue on the June 17th agenda. Trustee Verstegen asked to be provided with information on how the Village could exempt residents from replacing their faulty sanitary sewer laterals and the issue will be placed on a future agenda for discussion. Trustee Smith asked for a future agenda item to discuss the noise level on Washington Street during the change of shifts by Kraft Pizza employees.

R. Van Gheem would like to have the McKinley Street construction project put back on the agenda

Regular Board Meeting Minutes-June 3, 2009

and the Board agreed to put it on the agenda for June 24. R. Van Gheem also noted that regardless of sidewalk installation or not, parking at the Heiting Place along Washington Street is illegal and it will be removed when Washington Street is reconstructed and grass will be put back in to the property line. President Fischer reminded the Board that next week's meeting is canceled.

Adjournment

Moved by Trustee Verstegen seconded by Trustee Ransbottom to adjourn the Regular Board Meeting at 8:05 pm

Ayes -4, Nay 0-Motion Carried

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: _____
Cindy Dillinger, Deputy Treasurer-Acctg