

Village of North Fond du Lac
OFFICIAL MINUTES- Meeting of May 17, 2010
COMMITTEE OF THE WHOLE

PRESENT:	James Moore, Village President	Mariah Bowser
	Mike Streetar, Trustee	Kyra Karpen
	Keith King, Trustee	Tim Lakin
	Mike Will, Trustee	STAFF PRESENT:
	Tammy Keller, Trustee	Charles Hornung, Village Administrator
OTHERS:	Jim Scharf	Nick Leonard, Director of Engineering and Planning
	Stephany Kremer	William Lamb, Chief of Police
	Abby Brandt	Paul Nelson Fire/EMS Chief
	Rachel Worm	Donna Richards, Village Clerk
	Dylan Parsons	Melissa Hunt, Community Development Specialist

Chairman: KING

Meeting was called to order by Chairman KING at 6 PM.

A. ADMINISTRATIVE ITEMS.

1. Discussion of Type B Fermented Malt Beverage License from May 20-June 30, 2010 for Outdoor Recreation, Inc., Randy Hopp, Agent, for the concessions at Village Park.
Ms. Richards explained that we are trying to get them on schedule with the other licensees after this short license, which will get them going for the season. Mr. Streetar asked if we have waived the fees for them. No, we did not waive fees for this license. We waived fees for operators. Ms. Keller asked about the need for licensed persons for North Fondy Fest. Chief Lamb explained that each point of sale needs a licensed person. The importance of training is that we do the best we can to have controls in place to keep alcohol out of the hands of underage drinkers. The chief had a meeting with all parties last Wednesday. Things happen, and people do things to get around the law, but all we can do is the most we can do, and to protect Randy Hopp as much as possible. Jim Moore asked about the next license. The Village Clerk answered that Outdoor Recreation is on track with getting licensed along with everyone else at the next meeting of the Board. Mr. Streetar asked if there was a reason why this special effort related to getting temporary licensed operators and training done for North Fondy Fest is being made. Is it in response to some problem? Chief Lamb said, no, we had a couple of issues last year, and wanted to make it different this year, as problems last year were largely preventable. The Underage Drinking Task Force people may get involved with training.
CONSENSUS to take it to the Board.
2. Discussion of changes to the Fee Schedule for 2010.
Ms. Richards explained the issues that brought the proposed changes: the Senior Center kitchenette is now included in the fee as it is impossible to know who uses the kitchen; we are proposing a small rental fee for use of the new speaker system; and Mr. Leonard talked about the permit fee changes. The storm water and drainage plan reviews are more involved now, and the regulations are such that we send the plans out for review by a third party, and the \$1,000 is not enough to cover our costs. The school district's current athletic field work is not affected by this change, as we granted their reduction in fees previously. Mr. Will asked if we were going to revisit the Day Care Center use of the pool fees, re: amount we charge them for use. It was explained that last year the Board created the fee as a separate action. Mr. Hornung said we will bring that to you at the next meeting. Ms. Keller asked if we will hold off approving the User Fee schedule until this Day Care Center fee is approved. We will change the fee schedule for that item as part of that action next time.
CONSENSUS to take it to the Board.
3. Discussion of Operating Policies for the Villager.
Ms. Richards said this was prompted by a request to take out an ad by a political candidate. Our newsletter is not a public forum, and we need a procedure to have a written policy. Mr. Streetar asked about part C which allows equal space for controversial issues. Mr. Will said we want more protection from submission by the public. Ms. Richards explained that this is to reflect what we have been doing, as we did a point-counterpoint during the referendum issue. Mr. Streetar said he wasn't sure this is such a good idea. Mr. Moore mentioned our allowing candidates for trustee to have an equal space during the campaigns. Would this be lost if we took C out? Ms. Richards said she didn't think this would be lost, but would rather keep it in, so that the policy reflects what we do. Ms.

Keller asked about some businesses being mentioned without paying money from time to time, and wondered if that is a good idea, because it is not equitable to businesses that are paying for their advertisement. Announcement column for new businesses are done once, as a way to promote them once as a courtesy and as a potential advertiser. Mr. Streetar said he'd been here for a year and a half. Ms. Keller said a year or year and a half is too long to be considered new. He should have been in touch with us, should have known about the Villager. Mr. King said Mr. Will said we should promote our businesses as much as we can while some may be slighted at times. Chuck said some advertisers advertise all the time, while we spotlight our community on certain businesses from time to time, and like Mr. Will said, trying to promote the Villager. He said if others approached us, we might say something about them, too. Mr. Streetar said maybe we want to highlight three businesses a quarter. Do we want to do that? Could do that. Local businesses will be spotlighted on a rotating basis. Could be new and old businesses, do two or three, so not singling one business out. Mr. Hornung said he wants us to fairly spotlight all candidates running for Village trustee, by giving them equal room. Mr. Streetar says that is not controversial. Election information is in the policy. Mr. Streetar isn't sure we want controversial issues in there. Mr. Hornung does not want the Villager to be an editorial page. If something is controversial, we can create the pros and cons ourselves. CONSENSUS to take it to the Board. Ms. Keller asked if it is clear that we do ads only for local businesses. Others felt that was the case. Mr. Will asked if we will not accept ads from outside NFDL. It was confirmed that because we provide ads at such a reasonable cost, that is what we are saying, that only NFDL businesses can advertise. CONSENSUS to take it to the Board.

4. Discussion of the roles of the Committee of the Whole and the Village Board meeting, and the possibility of combining them into one meeting only.

Mr. Streetar introduced this topic and his research: Oakfield, Lomira, Kewaskum, and Campbellsport all have one meeting run by the President, Waupun has a Board meeting and a Committee of the Whole, and the mayor runs both. This would mean less work for staff; and as regards to the televised meeting, Mr. Streetar feels we will look more professional, so instead of saying "Take it to the Board", it will be dealt with right away. Previously, people only saw the Board meeting, now see both meetings, and people have to wait for the vote, sometimes waiting an hour for an answer to their third dog license, for example. First half hour is free; we pay \$35 per half hour after that. May save money, if we can cut back meeting times. The Library Board is considering having our Librarian come over for a monthly update; she would have to wait until the Board meeting. If one agenda, she could say her piece and then leave without having to wait, as would also be the case of other staff who don't need to hang out for agenda items that don't relate to them. Drawback is that without the chairing of the COW, Trustees may not get a chance to chair. Some discussion ensued on why having discussion in committees is encouraged while discussion in Board meetings on items not on the agenda should never be discussed in the Board meeting. Mr. Streetar says that it is up to the Board to stop themselves and staff to help stop Board members from discussing anything that is not on the agenda. Ms. Keller asked why certain information was included in the packet, and Ms. Richards said it was included as information that would have to be changed if the policy is changed. Mr. Moore said the discussions will take just as long in one meeting as it does in the Committee of the Whole. Our current process has been in place for a long time, if it's not broke, don't fix it. Gave example of difficulty of making a motion to approve or deny without discussion. Mr. Lamb said he thought Roberts' Rules are the same for all governmental meetings. Staff comes in with a recommendation and then there is discussion and then a motion is made, and can die for lack of a second or can amend and proceed in that manner. Ms. Richards agreed that this is how things would be done. Asked for some guidance from Tim Lakin who serves on the Council in the City of Fond du Lac, who is in the audience. He said some items come in with committee recommendations; others come in with staff recommendations. Mr. Streetar says the current system is broken, and that is why he is bringing it up. Mr. Will said he understands the flow issue, but he likes the Committee of the Whole. Mr. Will likes to think things over, and have an opportunity to ask questions or make comments before he votes at the Board meeting later. Mr. Hornung asked Mr. Lakin how Fond du Lac works, comes from staff or committee, and sometimes no committee involved. Mr. Lakin said that any trustee can put an item on

the agenda. It comes forward, and then we have a motion and a second, and an amendment perhaps during discussion. An item will die for lack of a second. Mr. King gave example of motion then second then discussion, then amendment. Mr. Moore said until the discussion he wouldn't understand the right motion to make. Chief Lamb said there are two discussions: one discussion and then discussion on the motion. Mr. Lakin was asked about discussion; he says they have a Committee of the Whole meeting if an item needs a lot of discussion. Chief Lamb says staff recommendations might give three alternatives, with a motion and second on a motion and then discussion. Mr. Lakin thinks you do need a motion to discuss. That is what is not clear. Ms. Hunt says this is the issue, then motion and second to discuss. Ms. Keller asks if motion can be to discuss. Motion made and seconded to discuss it. Not clear, other people expressed different points of view on this. Mr. Scharf said motion by staff, then made and seconded it, then discuss it. Won't be approve or deny at that point. Move to accept recommendation of staff, second, discussion, then vote. Mr. Will says you can't make a motion until you close out the first one, also true of amendment. Mr. Streetar said motion to approve would close out motion to discuss. Mr. Hornung suggested we bring more info on Roberts Rules to the next meeting. CONSENSUS to continue discussion.

5. Discussion of Ordinance O-2010-04 AN ORDINANCE REGULATING SMOKING IN PLACES OF EMPLOYMENT AND PUBLIC PLACES IN THE VILLAGE OF NORTH FOND DU LAC.

Ms. Richards said this would be the first reading tonight if you want to move in this direction. If adopted this would keep jurisdiction local, and not likely in the Circuit Court with the adoption of the State provisions locally. The more controversial portion is the definition of an enclosed indoor space where smoking is prohibited. Clerks around the State have been struggling with this, as some bars have been putting up a wall and adding windows and thinking they can have smoking there. We have a local ability to get a stronger definition. State doesn't define it, and windows might be closed and cracked. Smoke free Wisconsin and their attorneys have a stronger recommended version, so that is what Ms. Richards placed in the ordinance. That is her recommendation. Discussion, Mr. Lakin spoke to say that the State law tries to make it a level playing field, and this makes it just the opposite. Mr. King says he doesn't like telling people where they can smoke or not smoke, and telling a business what to do with their business is wrong. Ms. Richards clarified that all but the indoor definition is the State law. Mr. Streetar says the State law is fine. Do we take it to the first reading and wait until the second reading to vote? Mr. Hornung said yes and feels we need some ordinance. Officers issue citations, if go to Circuit Court, they likely won't go anywhere. Chief Lamb does not envision us becoming the smoking police, except maybe a couple of times a year. If a business is not following it, we could enforce it by State law through the D.A.'s office, and he doesn't see that happening. He suggests we adopt the State law, put it on local books so we can take care of a problem more quickly. May want that language only, to adopt State law, for consistency across communities like the alcohol license issue chapter 125. Mr. Will asked if this would take effect at the same time. Yes. He thought that the loophole was being closed. Ms. Richards explained that the language adopted is felt to not deal with the problem. Mr. Will asked that we just adopt the State law. Ms. Keller asked who created the indoor enclosed space definition. Ms. Richards explained the law firm for Smoke free Wisconsin drafted this language as a recommendation. Chief Lamb said we can anticipate a lot of requests as City of Fond du Lac did, for changes of the buildings and beer gardens. Chief Lamb said we have code already identifying what a wall is. Says he thinks it is a private enterprise, and if they want to put up a wall for an enclosed patio smoke room, the people going into that would know it is a smoking room. Do we want to be concerned about it? He says it doesn't feel right to come up with language that would keep adults from doing that. Ms. Richards said that some bars went as far as to say if they put enough windows in their place; the whole place could be smoking. Mr. Leonard would like to hear what the Building Inspectors have to say about this. CONSENSUS to TABLE the first reading and take it to the Board to do so.

6. Discussion of recommendation to award the bid for the Booster Pump Station Upgrade and SCADA

(Supervisory Control and Data Acquisition) System to P.J. Kortens, the low bidder. Nick Leonard explained that this is straightforward. Wants to clarify that this was a budget item in 2009, part of the \$1.24 million borrow, but in 2010, it did not get included in the budget. We are moving forward with this project, and the water main relays will be attempted to be done next year. There were two parts to the bid, because part was for the Town's new waterpower, and the other part for the upgrade of our system. We would then be able to have good numbers for each share of the project. It was explained that the bidder made up profit margin in Part A, compare 3A and 6B the MTU(master terminal unit), 3 A only involves two stations, and in 6B which is more complicated, is less money. So we went back to engineer's estimate for calculating the split. The Town of Fond du Lac approved their portion, and recommended that the Village approve it. Staff agrees, and recommends approval. The pricing is good compared to the engineer's estimate. Mr. Will asked about savings. Yes, money saved in the borrow will be left after all these projects are completed, so it will be rolled into the capital improvements plan; we might be able to use the money towards getting one of the streets done. That borrow was shifted around, and there is some cost savings there. Mr. Will asked if we are getting what we want out of the control system. We can't get parts for our system anymore, and can't add on to it. The water department post 911 needs to be more up-to-date in security, and this system would provide additional security. McKinley Street is designed, but we won't proceed now, due to needing to do this first. CONSENSUS to take it to the Board.

7. Discussion of revisions to the Kaempfer and Associates engineering services contract to deal with changes in the Town of Fond du Lac's portion of the contract, for which the Town will reimburse the Village. Mr. Leonard says we are under contract with Kaempfer for our projects and the Town's projects. The town has an issue with easements for boosters they need. The contract revision is for additional costs and some cost savings. Town Board recommended we approve this. We will be reimbursed 100% for this amendment by the Town of Fond du Lac. CONSENSUS to take it to the Board.

B. CITIZENS TO BE HEARD. (None).

Future Possible Agenda Items can be discussed under Unfinished Business and New Business. No action will be taken at this meeting on discussions under the next two items, and discussion should be greatly limited until placed on the agenda:

C. UNFINISHED BUSINESS. (None.)

- D. NEW BUSINESS.** Mr. Streetar asked if other Villages do comment cards for rating of customer service. Mr. Hornung said some communities like Madison have automated ways to give feedback, haven't heard much in smaller communities. Will discuss this at our Annual Board Review meeting next week.

E. CLOSING OF MEETING.

Meeting closed at 7:38 P.M.

Respectfully submitted,

Keith King, Trustee