

**Village of North Fond du Lac**  
**OFFICIAL MINUTES – Revised-Meeting of August 1, 2011**  
**BOARD OF TRUSTEES**

**BOARD PRESENT:**

Keith King, Trustee  
James Moore, Village President  
Mike Streetar, Trustee  
Michael Will, Trustee  
Tammy Keller, Trustee

**STAFF PRESENT:**

Donna Richards, Village Clerk  
Nick Leonard, Director of Engineering and Planning  
Police Captain Darren Pautsch

**OTHERS:** (None.)

Meeting was called to order at 6:00 P.M. by Village President, James Moore.

- A. ROLL CALL OF OFFICERS.** Mike Streetar, Mike Will, Tammy Keller and Jim Moore, (All) Present.
- B. PLEDGE OF ALLEGIANCE.**
- C. CITIZEN PARTICIPATION.** (None.)
- D. ANNOUNCEMENTS.**
- E. PRESIDENT’S BUSINESS and Staff Reports**

**1. Department Updates**

- 1. Administrator.** (Mr. Moore gave Mr. Hornung’s report.) Mr. Hornung met with Mark Vandeberg, President of the PFC, to review the Police Chief applications. We narrowed the 7 applications received down to 6. Coordinating the next step by soliciting area Police Chiefs to serve on one interview panel. A second interview panel will be the PFC members. Because of a Police Chiefs convention in August, the interviews are tentatively scheduled for August 23<sup>rd</sup> and 24<sup>th</sup>. Once the interviews are over, the applicants will be narrowed down to 3. These three will be asked to setup an appointment for an assignment suitability test. With the results from the test, the PFC will make an offer for the position.  
Kris and Chuck met with Jerry Jaye to discuss the state retirement program. Any employee working more than 600 hours a year is eligible for the WRS program. Jerry exceeds this amount of hours. We will start Jerry on the program as of 7/1/2010. This is when the three new members from the Berlin area joined the Lakeside Municipal Court and Jerry started exceeding the 600 hours.  
Wrapped the 2010 performance reviews this week and am working with department managers to complete theirs.  
Staff and Chuck along with Melissa from FCEDC are continuing to have discussions regarding interest in development within the Village and Business Park. Nothing firm to announce as of now.  
Met with department heads to discuss the 5 year capital planning. Chuck will be presenting for discussion the 2012 CIP at the August 15<sup>th</sup> Board meeting.  
Bill, Donna, and Chuck gave depositions on Friday for the Dayz Gone By lawsuit.
- 2. Administration Department.** Clerk Richards said the election is August 9<sup>th</sup>, next Tuesday. People can vote early in the office through Friday at 5 PM. Polls are open from 7 AM-8 PM at the Community Center. The Farmers’ Market is going strong, stronger every week. Corn, melons and lots of flowers are available. Please come on Thursdays from 3-6 PM at Village Park.
- 3. Police Department.** Captain Pautsch said there have been no new occurrences of suspicious activity. Also management and supervisors are all becoming notary publics, so they can have a notary for witnesses on weekends and holidays. National Night Out Pool Party is tomorrow evening at the Pool, with games, music, food, karaoke. Evaluations have been completed.
- 4. Public Works Department.** Director Nick Leonard said the capital budget has been finalized. Sunset Circle work is completed, with a little landscape fix-up still happening. Some asphalt was repaired. The Water Tower has been cleaned, pressure washed, and repainted. Now there is no loose paint, and the upper blue portion has been repainted at no cost to the Village. Kaempfer is going up to inspect and to take pictures for the record.

5. Library. Mike Streetar reported that there is a meeting of the Library Board this week. You may know that Fond du Lac is going to become a stand alone library, and pull out of WinneFox System. You can go on-line and place a hold to get books, DVDs, and have it shipped to our library. Some Fond du Lac people are upset that they lose this service. North Fond du Lac will be talking about a possible influx of customers after Fond du Lac steps out, as we are the closest library in the Winnefox system. We will welcome anyone to come out here and to use the WinneFox system to order materials.

**F. CONSENT AGENDA.**

Request from Keith King and Michael Will to remove the Operator’s License from the Consent Agenda to act on separately.

1. Approve the minutes of the following Village Board Meetings: June 20, July 11 and July 18, 2011.
2. Approve Invoices and authorize Checks to be drawn on the respective funds in the amounts indicated:

Motion by Streetar, 2<sup>nd</sup> Will to approve the above two items. Question about galvanized frame under capital budget. What is this? (Monroe Truck \$45,000.) Nick said he would find out, and get back to them about it. All (5) Ayes, 0 Nays.

General Fund	
Library Fund	
EMS Fund	
Capital Projects	
Water Department	
Wastewater Department	
Community Development Authority /TIF	
Debt Service Fund	
Storm Water Fund	
<b>Total</b>	

3. Approve the following Operator’s Licenses:

Sarah J. Moore Permanent  
 W5938 Warber Ln.  
 Fond du Lac, WI. 54937  
 NFdL Mighty Mart

Mr. King asked for discussion. Letter from Captain Pautsch that this was an oversight on her part. He is concerned about the record. Seven different substantial, recent charges. Has hard time believing that she was overwhelmed and forgot to put it on the license application. Ms. Keller said that she also has difficulty; when you fill out an application, you need to fill it out correctly. Some of these are recent, and are really not minor. Mr. Moore asked how many convictions were not on the form. Mr. Pautsch said there were six. This is an Original application, and there was some confusion when she filled it out. She was previously licensed in North Fond du Lac, gave up her employment here, and it expired. So this was not a renewal. She became a new applicant, and they discussed this, and she was in the middle of it when she was cut off and failed to complete the application. She had a folder with all the convictions with her. He does not believe that she meant to leave it off. Mr. Moore said it was 2008 when she only had the 1999 violation Mr. Will said he could not support this. If she did put it all down, would we want to issue this license? Mr. Streetar agreed. Motion by Streetar, 2<sup>nd</sup> by Keller to disapprove the application for an operator’s license. All Ayes, 0 Nays.

**G. ADMINISTRATIVE ITEMS.**

1. Discussion and possible action to change the capital budget to handle cost overruns for increasing the scope of work on Southview and Chapman for complete pavement removal, and deferring scheduled work on Winnebago Street until next year. Mr. Leonard said there was an increase in the budget due to Southview deterioration and Chapman; Southview was supposed to be done last year. Maybe we could have saved money if it would have been completed last year, he’s not sure, he does not think so. Normally, they mill out to the curb area a few inches and do an overlay, but these will have to be milled all the way down and redone in order to be done properly. We normally get 15 years out of an overlay, we’d get five if we are lucky if we don’t do this properly. But, it doubles the cost. The alley behind the library was added, due to the poor shape it is in. It is difficult for the businesses to get their deliveries, and also for our fleet vehicles, it is in such poor shape. Lakeshore between the tracks is also added to the list,. We need to do something there, and that adds to the total. Suggests we hold Winnebago from Wisconsin to Prospect until next year or the following year, in order to keep a reserve of \$33,000 in the account for unforeseen issues or problems that may come up. Mr. Leonard said we should do the rest of these streets. We saved money on the dump truck and a lawn mower that we are holding off on. There was a match on the fire grant,

and then we added the bleachers. There may be some more cost savings somewhere. Want to use \$36,000 to fund these additional costs. We are catching up on street work, and try to do \$100,000 a year in overlays. Others are mill and overlay. We try to have the county do it, as they do the best job. If we save more money this year and can do Winnebago for \$18,000 as budgeted, we will, if we can do it without dipping into the \$33,000 being reserved. We are still reducing the reserve by \$5,000 if we get all these done in the proposal/report.

Mr. Will asked about costs for added projects: Alley \$13,000, Lakeshore \$18,000. Mr. Moore wanted Winnebago before Lakeshore, but Mr. Leonard said Lakeshore is in rough shape. If we wait too long, and the base starts deteriorating, the costs will go way up.

Motion by Streetar, 2<sup>nd</sup> by King to adopt the proposal and related budget provisions. All Ayes, 0 Nays.

2. Discussion of dog related ordinances. (No action at this time.) Mr. Streetar got bit on Clinton Street in his work as a postal worker. This is his sixth dog bite. Said many Village residents are adamant about animal freedom. He said yards should be enclosed, or dogs kept on a leash. Many people try to get along, and don't call the police about a dog being out and about. Captain Pautsch explained that citations are issued for violations. These laws are reactive rather than preventative, as someone does not know whether their dog responds to voice commands until they don't respond. If the dog doesn't respond and there is an incident, then there is a penalty. Mr. King said a dog needs to be restrained at all times. He said he does not own a dog. Ms. Keller said it is hard to train a dog on a leash. Mr. King said training is not on a leash, but that safety needs to come first. Mr. Will asked if Mr. Streetar wanted to get rid of #3 (Ordinances attached.) Mr. Streetar said we would need to publicize this, as last time they discussed it, 50-60 people showed up at the community center when the topic was discussed. What is fair? Mr. Streetar asked if ours mirrors Fond du Lac's. Capt. Pautsch said he thought so. He thinks a standard exception is in your own rear yard with the dog under control by voice command. Laws are written, and you don't want to write a law knowing that they will be broken. People let dogs go out to potty off leash in the middle of the night and in the winter, and then they usually come right back in. Capt. Pautsch said the incident with Mr. Streetar is actually a violation of the enclosure part of the law. Sometimes when there is a shock collar, shocking the dog makes it worse. That in itself was a violation. Might not have invisible fencing. Dog bite incidents can occur even when a dog is on a leash. If the owner is out supervising a dog, bites rarely happen. Usually have voice control over their dogs. Then bites are very rare. If this law changes, police would not be out looking at people in their yards, to see if they can control their dog. Ms. Keller said she wants input from residents. Mr. Moore said most owners have the leash by the door, and use it. Mr. King said most people have a leash by the door, and have no problem with that. If dog runs out and bites someone, if changed we would have more ammunition to do something. Mr. Streetar asked: what if the dog is a German Shepherd or a Rottweiler? He doesn't want the public coming back and asking why we didn't do something. What about our kids? This will be brought up again at a future meeting. Mr. Streetar wanted to get a feeling as to whether the Board has interest in doing something to change this.

3. Discussion and possible action related to judgments, back taxes, and the demolition lien on a property located at 634 Florida Avenue, with possible forgiveness of an amount up to \$2,049.93, in order to facilitate the development of this location by Clarity Care. Mr. Leonard introduced the topic. Mr. Moore wondered why this wasn't brought up months ago when we discussed it. Mr. Leonard said there was a WHEDA mortgage that was recently forgiven, and brought the price down to where they may still be interested. We have the demolition costs that we incurred. We were thinking that if the Village stepped in and forgave a portion of it, then the project would proceed. The schools are interested in the partnership, to have students build it. Mr. Streetar says we should not be involved in this. Mr. Streetar would rather wait to get our money out, if in arrears, we would still get our money. This should be between Clarity Care and the property owner. Mr. Streetar talked about several budget issues that we have. We aren't getting taxes out of this, if Clarity Care is involved. Mr. Will said he thought it would be good to help, to move it forward Mr. Will willing to explore it. Mr. Leonard said he didn't think Mr. Hornung wanted to forgive it now, others may be willing to reduce their amounts, and maybe we would do a part. Mr. King agrees with Mr. Streetar. We changed the zoning; we shouldn't be brokering deals here. He is not in favor of giving \$2,000, \$1,000 or \$500. Ms. Keller is interested in continuing to look at it. They should pay their taxes. Encourages them to make the deal happen. Let them work it out, said Mr. Streetar. Ms. Richards said the tax bill includes the demolition lien. Mr. Will agrees with Tammy, doesn't want to give up money, but wants administration to work with them to get the deal done. Mr. Moore said it would be good to get our money back. Mr. King said he thinks eventually we will get our money back, but this project does not generate taxes. Water utility, that's it. Mr. King says the government should not be involved.

Motion by Streetar, 2<sup>nd</sup> by King to stay out of this and let them work it out.

Mr. Will asked for a friendly amendment to work with them. Vote on amendment: 2<sup>nd</sup> by Keller on amendment. Continue

to work with it, to get it wrapped up and done. King No, Moore No, Streetar No, Will Yes, Keller Yes. Original Motion that we are stepping back and letting the parties deal with it. Mr. Will says he plans to vote No, for the reasons stated previously; feels we need to work with them towards the project..

King Yes, Moore Yes, Streetar Yes, Will No, Keller Yes.

#### **H. RESOLUTIONS.**

1. Discussion and possible action on RESOLUTION R-10-2011 - A RESOLUTION DESIGNATING DEPOSITORIES FOR FUNDS AND AUTHORIZING DESIGNEES TO MAKE PAYOUTS OR WITHDRAWALS FROM SAID ACCOUNTS. Richards explained that these are routine updates. Explained the various accounts. E-bay account is to be created to sell minor Village items on E-Bay. Mr. Streetar asked if EBay is considered an auction. Mr. Leonard said he thought it is considered an auction, and that items are planned to be placed in auction on EBay that would make more money in this manner than we would locally. Mr. Streetar asked that the EBay portion be placed on a future agenda for discussion. It will be, said Ms. Richards.

Motion by Streetar, 2<sup>nd</sup> by Keller to Approve. All Ayes, 0 Nays.

2. Discussion and possible action on RESOLUTION R-11-2011 - A RESOLUTION DESIGNATING A PERSON OR PERSONS TO SECURE A SAFE DEPOSIT BOX AND ALLOWING DESIGNATED PERSONS TO ACCESS SAID SAFE DEPOSIT BOX. Ms. Richards explained the Safe deposit box. We switch out our security tapes, for safekeeping of data, and various persons are needed to take care of this.

Motion by Will, 2<sup>nd</sup> by Streetar to Approve. All Ayes, 0 Nays.

#### **I. ORDINANCES.**

1. Discussion and possible action on ORDINANCE O-2011-06 AN ORDINANCE RECREATING VILLAGE CODE SECTION 14.04 REGARDING CHRONIC NUISANCE PREMISES. Second Reading  
No discussion.

Motion by Streetar, 2<sup>nd</sup> by King to approve. King Yes, Moore Yes, Streetar Yes, Will Yes, Keller Yes.

2. Discussion and possible action on ORDINANCE O-2011-07 AN ORDINANCE RECREATING VILLAGE CODE SECTION 3.11 REGARDING CAPITAL EXPENDITURE LIMITATION. Second Reading Read into the record by Mr. Moore.  
Mr. Will said he felt we should have the courage to let the voters vote on this change. They have the right to speak at the meetings. They should have a public hearing. Mr. Moore said we have been responsible with the taxpayers' money, with no increases for the last two years, and voters should be confident in our ability to be responsible. He was concerned that people would vote against someone else's street. Ms. Keller said she was surprised she has heard from no one on this. Mr. King said we need the courage to be able to govern. The \$1 million is too low. Is strongly in support of this. Mr. Moore said it gives us leeway to do needed street and other projects. Mr. Will says a lot of people don't know about this, we should communicate and give people a chance to know about this.

Motion by King, 2<sup>nd</sup> by Keller to approve. King Yes, Moore Yes, Streetar No, Will No, Keller Yes.

#### **J. COMMUNICATIONS. National Night Out on Tuesday from 6 – 8:30.**

**K. UNFINISHED BUSINESS.** Mr. Leonard clarified the changes in the capital budget. Mr. Will said there will be contributions towards the bleachers that are sizable, we need to round up additional contributions.

**L. NEW BUSINESS.** Mr. King went on a ride-along. Encourages others to do the same. Police work was non-stop the entire time.

#### **M. ADJOURNMENT.**

Motion by King and a second by Streetar to adjourn at 7:12 pm. All (5) Ayes, 0 Nays.

Respectfully submitted,

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Jim Moore, Village President

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Donna Richards, Village Clerk