

## **SPECIAL MEETING OF THE OF THE KIMBERLY VILLAGE BOARD**

**JANUARY 25, 2010**

President Kuen called the meeting to order at 6:00 p.m. Members present for roll call were Trustees Gaffney, Hammen, Hruzek, Opsteen, Trentlage, Weber and President Kuen. Also present were Fire Chief Van Thiel, Chief of Police Misselt and three citizens.

Fire Chief Van Thiel introduced Grand Chute Fire Department Assistant Chief Mike DeBruler, who explained the Mutual Aid Box Alarm System (MABAS). Mr. DeBruler introduced his fellow MABAS Board members through the Wisconsin Fire Chief's Association, Bruce Hannigan and Jim Bentel. MABAS is a logical extension of the current mutual aid used by fire departments developed to increase the response efficiencies for prearranged resources to aid in emergencies such as tornadoes, large structure fires, etc. The system started in the southern part of the state after development in Illinois. It is chartered county wide, and Outagamie County has adopted MABAS and is soliciting communities to join. The system basically sets up a "card box" system at the 911 dispatch center where departments predetermine what resources they will require for specific events. It then backfills other departments who are assisting the requesting community. It also creates uniform policies for firefighting so all departments are operating on the same level. The "card box" will eventually be electronic and appear on the dispatchers screen automatically. Departments cannot charge each other for services or equipment unless agreed to in prearranged circumstances. Also, the MABAS resolution is not open for review and amendments. Either a community agrees to it, or they do not. It is a standard form that protects all communities equally.

It was questioned if there is a cost to this system. Mr. DeBruler noted that other than training, which most departments already do, there is no cost. The website and other programs are funded by the Wisconsin MABAS Board, not local communities. All the community has to do is adopt the resolution to join the MABAS communities in the district (county).

At the end of the presentation, Chief Van Thiel noted that the Kimberly Fire Department endorses the MABAS system. It was noted that the resolution will be placed on a future agenda for formal action.

Chief Misselt explained his proposed change to the Kimberly "Beer Garden" Ordinance. The new ordinance is much more comprehensive and is intended to curb the appetite of establishments to expand their licensed serving area on the heels of the statewide smoking ban. It was clarified that if a bar owner wants to build a "smoking deck", that is not what this ordinance is for. A smoking deck is a building permit issue, not a licensing issue. However, if they intend to license the area and serve alcohol on the deck, then it comes under this new proposed ordinance and under the rules of a liquor license.

There was discussion regarding the existing beer gardens that exist (Tanner's and Hitters). It was a general consensus that these should be "Grandfathered" in some way as they have not

caused issues and have operated appropriately for many years. It was also clarified that Tanner's is licensed for the outdoor area under their currently approved license, so would not be held to the time frame in the new ordinance.

After a long discussion, it was agreed to amend the proposed ordinance to change the Plan Commission to review to "Building Inspector" review. Also, section (e) 5. will be changed to allow the area to be open until 9:00 p.m. Sunday thru Thursday, and until 10:00 p.m. on Friday and Saturday. Finally, there will be no fee for the addition of a beer garden to the license, but rather it will become part of the regular license approval.

When the Attorney's opinion regarding grandfathering is received, the ordinance will be placed on an agenda for official action.

Administrator Hermus explained the proposed change in the realignment of the CE Underpass, and connection points. As the Federal guidelines require a 50 foot radius on the south side, which would encroach a great deal on private property, a new location was investigated to the east. When we lined up the trail with the lot line of the U. S. Oil Property, it would fit very nice into the existing topography. We then met with the YMCA, and they also like the new location. It will require a limited permanent easement, which the YMCA was amendable to. The Board endorsed the new location to move forward.

Administrator Hermus and Trustee Trentlage attended a public informational meeting regarding the County/Town of Buchanan options for reconstruction of County Highway CE at Eisenhower Drive, and Eisenhower Drive at Van Roy Road to relieve the congestion at the later intersections. The four options are being shared with the public, looking for public comments. Although the projects do not directly impact Kimberly, the construction phase will have a great impact on access to the Kimberly Business Park. Currently, there are no funds for the projects, and the county felt the earliest date for construction would be in 2012.

As an aside, it was questioned if we could get an ingress/egress from CE into the YMCA, much as Buchanan is doing near Eisenhower. Administrator Hermus did not believe the county would approve such an access point as it enters private property. Further down at Cobblestone was also discussed as a possibility.

Trustee Opsteen questioned the round-a-bout at Kennedy and Railroad. It was clarified that no decision has been made as the project is not ready to move forward, a traffic study is being conducted and the engineers are to report back after further exploration and study.

Administrator Hermus shared the new Centennial Banners with the Village Board. These will be mounted soon.

Trustee Weber moved, Hammen seconded the motion to approve the agent change for Rusch's Kimberly Bowl to Timothy N. Rusch of Appleton. The motion carried by unanimous vote of the Board.

President Kuen noted the meeting with County Highway Commissioner Al Geurts and Administrator Hermus regarding the CE/Railroad intersection. With the U. S. Oil Corporate Office opening this spring, the timing of these lights will be an issue of concern. Mr. Geurts will look at the issue on our behalf.

Administrator Hermus gave testimony today at a public hearing of the Wisconsin DNR regarding NR 151, Storm Water Management. The 40% achievement by 2013 is being questioned by many, especially in light of the unproven technology currently available, and the DNR's constant challenging of projects being proposed. The hearing was overcrowded, and Administrator Hermus left after about 1 ½ hours of testimony, with most community representation sharing the same view.

President Kuen noted that Trustee Hammen will be chairing next week's meeting as he will be on vacation.

Trustee Hammen moved, Trentlage seconded the motion to adjourn. The motion carried by unanimous vote of the Board.

Rick J. Hermus  
Administrator/Clerk