

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

**FEBRUARY 1, 2010**

Acting President Hammen called the meeting to order at 6:00 p.m. Members present for roll call were Trustees Gaffney, Hruzek, Opsteen, Trentlage, Weber and Acting President Hammen. Absent and excused was President Kuen. Also present were Street Commissioner Vander Velden, Engineer Werner of McMahan, Captain Mark Recker of the FVMPD, Community Enrichment Director Schaefer and three (3) citizens.

Trustee Trentlage moved, Weber seconded the motion to approve the minutes of the January Meetings as prepared. The motion carried by unanimous vote of the Board.

Trustee Gaffney moved, Trentlage seconded the motion to approve the bills and claims for the month of January as presented. The motion carried by unanimous vote of the Board.

Trustee Opsteen moved, Gaffney seconded the motion to approve the financial statements for the month of January as presented. The motion carried by unanimous vote of the Board.

Trustee Weber moved, Gaffney seconded the motion to approve the minutes of the various Boards and Commissions for the month of January as presented. The motion carried by unanimous vote of the Board.

There was a long discussion regarding Ordinance Number 2, Series of 2010, an ordinance amending Section 7-2-17 regarding the licensing of Beer Gardens. There was confusion regarding the ability for persons to use the Beer Garden area after closing for smoking purposes only. Many felt this should be allowed, however the language of the ordinance does not allow anyone on the deck after the 9:00 or 10:00 closing time. Tiger Schumann questioned the issue, as he was concerned that this would force smokers into public areas, such as Kimberly Avenue, to smoke. While this is legal, it would present an eyesore for the community. The fact that the ordinance also does not allow such a beer garden under section (c), where no permit shall be issued if any part of the outdoor area is within 100 feet of property used for residential purposes, essentially negates Mr. Schumann's ability to receive such a license. It was questioned if we could issue a variance for such a license if they are closer than 100 feet? Administrator Hermus will seek a legal opinion on that issue. After a long discussion, Trustee Weber moved, Gaffney seconded the motion to refer the ordinance back to a Committee of the Whole for further discussion and clarification. The motion carried by unanimous vote of the Board.

Trustee Weber moved, Gaffney seconded the motion to accept the recommendation of the Kimberly Water Commission and approve the lease agreement with Open Range Communications for the James Street Water Tower. The motion carried by unanimous vote of the Board. Administrator Hermus noted that, as this tower is on municipal property, the lease payments will be split between the Village and the Water Utility.

Trustee Trentlage moved, Weber seconded the motion to accept the recommendation of the Kimberly Plan Commission and approve the Certified Survey Maps for Lots 12, 23, 26 and 39 of Emons Acres, all creating zero-lot-line duplexes. The motion carried by unanimous vote of the Board.

Trustee Opsteen moved, Weber seconded the motion to approve the recommendation of the Fire Department and approve the Mutual Aid Box Alarm System (MABAS). The motion carried by unanimous vote of the Board.

Trustee Gaffney moved, Trentlage seconded the motion to approve the Request for Payment Number One (1) from Fischer-Ulman Construction, Inc. for the 2009 Sidewalk Rehabilitation Program in the amount of \$39,609.65. The motion carried by unanimous vote of the Board. It was clarified that the sidewalks were recently inspected and none are popping yet.

After a short discussion, Trustee Weber moved, Gaffney seconded the motion to approve the purchase of a used 2008 Mini-Van for the Park and Recreation Department, rather than a pickup truck. It was felt the minivan could offer more flexibility, save capital costs, and offer lower maintenance costs (fuel). The motion carried by majority vote of the Board, with Trustee Hruzek dissenting.

Administrator Hermus noted his letter to State Rep. Ott regarding the possibility of legislation allowing the Fox Cities to create a Regional Transit Authority. As discussed earlier, Valley Transit will be losing federal funding in a few years, and this legislation would allow the region to create a RTA. Any taxation would be dependent upon a referendum vote, allowing the taxpayers of the region to decide on funding and how much. It is estimated that 1/10 of a cent sales tax would make up the difference lost in federal funding.

Trustee Trentlage moved, Gaffney seconded the motion to approve a Temporary Class "B" License for the Combined Locks Fire Department for the annual Sheepshead Tournament. The motion carried by unanimous vote of the Board.

Trustee Weber moved, Gaffney seconded the motion to approve temporary operators licenses for the following:

Kevin P. Carney	Combined Locks
Thomas J. Santkuyl	Combined Locks
Richard J. Strick	Combined Locks

The motion carried by unanimous vote of the Board.

Administrator Hermus shared the water rate increase article developed with the Water Department for publishing in the next *Kimtalk*. The PSC has preliminarily estimated our increase as high as 30%, and we want to alert the ratepayers of this potential. We also have one of the lowest rates in the valley, which make our increases higher percentage wise. It was noted the increase is targeted for the July time frame, and there will be another *Kimtalk* about that time.

Administrator Hermus shared the 2009 CPI-U is 3.02%. The Village awarded a 1% COLA for 2010.

There was no report from the Police Department or Street Department.

C.E.D. Schaefer shared the 2009 Annual Report with the Board. The hunter safety course has been a big hit with the community.

Administrator Hermus shared photos of an underpass in Green Bay to share a sample of the entrances and retaining walls being proposed. This type will eliminate grass side slopes that the property owners would have to maintain. This will make snow removal a little more laborious, but there is essentially no other maintenance. The Board approved this design for use at the entrances to the CE Underpass.

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

Rick J. Hermus  
Administrator/Clerk