

COMMITTEE OF THE WHOLE OF THE KIMBERLY VILLAGE BOARD

FEBRUARY 8, 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 Police Chief Misselt, Community Enrichment Director Schaefer and three citizens.

President Kuen noted that Regina from the Census Bureau has to cancel and will reschedule at a later date.

The Committee discussed the proposed Beer Garden Ordinance, sent back to committee at last week's Regular Meeting with several questions. The issue of Section (c) and the 100 foot distance from property used for residential purposes was discussed and suggested that it be reduced to 50 feet. The 150 foot requirement for notifying property owners of the request for the license was suggested to be reduced to 100 feet. It was also suggested that this language be changed to refer to residentially zoned property, not just property used for residential property. Also, the closing of the beer garden to smokers after it is closed for alcohol use was questioned. It was feared that this will force smokers to the streets outside of the bars. Chief Misselt admitted that the 100 foot rule is arbitrary and is a political issue for the Board. His attempt is to reduce complaints to this Board when complaints are received. The Police Department cannot cite patrons for loud talking and laughing, as this is not a violation of any ordinance. Not keeping the area open to smokers is coming from bar owners and bartenders who do not want to deal with the issue of people taking open intoxicants to this area after the license closes the beer garden. The issue is that the bar owner is now liable for the violation and can be cited, and this can affect their liquor license.

It was clarified that both Tanner's and Hitter's would not need to be grandfathered for the distance issue. Both are more than 100 feet. Hitter's does not have the permanent fencing and such and does not meet that part of the new code.

Chief Misselt is meeting with Attorney Koehler on the ordinance tomorrow morning. Variance language and grandfathering language are being discussed for this ordinance. They will also discuss the 100 foot rule. Which license supersedes the other will also be clarified so owners and the Village Board are clear on this issue. Allowing use of the area after the alcohol use is closed is an issue the Board must decide and share with the owners, as the Police Department must enforce this law. These issues will be clarified prior to the ordinance being brought back to the Village Board for consideration.

The Board reviewed the request of U. S. Oil to change the name of Office Court to Better Way. Notices were sent by staff to all safety agencies and the county for input. No one has responded with any objection to the proposal. This will be placed on next week's agenda for official action.

Administrator Hermus presented his recap of the cost for the Village checking account and other financial services. The relationship with Associated Bank has been positive, and Administrator

Hermus has informed Mike Sass of the quotes being solicited due to costs. After receiving the information, Capital Credit Union can offer savings of about \$500 monthly on our checking services. A resolution will be placed on next Monday's agenda for official action. It was clarified that funds are still insured, although through NCUA rather than FDIC. We will continue to use Associated Bank for various needs, but will move the checking to Capital Credit Union.

The Board reviewed the request of the Town of Buchanan to participate in a study to investigate traffic flow in and out of Kimberly High School. Kimberly does own half of the intersection, and the study could result in issues affecting Kimberly. Outagamie County, the Kimberly Area School District and the Town have already committed to the project. The Board was unsure if they should participate or not, and will make a decision by next week's meeting. If split four ways, Kimberly's cost would be about \$850.

The Board reviewed the proposed Hazmat Policy for the Village of Kimberly. It was clarified that this is for minor spills of our materials in our facilities only. It was noted that there are several typos in the document. The use of fire alarms was questioned, as it was felt that is against the National Fire Code. Mr. Schaefer noted that this issue was discussed, and the Fire Department suggested it be used to evacuate the building regardless of purpose. It was noted that the concern is that, based on where the spill occurs, they may be leading evacuees straight through the spill area. It was agreed that the alarms will be used as our best source of evacuation notice for the Municipal Complex. The policy will be placed on next week's agenda for official action.

Administrator Hermus reviewed the adjusted debt schedule planned for sale of March 1, 2010. TIF #3 is scheduled to be dissolved. TIF #4 is ahead of schedule both construction and revenue wise. It is our intention to continue to borrow from the General Fund for the \$420,000, affording a 5% return on investment. TIF #5 is borrowing only the minimum, with \$2.5 in borrowing at this time in the form of Note Anticipation Notes (NANS). They are callable in three years. If additional funds are needed at that time, the long term debt can be increased accordingly. The Board noted the past success of our TIF Districts, and their confidence in TIF #5.

Administrator Hermus noted that the Police Negotiations went to mediation last week, which was not successful. The Board will receive information in next week's packet which will be discussed in closed session to prepare for the next step in the process.

President Kuen read a thank you from the Opsteen family for the plant sent to the funeral of Trustee Opsteen's brother.

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

Rick J. Hermus
Administrator/Clerk