

COMMITTEE OF THE WHOLE OF THE KIMBERLY VILLAGE BOARD

FEBRUARY 22, 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 four citizens.

The request of the Safety Committee to transfer \$157.92 from the safety fund for the purchase of Rescue Mate Throw Bags was discussed. It was agreed to endorse such a transfer. This will be placed on next Monday's Agenda for official action.

The Committee discussed the changes made to the Beer Garden Ordinance, the application of these changes to the entire ordinance, and their effects to the local establishments. Chief Misselt clarified the changes made after Board discussion, and meeting with Attorney Koehler on verbiage. The setback issue (c),1. was amended to refer to "residential zoned" property, where it previously referred to property used for residential purposes. This addresses the issue of people claiming their garages are residential, etc. Also, if they cannot meet the 100 foot setback, and it is less than 50 feet, it addresses this by reducing the time they can be open. Restrictions under (e) now address grandfathered establishments for some of the criteria, but not all. Section 3 was added to address the issue of suspension. It gives the Village Boards discretion regarding which license would be affected, based on the severity of the offense. This new version also eliminates the language which did not allow persons in the smoking area after liquor can no longer be consumed in the space. It essentially leaves this decision to the bar owner as to whether or not they want to deal with this issue. Basically, if persons are in the area with alcohol after the beer garden closing time, they, and the bartender and bar owner can be cited.

The issue of transferable grandfathering was discussed. Mr. Hermus noted that according to Attorney Koehler, the provision can be transferred. However, this is a privilege, not a right; and the new owner can lose the privilege if they violate the ordinance.

Judge Schumann questioned who would be cited should persons violate the open intoxicants outside. Chief Misselt noted that this has not changed from the current law, in that the patron; bartender and bar owner can all be cited based on the discretion of the officer, based on circumstances.

It was discussed that citations will now be addressed, and Chief Misselt will be moving forward with that section of the ordinance for presentation to the Board.

The Committee discussed the proposed Floodplain Ordinance as being mandated by the Wisconsin DNR, through the Federal Emergency Management Association. Administrator Hermus informed the Board that he did have Dave Schmaltz of McMahan review the proposed ordinance. It was noted that this is being required of all Outagamie County communities (and other communities across the nation) to bring them into conformance with the new standards.

The maps have not been received yet. It was questioned by Mr. Hermus of Mr. Schmaltz what happens if a community does not adopt the new ordinance. He noted that a county in Wisconsin did not adopt the ordinance several years ago, had flooding, and because the community did not adopt the ordinance, insurers could refuse coverage. The largest caveat is that, communities that do not comply essentially negate flood insurance for their residents.

Administrator Hermus shared the "Official Statement" received from Springsted regarding next Monday's pending debt sale. The sale is set for 10:30 a.m. March 1st, with the Village Board approval of the sale at that evening's agenda. Administrator Hermus is working with Bond Counsel to insure compliance with the approval documents. Financial Advisor Joe Murray of Springsted will be present next Monday with the bid results. In your packets will be resolutions to approve the sale, with lots of blanks to be filled in Monday evening after the bids are received. Administrator Hermus and Mr. Murray did complete a bond rating review with Standards and Poors last Thursday. He was hopeful our rating would be maintained or improved as we are in solid financial condition.

President Kuen informed the Board that it was discovered that March 16, 1910 was the first Village Board Meeting for the Village of Kimberly. President Kuen and Mr. Hermus are working to arrange a meeting for Tuesday, March 16, 2010 at 8:00 p.m. to reaffirm the original action of the first Village Board and commemorate the event. We hope to have a town crier announce the meeting, have the meeting by candlelight and dress is circa 1910 clothes. Any other ideas will be welcome. We are working on a press release for the event.

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

Rick J. Hermus
Administrator/Clerk