

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF JANUARY 11, 2012

Call to Order

President Vanden Berg called the Committee of the Whole meeting to order at 6:00 p.m.

Roll Call

PRESENT: President Vanden Berg, Trustee Berken, Trustee Frassetto, Trustee Hietpas, Trustee Mahlik, Trustee Peerenboom, Trustee Smith

ALSO PRESENT: C. Kell, T. Matheny, J. Moes, R. Van Gheem, V. Schneider

Nick Vande Hey – McMahon & Associates, Jim Kratowilz- Division Director with U.S. Venture Inc., Ben Schultz-Camp K9, Interested Citizens, and Media Reps

Public Appearance for Items not on the Agenda

None

Moved by Trustee Smith, seconded by Trustee Berken to Enter into the Public Hearing for Rezoning 313 W. Main Street.

Ayes 7, Nays 0 – Motion Carried Unanimously

Public Hearing – Rezoning Request filed by U.S. Venture, Inc. for 313 W. Main Street – From RC-Residential Single-Family District to CB – Central Business District

Jim Kratowilz, U.S. Venture, Inc., stated he was available to answer any questions. No questions asked or comments made.

Moved by Trustee Frassetto, seconded by Trustee Smith to Exit the Public Hearing.

Ayes 7, Nays 0 – Motion Carried Unanimously

Action on Resolution – Crossing Guard Recognition Week – January 9 – 13, 2012

Moved by Trustee Frassetto, seconded by Trustee Smith to Adopt Resolution No. 2, Series of 2012 Recognizing Crossing Guard Week – January 9 -13, 2012.

Ayes 7, Nays 0 – Motion Carried Unanimously

Review/Possible Action to Amend Section V of the Business Improvement/Façade Renovation Program Regarding Funding of Projects Involving New Construction where there is a Replacement or Reconstruction of an Existing Building

C. Kell stated that the language being presented basically would not allow funding for new construction but it would allow funding of up to 20% of the total construction project costs, based on the \$20,000 and \$30,000 funding limits as indicated in the manual, for replacement/reconstruction of an existing building. C. Kell stated in the case of the project presented last week, if it was a \$100,000 project, they would only be eligible for \$20,000 but if it were a more expansive project they could qualify for up to the \$30,000. Trustee Mahlik stated he supports this language. Trustee Peerenboom stated he would like to see language added to this section of the policy to set the maximum at \$30,000 per project and he also commented that he would like to take a look at making the Revolving Loan fund more business friendly. Discussion took place. Trustee Smith stated he agrees with not extending this to new construction as the Village has other programs in place to help with new businesses. President Vanden Berg stated he is opposed to the measure because the program is meant for façade improvement of existing buildings because the Village mandates that certain requirements are followed and there are other programs out there for redevelopment and this should be kept for façade renovations only and if a new program is needed, then that should be looked at. Trustee Frassetto and Trustee Mahlik stated they support the proposed language with Trustee Mahlik asking where the money would come from for a new program.

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Approve the Amendment to Section V of the Business Improvement/Façade Renovation Program Regarding Funding of Projects Involving New Construction when there is a Replacement or Reconstruction of an Existing Building and to include language in the amendment, “not exceeding \$30,000”.

Further Discussion: Trustee Peerenboom stated he agrees that something should be done with the Revolving Loan fund but this is a more attractive loan option and he doesn't see retooling the Revolving Loan Fund happening in the next days, weeks, or months, so for that reason he supports this proposal. C. Kell stated that a discussion on the other programs is positive but the Board should be aware that the Revolving Loan Program is a State program with State requirements and one of those is that for every \$20,000 loaned, a full-time equivalent job must be created. C. Kell stated that in the case of the Camp K9 project, the owner is not considering job creation and if she was going to add one or two jobs, she would only be eligible for \$20,000 or \$30,000 under the Revolving Loan program. C. Kell further stated that the Revolving Loan program cannot be changed because the funds initially came from a State loan and the Village is bound by their requirements but the Village could set up a program with their own money and with their own requirements. C. Kell stated that the loan is recorded at the Register of Deeds as a lien on the property. Trustee Hietpas asked if the Windmill applied would they get \$30,000 and C. Kell responded that non-profit, tax-exempt entities are not eligible as it has to be a taxable property.

Vote on Motion:

Ayes 6, Nays 1 (Vanden Berg) – Motion Carried

Review/Possible Action on Intergovernmental Agreement for Provision of Fire Protection Services for the Outagamie County Landfill

C. Kell reviewed the agreement noting that the Town was advised by their Attorney that the intergovernmental agreement to legally provide fire protection services for the landfill which was annexed into the Village needs to be with Little Chute and not the County. C. Kell stated that the Village needs this agreement as we currently do not have the proper fire equipment available to address landfill fires and the Town has indicated that until this agreement is in place, they won't release the money to the Village for the Holland Rd. reconstruction project. C. Kell stated that the cost of a \$2,000 flat fee per year and charges for having to actually go out and respond to a fire are reasonable. C. Kell stated the County has agreed to pick up the costs of this agreement but as of now, he does not have a written document acknowledging this but he understands the County met on this agreement on Monday and he was informed that there would be no problem with the funding agreement. C. Kell stated that the agreement with the Town for releasing the Holland Rd. funds to the Village had been approved by the Town but they won't release that document until this agreement is signed. C. Kell stated he believes this is a good agreement for the Village. Trustee Peerenboom stated he would like to see the funding agreement from the County in hand before the Village actually signs this agreement. President Vanden Berg asked if there was a resolution at the Town Board level approving the \$60,000 payment to the Village for the Holland Rd. project. C. Kell stated that it was actually a three party agreement between the County, the Town, and the Village and from the Town's perspective it authorizes the County to release the landfill payment that was supposed to go to the Town, to the Village for the Holland Rd. project costs. C. Kell stated he has seen this agreement and it was approved.

Moved by Trustee Frassetto, seconded by Trustee Berken to Approve the Intergovernmental Agreement for Provision of Fire Protection Services for the Outagamie County Landfill Contingent on the Condition that Written Documentation is provided by the County for Financial Support.

Ayes 7, Nays 0 – Motion Carried Unanimously

Review/Possible Action – Declaration of Restrictive Covenants for Village North Subdivision

C. Kell stated that the covenants were created from his review of the covenants in place for the Streamview subdivision and also from the Applecreek Estates Subdivision that was developed by Pat Hietpas. C. Kell stated these are standard covenants but detached garages will not be allowed and any storage structure would be required to be constructed in a style and materials similar to those used in the dwelling's construction. C. Kell stated that Attorney Koehler reviewed the provisions and he added enforcement provisions to the covenants and if approved the document will be provided to Attorney Koehler as he wants to add an introduction and legal language required for recording the document. Trustee Hietpas

asked if the type of homes such as those built by Wausau Homes would be allowed and staff stated that these types of homes would be allowed. Trustee Hietpas also questioned if the Village ordinance that allows three dogs would be an enforcement issue for the Police Department as the covenants only allow for two pets. J. Moes stated that none of these covenants would be enforced by the Police Department and they will be enforced by the Village as the Developer and the individual property owners and it ok to be more restrictive than the Village ordinance regarding number of pets. Trustee Berken asked if a person would be allowed to park a business pickup truck in their driveway and staff stated that if it is licensed as a commercial vehicle, it would not be allowed. Trustee Smith stated that he would see it as any vehicle that you need to have a CDL to drive would not be allowed and he see that as a good thing. J. Moes stated that these restrictions for vehicles are more restrictive than the Village's ordinances regulated parking of vehicles. C. Kell stated that the parking restriction is not unusual for subdivision covenants. Discussion continued. Trustee Frassetto questioned how this would affect a school bus driver. J. Moes stated that the covenants do not allow parking of school buses and the parking regulations would be enforced if there were complaints filed.

Moved by Trustee Smith, seconded by Trustee Mahlik to Approve the Declaration of Restrictive Covenants for Village North Subdivision.

Ayes 6, Nays 1(Frassetto) – Motion Carried

Unfinished Business

J. Moes stated the proposed buyers of 320 W. Lincoln Ave. had received their inspection report and they have an estimate for electrical work that their inspector pointed out should be done and they want it done and they sent an agreement that they would go through with the sale but they want the Village to pay for the repairs in the amount of \$1,165 before closing and he asked for the Board's direction on this request. Discussion took place. Trustee Smith and Mahlik felt the charges were excessive and they were already getting a good deal on the house but they would support countering with an offer to pay 50% of the \$1,165. J. Moes stated that he believes the cost is reasonable to do all of the work they want done to the electrical system. Trustee Frassetto stated she wouldn't be opposed to the offer because of the inconvenience to the buyers because of the fire damage.

Moved by Trustee Smith, seconded by Trustee Mahlik to counteroffer to pay 50% of the \$1,165 cost for the electrical repairs and authorize Mr. Moes to negotiate that.

Ayes 6, Nays 1(Frassetto) – Motion Carried

Items for Future Agenda

Trustee Frassetto stated she had received an email of inquiry of what the Village is doing with the vacant parcel they own where Snaggletooths and Gas Station had been located. Board members agreed to place an agenda item on the next Committee of the Whole meeting to have a discussion on what the Village should do with the vacant parcel.

Moved by Trustee Berken, seconded by Trustee Frassetto to enter into closed session. (6:48 p.m.)

Ayes 7, Nays 0 – Motion Carried Unanimously

Staff and the Village Clerk were dismissed from the meeting at this time.

Closed Session:

19.85(1)(e) Wis. Stats. Deliberations or negotiations on the purchase of public properties, investing of public funds or conducting other specific public business when competitive or bargaining reasons require a closed session – Purchase and/or Sale of Village Property in the Village Industrial Park

Moved by Trustee Mahlik, seconded by Trustee Frassetto to Exit Closed Session and Return to Open Session. (7:40 p.m.)

Ayes 7, Nays 0 – Motion Carried Unanimously

Return to Open Session – Possible Action on Closed Session Items

Moved by Trustee Peerenboom, seconded by Trustee Mahlik to Authorize the Village Administrator to Proceed with a Developer's Agreement with Polyflex and to Negotiate the Purchase of six (6) acres of property on Stephen Street from WOW.

Ayes 7, Nays 0– Motion Carried Unanimously

Adjournment

Moved by Trustee Mahlik, seconded by Trustee Smith to Adjourn the Committee of the Whole meeting at 7:42 p.m.

Ayes 7, Nays 0 – Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: Michael R. Vanden Berg, Village President

Attest: Vicki Schneider, Village Clerk