

MINUTES OF THE REGULAR BOARD MEETING OF MARCH 22, 2012

Call to Order: President Vanden Berg called the Village Board to Order at 5:15 p.m.

Present: Trustee Berken, Trustee Frassetto, Trustee Hietpas, Trustee Mahlik, Trustee Peerenboom, Trustee Smith, President Vanden Berg
Village Administrator Charles Kell, Village Attorney Charles Koehler, Pat Hietpas, Bob De Bruin, Terry Bomier - Evergreen LC Development, LLC

Moved by Trustee Smith, seconded by Trustee Mahlik to Enter into Closed Session. (5:16 p.m.)

Ayes 7, Nays 0 – Motion Carried Unanimously

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. *Negotiations regarding a Tax Increment Finance Development Agreement for Purchase of Property and Installation of Utilities and Infrastructure for Evergreen L. C. Development LLC.*

Moved by Trustee Frassetto, seconded by Trustee Smith to Exit Closed Session. (6:10 p.m.)

Ayes 7, Nays 0 – Motion Carried Unanimously

The Regular Board meeting was called to order at 6:15 p.m. by Michael Vanden Berg, Village President

Invocation

Pledge Allegiance to the Flag

President Vanden Berg led members in the reciting of the Pledge of Allegiance.

Roll call of Trustees

PRESENT: Michael Vanden Berg, President
Bob Berken, Trustee
Tammy Frassetto, Trustee
James Hietpas, Trustee
Dan Mahlik, Trustee
Bill Peerenboom, Trustee
Skip Smith, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator
Tom Flick, Director of Parks, Recreation, and Forestry
Teri Matheny, Finance Director
Jim Moes, Community Development Director
Erik Misselt, Police Chief
Roy Van Gheem, Public Works Director
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk

OTHERS PRESENT: Attorney James Long and Anne Weiland – Heesakker Family Representatives, Don De Groot, Interested Citizens and Media Reps

Public Appearance for Items Not on the Agenda

None

Discussion/Possible Action on Tax Increment Finance Development Agreement for Purchase of Property and Installation of Utilities and Infrastructure for Evergreen L.C. Development LLC

C. Kell stated that what is being proposed is a concept for a three-party TIF agreement between Evergreen L.C. Development, LLC, the Village, and the developer(s) of a project(s). C. Kell indicated the proposal would provide the developer land and utilities instead of a tax increment incentive based on their project

and the Board is being asked to approve a motion to authorize moving forward with the concept and to authorize Evergreen L.C. Development, LLC to install utilities, at some level, in their project to get the project underway. Trustee Hietpas stated he would like to see some concrete numbers on the utility costs before approving this proposal as the numbers discussed were from \$300,000 to \$1.3 million. Trustee Peerenboom stated he would like to see the initial cost capped. Trustee Mahlik commented that he doesn't know what the reason would be to have a cap as we are going to do it because ultimately the Village is going to be caught holding the bag anyways and he thinks that we need to move forward with the utilities. Trustee Smith stated he agrees that we need to keep moving forward and he recommended that the Village Administrator review the numbers for the utility costs and the gravel. C. Kell stated that he believes that Evergreen LC Development will be providing a breakdown of the numbers to Board by next week. Discussion continued.

Moved by Trustee Frassetto, to approve the Developers beginning the infrastructure process, not to exceed \$500,000 at this point.

Further Discussion: Trustee Smith stated he does not like putting a number on it because it could be \$550,000 and then we are done on our end and his recommendation is to let the Administrator do his job and talk with the Developer to see what the cost comes in at and let the Board know next week as nothing is going to get started anyways as far as building and sooner or later it will all have to go in. Trustee Mahlik agreed stating we already know we have the lowest bid out there at the \$1.3 or \$1.4 million and now we are just dealing with the utilities and that should be defined within the bid process and \$25,000 or \$50,000 isn't going to make any difference and he is against putting a cap on it and we are stuck and he can't reiterate that enough and it is time to move on and bite the bullet. C. Kell stated he understands the argument on both sides and he wouldn't have a problem with a cap to start out, if the Board is open to the Developer's being able to come back to the Board and argue for a higher cap at a later date if needed and they are not going to spend \$500,000 in a week or two. C. Kell stated they can get started with their project under the motion and if it is found out that it has to be \$525,000 it can be brought back for the Board to address. C. Kell stated he would like to see the Board compromise to keep the project moving forward, so he agrees with putting a cap on it and bringing it back if needed. Trustee Hietpas questioned if technically they need the Village's permission to do this and C. Kell responded that technically the agreement states that Evergreen LC Development is responsible for the utilities but the game has changed and he felt that the Board should be aware since the Village is putting \$1 million into this project and the Board should be agreeable, so Evergreen LC Development can proceed with the project.

Trustee Smith seconded the motion made by Trustee Frassetto.

Vote on the Motion:

Ayes 6, Nays 1(Hietpas) – Motion Carried

Moved by Trustee Smith, seconded by Trustee Mahlik to enter into a three party agreement with Evergreen LC Development, LLC, the Village, and whatever developer comes along to develop the site.

Further Discussion: Trustee Peerenboom commented that it was all discussed and he questioned if any of it gets recorded as part of this motion or is this simple statement the entire agreement that the Village is going to have. Attorney Koehler responded that he understood that the Village Administrator is asking for the Board to approve the concept and once the agreement is written, it will have to come back to the Board for final approval and the details will be listed in the agreement. President Vanden Berg commented that this motion does not authorize any expenditure of money.

Vote on the Motion:

Ayes 7, Nays 0 – Motion Carried Unanimously

Approval of Minutes

Regular Board Meeting Minutes – March 7, 2012

Committee of the Whole Minutes – March 14, 2012

Moved by Trustee Peerenboom, seconded by Trustee Mahlik to approve the Regular Board Minutes of March 7, 2012 and the Committee of the Whole Minutes of March 14, 2012 as presented.

Ayes 7, Nays 0 - Motion Carried Unanimously

Report of Other Minutes-Other Informational Items

Minutes of the Park Planning Committee Meeting on December 6, 2011

Minutes of the Plan Commission Meeting of February 13, 2012

Board members noted receipt of the informational items.

Resolutions:

a) Proclaiming Arbor Day in the Village of Little Chute

Moved by Trustee Frassetto, seconded by Trustee Berken to Adopt Resolution No.10, Series of 2012 Proclaiming Friday, May 11, 2012 as Arbor Day in the Village of Little Chute.

Ayes 7, Nays 0 – Motion Carried Unanimously

b) Preliminary Assessment Resolution Declaring Intent to Exercise Special Assessment Powers for the Buchanan Street, Sanitorium Rd., Polk St. and Grant St. Projects and to Set the Public Hearing for Assessments

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adopt Resolution No. 11, Series of 2012 Resolution Declaring Intent to Exercise Special Assessment Powers for the Buchanan Street, Sanitorium Rd., Polk St. and Grant St. Projects and to set the Public Hearing for Assessments.

Ayes 7, Nays 0 – Motion Carried Unanimously

Discussion/Possible Action on Statement of Understanding between the Heesakker Family and the Village of Little Chute

Attorney Long stated that he and Ann Weiland along with President Vanden Berg, Trustee Peerenboom, and Tom Flick have been working together on a resolution that has gone through five different revisions and the Heesakker Family is in agreement with the resolution being presented tonight. Attorney Long provided a copy of the Resolution Establishing the History and Intent of the Heesakker Family Concerning the Development of Heesakker Park. T. Flick stated they are making progress but staff is still not comfortable with the proposed resolution and staff needs more time to review and discuss the proposed resolution. T. Flick explained the parts of the resolution that he is concerned with and one of the issues is the use of the word preserve, as in a park setting that is referenced as restrictive and there are items that need to be defined and he commented on these items and issues and using descriptive measures in the agreement. Trustee Mahlik commented on the agreement tying the hands of the Village. Attorney Long commented on the 19 acres of woods that they do want to see preserved as woods as it has been that way since 1916. Trustee Frassetto provided comments as to why she supports the proposed resolution. Trustee Hietpas stated he understood that this resolution was to define the original agreement and he agrees that the resolution being presented pretty much does that and he asked to hear comments from Don De Groot as he was there when the agreements were put in place. Don De Groot stated he wasn't involved in 1958 when the agreement was made to purchase the property from the Heesakker Family but he does know that it was passed down to Ed Spierings when he was Village President and to him when he became Village President that there was a handshake agreement and he commented on a letter he had wrote to President Vanden Berg regarding this agreement. Mr. De Groot commented on the history of the park and the agreement and honoring the handshake agreement and he feels that Mr. Flick and the family are very close to coming to an agreement and he agrees that it is time to get the original intent of the agreement in writing. C. Kell provided copies of aerial photographs of the park noting that in 1957 there were not any woods on the western end of the park and through the years the woods have grown and he noted how things change over time. C. Kell also stated that enhancements and improvements are needed to items two

and three in the resolution and he commented on an experience he had in the Village of Whiting with a disease taking over a 40-acre wooded oak forest and the only way to control the disease and prevent it from spreading was to cut down the 40 acres of trees and reforest it. C. Kell pointed out that there is no way to know what the Village may be faced with in the future regarding the woods and this also relates to dealing with the storm water and what is required. C. Kell stated that the resolution cannot be acted on tonight because it isn't listed on the agenda so there is time to make some refinements and improvements to the resolution and he encouraged the Board to allow T. Flick and the Heesakkers and their Attorney time to continue to work on it. Trustee Smith stated he wants the Village to be mindful of ADA requirements for the park and he agrees we are close on the agreement and he supports staff continuing to work on the agreement with the Heesakkers. Attorney Koehler suggested that the Board consider adding a provision that reads that in the best interest of the Village, the Board has the right to amend the resolution while keeping in mind the spirit of the agreement. Discussion continued. Trustee Frassetto commented on the letter received by a concerned citizen and President Vanden Berg stated a copy of the letter submitted by Mr. John Elrick had been provided to the Trustees, staff, and the audience and it will be included in the record. T. Flick stated that he is in support of getting this agreement and this is the first crack he has had in trying to get an agreement since he was hired 11 year ago and he doesn't think they are far apart but he feels staff needs more time to work together to allow them to implement wording to the agreement that they feel is important as the managers of the property. Trustee Frassetto stated she wants this voted on before April 4th. Board members discussed when a new or revised resolution should be placed on the agenda. T. Flick stated he would try to have something ready for next week's agenda. Trustee Peerenboom stated he would like to continue to work with Ann and Tom to see if they can come back with something everyone will be agreeable to.

Action to Set Public Hearing for Amending Village of Little Chute Municipal Code Section 44-46 RC – Residential Conventional Single Family District (e) Dimensional Requirements

Moved by Trustee Frassetto, seconded by Trustee Smith to Set the Public Hearing for April 11, 2012 at 6:00 p.m.

Ayes 7, Nays 0 – Motion Carried Unanimously

Action on Special Event Permit for LC High School District Wellness Walk on May 9, 2012 (rain date May 15)

Moved by Trustee Frassetto, seconded by Trustee Berken to Approve the Special Event Permit for LCHS Wellness Walk.

Ayes 7, Nays 0 – Motion Carried Unanimously

Operator's Licenses:

Brittany P. Cichock	W3543 Willow Rd.	Combined Locks	Moasis
Michael W. Danley	300 E North Ave.	Little Chute	M & M Bar
Brad Dollevoet	1406 Miami Cr.	Little Chute	5 th Quarter

Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Approve the Operator's Licenses as presented.

Ayes 7, Nays 0 – Motion Carried Unanimously

Department and Officers Progress Reports

Chief Misselt – no report. T. Matheny reported that the Kaukauna Utility bills that were issued last week have a message informing Little Chute customers that the sanitation rates are \$.50 cents extra for March and April because KU was not able to implement the rate increase in the billing until now but in May the rate will be reduced to the budgeted/authorized rate. C. Kell reported that Poly-Flex has approved and signed the agreement and it will be on next week's agenda for the Board to review and act upon. C. Kell reported that Attorney Koehler is working out the final details with WOW for the property purchase for that agreement. C. Kell reported that a letter should be received from the foundation group regarding the W. Lincoln St. property by the end of this week with a check following soon after. C. Kell commented that

the Board will need to decide how they want to proceed with reviewing the revised employee handbook and he recommended that this be done on an alternate night and not at a Board meeting. C. Kell provided the Board with a copy of a letter he received from Al Ott in response to the letter he had sent from the Village in support of establishing a Fox Cities Regional Transit Authority. C. Kell also provided a copy of a letter sent from the Village of Kimberly thanking our Village Board for their support of the study that was to be done on the Mill site but that project never went forth and the check was returned to the Village. J. Moes reported that he has dispersed approximately 14 bid packets for Village North lots. J. Moes reported that the listings on the two remaining homes the Village owns are coming due but the realtors are still going to try to market the homes. J. Moes reported that the home on Main St. is a nice character home but the people touring the home feel there is too much work needed in the home and he met with the realtor and a local contractor and he is going to receive estimates to do some improvements to the home and those estimates will be presented to the Board at next week's meeting for review and approval. J. Moes stated he would also recommend increasing the sales price of the home. T. Flick gave an update on the Pedestrian Bridge project and he reported that the ADA required federal pool upgrades are proceeding and he also reported that due to the weather the terrace tree trimming program has been cut short and they have switched gears and are preparing the parks for opening. T. Flick reported that summer interviews were completed this last weekend and registration continues for the various programs. R. Van Gheem stated that with the warm weather the Department is working on crack sealing and street sweeping and he also provided an update on the status of closing out last year's contract and proceeding with this year's projects. R. Van Gheem reported that with the warm weather and the increase in demand, the yard waste site has opened, conditionally, as it will be closed again if it snows or gets too wet from rain. V. Schneider reported that her Department is preparing for the April 3 election and in person absentee voting is currently taking place. Attorney Koehler – no report.

Disbursement List

Moved by Trustee Peerenboom, seconded by Trustee Mahlik to Approve the Vouchers and Authorize the Finance Director to pay all vendors.

Ayes 7, Nays 0 – Motion Carried Unanimously

Call for Unfinished Business

None

Items for Future Agendas

None

Moved by Trustee Frassetto, seconded by Trustee Smith to Enter into Closed Session. (7:22 p.m.)

Ayes 7, Nays 0 – Motion Carried Unanimously

Staff and the Village Clerk were excused from the meeting at this time. Administrator Kell was also excused but was later called back into the Closed Session.

Closed Session: 19.85(c) Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute

- a) *Performance Evaluation of the Director of Public Works*
- b) *Performance Evaluation of the Village Administrator*

Moved by Trustee Peerenboom, seconded by Trustee Frassetto to Exit Closed Session. (9:15 p.m.)

Ayes 7, Nays 0 – Motion Carried Unanimously

Discussion/Possible Action on the Performance Evaluation for the Director of Public Works

No discussion or action taken.

Discussion/Possible Action on the Performance Evaluation/2012 Salary Increase for the Village Administrator

No discussion or action taken.

Adjournment

Moved by Trustee Peerenboom, seconded by Trustee Berken to Adjourn the Regular Board meeting at 9:15 p.m.

Ayes 7, Nays 0 - Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

Attest: _____
Vicki Schneider, Village Clerk

By: _____
Michael R. Vanden Berg, Village President