

MINUTES OF THE REGULAR BOARD MEETING OF APRIL 4, 2012

Call to Order: President Vanden Berg called the Regular Board Meeting to Order at 6:00 p.m.

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

Dan Mahlik, Trustee

Bill Peerenboom, Trustee

Skip Smith, Trustee

EXCUSED: James Hietpas, 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

Ray Lee, FVMPD Police Captain

Jeff Elrick, Assistant Public Works Director

Beth Carpenter, Library Director

Charles Koehler, Village Attorney

Vicki Schneider, Village Clerk

OTHERS PRESENT: Scott Bons, Interested Citizens and Media Reps

Public Appearance for Items Not on the Agenda

None

Approval of Minutes

Regular Board Meeting Minutes – March 22, 2012

Committee of the Whole Minutes – March 28, 2012

Moved by Trustee Frassetto, seconded by Trustee Mahlik to approve the Regular Board Meeting Minutes of March 22, 2012 and the Committee of the Whole Meeting Minutes of March 28, 2012 as presented.

Ayes 6, Nays 0 - Motion Carried

Report of Other Minutes-Other Informational Items

Minutes of the Joint Library Board Meeting of February 21, 2012

FVMPD February/YTD Activity Reports (handed out)

Board members noted receipt of the informational items.

Review and Approval of Offer to Purchase 31.52 Acres of Land in the Evergreen L.C. Development Project

C. Kell reviewed the proposal from Premier Real Estate Management LLC to purchase 31.52 acres of land at \$80,000 an acre on the condition that the Village and Premier Real Estate enter into a mutually acceptable Tax Increment Financing Development Agreement within 90 days of acceptance of the offer to purchase. C. Kell stated the way the transaction would work is that the Village would purchase the land from Evergreen L.C. Development and simultaneously sell it to Premier Real Estate. C. Kell stated that while the offer is for 31 acres his sense is that this is going to be a staged takedown with the first purchase being for 14.7 acres, with them working on that development first and then within several months take down of other pieces of the property. Phase I of the project plans for 165 apartment units and a club house

on 16.7 acres of the property with an approximate value of \$9 million. C. Kell explained that the details of the agreement are already pretty far along and he has a revised site plan and the site plan and the Development Agreements with Evergreen L.C. Development and Premier Real Estate will be presented to the Board at an upcoming meeting. C. Kell stated the Developer would like to begin the project at the same time the utilities are going in. C. Kell explained how the TID incentive financing would work and discussion with the Board took place.

Moved by Trustee Mahlik, seconded by Trustee Smith to Approve the Offer to Purchase with Premier Real Estate Management LLC.

Further Discussion: Attorney Koehler advised that a contingency condition be included in the motion because the sale to Premier Real Estate Management, Inc. is contingent upon a successful real estate closing with Evergreen L.C. Development, LLC.

Moved by Trustee Mahlik, seconded by Trustee Smith to amend the motion to include contingent upon a successful real estate closing on the land being purchased from Evergreen L. C. Development, LLC.

Vote on the Motion and Amendment:

Ayes 6, Nays 0 – Motion Carried

Award Bid – 2012 Utility Construction

J. Elrick stated that the low bidder was Don Hietpas and Sons and the contract was originally scheduled to be awarded on April 11 but the low bidder is requesting that the contract award be expedited and awarded tonight to allow for an earlier start to the project. J. Elrick pointed out that the assessment hearing for the utility projects will be held on April 10 and the Department is set to go with the project and the contractor would like to start the project on April 9.

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Award the 2012 Utility Construction Project to Don Hietpas and Sons of Little Chute, WI for \$536,203.85.

Further Discussion: Trustee Berken asked if the contractor would also be doing the connections inside the homes or do they hire a plumber for that work. J. Elrick responded that Hietpas & Sons will be doing the work and they are licensed to do that work. J. Elrick stated that the DNR does need to complete an archeological study on a portion of the project from Polk St. down to Bluff Ave. but the rest of the project is set to go and notifications to the residents of the project start date and timeline will be going out tomorrow. J. Elrick said a preconstruction meeting is scheduled for Tuesday morning. J. Elrick stated that the residents had previously been notified of the assessment hearing and staff has also been working in the field and communicating with the property owners.

Vote on the Motion:

Ayes 6, Nays 0 – Motion Carried

Review – Village North Bid Results Report, Approval of Lot Sales and Procedure for Sale of the Remaining Lots

J. Moes stated that if the sales are approved, formal resolutions for the sales will be presented to the Board next week for action.

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Approve the Lot Sales as listed on the Bid Report and authorize the Administrator to sign and deliver the offers.

Ayes 6, Nays 0 – Motion Carried

C. Kell stated that his thoughts on handling the sales for the rest of the subdivision lots is that he will continue to advertise them for sale and continue to ask the minimum price and that could be changed down the road if needed. C. Kell also suggested placing a sign on the property and placing an ad a few more times in the paper. Discussion took place. Scott Bons, 521 Wilson St., asked if future lots sales will have the requirement of having to build within one year of the closing date as that is the contingency they have to follow. J. Moes stated that it would be his intention that this contingency remains in place.

Moved by Trustee Frassetto, seconded by Trustee Berken to approve the procedures for sale of the remaining lots as discussed with the sales price to continue to be the minimum asking prices and to approve signage for the sale of lots in the subdivision and appropriate advertising.

Ayes 6, Nays 0 – Motion Carried

Discussion of Terrace Tree Removal Policy Connected with Street Reconstruction Policy

T. Flick stated that at the request of Trustee Berken, the trees on the west side of Buchanan were looked at for possible removal and staff determined that the trees have reached their mature diameter for the maximum allowed growing space in the terrace. T. Flick stated that it was previously determined that the trees on the east side of Buchanan would be removed because of the street reconstruction project and staff is now recommending that the trees on the west side of Buchanan St. also be removed. T. Flick stated that the proposed policy amendment states that when the Village streets are reconstructed, and that includes full curb removal, streets with terraces less than four feet will be considered for tree removal. The Director of Parks, Recreation, and Forestry will make recommendations for removal. T. Flick stated that the policy amendment will be presented to the Board for action at a future meeting and he asked that the Board give approval tonight for removing the trees on the west side of Buchanan St. Trustee Berken stated that he thinks the Board should give Mr. Flick permission to remove the trees and Board members concurred.

Operator's License:

Kimberly J. Brown

W5793 County Rd. KK

Appleton

M & M Bar

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Approve the Operator's License as presented.

Ayes 6, Nays 0 – Motion Carried

Department and Officers Progress Reports

Captain Lee reported on the hiring process noting that two officers are currently in training with the Department and two other candidates are in the process of testing and the plan is to have these two candidates hired on April 30, contingent upon the exams. Captain Lee stated the Chief Misselt would like to bring all the new hires to a future meeting to meet the Board. Captain Lee also provided copies of the Department's Annual Report to Board members and asked Board members to call or stop in at the Department if they have any questions. B. Carpenter reported that it is National Poetry Month and National Library Week is April 8th - 14th and she reported on the events that are taking place. B. Carpenter stated that Fox Cities Book Festival is being held April 11th – 18th and she reported on the events taking place for the Festival and invited Board members to participate in these activities and other Library events for the month of April. B. Carpenter reported on the Summer Reading Program and the 1000 Book Before Kindergarten program. B. Carpenter also reported that the library would be closing at noon this Thursday through the Easter weekend for the flooring project. B. Carpenter reported on the new employees that have started or will be starting shortly and she thanked her staff for covering all the unfilled hours and handling the additional duties. T. Matheny reported that the PSC report for the water utility had been filed and the audit begins next Thursday. C. Kell stated the DOT Management Consultant has finally given approval to the Mill St. Bridge Engineering Contract so it will be presented to the Board next week for approval. C. Kell stated that he had spoken with the Attorney from the Foundation that has agreed to fund the proposed park project on the corner of W. Lincoln Ave. and Madison St., and the Village should be receiving a letter of intent in the next few days and they have committed \$90,000 to the project with a condition that the property has to be dedicated as a public park. C. Kell provided Board members with a copy of a letter received from the Mayor of Uden regarding their approval of an informal sister city type relationship with Little Chute. C. Kell reported that Seth Lenz, Seth's Coffee, is asking the Board to consider changing the sidewalk café ordinance to move up the date from May 1st for placing the outdoor tables. C. Kell stated that staff is comfortable with moving up the date, weather dependent, so the Board will be presented with a proposed ordinance amendment at a future meeting. C. Kell reported that the hearing on the appeal of the School District Boundary Petition for Village North will be held in Madison on either May 15 or 22nd and the Village will need to have a representative present at the meeting. J. Moes commented on the review he has done for filling the Building Inspector's position and he stated his recommendation is to hire an inspector at 35 hours a week. J. Moes stated that in the interim he will fulfill the duties. Board members requested that the a discussion on the Building Inspector's position be place on next week's agenda and the Board requested that J. Moes prepare some comparison/statistical reports for the meeting.

T. Flick reported that the engineering and design for the Island Park project has started and those plans will be presented to the Board for review at a future meeting. T. Flick commented that the shelter lighting replacement project is being completed. T. Flick stated that he will be given some training by the Metro in regards to writing tickets for dogs at large and he also provided an update on the status of the Pedestrian Bridge project. J. Elrick reported that the Evergreen project started on Monday and staff is also working on the Hwy. 96 project as well as the Buchanan St. and Sanitorium Rd. projects. J. Elrick reported that the Department is also doing crack sealing and chip sealing on roads in the Village and they are close to hiring for the mechanic's position. V. Schneider reported that the Municipal Board of Canvass met this morning and certified that the election results reported on election night were accurate and the Board will be reconvening on Monday to count any late arriving absentee ballots and recertify the election results. Attorney Koehler – no report.

Disbursement List

Trustee Mahlik questioned the Attorney fees of \$5,579.10 for Davis & Kuelthau, S.C. and staff responded that those charges were for a personnel issue in the Police Department and for the Police Union arbitration.

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

Ayes 6, Nays 0 – Motion Carried

Call for Unfinished Business

None

Items for Future Agendas

T. Flick requested that the Terrace Tree policy amendment be placed on the April 18 agenda for action.

Moved by Trustee Berken, seconded by Trustee Smith to Enter into Closed Session. (6:56 p.m.)
Ayes 6, Nays 0 – Motion Carried

Village Administrator, Staff, and the Village Clerk were excused from the meeting at this time. Attorney Koehler was present for 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 - Continuation of Performance Evaluation of the Village Administrator

Moved by Trustee Peerenboom, seconded by Trustee Mahlik to Exit Closed Session. (8:23 p.m.)
Ayes 6, Nays 0 – Motion Carried

Adjournment

Moved by Trustee Peerenboom, seconded by Trustee Smith to Adjourn the Regular Board meeting at 8:23 p.m.
Ayes 6, Nays 0 - Motion Carried

VILLAGE OF LITTLE CHUTE

By: _____

Attest: _____
Vicki Schneider, Village Clerk

Michael R. Vanden Berg, Village President