

## **MINUTES OF THE REGULAR BOARD MEETING OF JUNE 20, 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 (arrived at 6:48 p.m.)  
James Hietpas, Trustee  
Bill Peerenboom, Trustee  
Skip Smith, Trustee  
Larry Van Lankvelt, Trustee

### **Roll Call of Officers and Department Heads**

PRESENT: Charles Kell, Village Administrator  
Tom Flick, Director of Parks, Recreation, and Forestry  
Jim Moes, Community Development Director  
Erik Misselt, Police Chief  
Jeff Elrick, Assistant Director of Public Works  
Vicki Schneider, Village Clerk

EXCUSED: Finance Director Teri Matheny, Public Works Director Roy Van Gheem, Village Attorney Charles Koehler

OTHERS PRESENT: Interested Citizens, Media Reps, Jim Spierings, Laura Fischer

### **Public Appearance for Items Not on the Agenda**

None

### **Approval of Minutes**

Regular Board Meeting Minutes – June 6, 2012

Committee of the Whole Meeting Minutes – June 13, 2012

*Moved by Trustee Van Lankvelt, seconded by Trustee Berken to approve the Regular Board Meeting minutes of June 6, 2012 and the Committee of the Whole minutes of June 13, 2012 as presented.*

Ayes 6, Nays 0 - Motion Carried

### **Report of Other Minutes-Other Informational Items**

*Minutes of the Plan Commission Meeting of May 14, 2012*

Board members noted receipt of the informational items.

### **Ordinances:**

#### **Creating Article XVI – East Main Overlay District Section 560 & 561 of Chapter 44 of the Village of Little Chute Municipal Code of Ordinances**

*Moved by Trustee Berken, seconded by Trustee Van Lankvelt to Adopt Ordinance No. 7, Series of 2012 Creating Article XVI – East Main Overlay District Section 560 & 561 of Chapter 44 of the Village of Little Chute Municipal Code of Ordinances.*

Ayes 6, Nays 0 – Motion Carried

#### **Amending Village Code of Ordinances Section 44-46 RC – Conventional Single-Family District (e) Dimensional Requirements**

*Moved by Trustee Van Lankvelt, seconded by Trustee Peerenboom to Adopt Ordinance No. 8, Series of 2012 Amending Village Code of Ordinances Section 44-46 RC – Conventional Single Family District (e) Dimensional Requirements.*

Further Discussion: Trustee Hietpas asked J. Moes is there was a lot that was non-conforming, that was

platted prior to 1950, had lot frontage of less than 75 feet but was more than 7,500 square ft., could the owner sell off part of that land. J. Moes responded that yes they could but they would make the lot non-conforming and there is no regulation requiring a survey if you are selling part of your land to your neighbor and he gave an example of a neighbor selling five feet to an adjoining neighbor. J. Moes stated if they are attempting to create another lot, then that is a different issue.

Ayes 5, Nays 1(Vanden Berg) – Motion Carried

**Action on Special Event Permit – Spierings Cancer Foundation – August 17 & 18, 2012**

*Moved by Trustee Peerenboom, seconded by Trustee Smith to approve the Special Event Permit for Spierings Cancer Foundation for August 17 & 18, 2012.*

Further Discussion: Trustee Peerenboom asked Chief Misselt if his Department approves of the permit and Chief responded that they approved the permit. Trustee Peerenboom asked Jim Spierings if he was ok with the permit and Mr. Spierings indicated he was.

Vote on the Motion:

Ayes 6, Nays 0 – Motion Carried

**Action on Temporary Class “B” Beer Retailers License – Spierings Cancer Foundation – August 17 & 18, 2012**

*Moved by Trustee Smith, seconded by Trustee Peerenboom to approve the Temporary Class “B” Beer License for Spierings Cancer Foundation on August 17 & 18, 2012.*

Ayes 6, Nays 0 – Motion Carried

**Action on Special Event Permit – Little Chute Retailers Sidewalk Sale – July 31, 2012**

*Moved by Trustee Berken, seconded by Trustee Peerenboom to approve the Special Event Permit for Little Chute Retailers Sidewalk Sale on July 31, 2012.*

Ayes 6, Nays 0 – Motion Carried

**Action to Approve Annual Liquor License Renewal Applications**

Clerk Schneider reported that El Jaripero had complied with the orders issued by the Building Inspector, Gentlemen Jack’s had paid their delinquent taxes and the Pump House would be paying their outstanding bill of \$25 due to the Village for a false alarm fee and these three licenses are ready for Board approval.

*Moved by Trustee Peerenboom, seconded by Trustee Smith to approve the annual liquor license renewal applications for the three establishments as presented.*

Ayes 6, Nays 0 – Motion Carried

**Action to Approve the First Amendment to the Tower Lease Agreement with the New Cingular Wireless PCS, LLC**

C. Kell stated that AT & T had hired md7 to renegotiate their leases around the country and he reviewed the items that were renegotiated. C. Kell stated the Water Commission had reviewed the lease amendment at their meeting last night and they approved the new agreement and made a recommendation that the Village Board approve the agreement.

*Moved by Trustee Van Lankvelt, seconded by Trustee Peerenboom to approve the First Amendment to the Tower Lease Agreement with the New Cingular Wireless PCS, LLC.*

Ayes 6, Nays 0 – Motion Carried Unanimously

**Operator’s Licenses:**

|                     |                   |          |             |
|---------------------|-------------------|----------|-------------|
| Karen Hermus        | N2017 Cty. Rd. N  | Appleton | Up the Hill |
| Lou Ann Vanden Berg | 1612 Florence St. | Kaukauna | Rose Hill   |

*Moved by Trustee Peerenboom, seconded by Trustee Berken to Approve the Operator’s License as presented.*

Ayes 6, Nays 0 – Motion Carried

### Department and Officers Progress Reports

Chief Misselt reported that Community Support Officer Jeff Steeber and Officer Jeremy Slotke are the two new lieutenants and they will be starting in their new positions around July 9<sup>th</sup> and the Community Support Position will be open for internal applicants. Chief Misselt stated that the reverberation bass ordinance that was recently approved in Kimberly will be brought to Little Chute and Combined Locks Boards for discussion and possible approval. C. Kell reported on changes that went into the Premier and Evergreen agreements. There was a change in both agreements concerning a change from Evans Title to Dominion Title Co. for the acquisitions and closings and there was also an inconsistency between the agreements on the start date, so the Evergreen Agreement was changed to November 1 to be consistent with the Premier Agreement. C. Kell reported that Attorney Koehler also added a clause to the Premier Agreement that indicated fax or email signatures could be used as a proper method of signing the agreement. C. Kell reported that Attorney Koehler had reviewed paragraph 16 in the Evergreen Agreement regarding the right of first refusal timeline and he put back in the timeframe to 2-years. C. Kell reported on a meeting he had with the State Department of Economic Development regarding Nestle to discuss funding options and opportunities and he noted that funding from the State level has changed significantly since a couple years ago and he will be meeting with the Plant Manager at Nestle to provide him with the information he received. C. Kell handed out to the Board a copy of an email he received regarding an update on the status of Poly-Flex and he noted that they are getting very close to finalizing the agreements for the project. C. Kell stated that the County Board had approved the Holland Road agreement payment and the check for \$+400,000 that is owed the Village for the Holland Road construction should be in the mail. C. Kell reported that he had a discussion with President Vanden Berg regarding doing a fact sheet on the Main Street reconstruction project relative to the funding, assessments, and some of the basic facts and this fact sheet would be distributed to business and property owners. Trustee's indicated that it would be a good idea to develop a fact sheet to provide the correct information to the property owners. J. Moes reported that the closing on 325 W. Main St. should be taking place very soon and unless the Board disagrees he will sign an agreement allowing someone to go in and repair a gas line. J. Moes stated it would be covered under the warrant agreement but there may be a deductible charge to the Village of \$60. Board members did not indicate any disagreement with J. Moes signing the agreement. T. Flick reported on a large ball tournament that had taken place last weekend at Doyle Park and he reported on a tournament that would be taking place this coming weekend at Legion Park. T. Flick reported that as of last Friday, the slide at the pool is up and running and he noted that a motor on the slide, a starter motor, and a booster pump had to be replaced. T. Flick reported that he had given permission to the Dept. of Agriculture to setup survey traps in Heesakker Park and these traps are looking for wood or bark boring beetles. T. Flick also reported that he has been working with the Fox Locks Authorities and Kaukauna Utilities on getting electricity in Island Park and he will report back the options and cost estimates. T. Flick reported that the outdoor programs have been adjusted because of heat and humidity and there have not been any issues. J. Elrick reported that Don Hietpas and Sons should be completed with the utility projects by next week and the State will likely be coming in by mid-July to lay the pipe for the storm sewer on Buchanan and Sanitorium Road. J. Elrick reported that the refuse trucks have been down for most of the week so they borrowed a truck from Combined Locks but as of 3:30 p.m. today two of the refuse trucks are now running but the repairs on the third likely won't be finished until early July. J. Elrick also reported that the crew is working on street and sidewalk repairs. V. Schneider reported that the hard copy of the summer newsletter would be mailed next week and the electronic copy went out today and she also noted that she will be out of the office on vacation for a few days.

### Disbursement List

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

Ayes 6, Nays 0 – Motion Carried Unanimously

### Call for Unfinished Business

None

### Items for Future Agendas

Trustee Hietpas asked J. Moes about the status of the marketing plan for the Village North Subdivision. J. Moes reported that he will be bringing a plan to the Board. President Vanden Berg stated he had received a call from Tony Fischer, the party that has an offer to purchase pending on a lot on Polk St. and he is requesting to be on next week's agenda and he asked the Board if they wanted to bring this issue up for discussion. Trustee Hietpas stated he thinks it should be an agenda item. President Vanden Berg asked the questioned if the item should be discussed in closed or open session. C. Kell asked for clarification on what the agenda should be and Trustee Hietpas stated he thought it would be negotiating on the purchase price of the property. Staff noted that the previous action the Board took was to accept the offer to purchase from the Fischer's. Trustee Peerenboom asked if Attorney Koehler would be present at the meeting and President Vanden Berg stated he would ask Attorney Koehler to lay out the options. Laura Fischer stated that last time they were before the Board they asked for an opportunity to negotiate and she doesn't believe they were given a yes or no on this and they would like to know if there is an opportunity to negotiate. President Vanden Berg and Board members agreed it would be a closed session with the possibility of taking action in open session. Trustee Smith requested that J. Moes provide a list of the lots that were sold and what the starting bids were and what the bid amounts were.

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to enter into closed session. (6:32pm)*

Ayes 6, Nays 0 – Motion Carried

The Village Administrator, Clerk and J. Moes were present for closed session item (a).

The Village Administrator and Clerk were present for closed session item (b).

Trustee Frassetto arrived at the meeting at 6:48 p.m.

### **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.**

a) Offer to Purchase of Polk Street Lot 2

b) Village Hall Expansion Project

*Moved by Trustee Peerenboom, seconded by Trustee Smith to exit closed session and return to open session. (7:25 pm)*

Ayes 7, Nays 0 – Motion Carried Unanimously

### **Return to Open Session**

#### **Action to Accept Offer to Purchase of Polk Street Lot 2**

No action taken

### **Adjournment**

*Moved by Trustee Peerenboom, seconded by Trustee Bergen to adjourn the Regular Board meeting at 7:25 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