

**MINUTES OF SPECIAL MEETING OF THE COMMITTEE OF THE WHOLE  
OCTOBER 30, 2012**

**Call to Order**

President Vanden Berg called the Committee of the Whole meeting to order at 6:30 p.m.

**Roll Call**

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

ALSO PRESENT: C. Kell, J. Moes, E. Misselt, T. Matheny, T. Flick, R. Van Gheem, V. Schneider, Dave Schmalz – McMahon, Don De Groot, LC Windmill Inc., Interested Citizens, Media Reps

**Public Appearance for Items not on the Agenda**

None

**Action on Resolution – Approving Certified Survey Map for Little Chute Windmill Inc. for Property in the 100 Block of W. Main Street Including 110 W. Main Street**

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to Adopt Resolution No. 35, Series of 2012 Approving the CSM for Little Chute Windmill Inc. for Property in the 100 Block of W. Main Street including 110 W. Main Street.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Action on Resolution – Approving Certified Survey Map for the Village of Little Chute for Vacant Property on E. Main Street**

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Adopt Resolution No. 36, Series of 2012 Approving the CSM for the Village of Little Chute for Vacant Property on E. Main Street.*

Further Discussion: Trustee Hietpas stated during the Plan Commission meeting there was a discussion on the reference “area to be dedicated for road purposes” on Lot 5 and he understands that the building that is going to be built has windows and doors facing Lot 5 and that would make it difficult if the Village would ever decide to sell Lot 5 to a business as it would be costly as the business would have to potentially install a firewall. Trustee Hietpas stated that if the phrase stays on the CSM, he will not support the motion.

*Trustee Frassetto moved to amend her motion to remove the phrase “area to be dedicated for road purposes” on Lot 5 of the CSM.*

Further Discussion: Before seconding the motion Trustee Van Lankvelt questioned if the language is removed will it eliminate the option of ever putting the street in. President Vanden Berg stated that he understands that it wouldn’t prevent a street being constructed in the future but it would require the building constructed on Lot 1 to meet setback requirements. J. Moes stated that by removing the phrase on the CSM it would require the building to be built with a firewall and no windows and that would be expensive for the owner and the Fire Code requirement is part of the State’s Building Code requirements. Discussion continued on this issue. Dave Schmalz, McMahon, stated they would add language to the CSM that if the lot is undedicated or vacated that it revert back to the original owner which is the Village and he also confirmed that just because the CSM indicates a future dedication for road purposes that doesn’t require the Village to ever turn the lot into part of a road but it helps with the design of the current project on Lot 1. Trustee Frassetto stated her concern now is that there are only two options which are, road or vacant area. C. Kell stated that he would suspect that if Lot 5 was not dedicated the salon owner would likely have requested that lot as part of her ownership.

*Trustee Van Lankvelt withdrew his second from the amended motion. Trustee Hietpas seconded Trustee Frassetto’s amended motion to remove the language “area to be dedicated for road purposes”.*

President Vanden Berg asked Mr. Schmalz if an outlot would be created and Mr. Schmalz stated that an outlot would be created if the lot doesn’t meet the requirements for a downtown buildable lot.

Mr. Schmalz confirmed that he will work with J. Moes on this and it would either become Lot 2 of a CSM or an outlot. J. Moes stated that if the CSM is approved without the road being dedicated he would suspect

that the State will require the salon to either build 10 ft. from the lot line which will make the building much smaller or they will be required to build a four-hour fire wall. J. Moes stated that the Plan Commission did recommend approval of the CSM as presented. Mr. Schmalz stated that he has been working with the builder for the layouts for the building and the parking lot and when the project first started the builder thought he had a bigger lot so they moved the building to the west lot line and there is a firewall on that wall and now what is being proposed will require him to have two four-hour firewalls and this creates a bowling alley with no windows or doors on either side. Trustee Frassetto stated she would be willing to go with the original motion she made that includes the area to be dedicated for road purposes and she is not happy about it but some development on that corner is better than no development and she doesn't want to see the salon project not moving forward.

*Trustee Frassetto withdrew her amended motion and restated the main motioned to Adopt Resolution No. 36, Series of 2012 Approving the CSM as presented, motion seconded by Trustee Van Lankvelt.*

Further Discussion: Trustee Peerenboom made a point of order that the previous amended motion had a second and he also asked if this is the only language that can go on the CSM or can it be changed to state dedicated for future or possible road purposes or potential road purposes. Mr. Schmalz stated he doesn't think the State would object to the word "future". Trustee Peerenboom stated he agrees he doesn't want to make it so restrictive that nothing gets built but he doesn't want it to be a clear stamp that this approves the road being built and he doesn't want the public to think that by approving this site plan, the Board is in favor of changing the street location because this Board as well as previous Boards voted to not make changes to the intersection. Mr. Schmalz stated he could add the word "future" and he doesn't anticipate a problem but the State does have the final call.

*Trustee Hietpas withdrew his second to the amended motion.*

Vote on the Main Motion: Ayes 4, Nay 2 (Hietpas, Peerenboom) – Motion Carried

Trustee Frassetto stated she didn't vote and she would like the word "future" put on the language for Lot 5. Mr. Schmalz stated he will add the word future as that is what he understood that the majority of the Board approved.

**Action on Offer to Purchase – Property Owned by Little Chute Windmill Inc. in the 100 Block of W. Main Street Including 110 W. Main Street and Real Estate Agreement Addendum B to Commercial Offer to Purchase**

C. Kell stated he recommends approving the offer to purchase contingent upon receiving a letter of funding commitment from the donor that indicates the dollars that have been committed to the Village. C. Kell stated that he had contacted the donor requesting a commitment letter but he hasn't received it yet. C. Kell stated that Attorney Koehler had drafted these documents.

*Moved by Trustee Peerenboom, seconded by Trustee to Berken to Accept the Offer to Purchase for the Property Owned by Little Chute Windmill Inc. in the 100 Block of W. Main Street including 110 W. Main Street and the Real Estate Agreement Addendum B contingent upon the Village receiving a letter of commitment from the donor for funding.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Action on Resolution – Authorizing the Village to Purchase Property Owned by Little Chute Windmill Inc., in the 100 Block of W. Main Street Including 110 W. Main Street**

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Adopt Resolution No. 37, Series of 2012 Authorizing the Village to Purchase Property Owned by Little Chute Windmill Inc., in the 100 Block of W. Main Street including 110 W. Main Street contingent upon the Village receiving a letter of commitment from the anonymous donor for funding.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Action on Offer to Purchase – Sale of Village Owned Vacant Property on E. Main Street to Kerkhoff Properties, LLC and Development Agreement Addendum B to Vacant Land Offer to Purchase**

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to Approve the Offer to Purchase for the sale of Village owned vacant property on E. Main Street to Kerkhoff Properties, LLC and the Development Agreement Addendum B to Vacant Land Offer to Purchase contingent upon the Village receiving a letter of commitment for funding from the donor.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Action on Resolution – Authorizing the Sale of Real Estate Located on East Main Street to Kerkhoff Properties, LLC**

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Adopt Resolution No. 38, Series of 2012 Authorizing the Sale of Real Estate located on East Main Street to Kerkhoff Properties, LLC contingent up the Village receiving a letter of commitment for funding from the donor.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Approval of Development Agreement for 2929 LLC Development**

C. Kell recommended an addition to item number 4 under terms and conditions and he apologized as this was recommended at the October 15<sup>th</sup> meeting but he neglected to include the language. C. Kell recommended adding the statement "the Developer will not receive any TIF incentive if the project has a value less than \$1,250,000."

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to approve the Development Agreement with 2929 LLC Development with the additional language added to item 4 under Terms and Conditions, the Developer will not receive any TIF incentive if the project has a value less than \$1,250,000.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Presentation/Discussion – 2013 Budget**

T. Matheny provided a handout that responded to questions posed by Trustee Hietpas and she reviewed the answers to the questions. Creating accrual accounts was discussed and T. Matheny pointed out that \$25,000 to \$27,000 is all that could be allocated to an accrual account unless there were significant changes to the budget. T. Matheny stated there is approximately \$350,000 in accrued sick leave that could potentially have to be paid out but she was not aware of anyone retiring in 2013 and she reminded the Board that if they add \$25,000 that would amount to \$0.04 to \$0.05 to the mill rate. T. Matheny also provided the Board a required report conducted by Milliman which is an actuarial study on the retirees health insurance and the report indicates these accrued benefits amount to \$5,867,966 and this is unfunded.

T. Matheny stated this has been funded as pay as you go with the dollars coming from fund balance or managed through the operations budget and there haven't been any issues with funding the retirements.

Trustee Hietpas commented that he would like to see the Board budget for the expenses that are accrued. Discussion took place on this topic. No action taken on the topic of creating accrual accounts. C. Kell explained the expenditures and planned expenditures concerning the budget for signage and the balance of is \$81,000 and it appears that the amount spent for the Wayfinding Signage was placed in the wrong account and staff will correct this. C. Kell stated the CVB would not allow park names on the signs but they did allow for Doyle Park to be added and T. Flick stated Island Park is also on a couple signs.

T. Matheny and T. Flick led a review of the Parks, Recreation, and Forestry Budgets. Noted items were that the salaries for the Director and Recreation Supervisor are not included in the Parks budget and are 100% in the Recreation Budget. Noted items in the Parks budget; roof of the pool side shelter located by the Canal will be replaced, electrical work at the Van Lieshout Shelter, and a ADA compliant path connecting from Lincoln Avenue to the Heesakker Park Shelter, updates in shelters and restrooms to lower utility costs and operation supplies. C. Kell pointed out that the 20,000 increase in salaries budgeted in the Village Promotion and Goodwill budget are for the Parks/PW Union staff to accurately allocate

their time and this is for special events like Cheese Fest, Kermis, Sidewalk Sale and others. T. Matheny pointed out that this does not include the cost for the Police Dept. and that is tracked in the Metro's budget. T. Flick noted that out of the \$20,000 allocated, and \$8,000 of this cost is for Cheese Fest. Discussion took place on the special events and staff costs. Recreation Budget noted item was the operational supplies for programs and events and the revenue collected for covering the cost of these expenses. Forestry budget noted items were the reduction of \$3,500 for the terrace tree program and the contractual services for stump grinding and an aerial truck for tree trimming. Youth Football budget remains flat and contains a small increase for the officials and contractual services for buses. T. Flick noted that the annual banquet is fully funded from donations from the Gridiron except for approximately \$800. T. Flick also noted that the Gridiron is funding the majority of the purchase of new uniforms for the Jets. T. Flick commented on the Community Band Budget remaining flat and he alerted the Board to the fact that the Village owns some of the equipment and the bands' equipment is getting old and needs to be replaced and the Board will have to give direction either this year or next year whether the Village will replace the equipment or will we require the players to supply their own equipment. T. Flick stated he would provide the Board members with a list of the equipment owned by the Village and Trustee Smith requested a future agenda item to discuss this issue. The aquatics budget was reviewed and discussed and it was noted that in 2013 it will lose \$8,000 so fund balance will be used. T. Matheny stated this doesn't concern her too much as aquatics as a whole will be looked at in the near future. T. Flick commented on the reduction in part-time wages and if more reductions are needed it will affect user groups and he offered suggestions that could be implemented to reduce wages and increase revenue. Discussion also took place on possible options for reducing expenses and increasing revenues in the area of recreation. The Park Improvement budget was reviewed and projects noted were adding in \$6,000 to develop three concept plans for improvements to the DP2 ball diamond, the donation for the park on W. Lincoln Ave., the Heesakker Park project, and the Island Park project. T. Flick also mentioned that with the fire at Van Lieshout Park last night and the loss of the playground equipment there will be future discussions on redeveloping this playground. The budgets within General Government were reviewed. Items noted were allocations of the salaries for the Administrator and Finance Director, the training costs for the GIS Manager, additional funding for consulting with the Village's auditor, a request for a slight increase in wages for Election Inspectors, estimated costs for contractual services for the revaluation which needs to go out to bid and the cost for the software, reduction in legal services for the Municipal Court and the issue of receivables that had not been collected and the process put back in place to issue warrants, and the additional jail keep costs. T. Matheny also noted that the Worker's Comp insurance number and the liability insurance numbers are estimates at this time and staff noted that insurance costs went up. At next week's meeting other budgets will be reviewed including the Fire Department's budget.

### **Unfinished Business**

None

### **Items for Future Agenda**

None

*Moved by Trustee Frassetto, seconded by Trustee Hietpas to enter into closed session. (8:32 p.m.)*  
Ayes 7, Nays 0 – Motion Carried Unanimously

Attorney Jim Macy was present for the Closed Session. The Village Administrator, Village Clerk and staff were dismissed from the meeting at this time.

## **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 Hietpas, seconded by Trustee Smith to Exit Closed Session and Return to Open Session. (9:07 p.m.)* Ayes 7, Nays 0 – Motion Carried Unanimously

## **Return to Open Session and Adjourn**

*Moved by Trustee Hietpas, seconded by Trustee Smith to Adjourn the Committee of the Whole meeting at 9:07 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