

MINUTES OF THE REGULAR BOARD MEETING OF NOVEMBER 28, 2012

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

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
Bill Peerenboom, Trustee
Larry Van Lankvelt, Trustee
Skip Smith, Trustee

Roll Call of Officers and Department Heads

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

OTHERS PRESENT: Jennifer Tessen of Toonen Properties, Forrest Belanger Sr.,
Ed & Ruth Weber-2629 W. Main St., Interested Citizens, Media Reps

Public Appearance for Items Not on the Agenda

None

Approval of Minutes

Regular Board Meeting Minutes – November 7, 2012

Committee of the Whole Meeting Minutes – November 14, 2012

It was noted that the motion to adjourn the November 14, 2012 meeting was not made by Trustee Berken and Clerk Schneider will refer to her notes and make the correction.

Moved by Trustee Van Lankvelt, seconded by Trustee Berken to approve the Regular Board Meeting Minutes of November 7, 2012 as presented and the Committee of the Whole Minutes of November 14, 2012 with the noted correction. Ayes 7, Nays 0 - Motion Carried Unanimously

Report of Other Minutes-Other Informational Items

Minutes of the Water Commission Meeting of October 16, 2012

Minutes of the CDA Meeting of October 22, 2012 (unapproved)

Minutes of the Fire Commission Meeting of November 12, 2012 (unapproved)

Board members noted receipt of the informational items.

Ordinances:

a) Amending Village of Little Chute Municipal Code Chapter 40 Streets, Sidewalks & Other Public Places, Article VI Trees and Shrubs, Sections 147, 148, 149 & 151

T. Flick noted that the Code amendments are being recommended by Ranger Services as part of the Emerald Ash Borer Response and Readiness Plan and he noted that the section amending the Tree Removal Policy of the Forestry Manual was provided to the Board.

Moved by Trustee Frassetto, seconded by Trustee Smith to Adopt Ordinance No. 10, Series of 2012 Amending Village of Little Chute Municipal Code Chapter 40 Streets, Sidewalks & Other Public Places, Article VI Trees and Shrubs, Section 147 Statement of Policy and Applicability of Article, Section 148 Definitions, Section 149 Authority of Village Forester to Enter Private Premises, and Section 151 Forestry Policies as presented. Ayes 7, Nays 0 – Motion Carried Unanimously

**b) Amending Village of Little Chute Municipal Code Chapter 32 Park and Navigable Waters
Section 1 Park Regulations (c) (20) Specific Regulations**

Trustee Van Lankvelt stated his opinion is to not support this issue, although he likes dogs, but because of the proximity of the levy and a situation he had with a vicious dog, there is nowhere to go as there is water on both sides. Trustee Van Lankvelt further commented that the Police are not policing this and the Parks Department isn't available to patrol the path 24/7 to issue citations. Trustee Van Lankvelt also stated that there are dog parks on either side of the Village within miles. Trustee Frassetto stated she disagreed with the majority of Trustee Van Lankvelt's statements.

Moved by Trustee Frassetto, seconded by Trustee Smith to Adopt Ordinance No. 11, Series of 2012 Amending Village of Little Chute Municipal Code Chapter 32 Park and Navigable Waters, Section 1 Park Regulations Subsection (c) (20) Specific Regulations as presented.

Further Discussion: Trustee Peerenboom asked if the Park Planning Committee was in favor of this ordinance and T. Flick responded that they were and Chair Stangel had sent an email stating the Park Planning Committee supported the ordinance and Board members indicated they had received the referenced email.

Vote on the Motion: Ayes 4, Nays 3 (Vanden Berg, Hietpas, Van Lankvelt) – Motion Carried

Action – Taxi Cab License – Bell Taxi – Forrest R. Belanger, Sr. – 317 W. North Avenue

Clerk Schneider stated that Mr. Belanger is present if the Board has any questions and she noted that the Police Chief has reviewed and approved the license and staff's recommendation is approval of the Taxi License which is the first taxi license to be issued in the Village.

Moved by Trustee Frassetto, seconded by Trustee Smith to Approve the Taxi Cab License for Bell Taxi – Forrest R. Belanger, Sr. at 317 W. North Avenue.

Ayes 7, Nays 0 – Motion Carried Unanimously

Discussion/Possible Action to Extend Fireworks Permit – Toonen Properties

Jennifer Tessen, Property Manager of Toonen Properties, stated that the permit has helped greatly with the issue of the gulls on their property. Ms. Tessen stated that the County had referred them to the USDA office in Oshkosh and they have been working with USDA on the issue and so far the best results they have seen are from the fireworks and they are following all the regulations specified in the permit.

R. Van Gheem stated the landfill did have a policy that they covered every evening and he will confirm with them that they are still following that policy. C. Kell stated that this is a continuing and moving problem as he had received a phone call from the owner of the Marmon Keystone building and they are upset because the gulls are landing on their property and the problem isn't going to be eliminated until winter hits and then it will likely resume again in the spring. C. Kell stated that the County contends that they are doing everything they can. J. Moes stated he did some research on the issue and to solve it the gulls cannot be allowed to land on the landfill and he did communicate this to the County. Discussion continued.

Moved by Trustee Van Lanvelt, seconded by Trustee Smith to extend the Fireworks Permit for Toonen Properties.

Further Discussion: Trustee Berken asked Chief Misselt if they had any problem with this and Chief stated they did not. President Vanden Berg stated a timeframe for the extension should be set. Ms. Tessen stated that as long as the landfill has an issue with the gulls they will continue to have the problem but she is

willing to come back to the Board as needed to have the permit extended. It was noted the current permit expires on December 1, 2012. J. Moes suggested a one-year permit. Trustee Smith suggested a year from this date and President Vanden Berg suggested the deadline of 12/31/13.

Trustee Van Lankvelt amended his motion to extend the permit to December 31, 2013 and Trustee Smith seconded the amendment.

Vote on the main motion and amendment:

Ayes 7, Nays 0 – Motion Carried Unanimously

Action – Adopt Village of Little Chute 2012 Emerald Ash Borer Readiness and Response Plan

Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Adopt the Village of Little Chute 2012 Emerald Ash Borer Readiness and Response Plan as presented.

Further Discussion: Trustee Van Lankvelt stated that the plan is very extensive and it is well done and he thanked the Park and Recreation Director for the work. T. Flick stated that Ranger Services gets a lot of the credit and they worked on it for 11 months and they did a fantastic job and his opinion and Statewide the opinion is that they are one of the top two companies in the State to direct and lead a forestry topic.

Ayes 7, Nays 0 – Motion Carried Unanimously

2013 Budget Discussion

C. Kell stated there are four issues that staff feels are outstanding and they are the Ignite Fox Cities Program, the increase of five hour per week for the Building Inspector, a new position in public works, and the Recognition Dinner. Ed Weber, 2629 W. Main Street, addressed the Board stating concerns about the library funding and part of the concern is that Little Chute is behind the rest of the County and they are continuing to lose ground and the library is already deficient in a number of areas and as a citizen he is really concerned about what is going to happen to the Village's library. Trustee Frassetto asked Mr. Weber if he had addressed the Kimberly Board as they are the fiscal agent of the Library. Mr. Weber stated his concern is that the Kimberly Board isn't going to have concern for what he is going to say as a Little Chute resident and he hopes that this Board doesn't lose site of the Village. President Vanden Berg stated he would forward the Webers' email to President Kuen and he will also have a discussion with President Kuen. Discussion took place on allocating the Fox Cities Ignite payment in two installments, asking them to provide an update to the Board before the 2nd installment payment is made, and on making this payment from the general fund or TID #4 funding. Trustee Frassetto stated she agrees with Trustee Peerenboom's idea and supports funding 50% now and 50% after an update and she agrees that a memorandum of understanding is not necessary. Trustee Van Lankvelt stated "I would agree with that situation but I have a little problem, part of this Board's problem with our Administrator is that he isn't promoting the Village enough and we have an opportunity to promote the Village and now we don't want to do it. I don't understand your thinking. I would suggest Bill's... and after looking at Attorney Macy's bill, I think we could find the funds." Board members indicated consensus with committing the full dollar amount requested and making the payment in two installments and ask them to provide an update before the second installment is made. President Vanden Berg, Trustee Frassetto, Trustee Van Lankvelt, and Trustee Smith indicated they would be in favor of using TID #4 funds for the program. Discussion took place on increasing the hours for the Building Inspectors position from 35 to 40 hours a week and looking at the increase once a need for the hours is shown. Trustee Frassetto and Trustee Van Lankvelt agreed with looking at the need in April. T. Matheny explained why the increase in hours could mainly be funded through the utility since the inspection work is related to the utility work on Main St. President Vanden Berg stated that it appears the consensus of the Board is to not fund for the increased hours for the Building Inspector and look at the need for increased hours in April/May. R. Van Gheem reviewed the needs of the Department and stated his concern is the long term costs for not being able to keep up on the needed tasks. Discussion took place on the request to fill a vacant laborer's position within the Public Works Dept.

C. Kell stated that he gives the Public Works Director credit for the way he has managed his staff over the last years as there have been retirements and vacancies in his department and he worked with the Village in not filling those replacements and there has been a savings over the years and he understands that the Department has the need to fill some of the vacancies. Discussion took place on options proposed by the Board such as looking at retired or summer staff or a part-time person. T. Matheny estimated that wage and benefit costs for an entry level laborer would be \$67,000 and half of the wages would come from the general fund and half from the utilities. Trustee Peerenboom stated that if the position is going to be considered he would want to see it filled later in the year and that would be making a commitment to the position for the following year. Trustee Frassetto suggested hiring a part-time person for this year and then funding the position full-time if needed for 2013. President Vanden Berg and Trustee Smith stated they would be in support of Trustee Peerenboom's solution. C. Kell stated that if the \$10,500 is taken from Economic Development budget and \$20,000 from utilities that would fund a position for one-half year and that wouldn't change the levy being proposed. Trustee Van Lankvelt suggested that the Finance Director come up with a number that can be handled and set a month for a start date. Trustee Peerenboom stated he would like to see it filled later in the year for a cost savings and make the commitment for filling the position the following year. President Vanden Berg indicated he would support funding the position mid-year. Trustee Smith, Trustee Berken, and Trustee Van Lankvelt stated they agreed with President Vanden Berg. C. Kell stated they will bring the budget back next week with no change in the tax levy but an adjustment to the utility budget would be made and the Ignite contribution would be moved to the TID fund. Discussion took place on the funding of the Recognition Dinner. Trustee Peerenboom stated he did have complaints that the event wasn't held in the Village and he would support funding it at \$2,500. President Vanden Berg agreed with funding it at \$2,500 and scaling back the event and Board members indicated consensus with the amount and having staff investigate if they can arrange an event with that amount of money. C. Kell stated the public hearing for the budget and adoption of the budget will be on next Wednesday's agenda. President Vanden Berg stated he will provide Board members with the feedback he gets from the Kimberly President regarding the Library Budget. Trustee Van Lankvelt requested that the budget process starts sooner next year. T. Matheny explained having to wait until numbers are received from the State and C. Kell stated that the intent is to bring the process forward earlier next year.

Operator's Licenses:

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| Darrin J. Burton | 800 S Casoloma Dr. | Appleton | Village Lanes |
| Nichole K. Capuzzi | 1406 9 th St. | Green Bay | 5 th Quarter |
| Nada L. Van Den Berg | N4057 Liberty Ln. | Kaukauna | 5 th Quarter |
| Michael A. Kubot | 725 Sounders Rd. | Kaukauna | 5 th Quarter |
| Jerry A. Vanderlois | 210 Main St. | Little Chute | Dwyer's Food Mart |
| Abby S. Zuberbier | 324 ½ Wilson St. | Little Chute | M & M Bar |

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

Ayes 7, Nays 0 – Motion Carried Unanimously

Department and Officers Progress Reports

Chief Misselt explained that due to warranty coverage offerings and a probable lower cost for purchasing the radios in 2012, he requested to purchase the radios this year and this was agreeable with the three Administrators and the funds are available for the purchase. Chief Misselt stated he will be getting the warranty coverage in writing from Baycom. T. Matheny reported that the debt closed last Tuesday and the funds have been invested and the 2003 debt will be entirely paid off. T. Matheny reported that the auditors were in this week to begin preliminary work and she reviewed the timelines for the audit. C. Kell reported that MOA for the Mill St. Bridge was approved by the FHA and DOT and the consultant has been authorized to restart the design process and to submit an updated schedule and he will provide that schedule

to the Board. C. Kell reported that he had met with the Appleton Public Works Director and a joint agreement is being worked on for the Village to provide sewer and water services to the City, north of the Evergreen Development and this was part of a Boundary Agreement between the municipalities. The agreement has to be taken to the Appleton Mayor and City Attorney for approval and then it will go before the City Council and Village Board for adoption. C. Kell stated this agreement also addresses the Northside Solutions Development property. C. Kell reported that he had left a phone message with the Polyflex President but he has not received a returned phone call. C. Kell stated that Pat Hietpas is in support of the land swap with St. John Church and Mr. Hietpas will be working with St. Johns and the Village should be receiving a letter from the Church supporting the land swap. C. Kell reported that the Village, the LCSD, and the County have been working on a Traffic and Pedestrian Safety Project proposal for the intersection of W. Greenfield Dr. and Freedom Rd. and he will be asking Administrator Botz to come before the Board and present the proposed project and after that a public informational meeting will need to be held by the Board. C. Kell stated that the School District's request for use of a Civic Center room will be on next week's agenda. J. Moes reported that Tailwaggers has a building permit and things are going well. T. Flick reported that on Monday the archery hunt began and one deer has been culled so far. T. Flick reported that the pool slide replacement project began last week and he also reported that he has submitted a claim to the Village's insurance company in excess of \$47,000 for replacement and repair of two buildings and playground equipment at Van Lieshout Park. T. Flick reported that Park Planning is meeting next week and they will be looking at plans for the Madison/Lincoln St. proposed park and also at pool planning and direction. T. Flick reported that he did receive a request to change the name of Creekview Park and he plans to give direction to Park Planning to review any requests and provide a recommendation to the Parks Dept. and individuals/families would have the option to take it to Board level depending on the recommendations. T. Flick stated that the Heesakker Park project has been pushed back while waiting for direction on if a pond was going to be constructed and he is going to move forward real soon with the design of the project and he wants the Board to be aware as this project depends on grant money and the project needs to be completed by June 30, 2013. T. Flick asked the Board to notify him in the next week if there is anything he needs to be aware of concerning moving forward with the plans. R. Van Gheem reported that utilities are moving forward with the apartments in Evergreen Estates and the utilities in the northern portion of Cherryville are being placed. R. Van Gheem stated they are collecting data for 2013 projects and he stated he just recently received the utility plans for Main St. R. Van Gheem stated they are working with the concrete contractor on punch list items and they are also waiting for data to close out the contract and the Village will be making a small payment to the contractor. V. Schneider gave a reminder that newsletter articles are due by Friday and the Department is continuing to enter data from the Nov. 6th Election and she provided Board members with a copy of the Type A notice of Spring Election that ran in the Times/Villager on Nov. 24. Attorney Koehler – no report.

Disbursement List

Trustee Frassetto asked if the Village had received the \$1 million donation for the LC Windmill Inc. property acquisition because the \$500,000 payment was made to LC Windmill Inc. T. Matheny stated the money was in-house from bonding for the project. Trustee Frassetto stated it was her preference that we not cut their check until we had the donation. T. Matheny stated the check had already been distributed because the real estate closing took place. C. Kell stated the donation is going to the building and not the land as that is the way it has to be in order to comply with State bidding laws. Trustee Frassetto stated that is not the information that was presented at the public informational meeting. C. Kell stated that the presentation just showed the dollars coming in and they are still working out the details with the donor on how the money will flow into the Village. Trustee Frassetto stated that the taxpayers were publically told tax dollars would not go directly to the Windmill and she feels that in her opinion they have lied in that statement. President Vanden Berg stated he disagreed. Trustee Hietpas commented that we did receive a letter that stated we would be receiving the money and he asked if there was a time commitment stated in the letter. C. Kell stated they are still working on that and he understands that the donor would like to provide half at the beginning of construction and the balance at the end of construction. C. Kell stated that the donation has to be used 100% towards building materials and that is why it had to be done this way and the sum of the numbers doesn't change and the results are the same.

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

Ayes 6, Nays 1 (Frassetto) – Motion Carried

Call for Unfinished Business

Trustee Frassetto asked about the status of finding the individuals responsible for the fire and damages at Van Lieshout Park and Chief Misselt stated a couple individuals were arrested for graffiti at the park and the investigation continues.

Items for Future Agendas

Trustee Frassetto commented on Board members receiving an email about portable gazebos and she asked for it to be on a future agenda. President Vanden Berg stated that the future agenda item will be for the Board to discuss whether gazebos should be regulated.

Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to enter into closed session.

(8:04 pm)

Ayes 7, Nays 0 – Motion Carried Unanimously

Staff Members, the Village Clerk, and Village Attorney were excused 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 Frassetto, seconded by Trustee Peerenboom to exit closed session and return to open session. (8:49 pm)

Ayes 7, Nays 0 – Motion Carried Unanimously

Return to Open Session

No action taken.

Adjournment

Moved by Trustee Frassetto, seconded by Trustee Peerenboom to adjourn the Regular Board meeting at 8:49 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