

MINUTES OF THE REGULAR BOARD MEETING OF FEBRUARY 2, 2011

The Regular Board meeting was called to order at 6:00 p.m. by Charles Fischer, Village President

Invocation

President Fischer called for a moment of silence.

Pledge Allegiance to the Flag

President Fischer led members in the reciting of the Pledge of Allegiance.

Roll call of Trustees

PRESENT: Charles Fischer, President
John Elrick, Trustee
Tammy Frassetto, Trustee
James Hietpas, Trustee
Dan Mahlik, Trustee
Don Van Deurzen, Trustee
Janet Verstegen, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator
Dale Haug, Finance Director
Eric Misselt, Police Chief
Jim Moes, Community Development Director
Tom Flick, Director of Parks, Recreation, and Forestry
Roy Van Gheem, Director of Public Works
Beth Carpenter, Library Director
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk

Public Appearance for Items Not on the Agenda

Amanda Diedrich, 1404 N. Harrinan St., Appleton, Candidate for County Clerk, spoke about her background and experience and her goals for the County Clerk's office if she is elected.

Approval of Minutes

Regular Board Meeting Minutes –January 19, 2011

Committee of the Whole Meeting Minutes – January 26, 2011

Moved by Trustee Verstegen, seconded by Trustee Elrick to approve the Regular Board Minutes of January 19, 2011 and the Committee of the Whole Minutes of January 26, 2011 as presented.

Ayes 7, Nay 0-Motion Carried Unanimously

Report of Other Minutes-Other Informational Items

Water Commission Meeting Minutes – November 16, 2010

Kimberly-Little Chute Public Library Board Meeting Minutes – December 21, 2010

Board of Review Meeting Minutes – January 13, 2011

Board noted receipt of items.

Resolutions:

a) Final Special Assessment/Hookup Fee Resolution – New Storm Sewer for Evergreen Pond

Moved by Trustee Verstegen, seconded by Trustee Frassetto to Adopt Resolution No. 2, Series of 2011 A Final Special Assessment/Hookup Fee Resolution Authorizing Special Assessments/Hookup Fees for the New Storm Sewer for Evergreen Pond Project for Properties Abutting Evergreen Drive from Spirit Court to 50 ft. West of Southview Rd. as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

b) Final Special Assessment Resolution – Washington Street Reconstruction (Concrete, Asphalt, Mini Storm Sewer, New Apron, New and Rehab Sidewalk)

C. Kell informed the Board that there were two property owners that had their special assessments increased over the preliminary estimates and they were sent tonight's agenda and a notice of their increased assessment. R. Van Gheem explained that the area of the project that abuts these two property owners was the area of transition between the State's project and the asphalt project. R. Van Gheem noted that the actual rate of the asphalt assessment dropped and the concrete assessment is a flat rate and the increase for these two property owners was because of the State extending the concrete portion of the project approximately 100 feet to the north due to design issues. Mr. Marko and Ms. Eslinger, the affected property owners, were in attendance and commented on the issue. Ms. Eslinger asked the Board to hold off on the assessments for a bit as she hasn't had time to review the information. D. Haug noted that the best information that is available at the time is provided to property owners at the preliminary assessment hearing. R. Van Gheem reminded the Board that this part of the project was a State DOT project and this was an extension of a project boundary. Discussion took place.

Moved by Trustee Van Deurzen, seconded by Trustee Verstegen to Delay Action on the Final Assessment Resolution for the Washington Street Reconstruction Project.

Further Discussion: President Fischer noted that the motion does not include a specific time for bringing the Resolution back to the Board. Trustee Verstegen requested that the abutting property owners are sent notice of the meeting. Mr. Marko asked when the issue would be brought back to the Board. President Fischer stated he would recommend bringing the item back for the Regular Board meeting in two weeks.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action 2010 Budget Adjustments

President Fischer stated that staff has requested that this agenda item be tabled as further modifications are needed.

Moved by Trustee Verstegen, seconded by Trustee Mahlik to table action on the 2010 Budget Adjustments.

Ayes 7, Nay 0 – Motion Carried Unanimously

Appointment of Citizen Member to the Park Planning Committee – Tom Meyers

Moved by Trustee Elrick, seconded by Trustee Hietpas to Approve the Appointment of Tom Meyers to the Park Planning Committee.

Further Discussion: Trustee Frassetto asked what Mr. Meyers' background was. T. Flick stated that Tom is currently the President of the Baseball Club and the Committee is lacking representation for this group.

T. Flick stated the Park Planning Committee is recommending the appointment of Mr. Meyers.

Vote on the Motion: Ayes 7, Nay 0 – Motion Carried Unanimously

Appointment of Citizen Member to the Water Commission – Tim Bevers

Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Approve the Appointment of Tim Bevers to the Water Commission.

Further Discussion: Trustee Frassetto asked what Mr. Bevers' background was. President Fischer asked if anyone had information on Mr. Bevers' background. Don De Groot was recognized and he informed the Board that Mr. Bevers is a partner in Energy Control Designs and he is a very knowledgeable and successful business person that has great expertise in the controls that are involved in running water plants. Mr. De Groot stated that in his opinion, Mr. Bevers is a very qualified to be a member of the Water Commission.

Vote on the Motion: Ayes 7, Nay 0 – Motion Carried Unanimously

Authorize Staff to Move Forward with Design of the Polk Street Pond

C. Kell stated that the DNR has indicated that they are putting their funding request in this week.

R. Van Gheem stated that we do not know what the dollar amount is but the goal is to match the funding the Village had for the Heesakker Pond. C. Kell explained that the plan for the pond being presented to Trustees was only a concept plan and as currently drawn it shows three residential lots but it may be possible to add another lot and the plan also takes the comments from the public and the Board and it creates more land around the pond and there could also be adjustments made to that land around the outside. C. Kell commented that the main reason for purchasing these properties was to enlarge the pond and get a larger watershed served to get the Village closer to meeting the requirements from the DNR and what the Village gets out of it for residential land is a side issue. Discussion took place. Staff stated that that because the design of the pond has changed, there will be another informational meeting held and residents abutting the pond will be invited to the meeting.

Moved by Trustee Verstegen, seconded by Trustee Elrick to Authorize Staff to Move Forward with Design of the Polk Street Pond.

Ayes 7, Nay 0 – Motion Carried Unanimously

Operators Licenses:

Mitchell J. Bolwerk	511 Dorothy Ct.	Kimberly	Down the Hill
Stacy Ann Laha	149 S. Washington St.	Kimberly	M & M Bar
Tammy A. Maley	1220 Garfield Ave.	Little Chute	Rosehill Tavern
Sandra Lynn Portman	911 Wilson St.	Kaukauna	Weenies Still
Kimberly M. Rouse	912 S. Joseph St.	Appleton	Express

Moved by Trustee Frassetto, seconded by Trustee Elrick to Approve the Operators' Licenses as listed on the agenda.

Ayes 7, Nay 0 – Motion Carried Unanimously

Department and Officers Progress Reports

B. Carpenter reported the planning review process for the Library has started with an evaluation of the library based on Wisconsin Public Library standards and getting feedback from staff, the Library Board and library users and the survey for library users is available online as well as in the library. B. Carpenter reported on the Fox Cities Reads and Book Festival Program and provided Board members with information on the program as well as adult and youth programs taking place at the library. B. Carpenter also reported on the current vacancy of a 20 hour week position. Chief Misselt reported that Officer Steidl is off the schedule awaiting his deployment so the Department is now operating short one officer. Chief also reported on the status of hiring an officer to fill an open position that was created when Lieutenant McSorley retired. Chief Misselt reported that the Combined Locks Village Board has tentatively scheduled a Board vote on the merger for March 15th. Chief Misselt updated the Board on the success of the abatement ordinance and he also noted that a formal relationship has been established with the multi-county drug unit. Chief Misselt reminded Board members that the meeting with downtown businesses regarding parking issues is scheduled for Thursday at 1 p.m. D. Haug stated the 2011 Budget Binder was provided to Trustees for their reference and he also reported that the tax collection process was completed on Jan. 31 and overall the percentage of tax collections was slightly higher than in previous years. C. Kell provided Trustees with a copy of the letter Mr. Hartwig had sent him regarding the requested signage at the Buchanan St. pond and he stated the Public Works Director is in the process of getting the sign constructed and posted. C. Kell provided Trustees with a copy of a letter J. Moes had sent Mr. Van Dyn Hoven to inform him that the conditional use granted for the Dutch Boyz project expires on March 3 and trustees were also provided a copy of a letter the Administrator had received from Attorney Frassetto requesting an extension of the conditional use and action on this request will have to come to the Village Board before March. C. Kell stated that the Village is likely headed back to the bargaining table with the County and the Town of Vandenbroek on the Holland Road reconstruction issue as the Town now wants the Village to

annex the part of the landfill that is in the town. C. Kell commented on the information provided at this morning's Chamber's Economic Indicator Breakfast noting that interest rates are not expected to increase much until next year and then they may go up significantly and the Village needs to stay ahead of that curve in regards to borrowing. C. Kell also stated the session provided information that 14% of homeowners in the nation are in arrears on their mortgages and the only market that appears to be moving in the housing market is apartments. J. Moes informed the Board that the Design Review Board recently met and they voted to deny a sign for M&M Bar. T. Flick reported that he recently attended a Wisconsin Arborists Annual Conference and the Village's continued efforts to diversify the urban forest, street, and park trees is right in line with the DNR's recommendations. T. Flick stated that the Park Planning Committee met again this week and they have come up with recommendations for the short and long term maintenance of the aquatics facility and the recommendations will be presented to the Board at a future meeting. T. Flick also informed the Board that the Program Book should be distributed in early March and he also stated that they have received the federal grant information for the Heesakker Park Pedestrian Bridge and the trail project and staff will be reviewing the information before formally accepting the grant so all of the funding is in place for the project. C. Kell stated he also received notice from the DOT that the Village will be receiving the project agreement for the Mill St. Bridge by the end of February. T. Flick reported that the Shooting Starts Dance Team participated in their first State competition and took second place and they have had a remarkable season for a program that is only about three years old and he extended congratulations to Megan Slater for her teaching abilities. R. Van Gheem stated the Department is working on cleaning up the snow and he explained the process the Department uses for snow removal and he also reported that a bid opening for a project at Well # 3 was held on Jan. 27th and the bids came in very favorable and the bid award will be coming to the Board after it is accepted by the Water Commission. R. Van Gheem stated he will be asking the Board to set a date for an informational meeting for 2011 projects. V. Schneider provided Board members with information on the Voter ID proposed legislation and asked them to contact her if they had any questions. Attorney Koehler – no report.

Disbursement List

Moved by Trustee Verstegen, seconded by Trustee Elrick to Approve the Vouchers as presented and Authorize the Finance Director to draw from the Respective Funds.

Further Discussion: Trustee Hietpas requested that a breakdown of Attorney fees be listed in the disbursement list as he would like to see how much money the Village is paying on individual lawsuits. Attorney Koehler stated that although it hasn't been past practice, separate billing ledgers can be kept for any litigation matter. Trustee Hietpas stated he would like to see that.

Ayes 7, Nay 0 – Motion Carried Unanimously

Call for Unfinished Business

None

Items for Future Agendas

Trustee Elrick requested that a discussion of the Industrial Park and future industrial development be put back on a future agenda and also regarding the Ebben subdivision, he requested that the school district be invited to discuss what can be done to get this land moved into the Little Chute School District. Staff suggested that they meet with the School District to let them know that the Village is open to getting the subdivision moved into the Little Chute School District. R. Van Gheem requested that the Board set a public informational meeting for the 2011 projects for the February 23, 2011 Committee of the Whole meeting. Board members agreed to holding the informational meeting at 6:00 p.m. on February 23, 2011 and the location of the Board Room or the Community Room will be determined.

Moved by Trustee Elrick, seconded by Trustee Mahlik to Enter into Closed Session. (7:08 p.m.)

Ayes 7, Nay 0 – Motion Carried Unanimously

Department Heads and the Village Clerk were excused from the meeting at this time.

Closed Session:

- 1) *19.85 (g) Wis. Stats. – Conferring with Legal Counsel for the Village, legal counsel rendering oral or written advice concerning strategy to be adopted by the Village Board with respect to litigation in which the Village is now or is likely to be involved.*
 - a) Berken Litigation
 - b) Dutch Boyz Development
- 2) *19.85(c) Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute – Considering Performance Evaluation Data Regarding a Village Department Head*

Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Exit Closed Session and Return to Open Session. (8:27 p.m.)

Ayes 7, Nay 0 – Motion Carried Unanimously

Return to Open Session – Possible Action on Closed Session Items

Moved by Trustee Frassetto, seconded by Trustee Elrick to instruct the Village Attorney to send a letter to Dutch Boyz LLC terminating the Development Agreement due to Breach of Contract.

Ayes 7, Nay 0 – Motion Carried Unanimously

Adjournment

Moved by Trustee Van Deurzen, seconded by Trustee Frassetto to Adjourn the Regular Board meeting at 8:28 p.m.

Ayes 7, Nay 0 - Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk