

MINUTES OF THE REGULAR BOARD MEETING OF FEBRUARY 16, 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
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk

Public Appearance for Items Not on the Agenda

None

Approval of Minutes

Regular Board Meeting Minutes –February 2, 2011

Committee of the Whole Meeting Minutes – February 9, 2011

Moved by Trustee Verstegen, seconded by Trustee Elrick to approve the Regular Board Minutes of February 2, 2011 and the Committee of the Whole Minutes of February 9, 2011 as presented.

Ayes 7, Nay 0-Motion Carried Unanimously

Report of Other Minutes-Other Informational Items

Park Planning Committee Meeting Minutes-January 11, 2011

Board noted receipt of informational item.

Resolution:

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

Ken & Sara Eslinger, 1005 Washington St., inquired about the exact amount they would owe for street improvements. The Eslinger's also stated to the Board that they felt they were getting the "short end of the stick" because they can't park on the street because of the bike lane and they are on a truck route. President Fischer commented that the Eslinger's could get the amount of what they owe for the street improvements from the Finance Department. D. Haug stated that once the resolution is approved the bills for street improvements will be mailed and a 60 day grace period without interest would apply. D. Haug stated that five years is the standard time given for payment of Special Assessments but if a property owner needed more time to pay the assessment an extension could be given. T. Flick commented that the bike route on

Washington Street was a link to the bike trail on “OO” and if certain state funds are used the Village has to comply with State rules for pedestrian safety.

Moved by Trustee Verstegen, seconded by Trustee Elrick to Adopt Resolution No.3, series 2011 Final Special Assessment for Washington Street from Main Street to 700 feet North of Hwy. OO reconstruction as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action- Approval of Combination Class B Liquor License for GNH Enterprises, LLC-Pine Street Bar-517 Pine Street

V. Schneider stated the Brian Schuh surrendered his liquor license and has paid his personal property taxes.

Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to approve Combination Class B Liquor License for GNH Enterprises-Pine Street Bar.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action-Award Contract for Well House #3 Upgrades

President Fischer stated that it was the recommendation of the Department of Public Works to award Faith Technologies the contract for Well House #3 upgrades and they had the lowest bid at \$28,150.00 and the Water Commission has approved the recommendation to award the bid to Faith Technologies.

R. Van Gheem recapped for the Board the upgrades to be performed on Well House #3. Trustee Elrick stated that he noticed that Excellence Electric was on the bid sheet and questioned R. Van Gheem if the Water Commission had talked to him about using someone local for the improvements. R. Van Gheem stated that no one from Water Commission had spoken to him about using someone local.

Moved by Trustee Verstegen, seconded by Trustee Hietpas to Approve Contract L0001-900432 for Well House #3 Upgrades to Faith Technologies in the amount of \$28,150.00.

Ayes 7, Nay 0 – Motion Carried Unanimously

Draw for Ballot Placement-Office of Village President – April 5, 2011 Spring Election

Attorney Koehler drew the names for ballot placement in the following order:

1. Chuck Fischer
2. Mike Vanden Berg

Operators Licenses:

Justin M. Koehler 2224 W. Roberts Ave. Elrick Appleton

5th Quarter

Robert C. Sipes N7226 Cty Rd. BB Hilbert

Down the Hill

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

Ayes 7, Nay 0 – Motion Carried Unanimously

Department and Officers Progress Reports

Chief Misselt commented that his Department will be sending the final offer of employment to Aaron Wanserski of Menasha for the open officer position. D. Haug stated he is monitoring the Budget Repair Bill and as it stands on the retirement issue it would be a savings of \$78,000 for the Village. If retirement benefits were extended to include Public Safety the savings would be \$200,000. C. Kell stated that he and R. Van Gheem recently attended a mandatory Department of Transportation training session on local contract letting, because of the Mill St. Bridge replacement. Having attended the training both Kell and Van Gheem agree that the project should be a State DOT contract and not a local contract because of the paperwork requirements. C. Kell stated by making it a State contract, administrative costs would be higher but there are too many pitfalls if you make it a local contract. C. Kell stated that he, President Fischer, and R. Van Gheem attended a meeting at the Town of Vandenbroek and the Town Chair refuses to fund any

portion of the construction of Holland Rd. unless the village annexes the landfill. C. Kell stated that a major concern of his was the fire protection and he has had discussions with the Fire Chief regarding the issue. C. Kell stated that the County has agreed to add a water main into the site if the Village should annex the property. C. Kell stated that the Holland Road agreement that the Board signed did not have the annexation included in it so the issue will have to come back for board approval. C. Kell noted that the Polk Pond Public Information Hearing is set for February 23, 2011; he also noted that there is a map with three lots and one with four lots. C. Kell stated that at next week's meeting a handout for the Main St. project will be provided to the Board and there are a lot of decisions that need to be made quickly. C. Kell stated he is still working with the Plastics Company and he believes the company is having some difficulty making decisions concerning moving some operations from their Georgia plant. J. Moes stated that his department is working on real and personal property evaluations. T. Flick stated that his department's Forestry GIS inventory system is up and running and hopefully it will be accessible to the Public by the summer of 2011. R. Van Gheem noted there will be a public informational meeting on the sanitary project for Holland Rd. north of Hwy. 41. V. Schneider commented that the Spring Primary election administration is being wrapped up and preparations are beginning for the spring election and she will be also working on the Spring Newsletter. Attorney Koehler stated that Judge McGinnis signed the Berken dismissal order dismissing the adverse possession claim against the two parcels of land owned by the Village so there will not be a trial on that issue and all that is left now is the Berken's appeal of Judge McGinnis' first decision.

Disbursement List

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

Ayes 7, Nay 0 – Motion Carried Unanimously

Call for Unfinished Business

None

Items for Future Agendas

Trustee Hietpas stated that Tom Myers, President of the Baseball Club, would like to be put on the agenda to discuss installing lights and a second diamond at Legion Park. Chief Misselt commented that he handed out a memo that explained the contacts that the Community Support Officer has had with downtown businesses regarding the parking issues and he would like the memo to be put on next week's agenda for discussion. Chief Misselt stated he would like to discuss Fund Carryover for the Department's technology budget as an item on next week's agenda.

Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to Enter into Closed Session. (6:39 p.m.)
Ayes 5, Nay 2 – (Mahlik, Hietpas) Motion Carried

Trustee Mahlik questioned if the board members needed to enter into Closed Session, because everyone already knew the details about the Dutch Boyz Development Contract Termination Agreement. Attorney Koehler felt it would be best to enter into Closed Session because of the uncertainty of questions to be asked.

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.*

Dutch Boyz Development Contract Termination Agreement

Moved by Trustee Verstegen, seconded by Trustee Frassetto to Exit Closed Session and Return to Open Session. (7:15 p.m.)

Ayes 7, Nay 0 – Motion Carried Unanimously

Return to Open Session – Possible Action on Closed Session Items

Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to approve terminating the Dutch Boyz Development Agreement due to Breach of Contract by the Developer with the modifications to the agreement to reflect that \$7,000 has been paid and a balance of \$5,089.40 is due on or before March 15, 2011.

Ayes 4, Nay 3 – (Mahlik, Frassetto, Hietpas) Motion Carried

Adjournment

Moved by Trustee Verstegan, seconded by Trustee Van Deurzen to Adjourn the Regular Board meeting at 7:16 p.m.

Ayes 7, Nay 0 - Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk