

## **MINUTES OF THE REGULAR BOARD MEETING OF APRIL 6, 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

Tammy Frassetto, Trustee

James Hietpas, Trustee

Dan Mahlik, Trustee

Don Van Deurzen, Trustee

EXCUSED: John Elrick, 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

Vicki Schneider, Village Clerk

Charles Koehler, Village Attorney

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

Sara Eslinger, 1005 Washington St., asked why the Washington Street issues are not on the agenda.

President Fischer stated a discussion on the Washington Street issues will be on a future agenda.

Dan Heiting, 1101 W. North Ave., commented that he doesn't understand why the issues about Washington St. are not being discussed tonight as there is a deadline of April 28 for filling out the forms for the assessments which he would like to comment on. C. Kell clarified that the future agenda item was for discussing the parking and bike lanes on Washington St., not the assessments and a discussion regarding the length of time to pay special assessments is on tonight's agenda. Mr. Heiting stated he would like to challenge who is going to pay for the assessments for Washington Street.

### **Approval of Minutes**

Regular Board Meeting Minutes –March 16, 2011

Committee of the Whole Meeting Minutes – March 23, 2011

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to approve the Regular Board Minutes of March 16, 2011 and the Committee of the Whole Minutes of March 23, 2011 as presented.*

Further Discussion: Trustee Hietpas requested that it be noted in the minutes of March 23, 2011 regarding the Approval of the Façade Renovation Loan for Baker's Outlet, 505 Grand Avenue owned by Four D Investments, LLC, that the owner of Baker's Outlet was running for Village Trustee at the time the Board approved the Façade Renovation Loan and Trustee Elrick is the contractor for the Baker's Outlet Renovation Project. It was also noted that Trustee Elrick abstained from the discussion and voting on the agenda item.

Ayes 5, Nay 0-Motion Carried

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

*Minutes of the Joint Library Board meeting of February 15, 2011*

*Minutes of the Design Review Board meeting of March 3, 2011*

*Minutes (unapproved) of the Design Review Board meeting of March 21, 2011*

Board members noted receipt of the informational items.

### **Resolutions:**

#### **a) Preliminary Assessment Resolution – Ebbens Pond Phase A**

*Moved by Trustee Frassetto, seconded by Trustee Hietpas to Adopt Resolution No. 9, Series of 2011 Approving the Preliminary Assessment Resolution for Ebbens Pond Phase A.*

Ayes 5, Nay 0 – Motion Carried

#### **b) Preliminary Assessment Resolution – Kelbe Drive and Holland Road Construction Projects**

R. Van Gheem and Clerk Schneider explained that this resolution formally sets the public hearing date for the preliminary assessments and property owners that will be receiving special assessments/hookup fees for the project will be receiving notice of the preliminary assessments public hearing.

*Moved by Trustee Hietpas, seconded by Trustee Mahlik to Adopt Resolution No. 10, Series of 2011 Approving the Preliminary Assessment Resolution for Kelbe Drive and Holland Road Construction Projects.*

Ayes 4, Nay 1(Frassetto) – Motion Carried

## **Reconsider/Possible Action on Non-Union Retirement Benefits/Wage Issue – Requested by President Fischer and Trustee Elrick – Resolution – Adjustment of Non-Represented Employee Salaries Related to the Proposed State of Wisconsin Budget Repair Bill.**

President Fischer stated that because this affects the Village of Little Chute and Kimberly, Kimberly Village President Chuck Kuen is present and would like to comment on this issue. President Kuen stated that the Village of Kimberly believes that the budget repair bill creates an inequity between non-represented and represented staff members as the represented employees will not have to contribute towards their retirement until their union contracts are up. President Kuen stated their view is that the money for the non-represented employees' portion of the retirement contribution had already been budgeted for in 2011 and it was the intention to fund the 5.8% for retirement and they are asking the Little Chute Board to consider joining in partnership with Kimberly to make it equitable for all employees that are shared between the Villages. President Kuen stated their proposal is to do a 5% increase in one lump sum payment to non-reps and the net effect is less than zero on what was budgeted for in 2011 and this would level the playing field for all employees. Trustee Van Deurzen commented that the Village's union contract extension was just passed and the union will start paying 2.9% toward their retirement in July and they are not being compensated for it and that is a problem. President Fischer noted that Trustee Elrick stated in an email he sent to the Board that he could support the 2.9% contribution for non-represented employees. Trustee Frassetto stated she respects President Kuen's position but she sees it as there is no way to create equality all the way around because the Police Union is not required to contribute to their retirement and she is not comfortable making a decision at this time because of the current situation with the bill making its way through a court challenge. Trustee Mahlik stated he agrees with the 2.9%. C. Kell noted that it would not be necessary to pass the resolution with the language "effective immediately" because of the current situation in Madison, but it could be passed stating that it will go into effect when the State decides it is effective. Discussion continued.

*Moved by Trustee Frassetto, seconded by Trustee Hietpas to adjourn this agenda item for two weeks.*

Ayes 4, Nay 1(Fischer) – Motion Carried

President Fischer stated he feels action should be taken next week.

**Review/Possible Action – Special Assessment Collection Policy**

Michael Stouffer, 714 Bluff Ave., provided a letter to the Board asking them to consider his recommendation to incorporate language in the Special Assessment Collection Policy and Mr. Stouffer commented on his recommendation. D. Haug stated the intent of the proposed revised policy is to state a specific timeframe for allowance of collections with the standard time being five years and with a written request by the property owner, an extension not to exceed ten years may be granted and he does not have a problem reporting back to the Board requests to extend it longer than 10 years. Discussion took place. Trustee Frassetto commented on possible rare exceptions where there are circumstances that 10 years may not be long enough but she supports the policy revisions as proposed. D. Haug commented that he doesn't know if it is the Village's responsibility to extend payment options beyond 10 years as there are options for private alternatives for financing that the property owner can use. Trustee Mahlik stated he agreed with the policy offering up to 10 years. Michael Stouffer commented on the high cost of some of the Washington St. assessments and 15 years being appropriate for payment of these assessments. Trustee Frassetto commented that the footage assessment for Washington Street was not any higher or lower than any other assessment rates in the Village and it is a matter of the property owner's frontage. Mr. Heiting commented on paying these large assessments for Washington Street and the street will likely be torn out in a few years because of Nestle expanding and Mr. Hartwig's plans for the area. President Fischer and Trustee Frassetto commented that there are no set plans for Nestle or Mr. Hartwig's expansions. Discussion continued on the payment and assessment allocations for Washington Street. Mr. Heiting commented on the bike trails being on both sides of Washington Street, not receiving a pre-assessment for Washington St. and having parking taken away and getting a \$10,000 assessment. President Fischer reminded the Board that the agenda item is on the Special Assessment Policy and not specifically about Washington St. Trustee Frassetto stated she will ask for a discussion on Washington St. issues to be placed under future agenda items for next week's meeting. D. Haug commented that assessments in the \$10,000 range are not that exceptional because of the cost of construction and it is based on the policy for allocating the costs between the property owner and the entire Village. Sara Eslinger suggested that the costs for the Washington Street project be explained in detail. R. Van Gheem stated this information is available in the engineering report. No action was taken.

**Action on Special Event Permit – Little Chute School District Walk/Run – May 4, 2011**

*Moved by Trustee Frassetto, seconded by Trustee Hietpas to approve the Special Event Permit for the Little Chute School District Walk/Run on May 4, 2011.*

Ayes 5, Nay 0 – Motion Carried

**Action on Special Event Permit – Jacob Coppus Post 258 American Legion Memorial Day Ceremony and Parade – May 30, 2011**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Approve the Special Event Permit for the Jacob Coppus Post 258 American Legion Memorial Day Ceremony and Parade on May 30, 2011.*

Ayes 5, Nay 0 – Motion Carried

**Certify Election Results - Village Offices**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Certify the Election Results for Village Offices as presented by the Board of Canvassers.*

Ayes 5, Nay 0 – Motion Carried

**Operators License:**

Tonya Lynn Garvey  
Jessica Ann Koehler  
Nathan B. Prey

N913 Dublin Way  
224 W. Roberts Ave.  
902 Hartzheim Dr.

Freedom  
Appleton  
Appleton

Down the Hill  
5<sup>th</sup> Quarter  
Down the Hill

## Operator's Licenses Cont.

Corey R. Vander Zanden	5011 W. Edgewood Dr.	Appleton	Express
Alison Wheller	734 W. 8 <sup>th</sup> St.	Appleton	Express

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

Ayes 5, Nay 0 – Motion Carried Unanimously

**Department and Officers Progress Reports**

B. Carpenter reported on activities taking place during National Library week and the Fox Cities Book Festival and she invited Board members to attend the events. Chief Misselt provided an update on the progress of implementing the merger with Combined Locks and he also reported that the new server is being installed at the Police Department over the upcoming weekend. D. Haug reported that the PSC report had been completed and submitted and a rate case study has also been submitted and it estimated that there will be a 10% increase in the water rate, so enough revenue is generated to maintain the system. D. Haug stated it will likely be several months before the water rate case study is completed so the final percentage may change. C. Kell provided Board members with a copy of the Court decision denying the request by David Allen to be awarded court costs associated with his land assessment challenge against the Village. C. Kell noted that he had a meeting with Fox Valley Tool and Dye regarding their expansion and construction issues and further discussion with the company will be taking place and he will keep the Board updated. C. Kell stated that with assistance from the Finance Director and Community Development Director he submitted information on two village sites and a private site to a site selection firm that is looking for a site for a manufacturing facility that is expected to employ 100 plus employees and the Village should know by the end of next week whether we have made it through the first cut. C. Kell also commented on a meeting he had with the DeBruin/Hietpas Development Group and a multi-family developer that they are talking with concerning an \$8 to \$10 million dollar project. C. Kell stated that he sent a letter to the Governor and legislative representatives objecting to the State budget plans for eliminating the recycling grants to county and local governments as it is going to have significant negative impacts on the Village. C. Kell stated that sometime in the near future he would like to have an agenda item to discuss the Village's engineering standards requiring engineered backfill. C. Kell reported that the Plastics Company that was considering building a facility in Little Chute is in a holding pattern due to not getting a contract authorized, but he understands the company is still working on that. D. Haug reported that the Country Inn & Suites has gone into a court appointed receivership and they have some discretion to operate the facility but staff is not aware of when they may reopen it. J. Moes reported that he continues to work on 2011 assessments and he is also working with the County on the annexation of part of the landfill. J. Moes stated he is also researching the process for objecting to the 2010 census data. T. Flick reported that if the Board agrees, he would like to work with Kaukauna Utilities on a possible joint project for removal of Emerald Ash trees on Wilson St. from Hwy. 96 to the north dead end and the trees will be replaced with appropriate trees and Board members did not object to the project. T. Flick reported that they are currently replacing all of the roofs at the facilities at Van Lieshout Park because of wind damage that was done to them last fall and he also reported that RFPs for engineering services for the Pedestrian Bridge and Trail are due this week. T. Flick stated that he has been talking with Nestle reps that are interested in doing an Earth Day Project with their employees and they are leaning towards a cleanup of the creek area in Heesakker Park and the woods and trail system and they would also like to do some tree planting, possibly in Legion Park. T. Flick reported that he is working with the High School Building Class on a project to construct benches that will go around trees at Doyle Park and the Department is also working on getting the facilities ready for spring sports. R. Van Gheem reported the Department will be having a follow-up meeting tomorrow morning with property owners along Main St. from E. of Sanitorium to the east Village limits to discuss the design of Main St. R. Van Gheem reported that a bid opening for the Kelbe/Holland Road project will be held on April 14 and the bid opening for private lateral work will be held on April 28<sup>th</sup> and the Department will be holding an informational meeting on April 18 for residents that are being

notified of the requirement to replace their sewer laterals. V. Schneider thanked the Deputy Clerk and Election workers for running a smooth Spring Election that had a significantly higher voter turnout than past spring elections. Attorney Koehler commented on Roberts Rules of Orders and the use of a motion to table can normally be brought back up. D. Haug mentioned that the external auditors will be on site next week and as part of the audit process they will randomly be contacting a village trustee and they will be asking questions of the Trustee.

### **Disbursement List**

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

Ayes 5, Nay 0 – Motion Carried

### **Call for Unfinished Business**

None

### **Items for Future Agendas**

Trustee Frassetto asked to have a discussion about the Washington Street issues on next week's agenda. Board members agreed to put the issue of the notice of order for trimming of shrubs that was stayed until May 1 on next week's agenda for direction. Board members agreed to put the Special Assessment Collection Policy on next week's agenda. Ivol Vanden Heuvel, 31 Adams Way, commented about the piles of snow being downtown and preventing people from parking and the problem with the bumpouts and he also commented about Van Dyn Hoven's property looking like a junk hole.

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Enter into Closed Session. (7:22 p.m.)*

Ayes 5, Nay 0- Motion Carried

Staff members and the Village Clerk were excused from the meeting at this time.

### **Closed Session:**

- 1) **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. *Purchase of Property for Downtown Development*
- 2) **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. *Berken Court Case*

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Exit Closed Session and Return to Open Session. (7:55 p.m.)*

Ayes 5, Nay 0 – Motion Carried

**Return to Open Session** – No action taken

### **Adjournment**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adjourn the Regular Board meeting at 7:56 p.m.*

Ayes 5, Nay 0 - Motion Carried

## **VILLAGE OF LITTLE CHUTE**

By: \_\_\_\_\_

Michael R. Vanden Berg, Village President

Attest: Vicki Schneider, Village Clerk