

MINUTES OF THE REGULAR BOARD MEETING OF OCTOBER 5, 2011

The Regular Board meeting was called to order at 6:00 p.m. by Michael Vanden Berg, Village President

Invocation

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

Dan Mahlik, Trustee

Bill Peerenboom, Trustee

Skip Smith, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator

Erik Misselt, Police Chief

Jim Moes, Community Development Director

Teri Matheny, Finance Director

Beth Carpenter, Library Director

Vicki Schneider, Village Clerk

Charles Koehler, Village Attorney

EXCUSED: Tom Flick, Director of Parks, Recreation, and Forestry

Roy Van Gheem, Director of Public Works

OTHERS PRESENT: Nick Vande Hey- McMahons, Pat Hietpas – Evergreen LC Development Inc.,

Nola Feldkamp, Interested Citizens, and Media Reps

Public Appearance for Items Not on the Agenda

None

Approval of Minutes

Regular Board Meeting Minutes – September 21, 2011

Committee of the Whole Meeting Minutes – September 28, 2011

Moved by Trustee Frassetto, seconded by Trustee Berken to approve the Regular Board Minutes of September 21, 2011 and the Committee of the Whole Minutes of September 28, 2011 as presented.

Ayes 7, Nays 0-Motion Carried Unanimously

Report of Other Minutes-Other Informational Items

Minutes of the Library Board Meeting – August 16, 2011

Notes from the Public Informational Meeting on the Utility and Street Designs for Buchanan St., Sanitorium Rd., and Polk St.

Board members noted receipt of informational items

Resolution:

Urban Forestry Grant Program

C. Kell stated that T. Flick will be applying for a grant that is to mainly assist with the Emerald Ash Borer issue.

Moved by Trustee Frassetto, seconded by Trustee Berken to adopt Resolution No. 36, Series of 2011 Urban Forestry Grant Program.

Further Discussion: Trustee Smith asked if we write our own grants and C. Kell stated that normally for smaller grants like this, staff writes the grants but for larger grants, like the stimulus funding, consultants assist with writing the grants.

Ayes 7, Nays 0 - Motion Carried Unanimously

Review and Approval of Marketing Plan/Strategy for Evergreen LC Development LLC

Pat Hietpas reviewed the timeline of what has happened to date with the project. Mr. Hietpas explained the other issues that were taking place with annexing property to Appleton and opening the land up to extend Cherryville from W. Evergreen Drive and he also reported on the issue with the navigable stream that runs through the property. Mr. Hietpas stated that they have been marketing the land through the realtor since 2009 but the various issues had to be solved before the land could be sold. Mr. Hietpas stated that the marketing study indicated there is more of a need for multi-family housing and commercial/retail development than single-family housing. Trustee Peerenboom stated his concern is that the Village had a five-year window that began in 2009 and nothing has happened and the clock is running on the Village. Trustee Peerenboom stated his other concern is that the 2009 marketing survey recommends that the properties be rezoned and that hasn't happened yet and there is an incredible amount of work that needs to be done before the five years is up. Mr. Hietpas stated they have to be careful and have a plan and buyers for the properties and they now have buyers for the properties and he explained the various situations in further detail. C. Kell stated there was the main issue such as the Developers of the property and the Village Board not knowing that the bottom would fall out of the real estate market after this agreement was made and it was also difficult to market the property because French Road was tore up this year. C. Kell stated it has only been in the last six to nine months that multi-family developers have started to express interest in developing land. Discussion continued. Trustee Peerenboom questioned Section 5 of the Developers' agreement that states all improvements required have to have been dedicated and accepted by the Village before any building permits will be granted. C. Kell stated that they could be allowed to phase in the infrastructure but if they want to market any commercial property along French Rd. they will need to put in utilities on the major north/south and east/west streets and it really wasn't the intent of the agreement that all of the infrastructure needed to be in before permits would be issued. Trustee Peerenboom stated he sees the agreement as being one sided for the Developer and there are very few items protecting the Village. Mr. Hietpas stated that for all land in the Village, the Village is the Developer in the end and they need to work with the individual developers to promote and sell these sites. Trustee Peerenboom commented again on the main problem which is that so much time has been lost in the whole transaction and now there are only two years left to market the property and what doesn't sell, the Village will have to buy. Mr. Hietpas stated that the agreement could be extended and Trustee Peerenboom stated if the Developer is interested in extending the agreement he would be willing to discuss that on a future agenda. Discussion continued on the financing costs associated with the project including the north side interceptor costs and the issue of extending or not extending the Developer's agreement. Trustee Smith commented that when this agreement was put in place in 2009 the numbers were not out-of-line and he looked at the property being a valuable piece for development and he stated he is not that concerned yet and he believes that the development is still coming and it is a very desirable area. Pat Hietpas stated it is still a tough real estate market. C. Kell stated that what it comes down to is that the Village has a contract with the Developers, they have done their due diligence on the best way to market and develop the property, the comp plan has been amended and the zoning change will be on the next Regular Board agenda and what we need to do is approve this so the Developer can move forward with getting the utilities in and getting the property sold. C. Kell stated his recommendation to the Board is to approve this and get it going.

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Approve the Marketing Plan/Strategy for the Development of the Evergreen LC development.

Ayes 7, Nays 0 – Motion Carried Unanimously

Action to Approve Proposed Street and Utility Designs for Sanitorium Rd., Buchanan St., and Polk St.

Moved by Trustee Peerenboom, seconded by Trustee Smith to Change the Recommendation of the Design for the eyebrow (Sanitorium Court) to 28 feet f-f concrete street and to make it multi-directional.

Further Discussion: Clerk Schneider clarified that the parking was being left as recommended on only the west side of the street and Trustee Peerenboom stated he had no problem with parking on one side. Trustee Frassetto asked Trustee Peerenboom to clarify if he had spoken with the property owners' since the meeting as it was her recollection that they did not have a problem with 24 feet. Trustee Peerenboom stated he believed the gentlemen at the public hearing spoke against it being 24 feet. Trustee Smith stated the property owner did comment that the street would be too narrow at 24-feet.

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

Trustee Berken commented on the terrace trees on Buchanan Street and the suggestion that the problems with the terrace trees and sidewalk issues should be looked at and corrected when the streets are being redone.

C. Kell noted that the trees on the east side of Buchanan Street would be removed. Trustee Berken commented on parts of sidewalk on the west side being replaced in 2008 and they are heaved up again because of trees and some of the trees were pushed out into the sidewalk and the concrete was placed around trees so if the tree grows by one inch the concrete sidewalk will heave up again. Trustee Frassetto stated she understands the concern with property owners having to pay for sidewalk every three years and she asked if there were other solutions to fix the concrete like shaving the edges so they are not a tripping hazard. J. Moes stated that the Public Works Dept. has allowed that in the past on a case-by-case basis. Discussion took place on the issues with the terrace trees and sidewalks. Trustee Peerenboom suggested that property owners should be asked if they have had problems with the sidewalk and if they have, ask them if they want the tree removed and if not, then the property owner would be responsible for the sidewalk repairs. Trustee Peerenboom commented about the liability of property owners throughout the Village when the terrace trees push up the sidewalk. Trustee Mahlik commented on the issue with the sidewalk in some areas being a liability for the Village. Trustee Peerenboom stated the immediate problem is Buchanan Street and he asked the Board if they want to make an option available to property owners or go with past practice of the decision to remove the trees being made by Parks and Rec. Dept. and his personal feeling is if they go with that, then the Village should pay for replacement of the sidewalk. Trustee Frassetto stated she thinks it is something that could be looked at during the construction of Buchanan St. Nick Vande Hey stated that another option would be to have the property owner dedicate a sidewalk easement and slide the sidewalk over a little more toward their yard. Trustee Peerenboom stated that he agrees the Board needs to address the issue before we get into construction and he suggested that it be put on a future agenda for discussion.

Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Approve the Proposed Street and Utility Construction Projects for Sanitorium Road, Buchanan Street, and Polk Street as recommended and to Sanitorium Court with the changes suggested by Trustee Peerenboom to increase the width from 24 feet to 28 feet with it being a two-way street.

Further Discussion: Nola Feldkamp, 1800 Riverside Dr., questioned where the storm sewer is going south of Lincoln Avenue and how it is going to benefit her properties. President Vanden Berg stated that the proposal for the storm sewer south of Lincoln Ave. is currently through Heesakker Park and that these will be new pipes and the pipes currently under Sanitorium Rd. will be replaced. Ms. Feldkamp stated she sees this public project as a benefit to everyone in Little Chute and she doesn't see how her two lots on Sanitorium Rd. benefit from this project more than the lots south of Lincoln Ave. or those on Lincoln Ave benefit from it and she is looking for the unique or uncommon advantage that this assessment has to her property and she would like to divert the pipes from in front of her property too. J. Moes stated that her section of road is being tore up because that is where the pipes need to be replaced and the Village Board decided that it was important to not tear up Sanitorium Rd. south of Lincoln Ave. and they found an

alternate route through the park. J. Moes confirmed that at this time the property owners south of Lincoln Ave. would not be assessed because there isn't any work being done in that section. Trustee Smith commented that the 36 inch pipe is needed because of the Main Street project and he also commented on the number of times that the water main has broken on Sanitorium Rd. Trustee Smith stated he struggles with this because the street isn't really that bad but it has to be redone because of all the issues below the street. Ms. Feldkamp asked about future opportunities to discuss and debate the assessments and the benefit to the public. Staff stated that the assessment hearing would likely be held in early spring of 2012 after the projects are bid and property owners will be notified of the assessment hearing and that would be time for Ms. Feldkamp to discuss the assessments. Trustee Peerenboom stated that there was some discussion about painting a parking lane on Buchanan St., and he would rather see a center line marking than a parking lane marking. Mr. Vande Hey stated they will need to know that decision before they go out to bid on the project.

Vote on the Motion for the Design of the Streets - Ayes 7, Nays 0 – Motion Carried Unanimously Decision on location of new storm sewer south of Lincoln Avenue (in street versus park).

Moved by Trustee Peerenboom, seconded by Trustee Mahlik to locate the new storm sewer south of Lincoln Ave., through Lincoln Avenue then into Heesakker Park to its discharge.

Further Discussion: Trustee Smith stated his concern is that this is going to cost more than going down Sanitorium Rd. and the State isn't going to pay for it. Nick Vande Hey stated that Mike Simon from McMahons has been trying to shepherd this along with the DOT to keep the Hwy. 96 project on track. C. Kell stated that it is a little more expensive but he understands that the State is going to commit the dollar amount of the cost to go down the street so there may be some costs to all the taxpayers to put this through the park. C. Kell stated that the Public Works Director is still hopeful that the pipe might be able to be run straight down to the river instead of back to the street. C. Kell stated there is likely going to be some additional costs that the DOT isn't going to pick up but that is going to be the cost incurred for not interrupting people on Sanitorium Rd., south of Lincoln Ave. Trustee Smith stated that he doesn't know that the DOT can be given a number of this cost and he wants to make sure everyone knows up front that it is going to cost more money to go through the park.

Vote on the Motion: Ayes 5, Nays 1(Smith), Abstained 1(Vanden Berg) – Motion Carried

Action to Approve Addendum C to Mutual Aid Box Alarm System Agreement

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adopt Resolution No. 37, Series of 2011 Approving Mutual Aid Box Alarm System Agreement Addendum C as presented.

Further Discussion: Trustee Smith asked if we were the last community to sign this agreement and C. Kell responded that “yes” we were one of the last if not the last. Trustee Smith asked if we were the only community that brought up the insurance issue and he asked if our insurance is ok with this. C. Kell stated that we were apparently the only community to bring this up and the Village’s insurance carrier indicated that they would cover as indicated on the liability policy but there are items that won’t be covered.

Trustee Smith asked if the other communities coming in to assist us have adequate insurance coverage and C. Kell stated that he would guess the other municipalities are covered the same way. Trustee Mahlik pointed out that we have this gap in insurance now with the current mutual aid agreements and nothing has really changed. C. Kell stated that he thinks that over time the Fire Chiefs will discuss the issue of insurance coverage for these type of agreements.

Vote on the Motion:

Ayes 7, Nays 0 – Motion Carried Unanimously

Action to Approve Special Event Permit – Little Chute Kiwanis Christmas Parade on November 28

Moved by Trustee Frassetto, seconded by Trustee Berken to Approve the Special Event Permit for the Little Chute Kiwanis Christmas Parade on November 28, 2011.

Ayes 7, Nays 0 – Motion Carried Unanimously

Operator's Licenses:

<i>Kelly A Arent</i>	<i>500 W. Florida Ave.</i>	<i>Little Chute</i>	<i>5th Quarter</i>
<i>Kari J. Kloehn</i>	<i>317 W 10th St.</i>	<i>Kaukauna</i>	<i>Down the Hill</i>
<i>Sarah J. Palm</i>	<i>2110 E Emmers Dr.</i>	<i>Appleton</i>	<i>The Pump House</i>
<i>Maia E. Van Groll</i>	<i>16 St. Charles Place</i>	<i>Little Chute</i>	<i>Hollanders</i>

Moved by Trustee Frassetto, seconded by Trustee Berken to approve the operator's license as listed on the agenda.

Ayes 7, Nays 0 – Motion Carried Unanimously

Department and Officers Progress Reports

Chief Misselt reported that at the next Committee of the Whole meeting he will be bringing forward proposals for ordinance amendments to comply with the new concealed weapons law that goes into effect on November 1. Chief Misselt reported on the progress of the remodeling project and informed the Board that there was a glitch in the bidding concerning the furnace system complying with the code for air flow and they are currently getting bids on the furnace replacement and his hope is there is enough in the contingency fund to cover this and he reported that he would keep the Board updated on this issue.

T. Matheny reported that the Department is in the process of sending out notices of delinquent utility accounts or other charges incurred to property owners informing them that these charges will go on the tax roll if not paid. C. Kell reported that the plastics company has signed a contact with a construction company to build a 54,000 sq. ft. facility in the Village's Industrial Park and he will be bringing a resolution to the Board in a few weeks regarding the sale of land to the company. C. Kell also reported that there are some issues with wetlands on this land so they are working with the engineers on the site layout for the plant. C. Kell reported that the plastic company is moving the entire Wisconsin operations to this location in the Village and they plan to be operating by March 2012. C. Kell reported on the meeting he and the Village President had with the Town of Vandenbroek and County officials regarding the landfill issue, the fire protection issue and funding of Holland Rd., and he noted that Vandenbroek officials were to be complimented as they were very good to work with on the issues. C. Kell stated that the Town's attorney feels that the mutual aid agreement for the Village needs to be between the municipalities and not the County and the County has agreed to cover the cost of funding the agreement between the Village and Vandenbroek. The agreements with the Town and the County will be brought to the Village Board at a future meeting. C. Kell reported on a meeting he had regarding the Village Hall remodeling project and expansion and some concept plans are going to be drawn up at no cost to the Village. C. Kell reported that staff has reviewed the proposals for hiring a consultant for the Mill St. Bridge project and a recommendation will be presented to the Board in the next week or so. C. Kell reminded the Board of the Joint Budget meeting being held with the Kimberly and Combined Locks Boards next Monday. C. Kell provided Board members with a health benefits survey handout. C. Kell provided a handout of a copy of an opinion that Attorney Koehler had provided to the Parks Director regarding trees that are down in the Village that basically states that it is the responsibility of the owner of the land that the tree trunk is growing on. Trustee Mahlik disagreed with this opinion stating an insurance company would not pay for damages in most circumstances for a tree that falls and damages another's property. Attorney Koehler commented on a claim being made on the theory of trespassing and he could provide more detail if a claim was ever submitted. Trustee Peerenboom commented that the Village Board has not formally approved the remodeling of Village Hall. C. Kell stated that all parties are aware of that. J. Moes stated he has also been working with the plastics company and that he will be presenting a site plan to the Board at next week's meeting regarding another addition to Absolute Supply Company. B. Carpenter provided the Board members with a copy of a peer study that was conducted on a statewide basis on municipal appropriations based on population. B. Carpenter informed the Board that the faulty flooring around the circulation desk is going to be replaced at no cost to the Library and she is also

getting quotes on replacing the digital security system for the library. B. Carpenter provided an update on the adult and children's programs and materials added to the library. V. Schneider reported that she had submitted an insurance claim for damages at the Municipal Services building that were caused by the wind storm that happened in September and she also reported that none of the costs associated with the pickup and chipping of brush and trees from the storm are covered by insurance. V. Schneider also reported that the 2012 United Way Campaign information would be provided to staff and Board members next week. Attorney Koehler – no report.

Disbursement List

Moved by Trustee Peerenboom, seconded by Trustee Smith to Approve the Vouchers as presented and Authorize the Finance Director to pay all vendors.

Ayes 7, Nays 0 – Motion Carried Unanimously

Call for Unfinished Business

Trustee Hietpas asked for an update on the status and costs associated with the Village North subdivision. Board members agreed to hold the Board meeting on Oct. 19 as Trustee Frassetto is the only Board member that will be attending the League Conference on Wednesday.

Items for Future Agendas

Trustee Peerenboom requested that in the near future the sidewalk/terrace tree issue be on an agenda for discussion. Proposed amendments for changes to the concealed weapons ordinances will be on next week's agenda for review.

Adjournment

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adjourn the Regular Board meeting at 7:25 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