

MINUTES OF THE REGULAR BOARD MEETING OF DECEMBER 21, 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
Tom Flick, Director of Parks, Recreation, and Forestry
Teri Matheny, Finance Director
Jim Moes, Community Development Director
Captain Recker, FVMPD
Roy Van Gheem, Public Works Director
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk

OTHERS PRESENT: Nick Vande Hey- McMahon & Associates, Interested Citizens, and Media Reps

Public Appearance for Items Not on the Agenda

Michael Stouffer, 714 Bluff Avenue, provided a letter to the Board regarding his concern about not being personally notified of last week's Board meeting concerning employees' health insurance and he also provided a handout on group health insurance plan costs. Mr. Stouffer also commented on communication he received from the ETF regarding employer contribution to health insurance.

Peter Markelz, Employee of Little Chute's Larry's Piggly Wiggly, commented on Act 97 of Wisconsin Law that recently changed the allowed starting time from 8:00 a.m. to 6:00 a.m. for Class A liquor and beer sales and he requested that the Village Board consider changing the Village Ordinances to allow for sales to begin at 6:00 a.m.

Robert Pahl, 210 Buchanan Street, commented on the cost of the road reconstruction stating that he and other retirees cannot afford the cost of road assessments and he asked the Board to consider other options for paying for the roads.

Public Informational Meeting on Proposed Heesakker Park Storm Water Pond

R. Van Gheem noted that a notification letter for this informational meeting was sent directly to residents of Sanitorium Rd. south of Lincoln Ave. and Vandenberg Lane residents and the correspondence also included a sketch of the location of the pond. Nick Vande Hey, Engineer with McMahon Associates, also provided a colored copy of a map showing the proposed location of the pond. Mr. Vande Hey gave an overview of the proposed storm sewer route for Sanitorium Road and through Heesakker Park and the proposed pond. Mr. Vande Hey noted that the layout provides room for a parking lot and trail and the fill could be used to prepare for an archery range and backstop berm and to construct berms to make improvements to the sledding hill. Mr. Vande Hey stated the main reason for the pond is to get some water quality treatment for the water shed before it discharges into the Fox River. R. Van Gheem stated that the Village would like to apply for grant funding for the project and because of the grant funding timeline the pond would not be able to be constructed at the same time the pipe would be going in so the scenario may

be that the pipe is installed in 2012 and in the interim a ditch is installed. If grant money is received and the decision is to construct the pond, that would be done in 2013.

Carl Weyenberg, 2200 Riverside Dr., stated his concern is that this pond is on bedrock and he commented on environmental concerns and concerns with the water supply and he asked that a little more research be done on the environmental impact. Mr. Vande Hey stated that they will be doing environmental testing once the decision is made to move forward with the pond and the bottom of the pond will be at the same height of the river water and he believes that the bedrock will be below the pond. Mr. Vande Hey stated that the pond will meet all State standards and the purpose of the pond is to improve water quality.

Joe Uitenbroek, 611 Sanitorium Rd., commented that the pipe should not go down Sanitorium Rd. and the pond could be built off Main Street. Mr. Vande Hey explained the process of the how the piping will be laid out.

Rosa Bons, 311 Sanitorium Rd., asked if the trees were going to be removed behind her house as there were a lot of dead trees. Mr. Vande Hey stated that some of the trees will be removed and smaller trees will be planted.

David Harp, 2738 Oakwood Dr., Green Bay, stated his grandparents were the Heesakkers, and he asked if DNR 4F requirements were considered. Nick Vande Hey stated that they are working with the DNR and the pond can be considered a passive park use and the DNR has indicated that the pond would be acceptable. R. Van Gheem stated that the proposed plans have been submitted to the DNR and DOT.

Gail Bowers-McKay, 703 Miller Ln. Ct., commented on a gentlemen's agreement with the Heesakkers that the park would stay a park and she understood that there was supposed to be a document put in place between the Village and the Heesakkers but that has not been done and her concern is that once something like this is done, other areas of the park land will be taken away. She requested that something be put in writing on the original agreement for the park land. Ms. Bowers-McKay also commented that all residents in the Village have a need to know of what is going on with their parks and she questioned what action the Board may take on this pond at tonight's meeting. Mr. Vande Hey stated the intent is to get direction from the Village Board on moving forward with the pond because of timelines for applying for the grants.

Mr. Vande Hey also pointed out that only a very small section of the pond will be in the area of the original Heesakker Park. J. Moes pointed out that the Village purchased the land from the Heesakkers at market value back in the 1960's. T. Flick stated that the Village purchased land from Dominic Peeters in 2005 or 2006 and this is where a portion of the pond will be located. Mr. Vande Hey stated that the Village is trying to be respectful of the issue with the use of the park and that is why they only a very small piece of the pond would overlap on to the park land that was originally purchased from the Heesakkers.

Mr. Vande Hey explained that the purpose of the pond is to try to improve the runoff from the streets and parking lots by removing phosphorus and sentiments before it is discharged into the Fox River and he noted that this is being driven by Federal and State regulations and he commented on the challenges to the Village to meet the mandates while trying to be fiscally responsible.

Jim Killian, 401 Sanitorium Rd., asked about the purchase of the Elrick property and how the grant would cover that cost. Mr. Vande Hey stated that about 50% of the land costs and 50% of the construction costs could be covered by grants if the grant applications are approved. Mr. Killian questioned the cost of the lot and Mr. Vande Hey stated that an appraisal of the land will be needed as part of the DNR grant program.

Mr. Killian asked about the safety factor and if a fence would be installed. R. Van Gheem stated that a fence will not be allowed because of the pond being available for recreational use as required in the grant requirements and there will be opportunities to use this pond for educational purposes and other recreational opportunities that haven't been determined yet.

Michael Stouffer, 714 Bluff Ave., asked what the purchase price of the Peeter's lot was and T. Flick stated it was \$70,000.

Gary Evers, 1909 Vandenberg La., commented on declining property values and he commented on the pond filling up quickly when it rains and Mr. Vande Hey explained the process of the pond filling up and going down.

President Vanden Berg stated that there have been no discussion in regards to the price of the Elrick property and the \$90,000 was just a plug figure to use for discussion purposes.

R. Van Gheem and Mr. Vande Hey explained the regulations that were previously in place for I/I removal and the new, more stringent regulations that are going to be required by the DNR because of the phosphorus issue with the Fox River.

Attorney James Long, representing the Heesakker family, asked when the decision was made to put the storm sewer through the park. Mr. Vande Hey stated the Village Board made that decision in August and it will only be a temporary disturbance to the park when the pipe is put in. Attorney Long asked why the pipe wasn't going down the street and Mr. Vande Hey stated the Village Board made that decision and it isn't unusual for a pipe to be put in a park. Mr. Vande Hey also explained that the total area of the pond would be 1.4 acres and the pond itself is .04 of an acre and the permanent water in the pond would be about six feet deep. Mr. Vande Hey stated that based on the concept drawing a small sliver of the pond area would be outside the lot area that was purchased from the Dominic family and the Elrick lot. Attorney Long commented that he had a copy of Resolution No. 14, signed by Don De Groot in 1983 and he commented on the Heesakker families wishes for the park and he requested a meeting with Village representatives on this project as it moves forward.

Ben Schultz, 516 Park Ave., stated he supports this project and he trusts that the engineers and public works staff are doing this in the most fiscally responsible way and he wants to see the rivers and lakes cleaned up for future generations.

Robert Pahl, 210 Buchanan St., commented on his concerns on safety issues because of children playing around the Buchanan St. pond.

Mark Gloudemans, 707 Sanitorium Rd., thanked Nick Vande Hey for explaining the project and he questioned if there will be any costs to the residents that are not in the area of the pond. R. Van Gheem stated that the pond itself is not DOT related so they will not be paying for that and the Village's storm water utility will be paying for the pond and the Village will be applying for grants to help with the costs. R. Van Gheem stated the DOT is paying a fixed amount of money to take the storm water from Main St. to the river and the Village will have to pay the additional costs associated with routing the pipe through the park and to the pond or to connect at the bottom of Sanitorium Rd.

R. Van Gheem stated it will be up to the Board to decide if they want to move forward with the pond, if they want more information or if they want to do nothing at this time.

Approval of Minutes

Regular Board Meeting Minutes – December 7, 2011

Committee of the Whole Meeting Minutes – December 14, 2011

Moved by Trustee Mahlik, seconded by Trustee Berken to approve the Regular Board Minutes of December 7, 2011 and the Committee of the Whole Minutes of December 14, 2011 as presented.

Ayes 7, Nays 0-Motion Carried Unanimously

Report of Other Minutes-Other Informational Items

Park Planning Committee – September 6, 2011

Plan Commission Meeting – November 14, 2011

Board members noted receipt of informational items

Ordinances:

Amending Village Code Chapter 28 Nuisances – Section 57 Chronic Nuisance Premises

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adopt Ordinance No. 25, Series of 2011, Amending Village code Chapter 28 Nuisances – Section 57 Chronic Nuisance Premises as presented.

Ayes 7, Nay 0 - Motion Carried Unanimously

Amending Village Code Chapter 30 Offenses – Section 28 Disorderly Conduct

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adopt Ordinance No. 26, Series of 2011 Amending Village Code Chapter 30 Offenses – Section 28 Disorderly Conduct as presented.
Ayes 7, Nays 0 – Motion Carried Unanimously

Resolutions:

CSM for the Village of Little Chute – Polk Pond

Moved by Trustee Berken, seconded by Trustee Frassetto to Adopt Resolution No. 43, Series of 2011, CSM for the Village of Little Chute – Polk Pond.

Further Discussion: Trustee Hietpas questioned when the lots would be put up for sale. R. Van Gheem stated that the private utilities have to be put in before that happens and C. Kell estimated that they would likely be listed for sale within 60 days.

Ayes 7, Nay 0 – Motion Carried Unanimously

CSM for the Village of Little Chute – Polk Street

Moved by Trustee Frassetto, seconded by Trustee Berken to Adopt Resolution No. 44, Series of 2011, CSM for the Village of Little Chute – Polk Street.

Ayes 7, Nay 0 – Motion Carried Unanimously

Discussion/Possible Action to Move Forward with Heesakker Park Storm Water Pond Project

Trustee Frassetto stated she is not comfortable moving forward at this time as she would like to know the proposed purchase price of the lot and she would like to have input from the Heesakker family.

R. Van Gheem clarified that there have not been any negotiations for the lot and the number of \$90,000 was just used as a placeholder number for discussion purposes. Trustee Mahlik stated he would like to take steps to move forward as it is important to keep the water supplies clean and the mandates are not going to go away. Trustee Smith stated he agrees with moving forward but he also would like to see the Village have a discussion with the Heesakker family and he would like to see an agreement put in writing. T. Flick commented that there is a master plan for Heesakker Park that was adopted by the Village Board a number of years ago that shows extensive development of park amenities in the open area off Lincoln Avenue.

Trustee Peerenboom commented that many of the improvements planned for the park may not be considered passive park use and he used the example of the new bridge and not consulting the Heesakker family on this project. Trustee Peerenboom stated he would like the first step to be negotiating a price for the Elrick property. Nick Vande Hey cautioned there could be a need for storm water treatment like another pond because of amenities added to the park. Trustee Hietpas stated he would like to see the Village's Attorney meet with Attorney Long to see if a pond can even be put in before the Village goes any farther. R. Van Gheem again stated that except for a small sliver of land, the proposed pond will not be on the original park land purchased from the Heesakkers. Trustee Peerenboom stated that soil borings should not be done until a price for the lot is negotiated and Trustee Mahlik and Trustee Frassetto agreed with Trustee Peerenboom.

Moved by Trustee Peerenboom, seconded by Trustee Mahlik to direct Village staff to enter into negotiations with Mr. Elrick for the purchase of the property that is shown on the drawings.

Ayes 5, Nays 2(Frassetto, Hietpas) – Motion Carried

Mr. Vande Hey stated because of the DOT project schedule it would be helpful if the Board agreed for now to either plan to put the pipe through the park and route it around the Elrick lot or install a temporary ditch.

R. Van Gheem explained the situation for using the temporary ditch if the Board agrees to go with that option or if they want to put that pipe in now and then remove it if the pond is constructed. Discussion took place on the issue of the ditch. Trustee Smith stated he agrees with planning for the pipe as if the pond isn't going to be there at all. Staff noted that constructing the ditch would be cheaper than putting in the pipe. Trustee Mahlik stated it would be more cost effective to put in the ditch instead of the pipe and he would like to know what the cost differential would be. R. Van Gheem stated they need to know if the Board is completely against installing a temporary ditch. Gail Bowers – McKay commented that it is important that the Board's decision is clearly communicated to the public. Trustee Smith stated he was

concerned with the ditch and he would like to see it grated so someone could not be swept into the pipe. R. Van Gheem explained that the ditch would only be temporary and if the decision is to not install the pond, a ditch would not be needed. Trustee Smith stated he would like to see the project planned with the pipe and if the pond is approved then the pipe can be taken out of the project plan.

Review/Approval of FHWA's Plan for Installing Bike Lane Signs on Washington Street

R. Van Gheem stated that to address the concerns from the DOT and the FHWA and their request to rescind the Federal Grant money for this project, a signage plan was submitted to the DOT and FHWA and they approved the plan and they will remove their request to take away the federal funding once the new signs are installed. There will be signs installed that will be Bike Route marker signs and Bike Lane Ahead signs.

Moved by Trustee Peerenboom, seconded by Trustee Mahlik to Approve the Changes to the Signage on Washington Street as recommended in the Handout Provided to the Board.

Ayes 7, Nays 0 – Motion Carried Unanimously

Action – Acceptance of Offer to Purchase of 320 W. Lincoln Avenue

J. Moes stated that the offer was for the full listing price of \$89,900 contingent upon an inspection and staff's recommendation is to approve the offer.

Moved by Trustee Peerenboom, seconded by Trustee Berken to Accept the Offer of \$89,900 for the Property at 320 W. Lincoln Avenue.

Ayes 7, Nays 0 – Motion Carried Unanimously

Operator's Licenses:

Brenda K. Angell	112 W. Henry St.	Kaukauna	Rose Hill Bar
William J. Murphy	1220 Rosehill Rd.	Menasha	Hollanders
Kaitlyn C. Verbruggen	N1195 Fox River Rd.	Kaukauna	Hollanders

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

Ayes 7, Nays 0 – Motion Carried Unanimously

Department and Officers Progress Reports

Captain Recker informed the Board that they are in the hiring process for an officer and there are 93 candidates for the position. Captain Recker also updated the Board on the status of the Police Union negotiations stating they will be going to mediation on the contract in early February. T. Matheny reported that all but two employees switched to the Network Health Plan and staff has finalized these changes with ETF. T. Matheny also reported that tax collections are going well and they are processing 10 to 15 refund checks each day. C. Kell reported on the status of the contract negotiations with the consultants for the Mill St. Bridge project noting the contract will be brought to the Board for approval in the next few weeks. C. Kell also provided Board members with business feasibility studies for downtown and these studies have been provided to a number of people that have shown interest in establishing a downtown business and it will continue to be made available for anyone interested in developing a business in the downtown.

J. Moes reported that many tax payers visit him this time of year regarding the assessed value of their homes. T. Flick reported on the construction process of the Pedestrian Bridge and Trail he also reported that nine deer had been culled and no issues were reported but one resident did contact him asking how they could stop the deer culling program. T. Flick reported that Kaukauna Utilities will be removing trees on the east side of Buchanan St. from Main Street to the River and letters will be sent to the property owners notifying them of the timeline for the tree removal project. T. Flick reported that the Shooting Stars Dance Team took 3rd place at a competition in Green Bay and 2nd place at a competition that took place in Little Chute. R. Van Gheem reported that the Department is working on sanitary sewer televising and closing out 2011 projects and planning for 2012 projects. V. Schneider reported on an insurance claim payout for an accident involving a Village's garbage truck. V. Schneider also reported that the Village's recognition dinner would be held on January 20th and she provided a reminder that nomination papers for Village Offices are due January 3. Attorney Koehler suggested that the engineers might want to put together a priority list/timeline for making decisions on the proposed pond and storm sewer construction projects.

Disbursement List

Moved by Trustee Mahlik, seconded by Trustee Peerenboom 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 Frassetto congratulated Captain Recker on his retirement and thanked him for his service.

Items for Future Agendas

Trustee Frassetto asked to put ACT 97 on a future agenda to change the ordinance to allow for Class A sales to begin at 6:00 a.m. The Village Clerk suggested this item be placed on the January 4th agenda. Trustee Smith stated he would like to see the documents on the past agreements with the Heesakkers and he would like the Board to come to a consensus on what the Board wants to happen with the park and he would like to see these items on a January agenda. Attorney Long stated he will provide copies of the documents he has regarding the Heesakkers and the park land to the Board and the Village Attorney.

T. Flick stated he also has copies of these documents. Trustee Hietpas stated he would like Don De Groot invited to the meeting when the Heesakker Park is discussed. Board members discussed looking at the assessment policy and R. Van Gheem stated the Village's current assessment policy could be put on a future agenda for discussion.

Moved by Trustee Mahlik, seconded by Trustee Peerenboom to cancel next week's Board meeting.

Ayes 7, Nays 0 – Motion Carried Unanimously

Moved by Trustee Mahlik, seconded by Trustee Smith to enter Closed Session (8:17 p.m.)

Ayes 7, Nays 0 – Motion Carried Unanimously

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

Closed Session: 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 and/or Sale of Village Property in the Village Industrial Park

Moved by Trustee Frassetto, seconded by Trustee Smith exit Closed Session and return to Open Session. (8:32 p.m.)

Ayes 7, Nays 0 – Motion Carried Unanimously

Return to Open Session

No action taken.

Adjournment

Moved by Trustee Mahlik, seconded by Trustee Frassetto to Adjourn the Regular Board meeting at 8:32 p.m.

Ayes 7, Nays 0 - Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____

Attest:

Vicki Schneider, Village Clerk

Michael R. Vanden Berg, Village President