

## **MINUTES OF THE REGULAR BOARD MEETING OF MARCH 20, 2013**

**Call to Order:** President Vanden Berg called the Regular Board Meeting to Order at 6:00 p.m.

### **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  
Bill Peerenboom, Trustee  
Larry Van Lankvelt, Trustee

**EXCUSED:** Skip Smith, Trustee

### **Roll Call of Officers and Department Heads**

**PRESENT:** Charles Kell, Village Administrator  
Jim Moes, Community Development Director  
Ray Lee, FVMPD Police Captain  
Roy Van Gheem, Director of Public Works  
Tom Flick, Director of Parks, Recreation and Forestry  
Teri Matheny, Finance Director  
Village Attorney Charles Koehler  
Vicki Schneider, Village Clerk

**OTHERS PRESENT:** Nick Vande Hey of McMahon, Interested Citizens, Media Reps

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

None

### **Approval of Minutes**

Regular Board Meeting Minutes – March 6, 2013

Committee of the Whole Meeting Minutes – March 13, 2013

*Moved by Trustee Berken, seconded by Trustee Van Lankvelt to approve the Regular Board Meeting Minutes of March 6, 2013 and the Committee of the Whole Minutes of March 13, 2013 as presented.*  
Ayes 6, Nays 0 - Motion Carried

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

*Park Planning Committee Meeting Minutes – December 4, 2012*

*Plan Commission Meeting Minutes – February 11, 2013*

Board members noted receipt of the informational items.

### **Resolution:**

#### **Authorizing the Sale of 316 W. Lincoln Avenue**

J. Moes stated that he had signed the offer to purchase contingent upon the Board's approval and the final offer is for \$82,000 with \$1,500 refunded at closing. The buyer will install their own water heater and the Village will provide for a \$500 home warranty and staff's recommendation is to approve the resolution.

*Moved by Trustee Van Lankvelt, seconded by Trustee Peerenboom to Adopt Resolution No. 10, Series of 2013 Authorizing the Sale of 316 W. Lincoln Avenue to Matthew Peters.*

Ayes 6, Nays 0 – Motion Carried

### **Action – Special Event Permit – Pig to Pig Walk – May 4, 2013**

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Approve the Special Event Permit for the Pig to Pig Walk on May 4, 2013.*

Ayes 6, Nay 0 – Motion Carried

**Action on Architectural and Design Contacts with McMahon Associates for Remodeling the Existing Village Hall and Construction of a New Addition for Village Hall**

C. Kell stated that the Village has received a check for \$500,000 from the donor as well as a letter of commitment for the balance of the funds that were committed for the entire project donation of \$1 million. C Kell stated the recommendation is to proceed with the design contracts that are outstanding for Village Hall. C. Kell stated that the Board had previously authorized \$24,500 toward the design work on the remodeling project at Village Hall and the outstanding amount that needs to be authorized is \$5,250 on that contract and the contract for the design expansion of Village Hall is for \$42,250. C. Kell stated he is not recommending approval of the optional construction administrative services at this point in time because that will need to be worked out with Boldt Construction and the engineers.

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Approve the Architectural and Design Contacts with McMahon Associates for Remodeling the Existing Village Hall and Construction of a New Addition for Village Hall as presented.*

Ayes 6, Nays 0 – Motion Carried

**Review/Action to Award Bid – Heesakker and Island Park Development and Trail Project**

T. Flick reviewed the two bids submitted and the recommendation to award the bid to the low bidder Janke General Contractors for \$220,524.75. T. Matheny stated that there will be \$24,000 left in fund balance provided we stay within the guidelines as presented. T. Flick stated the bid was favorable and nothing needs to be cut and \$24,000 will be available to be put towards the Doyle Park Shelter. Discussion took place.

*Moved by Trustee Frassetto, seconded by Trustee Berken to Award Contract #L0001-920299 for the Heesakker and Island Park Development Trail Project to Janke General Contractors, Inc. of Athens, WI for \$220,524.75.*

Ayes 6, Nays 0 - Motion Carried

**Action to Approve Easement in Heritage Park for WE Energies Natural Gas Relocation/Upgrade Project on W. Lincoln Avenue**

T. Flick explained that this was a 15' x 30' easement in the northwest corner of the park to relocate WE Energies' existing underground gas regulators that are currently located at the far end of W. Lincoln Avenue. T. Flick stated that the easement has been reviewed by the Village Attorney and staff is recommending approval. T. Flick stated that a requirement of the Village was the installation of a retaining wall and that will be paid for and maintained by WE Energies for the life of the easement.

*Moved by Trustee Frassetto, seconded by Trustee ~~Smith~~ Van Lankvelt to Approve the Easement in Heritage Park for WE Energies Natural Gas Relocation/Upgrade project.*

Ayes 6, Nays 0 – Motion Carried

(Correction made per motion to approve minutes made at April 3, 2013 Board Meeting)

**Review/Action to Award Contract for Revaluation Services**

J. Moes stated that three qualified bids were received and the lowest bid was from Associated Appraisal Consultants, Inc. of Appleton for \$114,900. J. Moes provided Board members with a copy of the Specifications for the Revaluation. J. Moes stated this company conducted the last revaluation for the Village and his recommendation is to award the bid to Associated Appraisal. J. Moes estimated that work would begin in late summer. Staff noted that \$80,000 had been budgeted for this year and \$80,000 for next year so the budgeted amount for 2014 will be reduced.

*Moved by Trustee Van Lankvelt, seconded by Trustee Frassetto to Award the contract for Revaluation Services to Associated Appraisal Consultants, Inc. in the amount of \$114,900.*

Ayes 6, Nays 0 – Motion Carried

**Review MS4 Annual Report**

R. Van Gheem stated this is an annual report required from the DNR for MS4 permitting and no formal action was needed from the Board and the only requirement is to make the Board aware of the report.

**Reconsideration of Action on the Vandenbroek/Depot Street Intersection**

President Vanden Berg stated this had been voted on back in August and a reconsideration motion is needed to bring this issue back up for discussion.

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to reconsider the action on the Vandenbroek/Depot Street Intersection.*

Ayes 4, Nays 2 (Berken, Hietpas) – Motion Carried

J. Moes informed the Board that he has received a request for an easement for a gas line across this property from WE Energies. C. Kell stated that a donor has come forward to offer the Village \$100,000 towards construction of this project if the project is done during this construction season. C. Kell stated that the Village President had requested that this be put on tonight's agenda for possible reconsideration. C. Kell stated that when the Board previously voted on this item the cost estimates were \$250,000 and the Public Works Director thinks that with some diligence on this project the cost might come down to around \$200,000. R. Van Gheem discussed how costs may be able to be reduced but detailed numbers cannot be given until the Board decides on a design. T. Matheny stated that this would be one of the backfill projects and the 2014 CIP plan may need to be adjusted and this could possibly be a replacement for Taylor St. because that project might not happen this year. Discussion took place. J. Moes suggested presenting a resolution at next week's meeting that would officially dedicate the additional street right-of-way. President Vanden Berg stated that this issue will be placed on next week's agenda for the Board to make a decision on whether to move forward with this intersection project.

**Taxi Cab Driver License:**

William J. Wasielewski	1318 N. Division St.	Appleton	Bell Taxi
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*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Approve the Taxi Cab Drivers License for Willaim Wasielewski.*

Ayes 6, Nays 0 – Motion Carried

**Operator's Licenses:**

Dawn M. Delooze	1140 S. James St.	Kimberly	Save-A-Lot
Penney S. Fritsch	1129 E. Nawada St.	Appleton	Village Lanes
Jean M. Hietpas	403 W. Lincoln Ave.	Little Chute	Save-A-Lot
Tiamaria J. Ramirez	907 Depot St.	Little Chute	Save-A-Lot
Hope D. Schaefer	820 Sheboygan St.	Menasha	Hawks Nest
Eugene F. Verhagen	211 John St.	Kaukauna	Save-A-Lot

*Moved by Trustee Berken, seconded by Trustee Peerenboom to Approve the Operator's Licenses as presented.*

Ayes 5, Nays 0, Abstained 1 (Hietpas) – Motion Carried

**Department and Officers Progress Reports**

Captain Lee informed the Board that Chief Misselt is still researching the request from a resident to keep a therapy pig and there is concern with the potential size of the animal and Chief will report back at a future meeting. T. Matheny stated that the special assessment bills for Buchanan and Sanitorium Road projects would be mailed next Thursday. C. Kell reported that the Village had received the \$90,000 donation for Heritage Park so the Parks Director will move forward with the bidding process for the park project. C. Kell stated he will be sending a thank you letter to the donors. C. Kell stated that a development agreement has been sent to the manufacturer that is interested in an expansion and in purchasing industrial park land and he is waiting for their review and comments and then it will be sent to Attorney Koehler before it is brought to the Board for action. C. Kell stated that he has prepared amendments as required by the Federal Government to the Revolving Loan Fund Manual and the amendments will be presented to the Board next week for action. C. Kell stated that the FVMPPA will be voting on the contract proposal next week Tuesday and it will be on the Board's agenda on Wednesday for action if it is approved by FVMPPA. C. Kell stated that the Baeten/Shade Today Development Agreement and CSM were finalized today so they are now able to move forward with their project/sale of property. C. Kell noted that the final documents were what the Board had approved and no changes were made. C. Kell informed the Board that the DOT Consultant for the Mill Street Bridge is recommending some delays in the project and the target

date for letting of the project is now March 11, 2014 and the consultant has assured him that still allows plenty of time to complete the construction of the bridge in 2014 and what may carry over to 2015 would only be minor projects like landscaping. C. Kell stated that the consultant has stated that typically only three companies bid on lift bridges but because this bridge is a smaller scale they are anticipating other companies may be interested in bidding on it which may bring in an overall competitive price. C. Kell reported that a public informational meeting on the Bridge project has been scheduled for Thursday, April 4 between 5 and 7 p.m. at the Civic Center and he and the consultants will be available to discuss the project with the public in an informal format. C. Kell and T. Flick commented on the Fox Locks Authority's recommendation on two options regarding manning the lift bridge and one would involve a charge to the Village but before the Authority decides they want to come up with a plan to determine how many trips they would make up and down the levy. T. Flick stated charges are involved depending on if the lock tender has to travel between locks. C. Kell stated that he had a discussion with the owners of Tailwaggers and they have decided to withdraw their revolving loan request from the Village. J. Moes stated he is reviewing plans for a proposed daycare and a manufacturing expansion and responding to other inquiries on the Village North Subdivision and he is also working on 2013 property assessments. T. Flick reported that the Fox Locks Heritage Parkway has confirmed that they can attend next week's Board meeting to make a presentation. T. Flick stated that weather permitting soil borings will be started next week for the slide replacement project. T. Flick stated if there is no objection, they are ready to bid out the Heritage Park Development Plans with July 15 being the completion date. No Board members objected to bidding the project. T. Flick reported that the metal from the pool slide will be scraped for money and the fiberglass will go to the landfill. R. Van Gheem reported on the status of the Main Street project and he noted that the utility contractors have also started and the Buchanan intersection will be closed for one or two days and the detours are up but the road is marked open to local traffic. R. Van Gheem stated they are planning to put up detour signs with directions to the businesses next week and a detour route map has been posted on the web. C. Kell stated that he has received some complaints from businesses and it will be better to get the business detour signs up now, instead of waiting until the concrete construction begins and he noted that the Metro has been enforcing the area for local traffic only. R. Van Gheem stated that they will distribute detour maps to the local businesses and they may also publish the map in the newspaper. R. Van Gheem stated this is an issue because the street is open for local traffic and to the businesses during the utility construction and they normally don't put the signs up until the concrete contractor is working but they understand the concern and they will get the signs up. Trustee Peerenboom stated that it will be better to get the directional signs for the businesses up as soon as possible. R. Van Gheem stated a preliminary assessment resolution for the asphalt street paving, sidewalk, and some storm sewer laterals projects is planned to be presented to the Board next week along with the project plans. R. Van Gheem stated that with the Board's permission staff is looking at holding the assessment - informational meeting at the same time on Monday, April 15 at 6 p.m. and the bid opening would be on April 11. R. Van Gheem informed the Board that the bidding for these street reconstruction projects will also include a large storm sewer along Elm Street that will serve for future development but there will not be any assessments for this as there will be an agreement with the property owner. Clerk Schneider thanked the Metro for their enforcement of the speed limit on Lincoln Avenue. Clerk Schneider reported that an insurance claim would be on next week's agenda for Board action and she also reported that in-person absentee voting started on Monday and while other village offices will be closed on Friday, March 29, by State Statute the Clerk's office is required to be open that Friday for absentee voting. Marv Janssen, Florida Ave., suggested that since the Village is taking the scrap metal to Goldin, the Parks Director could contact Jeff at Goldin to see if they would be willing to take the fiberglass slide or they may know of a place that the Village could take it. T. Flick stated he will contact Goldin about this. Attorney Koehler- no report

### **Disbursement List**

*Moved by Trustee Peerenboom, seconded by Trustee Van Berken to Approve the Vouchers and Authorize the Finance Director to pay all vendors.*

Ayes 6, Nays 0 – Motion Carried

**Call for Unfinished Business**

None

**Items for Future Agendas**

Trustee Van Lankvelt asked Attorney Koehler about changing the voting procedure for the Board by voting for two board members each year for a three year term and he asked if a charter ordinance is needed. Attorney Koehler stated he could look into it if the Board wanted him to do that. President Vanden Berg recommending putting it on a future agenda to determine if the Board wants Attorney Koehler to explore this issue further.

*Moved by Trustee Peerenboom, seconded by Trustee Berken to enter into closed session. (7:10pm)*  
Ayes 6, Nays 0 – Motion Carried

The Village Administrator, Village Attorney, Village Clerk and staff were excused at this time.

**Closed Session:**

**19.85(1)(c) Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute (g) 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. Discussion of a personnel contract matter**

*Moved by Trustee Van Lankvelt, seconded by Trustee Frassetto to exit closed session and return to open session. (8:23 pm)*  
Ayes 6, Nays 0 – Motion Carried

**Return to Open Session**

No action taken.

**Adjournment**

*Moved by Trustee Van Lankvelt, seconded by Trustee Frassetto to adjourn the Regular Board meeting at 8:23 p.m.*  
Ayes 6, Nays 0 - Motion Carried

**VILLAGE OF LITTLE CHUTE**

Attest:

\_\_\_\_\_  
Vicki Schneider, Village Clerk

By: \_\_\_\_\_  
Michael R. Vanden Berg, Village President