

## **MINUTES OF THE REGULAR BOARD MEETING OF APRIL 3, 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

Bill Peerenboom, Trustee

Skip Smith, Trustee

Larry Van Lankvelt, Trustee

EXCUSED: James Hietpas, Trustee

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

PRESENT: Charles Kell, Village Administrator

Erik Misselt, FVMPD Police Chief

Jim Moes, Community Development Director

Tom Flick, Director of Parks, Recreation and Forestry

Teri Matheny, Finance Director

Roy Van Gheem, Director of Public Works

Village Attorney Charles Koehler

Vicki Schneider, Village Clerk

OTHERS PRESENT: Rick Puffe, 1420 E. Main Street – Pop In, Kurt Coenen – Rose Hill Tavern, Michael Stouffer – 714 Bluff Ave, Interested Citizens, Media Reps

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

Rick Puffe owner of Pop In Tavern at 1420 E. Main Street addressed the Board on concerns he has about his customers not being able to get to his establishment due to the construction on Main St. and he stated he feels there is a lack of signage directing patrons to his bar and the businesses near him. Mr. Puffe stated he followed the recommended detour route that the Village has established and he was not able to get through to his business. R. Van Gheem reported that the detour signs had been put up and the road is not closed to local traffic and residents and patrons of the businesses on E. Main Street do have access to driveways unless the utility work is being done directly in front of the property and then there will be delays.

Mr. Puffe asked about the Police patrolling Main St. and Chief Misselt stated they are providing enforcement on the drivers that are driving straight through but not those that are accessing driveways on Main St. Mr. Puffe asked if he was allowed to put up his own sign on the corner of E. Lincoln Ave and Sue St. R. Van Gheem stated that signs are not allowed in the State right-of-way and the Board would have to approve signs in the Village right-of-way and they are trying to make the detour routes consistent and the Village will be adding to the Village's website links to Main Street businesses websites. J. Moes stated that under the zoning code, a sign would not be allowed on the corners of a property but under these circumstances he would not consider enforcing the ordinance for the duration of the construction unless the sign was too big to see around. R. Van Gheem stated that he would not recommend allowing signs in the right-of-way. Trustee Smith commented that the detour signs on Hwy. OO that just list addresses are confusing. R. Van Gheem stated that they can drive on Main St. now but when concrete paving begins, they will not be able to drive on Main St. Trustee Frassetto commented on people being confused that they cannot get through and she would like to see business owners allowed to place their own signs on the corners. Rick Puffe stated he is a proponent of the road and he thinks it will be great when it is done but his business is down 50% because people won't drive down Main St. or they don't know how to get to his business and the two businesses being hurt are his and the salon. R. Van Gheem stated they want to keep the detour simple and the addresses on the signs are for those that are not familiar with the Village.

Mr. Moes stated any signs put up by the businesses should not be larger than 3 ft. by 3 ft. and the businesses must get permission from the property owner before putting up a sign. Mr. Puffe asked if he should bring something to the Village from the homeowner that indicates they have approved placing a sign. J. Moes and Chief Misselt agreed that their departments should be made aware that the homeowner had given permission for a sign. Trustee Peerenboom stated that he agrees that the businesses like Pop In need to have their names or logo added to the detour signs or maybe they need to be given permission to place signs in the right-of-way because the Village needs to work with and help these businesses so as many people can get to their businesses as possible. President Vanden Berg stated they will continue to monitor the situation and take it up in couple of weeks to see how things are going. Rick Puffe stated he will talk to the homeowner on the corner of Lincoln Ave. and Sue St. to see if they will allow him to place a sign but if his business continues to go down, he will be back before the Board.

Michael Stouffer, 714 Bluff Ave., congratulated the President and the others that won the election yesterday and he also commented on appropriate parliamentary procedure in regard to a motion made and vote taken at last week's meeting.

*Moved by Trustee Peerenboom, seconded by Trustee Berken to Enter Public Hearing on the Outdoor Beverage Permit for Rose Hill Tavern.*

Ayes 6, Nay 0- Motion Carried

**Public Hearing-Outdoor Alcohol Beverage Permit-Rose Hill Tavern, 2206 E. Main Street, Kaukauna**  
President Vanden Berg asked if the permit was an ongoing thing or if it was the first time. Chief Misselt stated that the applicant has done modifications to move the volleyball court and the outdoor area is all new and previously he has not had this permit. Trustee Smith asked about the restrictions for the outdoor area. Chief Misselt stated that this is the provision for establishments that are requesting an outdoor smoking area and this allows them to have the outdoor area and the applicant's plans meet all the requirements for an outdoor alcohol beverage permit. J. Moes stated that this public hearing is required because neighbors within 150 feet of the establishment are notified of this application for an outdoor beverage permit. No comments were made by the public in attendance.

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to Exit the Public Hearing for the Outdoor Alcohol Beverage Permit for Rose Hill Tavern, 2206 E. Main Street.*

Ayes 6, Nays 0 –Motion Carried

### **Approval of Minutes**

Regular Board Meeting Minutes – March 20, 2013

Committee of the Whole Meeting Minutes – March 27, 2013

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to approve the Regular Board Meeting Minutes of March 20, 2013 and the Committee of the Whole Minutes of March 27, 2013 as presented. (with noted correction)*

Further Discussion: Trustee Berken pointed out that the item for the easement for Heritage Park in the minutes of March 20 read Trustee Smith seconded the motion and Trustee Smith was not present at this meeting. Clerk Schneider stated she will refer to her notes to correct the name of the trustee that seconded the motion.

Trustee Van Lankvelt and Trustee Smith noted the correction to the minutes of March 20 2013 should be made.

Vote on the Motion:

Ayes 6, Nays 0 - Motion Carried

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

Joint Library Board Meeting Minutes of February 19, 2013

**Resolutions:**

**Proclaiming Arbor Day in the Village of Little Chute**

*Moved by Trustee Frassetto, seconded by Trustee Smith to Adopt Resolution No. 12, Series of 2013  
Proclaiming Arbor Day in the Village of Little Chute.*

Further Discussion: Trustee Van Lankvelt asked if this resolution needed to be adopted ever year.

T. Flick stated that adopting the resolution each year is criteria for being named a Tree City USA.

Ayes 6, Nays 0 – Motion Carried

**Supporting the Fox-Wisconsin Heritage Parkway**

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Adopt Resolution No. 13, Series  
of 2013 Supporting the Fox-Wisconsin Heritage Parkway.*

Ayes 6, Nays 0 – Motion Carried

**Action – Outdoor Alcohol Beverage Permit-Rose Hill Tavern, 2206 E. Main Street, Kaukauna**

*Moved by Trustee Berken, seconded by Trustee Smith to Approve the Outdoor Alcohol Beverage  
Permit for Rose Hill Tavern, 2006 E. Main Street, Kaukauna.*

Further Discussion: Trustee Peerenboom asked if the permit was approved by the FVMPD and the Zoning Administrator/Building Inspector. Chief Misselt and J. Moes stated they had approved the permit.

Vote on the Motion:

Ayes 6, Nays 0 - Motion Carried

**Review/Possible Action on Granting an Easement for Natural Gas Line Installation for the Salon Indulgence Project**

J. Moes reviewed the aerial photo of the location of the easement. J. Moes stated that the gas line would need to be moved if the property was sold instead of being used for a street. Discussion took place on the placement and depth of the gas line and the possibility of this land being a future road. Attorney Koehler pointed out that the easement also allows WE Energies to install necessary and appurtenant equipment above ground. Attorney Koehler further commented that the Board could approve the easement with the deletion of the language “above ground”. Staff stated that in the future if it would need to be moved the Village will be responsible for paying for the relocation. Attorney Koehler stated that the Village could require that the gas line is placed at a certain depth. Staff stated that Salon Indulgence needs this gas line by May 1<sup>st</sup>. Staff stated they will talk with WE Energies about the concerns of the depth placement of the line.

*Moved by Trustee Peerenboom, seconded by Trustee Smith to Approve the Distribution Easement  
for a Gas Service Lateral for WE Energies with the language under 1. Purpose: “and above” to be  
stricken from the easement document.*

Ayes 6, Nays 0 – Motion Carried

**Taxi Cab Driver License:**

*Robert Berrens*

*1500 Jennie St.*

*Menasha*

*Bell Taxi*

*Lisa Leif*

*312 W. North Ave.*

*Little Chute*

*Bell Taxi*

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Approve the Taxi Cab Drivers  
License as presented.*

Further Discussion: Trustee Peerenboom asked if the address of 312 W. North is the address of the taxi cab company because the taxi is parked on the front lawn at this address. J. Moes confirmed that 312 W. North Ave is the address of the taxi cab company. Trustee Peerenboom asked J. Moes to contact the owner of the taxi cab business to inform him of our ordinances against parking on lawns.

Vote on the Motion:

Ayes 6, Nays 0 – Motion Carried

**Operator's Licenses:**

*Christina A Schwartz*

*409 W. Main St.*

*Little Chute*

*Pump House*

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

Ayes 6, Nays 0 – Motion Carried

### **Department and Officers Progress Reports**

Chief Misselt reported that he would be bringing a mutual aid agreement to the Board in a few weeks. Chief Misselt stated the agreement is between the City of Menash, Town of Menasha, Neenah, Appleton, Grand Chute and Kaukauna. Chief Misselt stated he will be sending the agreement to Attorney Koehler for review and he informed the Board that this agreement is one step the area Police Chiefs are looking at for sharing resources and assistance for critical events. T. Matheny reported that the PSC report had been filed and the audit begins next week. T. Matheny stated that a citizen is requesting that the cemetery remains accessible from Jackson St. during the Main Street construction. T. Matheny also reported that today the Village received a notice from the State that the manufacturing value on two properties was significantly reduced at a loss of \$3.75 million and once they make claim for a tax refund, the Village will be paying out approximately \$85,000. T. Matheny reported that staff will be discussing whether or not to appeal the assessment reductions. C. Kell reported that he had contacted the representative of the property on Grand Ave. that the Village is interest in but he has not yet heard back from him. C. Kell stated he has been meeting with the Fox Locks Navigational Authority in regard to the lock tender houses and turning them into overnight stay facilities and the issue is the high cost of providing sewer and water services to these properties. C. Kell stated that in the past the properties were on septic systems and wells and Village ordinances do not allow for installation of new wells or septic systems so they are looking at ways to try to reduce these costs and there has been some indication that they may want to ask the Village to consider exceptions to the ordinances. C. Kell stated that PBJ Holdings has filed a rezoning request for 39 acres of property north of Hwy. 41 and west of Holland Road for a multi-family housing project and that request will be before the Plan Commission for review and recommendation next Monday. C. Kell stated the rezoning will come to the Board next week for setting a public hearing. C. Kell commented that that this morning he participated in an informational session for a proposed wood pellet mill and the tour was at the New Page location but they have also indicated interest in other HOV sights including Little Chute.

C. Kell state he believes Little Chute is low on the list of possible sites but they are looking for sites with rail access which our Industrial Park does have. J. Moes stated that he continues to work on developments and two site plans came in and one is for a Day Care in the HJT Business Park and the final site plan for Eagle Plastics on Evergreen Dr. J. Moes stated this week three permit applications were received for new homes and a permit has been issued for Stoney Ridge Apartments and all five buildings will be going up. J. Moes stated he has signed the revaluation contract and he also signed an acceptance of an offer to purchase for lot 3 in Village North and the offer was for the full amount of \$40,000. J. Moes stated that in closed session they will discuss an offer being made for two lots in Village North. T. Flick reported that last week Parks Dept. employees took down the pool slide at Doyle and it went really well and approximately \$1,100 was taken in from scrapping out the metal. R. Van Gheem stated all the utility crews are working on the Main Street utilities and they are also looking to bid the 2013 asphalt projects next week. Clerk Schneider stated that the Board of Canvass will be meeting on Friday to certify the election results and she will include a copy of the certification in Board members agenda packet. Attorney Koehler – no report.

### **Disbursement List**

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

Ayes 6, Nays 0 – Motion Carried

### **Call for Unfinished Business**

Trustee Van Lankvelt asked if anything had been done with the issues at 312 Pierce Ave. J. Moes stated the Building Inspector reviewed the property and did not find any reason to issue orders and he received an email from the Police Department that the vehicles that were not registered are now registered.

### **Items for Future Agendas**

Trustee Peerenboom stated if the Board agrees he would like to have a discussion on putting up signs for the Main Street businesses and Board members agreed with adding this discussion to next week's agenda.

President Vanden Berg stated he would like the closed session items voted on separately and to let him know if anyone feels that these items are inappropriate for the agenda or closed session.

*Moved by Trustee Peerenboom, seconded by Trustee Smith to enter into closed session for item #1.  
( 6:57 p.m.)* Ayes 6, Nays 0 – Motion Carried

*Moved by Trustee Peerenboom, seconded by Trustee Smith to enter into closed session for item #2.  
( 6:57 p.m.)* Ayes 6, Nays 0 – Motion Carried

The Village Administrator, J. Moes and T. Matheny were present for closed session item #1.  
The Village Clerk and other staff were excused at this time. All staff members were excused from closed session item #2.

**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. *Offer to Purchase of Village North Lots*
2. 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 Peerenboom, seconded by Trustee Van Lankvelt to exit closed session and return to open session. (7:35 pm)* Ayes 6, Nays 0 – Motion Carried

**Return to Open Session**

No action taken.

**Adjournment**

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to adjourn the Regular Board meeting at 7:35 p.m.* Ayes 6, Nays 0 - Motion Carried

**VILLAGE OF LITTLE CHUTE**

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

Attest:

Michael R. Vanden Berg, Village President

Vicki Schneider, Village Clerk