

## **MINUTES OF THE REGULAR BOARD MEETING OF MAY 1, 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  
Tammy Frassetto, Trustee  
James Hietpas, Trustee  
Brian Joosten, Trustee  
Bill Peerenboom, Trustee  
Skip Smith, Trustee  
Larry Van Lankvelt, 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: 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 – April 17, 2013

Committee of the Whole Meeting Minutes – April 24, 2013

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to approve the Regular Board Meeting Minutes of April 17, 2013 and the Committee of the Whole Minutes of April 24, 2013 as presented.*  
Ayes 7, Nays 0 - Motion Carried Unanimously

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

Water Commission Meeting Minutes of February 19, 2013

Joint Library Board Meeting Minutes of March 19, 2013

Board of Appeals Meeting Minutes of April 15, 2013

Notes from the Preliminary Assessment Hearing/Informational Meeting of April 15, 2013

### **Action on Special Event Permit – American Legion – Jacob Coppus Post 258 Memorial Day Parade on May 27, 2013**

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Approve the Special Event Permit for the American Legion Jacob Coppus Post 258 Memorial Day Parade on May 27, 2013.*  
Ayes 7, Nays 0 - Motion Carried Unanimously

### **Action on Auction Permit – Tim & Jays, 1320 E. Main Street – Jay Frassetto Applicant – Auction to be held on May 11, 2013**

*Moved by Trustee Smith, seconded by Trustee Peerenboom to Approve the Auction Permit for Tim & Jays at 1320 E. Main Street for May 11, 2013.*

Further discussion: Trustee Van Lankvelt asked if they were closing their business. Clerk Schneider stated that they were not closing the business and they are auctioning off items owned by the deceased partner.

Vote on the Motion:

Ayes 6, Nays 0, Abstained 1 (Frassetto) – Motion Carried

**Action – Special Event Permit – Great Wisconsin Cheese Festival – May 31, June 1 & 2, 2013**

*Moved by Trustee Frassetto, seconded by Trustee Smith to Approve the Special Event Permit for the Great Wisconsin Cheese Festival on May 31, June 1 & 2, 2013.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Discussion/Action Regarding the Closing of Island Park and Heesakker Parks During Construction**

T. Flick reported that because construction has begun on Island Park and Heesakker Park he is requesting to close portions of Heesakker Park and all of Island Park. The intentions are to fence off the Heritage Parkway Trail on the east end of Island Park and post signage informing park users of closed areas. Signage will be placed on the Heritage Park Trail in Heesakker Park informing user that no thoroughfare will be permitted. T. Flick stated that the popularity of the trail is incredible and he has had discussions with the general contractor to see if there is the ability to close the trail on an as-needed basis and he would like to discuss that option. The contractor feels that there will be times that people can come through the entire trail and T. Flick feels it is worth it to try to work with the contractor to keep it accessible when it is safe for the public. Discussion took place on safety issues, usage, and putting the fence and sign up and down as necessary.

*Moved by Trustee Frassetto, seconded by Van Lankvelt to authorize the closure of parts of Heesakker Park and all of Island Park and to allow the Parks Director and his staff the flexibility to open the parks at their discretion.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Operator's Licenses:**

Robin L. Swenson	1640 Holland Rd.	Appleton	Super 41 Shell
Tamara L. Johnson	1604 E. Main St.	Little Chute	Little Chute Softball Club
Michele M. Racette	3501 E. Glory Ln.	Appleton	Express

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

Ayes 7, Nays 0 – Motion Carried Unanimously

**Department and Officers Progress Reports**

Chief Misselt reported that staff is following up with the concerns expressed about Lincoln Avenue traffic by the Janssen's at last week's meeting. Chief and the Public Works Director are working at getting traffic counts done concerning the Van Buren/Lincoln intersection. Chief also reported that the Dept. has never told semis they are allowed on Lincoln Ave. and semi traffic is to follow the authorized truck route. Chief stated they had contacted a business about the routes their suppliers should take. T. Matheny – no report. C. Kell reported that Salon Indulgence completed their relocation last Sunday and village staff is working on arrangements to get the utilities disconnected and abandoned and an asbestos evaluation needs to be completed on the building before it is torn down. C. Kell reported that he is working on arrangements with Boldt to get their fencing and trailers moved and Boldt has also submitted a preliminary construction management contract to him which he is reviewing and it has also been provided to Attorney Koehler for review. C. Kell stated he had authorized soil borings to be taken on the location of the new expansion of Village Hall. C. Kell reported that tentatively Mike McMahon of McMahon is scheduled to appear before the Board on May 22 to review the design plans but if possible, he will try to get that presentation moved up a week or two to keep the process moving. C. Kell reported that he was informed by Bob Toonen of Toonen Development that they have dropped their consideration of the apartment buildings project on the PBJ site for a number of reasons which includes the number of apartment units that are currently being constructed in the Village. C. Kell stated they may come back to the Village at a future date and he has a call into them as he isn't sure what this means as far as the rezoning hearing scheduled for May 15 but he believes they will likely be pulling their rezoning request.

C. Kell stated he had a discussion with Bill Long from the Outagamie County Landfill in regards to the refuse blowing around the Village. C. Kell stated that they are working on the issue and they are trying to get an additional type of coverage material approved by the DNR. Their current material is paper sludge and that isn't heavy enough when there are wind events and they are also looking at putting in a high reach fence. C. Kell stated they have also hired a private firm with a high reach bucket system to get bags out of resident's trees. C. Kell reported that Glenn Button, 419 Buchanan St., stopped in his office today to inform him of a traffic accident on Buchanan St./Lincoln Ave. and Mr. Button is requesting that consideration be given to install a temporary four way stop at this intersection until the Main St. construction is completed because of the increased traffic and the trucking of materials because of the building that is taking place in the area. C. Kell reported that the Janssens' have agreed to the Board's conditions for their purchase of the excess land on Cypress St. and staff will be working to move that land sale forward. C. Kell reported that there has been confusion among the businesses as to why some are listed on the signs the Village put up and some aren't and confusion with what is allowed on County right-of-way. C. Kell reported that Don DeGroot and the County Highway Commission are going to review the issues and figure out what the rules are for private signs. Chief Misselt stated that they will take a look at the Buchanan St./Lincoln Ave. intersection and he stated that they are only looking at one crash happening at this intersection and that did involve an arrest under suspicion of OWI. Trustee Peerenboom requested that since Boldt is going to be moving the fence around the area of the Village Hall/Windmill project that the fence at the corner of Main and Monroe Streets should be looked at and he believes it should be placed at an angle to improve traffic vision. C. Kell stated he would take care of the request. J. Moes reported that the Department is busy with inspections and there are currently six homes under construction compared to one last year and apartment unit projects are also under various stages of construction.

T. Flick reported that the downtown parking lot areas have been cleaned up and maintenance to prepare the pool for the year is taking place. T. Flick informed the Board that they are going to have to make decisions in the near future about the pool and he encouraged Trustees to contact him to go and take a look at the pool as there are going to have to be some decisions made in the CIP for 2014. T. Flick stated that they will be grinding the pool basin for one to two weeks to get by another year but every year more and more of the plaster is cracking and splitting and that needs to be addressed. Whether the pool is repainted or an epoxy finish is applied, the entire basin will have to be sandblasted down to the concrete. T. Flick reported that he will have costs put together for the CIP process and if the basin is refinished we would want the pool to stay in this location for 15 or more years and that will be a discussion during the CIP process.

T. Flick reported that WE Energies is finishing up their project at Heritage Park and KU is bringing electrical into the site and the trees are being spaded to be replanted at Creekview Park. T. Flick stated that the Fox Locks Authority has made a request to add additional asphalt to the trail at Heesakker Park. The Village's project consists of three inches of asphalt and they would like four inches of asphalt for heavier equipment to be brought in and out for maintenance of the locks. The Fox Locks Authority would also like to put a spur off the Village's trail that goes to their lock facility and they are asking to be a part of our contract and they would pay for all expenses associated with the add on and the additional engineering fees from McMahons. T. Flick reported that he has discussed this with Nick Vande Hey of McMahons and he is comfortable with this being run through the Village contract. Board members did not express any opposition of this being added to the contract as long as the Fox Locks Authority is paying for all associated costs. T. Flick stated he would get something in writing from the Locks Authority. Attorney Koehler suggested that T. Flick forward the documentation to him for review. R. Van Gheem reported that the Main Street project is moving forward on schedule and there are a number of contractors working on the utility projects. The preconstruction meeting on the asphalt project was held and weather dependent that project will start in two to three weeks. R. Van Gheem reported that some of the additional detour business signs have been put up. R. Van Gheem stated that at this time the signs that the businesses are putting up on Hwy. OO will remain until the County reviews their policies for the signage and as that comes forward the businesses and the Board will be informed. Clerk Schneider – no report. Attorney Koehler – no report.

### Disbursement List

*Moved by Trustee Peerenboom, seconded by Trustee Hietpas to Approve the Vouchers and Authorize the Finance Director to pay all vendors. Ayes 7, Nays 0 – Motion Carried Unanimously*

**Call for Unfinished Business**

None

**Items for Future Agendas**

None

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to enter into closed session for item (a).  
( 6:31 p.m.)* Ayes 7, Nays 0 – Motion Carried Unanimously

*Moved by Trustee Van Lankvelt, seconded by Trustee Hietpas to enter into closed session for item (b). (6:31 p.m.)* Ayes 7, Nays 0 – Motion Carried Unanimously

The Village Clerk and other staff were excused at this time.

The Village Administrator and T. Matheny were present for closed session item #1.

**Closed Session:**

a) 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.

1. *Development Agreement and Project Financing for Evergreen L.C. Development*
2. *Update on Pending Development Agreement for Various Development Projects*

b). 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 Frassetto to exit closed session and return to open session. (8:13 p.m.)* Ayes 7, Nays 0 – Motion Carried Unanimously

**Return to Open Session**

No action taken.

**Adjournment**

*Moved by Trustee Peerenboom, seconded by Trustee Frassetto to adjourn the Regular Board meeting at 8:13 p.m.* Ayes 7, Nays 0 - Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

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

Vicki Schneider, Village Clerk