

## **MINUTES OF THE REGULAR BOARD MEETING OF JUNE 19, 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  
James Hietpas, Trustee  
Brian Joosten, Trustee  
Bill Peerenboom, Trustee  
Skip Smith, Trustee  
Larry Van Lankvelt, Trustee

EXCUSED: Tammy Frassetto, Trustee

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

PRESENT: Charles Kell, Village Administrator  
Erik Misselt, FVMPD Police Chief  
Jim Moes, Community Development Director  
Teri Matheny, Finance Director  
Tom Flick, Director of Parks, Recreation, and Forestry  
Roy Van Gheem, Director of Public Works  
Sandy Berkers, Village Deputy Clerk

OTHERS PRESENT: Mike McMahon, Nick Vande Hey of McMahon, Michael Stouffer, Interested Citizens and Media Reps

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

None

### **Approval of Minutes**

Regular Board Meeting Minutes – June 5, 2013

Committee of the Whole Meeting Minutes – June 12, 2013

*Moved by Trustee Smith, seconded by Trustee Hietpas to approve the Regular Board Meeting*

*Minutes of June 5, 2013 and the Committee of the Whole Minutes of June 12, 2013 as presented.*

Ayes 6, Nays 0 - Motion Carried

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

Fox Valley Metro Incident Report May 2013 and YTD

### **Discussion of Retiree Health Insurance**

C. Kell stated that the Retiree Health Insurance is a complicated issue and that there is a number of court cases underway regarding change of benefits for retirees. C. Kell went on to say that if there are legal issues the board wants addressed the questions should be referred to the Village Administrator or Village President which will be forwarded to Attorney Koehler for investigation. C. Kell stated that due to the possibility of litigation the legal issues should be discussed in closed session. Trustee Joosten stated that he would like to bring in an Insurance Broker to discuss an insurance plan that he has experience in. Trustee Joosten stated that he has a couple of brokers that are willing to come and speak with the board. Trustee Smith stated that he would like to work together with retirees to make sure they have adequate coverage while lowering cost for the village. Glen Lamers, retiree from the village stated that when he retired in 2006 it was his understanding the standing contract at that time would be honored into his retirement and questioned the ability of getting back into the state program and the financial ramifications if the village goes with a different insurance provider.

**Review/Direction to Project Architect on Village Hall Renovation Bid Alternates and Board Room Design**

Mike McMahon of McMahon discussed the Renovation Bid Alternates and presented a computer rendering of the future board room. M. McMahon stated that the sum of all the alternates would be \$120,000 in savings. Trustee Peerenboom questioned alternate 1 and if the HVAC was not replaced at this time would it be possible to put the curbs in place for future installation. Trustee Van Lankvelt stated that he was not in favor of skimping on the windows in the existing building due to the savings in energy costs.

**Discussion/Possible Action to Approve Section 106 Historic Mitigation Expenses Not to Exceed \$13, 200**

C. Kell stated that the Historical Society will be the main component in the Memorandum Agreement and that they are being asked to provide the majority of the mitigation activities connected with the Canal Bridge. C. Kell stated that it is important for the village board to authorize the funds because the Historical Society is a volunteer organization and does not have a budget to pay for these expenses and that these expenses are required because the village is replacing the Canal Bridge. C. Kell stated that while the Historical Society is willing to do some of the mitigation projects at a lower cost there is a schedule that has to be adhered to and there may be items that they will need professional help to keep the project moving. C. Kell stated that he did not think the board would want to risk losing the funding for the bridge and get behind on the schedule to finish the project. C. Kell stated that the Federal Government is mandating this process because the Canal Bridge is in a historic district. Trustee Joosten questioned the government's ability to mandate this mitigation. C. Kell stated that because the village will be using federal dollars to replace the bridge the government can mandate the mitigation be done before the project can begin. C. Kell stated that the mitigation costs are an eligible expense and if the bridge bids come in lower than the authorized government funds the cost of the mitigation could be recouped up to 80%.

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to Approve Section 106 Historic Mitigation Expenses Not to Exceed \$13,200*

Ayes 6, Nays 0, - Motion Carried

**Review/Approval of Offer to Purchase Industrial Park Land by Kay James VI, LLC**

C. Kell stated that he recommends the board table items K & L and Resolution A on the agenda due to a revision in the Offer to Purchase and put it on the agenda for next week.

*Moved by Trustee Peerenboom, seconded by Trustee Smith to Table Items K, L, and Resolution A*

Ayes 6, Nays 0, – Motion Carried

**Review/Approval of Development Agreement in Tax Incremental District #2 for Kay James VI, LLC**  
Tabled

**Review/Approval of Intergovernmental Cooperation Agreement with the City of Appleton**

C. Kell stated that the City of Appleton is agreeing to extend city sewer and water north of the village's corporate limits and put in a gravel base and temporary street and the village gives Appleton \$150,000 towards that cost. C. Kell went on to say that the village can recoup the \$150, 000 as the Northside Solution Development property sells. C. Kell stated that the City of Appleton has the funds in their 2013 budget for the utility work to start the project as soon as they have this signed agreement with the village. C. Kell recommended approval of the agreement and the City of Appleton has already approved the agreement. Trustee Joosten questioned why it is the responsibility of the village to give Northside Solutions, LLC a low interest loan. C. Kell stated that this agreement is assistance to the developer to assist with the cost of connecting the utilities to the property.

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to Approve Intergovernmental Cooperation Agreement with the City of Appleton*

Ayes 6, Nay 0 – Motion Carried

**Resolutions:**

**a) Authorizing Sale of Industrial Park Property to Kay James VI, LLC**

Tabled

**b) Authorizing Sale of Industrial Park Property to Darboy Development, LLC**

C. Kell stated that this development has been in the works for quite some time and with his employment terminating with the village he did not want this item to fall through the cracks. C. Kell stated that due to Heartland Business Solutions expansion the board agreed to donate this land for development.

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to Adopt Resolution No. 26, Series of 2013 Authorizing the Sale of Industrial Park Property Darboy Development, LLC with the contingency that if property is sold at a later date the village is offered to purchase property first*  
Ayes 6, Nays 0, – Motion Carried

**Review/Approval of Development Agreement for Northside Solutions, LLC**

C. Kell stated that this agreement will benefit the Village of Little Chute, Northside Solutions, LLC and the City of Appleton because it will get utility service to an area and allow for development. Kelly Sperl of Northside Solutions, LLC stated that his company is trying to find an avenue to get this project underway but needs assistance with the financing portion of the project and would request a 2 year stay on the repayment. K. Sperl stated that he has developers looking at the property he just needs access to the property. President Vanden Berg summarized the points of Northside Solutions, LLC and that they are ok with the development agreement but would like either a 2 year moratorium on payments or a 10 year amortization of the loan and that they have concerns regarding the personal guarantees. C. Kell stated that there is little risk to the village due to special assessment taking precedence over a bank loan. Trustee Joosten stated that this agreement should be zero risk for the village so the personal guarantee should be required.

*Moved by Trustee Peerenboom, seconded by Trustee Smith to approve the Development Agreement with Northside Solutions, LLC with a one additional year on repayment of the Special Assessment*  
Ayes 5, Nays 1 (Joosten) – Motion Carried

**Further Discussion:**

Trustee Van Lankvelt questioned if the development agreement would move forward if the village wanted the personal agree. Kelly Sperl stated that one of his partners was not present and he would guess that it would not move forward.

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to approve the Development Agreement with Northside Solution, LLC with change in item #4 in the Development Agreement with Northside Solutions, LLC to add an additional year on repayment of Special Assessment*  
Ayes 5, Nays 1 (Joosten) – Motion Carried

**Discussion/Action – Interim Administrator Agreement**

President Vanden Berg stated this is an agreement with the incoming Interim Administrator, Rick Hermus with the exception of Mr. Hermus being classified as a limited term employee.

*Moved by Trustee Peerenboom, seconded by Trustee Smith to approve Interim Administrator Agreement subject to language of agreement changing Mr. Hermus to limited term employee status*  
Ayes 6, Nays 0 – Motion Carried

**Discussion/Action – Village Administrator Executive Recruitment Services agreement with Public Administration Associates, LLC, Oshkosh, WI**

*Moved by Trustee Van Lankvelt, seconded by Trustee Hietpas to Enter into Agreement with Public Administration Associates, LLC, Oshkosh, WI for Administrator Recruitment Services*  
Ayes 6, Nays 0 – Motion Carried

### Operator's Licenses:

Schantner, Amanda	N 1833 Holland rd.	Appleton	WI	54913	5th quarter
Vanden Berg, Brian	1612 florence St.	Kaukauna	WI	54130	Rosehill
Zenisek, Dawn	815 Eden Ave.	Kaukauna	WI	54130	Rosehill
Siebers, Heather	808 Lawe st.	Kaukauna	WI	54130	Heiting Place
Hoagland Steven A	335 Main St. Apt 4	Racine	WI	53403	Gentleman Jack's
Evers, Jessica J	1623 E Moonbeam Tr.	Appleton	WI	54915	Gentleman Jack's
Noack, Donna S	W5544 Holly St.	Appleton	WI	54915	Rosehill
Harlow, Joseph	W3125 Glenbrooke Ct.	Appleton	WI	54915	Cheese Fest
Parker, Tammy L	725 Madison St.	LC	WI	54140	Flying Dutchman
Plotz, Diane K	400 Lemongrass Way	Kaukauna	WI	54130	Larry's Pig
Smittts, Brian T	200 Depot St.	Kaukauna	WI	54130	Larry's Pig
Schell, Tim	153 1/2 E. 3rd St.	Kaukauna	WI	54130	Super 41 Shell
Kontaxis, Jillian J	400 Wilson St.	LC	WI	54140	Gentleman Jack's
McCauley, Mary L	283 Brule R.	DePere	WI	54115	Simons
Vogl, Jason J	713 S Railroad St. Apt 9	Kimberly	WI	54136	Express Convenience
Rustad, Troy M	826 E. Appletree Ln	Appleton	WI	54911	Walgreens
Boaz, Dawn M	1407 N Racine St.	Appleton	WI	54911	Walgreens
Ebben, Carol J	904 Jefferson St.	LC	WI	54140	5th quarter
Wildenber, Lynn	2285 Fraser Fir Ln	Appleton	WI	54913	Simons
Gasparick, Sheri L	908 Rolling Meadows	LC	WI	54140	Simons
Newhouse, Nicholas	125 Homewood Ct.	LC	WI	54140	Marathon
Holub, Allison M	1116 Haen Dr.	Kaukauna	WI	54130	Walgreens

*Moved by Trustee Hietpas, seconded by Trustee Peerenboom to Approve the Operator's License as presented.* Ayes 6, Nays 0 – Motion Carried

### 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

### Department and Officers Progress Reports

T. Matheny stated that she is finalizing the financial reports and needs to put Joe Galarowicz on a future agenda for a presentation and the CIP request are coming together. C. Kell stated that he will be meeting with Rick Hermus on Wednesday, June 26, all day and that he will be in attendance at the Committee of the Whole meeting. J. Moes stated that on next week's agenda will include a site plan for Van Zeeland Manufacturing. J. Moes stated that this week the village reached \$45,000 in building permits. T. Flick reported that the village has received a Tree City growth award and that his department has managed to get this award 4 years out of the last 10 years. T. Flick reported that Heesakker Park and Island Park projects are in the final step of completion and the Heritage Park project site has been graded and the Welcome to Little Chute sign will be going in this week. T. Flick reported that he received the second and final approval from the state for the pool slide install and it is unlikely the slide will be installed this year. T. Flick reported that the softball tournament held last weekend went well. R. Van Gheem reported that the Main Street contractor is working on the storm sewer, mains and laterals. R. Van Gheem reported that the asphalt project utilities are completed and that all 5 streets have been milled.

### Call for Unfinished Business

Trustee Van Lankvelt would like the subject of Trustee Terms be brought before the board. President Vanden Berg stated that he would check on other communities and see how long there terms are and report back to the board.

**Items for Future Agendas**

Chief Misselt stated that he will be bringing the Mutual Aid Agreement to the board at a later date. Chief Misselt would also like on a future agenda is a modification of the sexual offender residency restriction. T. Flick stated he would like to put on next week's agenda a proposal for pouring a rubberized surface for the Van Lieshout Park using donation money and Park Impact Fees. T. Flick stated that a concept plan for the Archery Range for Creekview Park would be on next week's agenda. President Vanden Berg stated that the second closed session item for tonight will be on the July 1, agenda and the Vandenbroek/Depot Street alignment will also be on the July 1, agenda. It was decided that the Regular Board Meeting would be held on Monday, July 1, in lieu of July 3.

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to enter into closed session for item.*  
(7:53pm) Ayes 6, Nays 0 – Motion Carried

The Village Clerk and staff were excused at this time. The Village Administrator was present for the closed session.

**Closed Session:**

19.85(1)(e) Wis. Stats. Deliberations or negotiations on the purchase of public properties, investing of public funds or conduction other specific public business when competitive or bargaining reasons require a closed session. *Sale of Village Owned Property*

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to exit closed session and return to open session. (8:32 p.m.)* 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 8:33 p.m.* Ayes 6, Nays 0 - Motion Carried

**VILLAGE OF LITTLE CHUTE**

Attest: \_\_\_\_\_  
Sandy Berkers, Village Deputy Clerk

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