

## MINUTES OF THE REGULAR BOARD MEETING OF SEPTEMBER 4, 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: Rick Hermus, Interim Village Administrator  
Erik Misselt, FVMPD Police Chief  
Jim Moes, Community Development Director  
Teri Matheny, Finance Director  
Tom Flick, Director of Parks, Recreation, and Forestry  
Beth Carpenter, Library Director  
Roy Van Gheem, Director of Public Works  
Sandy Berkers, Village Deputy Clerk  
Chuck Koehler, Village Attorney

OTHERS PRESENT: Dave Schmalz, Interested Citizens and Media Reps

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

None

### **Approval of Minutes**

Minutes of the Committee of the Whole Meeting of August 14, 2013

Minutes of the Regular Board Meeting of August 21, 2013

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to approve the Committee of the Whole Minutes of August 14, 2013 and the Regular Board Meeting Minutes of August 21, 2013 as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

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

Minutes of the Water Commission Meeting July 16, 2013

### **Resolution – Approving the 2012 Amendment to the 1917 Assessor's Plat of the Village of Little Chute**

R. Hermus stated that he received a letter from Kate Berken on September 3, and another on September 4, regarding their objection to the plat. R. Hermus stated that he informed Mrs. Berken that he would give board members the letters. R. Hermus stated that all of the mandatory publications concerning the plat have been met. Board member were given time to read the Berken letters. Attorney Koehler reviewed the objection process for an Assessor's Plat and noted that no claim has been filed against the Village of Little Chute regarding said plat and yesterday was the last day a suit could have been filed. Attorney Koehler stated that by state statutes the board has the right to adopt the resolution and proceed with having the assessor's plat recorded. Trustee Van Lankvelt questioned the legal rulings regarding this assessor's plat. Attorney Koehler responded that a Circuit Court Judge ruled in favor of the Village of Little Chute and that decision was appealed by Bob and Kate Berken and taken to the Court of Appeals which again ruled in favor of the Village of Little Chute. Trustee Frassetto questioned if back taxes due to the Berkens have

been paid. R. Hermus stated that he met with the Berkens on August 22, 2013 and they brought up 4 issues that they tied to the assessor's plat and wanted taken care. R. Hermus stated that he had answers for 2 of their questions but he is still working on the other 2 and that he informed Mrs. Berken of this when she dropped off the first letter. R. Hermus stated that he will bring a recommendation to the board in the next 2 weeks that should resolve the issues that the Berken's have with the community. Trustee Hietpas questioned why Buchanan Street and Taylor Street were not vacated. J. Moes stated that Buchanan Street has utilities in the overhead lines and that no one has asked that either street be vacated. Trustee Joosten questioned what the Berken's had against the assessor's plat. Bob Berken stated that he has spoken with Administrator Chuck Kell in the past and was told that they would be refunded tax money owed to them and that has not happened yet. Bob Berken stated that he spoke with Mr. Hermus and was told that he was working on it. Bob Berken stated that he felt that the adoption of this plat should be held off until he receives tax money that is owed to him. Attorney Koehler stated that if the Berken's are owed money for the adverse possession properties they paid taxes on it should be paid back by the village including interest but that has no bearing on whether or not this assessor's plat moves forward. R. Hermus stated that he is working with the Berkens to resolve their issues and he was not made aware that they wanted the tax issue taken care of before the assessor's plat was approved. Trustee Frassetto questioned R. Hermus if the Berkens' other issues pertained to the assessor's plat and R. Hermus responded no they do not. Trustee Peerenboom stated to Mr. Berken that the best the board could do is to let Rick Hermus and the Berken's address their issues and he will look for a resolution to the tax refund issue to come back to the board in the future.

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to Adopt Resolution No. 35, Series of 2013 Approving the 2012 Amendment to the 1917 Assessor's Plat of the Village of Little Chute*

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

#### **Discussion/Action – Deer Culling Program**

T. Flick stated that he is recommending a two week program with fourteen permits being issued for the Deer Culling Program with Heesakker Park being closed December 2-15. T. Flick stated that the program is the same as last year with the exception of shortening to a two week program and issuing fourteen permits instead of eighteen. T. Flick stated that he would make a request with the City of Kaukauna and Kaukauna Utilities to use Electric Island for the hunt.

*Moved by Trustee Peerenboom, seconded by Trustee Smith to Approve the Deer Culling Program as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

#### **Discussion/Action – Doyle Park – Painting Pool**

T. Flick stated that per the CIP discussion at the last board meeting he has brought the painting of Doyle Park pool to the board for approval. T. Flick stated that due to curing conditions that are needed when painting a pool it is best to do it in the fall and that he is requesting to use fund balance from the general fund prior to the 2014 budget to pay for this project. Trustee Smith questioned if T. Flick had bids already for the project and he responded that yes he did and the amount presented is on the high end. President Vanden Berg questioned the life expectancy for painting the pool versus not doing anything. T. Flick responded that with what he is proposing it would be 5-6 years and after that you can paint the pool surface as needed until paint no longer adheres which is where we are at right now. T. Flick stated that if nothing is done this year his staff would be sanding down to the aggregate again in the spring which would be a liability for the village due to the creation of large dark spots which makes it difficult for Life Guards to determine bottom and body.

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Approve Doyle Park Pool Painting and Using Fund Balance Prior to the 2014 Budget in the General Fund Not to Exceed \$87,000.*

Roll Call Vote: Trustee Joosten – Yes, Trustee Frassetto – Yes, Trustee Hietpas – Yes, Trustee Van Lankvelt Yes, Trustee Peerenboom – Yes, Trustee Smith – Yes, President Vanden Berg - Yes  
Ayes 7, Nay 0 – Motion Carried Unanimously

**Action on Special Event Permit – Kiwanis Christmas Parade – December 2, 2013**

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Approve the Special Event Permit for the Kiwanis Christmas Parade on December 2, 2013.*

Ayes 7, Nays 0 – Motion Carried

**Action- Pop In Again – Request for Live Music on September 7, from 4p.m. to 7:30 p.m. and October 5, from 2 p.m. to 6:30 p.m.**

Trustee Van Lankvelt questioned Chief Misselt if he could foresee any issues with this request. Chief Misselt stated that there were not any complaints last year although there have been complaints from neighbors in the past. S. Berkers stated that the Linskens have been contacted regarding the live music and they do not have any concerns with it.

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Approve the Request for Live Music on September 7, from 4 p.m. to 7:30 p.m. and October 5, from 2 p.m. to 6:30 p.m. for Pop In Again.*

Ayes 7, Nays 0 - Motion Carried Unanimously

**Operator's Licenses:**

Immekus, Shelly L	Appleton	M&M Bar
Krznarich, Amanda B	Appleton	Walgreens
Geiger, Kelsey M	Appleton	Walgreens
Gonnering, Casey L	Hortonville	Express Convenience

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

Ayes 7, Nays 0 – Motion Carried Unanimously

**Taxi Drivers:**

Iris, Kevin A	Appleton	Bell Taxi
Buchinger, Steve P	Sherwood	Bell Taxi
Konrad, Scott M	Kimberly	Bell Taxi

*Moved by Trustee Frassetto, seconded by Trustee Hietpas to Approve Taxi Drivers as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Department and Officers Progress Reports**

B. Carpenter reported on the fall programs and that they are offering an after school program for tweens at the Kimberly Library. B. Carpenter reported that there are also adult programs available at the libraries. B. Carpenter reported that she is in the process of interviewing for openings at the library. Chief Misselt reported on the hiring process for the officer opening and that he will be making a conditional offer. T. Matheny no report. R. Hermus reported on the Tri Village Budget Meeting and the consensus date is October 15, 2013 at 6:30 p.m. in Combined Locks. R. Hermus reported on the League Conference and noted that the registrations were on the board members desk and get them turned into the Deputy Clerk. R. Hermus requested that board members start thinking of a concept for the use of the Grand Avenue property that was slotted for senior housing. R. Hermus reported that he would like the Plan Commission to make a site, building, and floor plan for a senior housing project. J. Moes reported on the property purchased on

Grand Avenue and that it will have to have asbestos removed. R. Hermus noted that the Fire Department will do training in the Grand Avenue property. J. Moes reported that his department issued 6 building permits for 10 unit apartment buildings in Cherryvale. T. Flick reported that Fox Heritage Parkway Organization wants to renovate the lock tender houses in Little Chute and turn them into “Pay and Stay” operation and the first one on their list was Cedars which is off of Hwy. 96 which is the first one they want to renovate. T. Flick reported that staff will be meeting this week with members of the engineering staff for the Mill Street Draw Bridge project. T. Flick reported that the canal in Doyle Park was lowered 3-4 ft. for storm sewer projects that Public Works is working on. T. Flick reported that the tentative schedule for the Doyle Pool slide construction will begin late next week. T. Flick reported that this week starts the 6 week flag football program at Van Lieshout Park. T. Flick reported that the band is requesting some new equipment and questioned if the board wanted to address this at the budget meeting or have it as an agenda item. It was determined that the needed band equipment will be brought to the board as a separate item. R. Van Gheem reported that the main focus of the Main Street project is the hand work at intersections and flat work of the aprons. R. Van Gheem reported that the Main Street project is progressing well. Attorney Koehler no report.

#### **Disbursement List**

*Moved by Trustee Peerenboom, seconded by Trustee Smith 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**

Band equipment needs and Fire Chief Jansen CIP discussion.

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to enter into closed session.*  
(6:49pm)

Ayes 7, Nays 0 – Motion Carried Unanimously

Staff was excused at this time-Interim Administrator, Rick Hermus stayed for Closed Session

#### **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. Sale/Purchase of Public Property**

*Moved by Trustee Frassetto, seconded by Trustee Smith to exit closed session and reconvene to open session. (7:30 p.m.)*      Ayes 7, Nays 0 – Motion Carried Unanimously

#### **Return to Open Session**

No action taken

#### **Adjournment**

*Moved by Trustee Frassetto, seconded by Trustee Smith to Adjourn the Regular Board Meeting at 7:30 p.m.*      Ayes 7, Nays 0 - Motion Carried Unanimously

## **VILLAGE OF LITTLE CHUTE**

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

Attest:

Michael R. Vanden Berg, Village President

Sandy Berkers, Village Deputy Clerk