

MINUTES OF THE REGULAR BOARD MEETING OF OCTOBER 6, 2010

The Regular Board meeting was called to order at 6:00 p.m. by Charles Fischer, Village President.

Invocation

President Fischer called for a moment of silence.

Pledge Allegiance to the Flag

President Fischer led members in the reciting of the Pledge of Allegiance.

Roll call of Trustees

PRESENT: Charles Fischer, President
John Elrick, Trustee
Tammy Frassetto Trustee
James Hietpas, Trustee
Dan Mahlik, Trustee
Don Van Deurzen, Trustee

EXCUSED: Janet Verstegen, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator
Eric Misselt, Police Chief
Dale Haug, Finance Director
Jim Moes, Community Development Director
Roy Van Gheem, Director of Public Works
Beth Carpenter, Library Director
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk
Robert Vanden Heuvel, Fire Chief

EXCUSED: Tom Flick, Director of Parks, Recreation, and Forestry

Public Appearance for Items Not on the Agenda

None

Approval of Minutes

Regular Board Meeting Minutes – September 15, 2010

Committee of the Whole Meeting Minutes – September 22, 2010

Joint Budget Meeting with the Village of Kimberly Meeting Minutes – September 29, 2010

Moved by Trustee Elrick, seconded by Trustee Frassetto to approve the Regular Board Minutes of September 15, 2010, Committee of the Whole Meeting Minutes of September 22, 2010, and the Joint Budget Meeting Minutes of September 29, 2010 as presented.

Ayes 6, Nay 0-Motion Carried

Report of Other Minutes-Other Informational Items

Park Planning Committee Minutes – April 27, 2010

Minutes of the Library Board meeting – August 17, 2010

Minutes of the Water Commission Meeting – August 17, 2010

Board noted receipt of items.

Resolution:

Approving the Final Plat for Kelly Street Subdivision

Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adopt Resolution No. 25, Series of 2010 Approving the Final Plat for the Kelly Street Subdivision.

Ayes 6, Nay 0 – Motion Carried

Regular Board Meeting Minutes – October 6, 2010

Appointment of Jason Leicht to the Sexual Offender Residency Board

President Fischer stated he is recommending the appointment of Jason Leicht to the Sexual Offender Residency Board. This appointment will replace a seat that has been vacated.

Moved by Trustee Elrick, seconded by Trustee Frassetto to Approve the Appointment of Jason Leicht to the Sexual Offender Residency Board.

Ayes 6, Nay 0 – Motion Carried

Discussion/Possible Action on Industrial Park Land Request by Heartland Label Printers

C. Kell stated that Mr. Helander, President of Heartland Business System, had presented a letter to the Village outlining what the plans are for the future in terms of their desire to have the Village provide 2.2 acres of Village land to them at no charge as an incentive to have the company make a long-term expansion commitment to the Village. C. Kell stated he recommends approval of this request and if it is approved by the Board, he will bring back a resolution for the Board to formally transfer ownership of the property and in the resolution he would like to include a reversion clause should Heartland not do anything with the property and he would like to meet with Mr. Helander to come to an agreement on this clause. Mr. Helander responded to Trustee's Frassetto's question about the growth of the number of employees, stating that some employees would be brought back from California and the California employee base would not be expanded and the plan is also to grow the number of employees at the Little Chute plant. Trustee Frassetto and Trustee Elrick expressed support for providing the land to Heartland.

Moved by Trustee Frassetto, seconded by Trustee Elrick to direct the Administrator to pursue discussions with Heartland Label Printers on a reversion clause agreement and bring forward a resolution to the Board to formally approve the transfer of property.

Further Discussion: C. Kell asked if the Board was in general agreement of giving the land to Heartland as he thinks that is the key. Trustee Frassetto stated she is in agreement but she wants to see a reversion clause included as she wants to see development in a reasonable time or the land should come back to the Village.

Vote on the Motion:

Ayes 6, Nay 0 – Motion Carried

Discussion/Possible Action on Offer to Purchase for De Bruin Property between Charles St. & E. Lincoln Ave.

C. Kell stated the offer to purchase has been prepared with assistance from Attorney Koehler and the offer has been signed by Mr. De Bruin as a representative of his family and the basic conditions are included as an attachment to the offer to purchase. C. Kell stated this land will allow the Village to move forward with the development of another storm water pond upon the Board's determination that it is acceptable to the public and it is approved by the Board. C. Kell stated there is a provision included in the agreement which allows an out for the Village should the Board determine that the project is not acceptable to the public. C. Kell stated that the De Bruins requested a provision of being given 30 days to determine the feasibility of the development of the five lots. C. Kell stated he is recommending approval of the offer to purchase. Trustee Mahlik questioned what the alternatives are for storm water detention if this proposal doesn't move forward. Discussion took place and staff commented on the limited options that are available to the Village and on the new regulations that may go into effect. Staff also commented that currently the most cost effective options are considered and there is a provision in the law for a community to petition the DNR if that community is at the maximum extent possible for storm water construction. Discussion continued on issues with storm water detention.

Moved by Trustee Elrick, seconded by Trustee Elrick to agree to the Offer to Purchase for the De Bruin property between Charles St. and E. Lincoln Avenue.

Ayes 6, Nay 0 – Motion Carried

Update on Berken vs. Village of Little Chute Lawsuit – Request by Trustee Hietpas

Attorney Koehler explained that there were two phases to the lawsuit and it involves more than just Little Chute and the Berkens but also the Little Chute Land Co. and one part of the case is over but another part of it is still open. Attorney Koehler explained that the part that is over is the ruling by Judge McGinnis that Little Chute Land Co., back in the 1930's, did intend to convey away all of its land. Attorney Koehler stated the case involved a relative of one of the shareholders of Little Chute Land Company that entered the suit and attempted to claim that Little Chute Land Company still owned the narrow strip of land along the Fox River Canal even though no one had been paying taxes on it for years and it hadn't been given a tax parcel number for some time. The Village was attempting to correct this with an amendment to the Assessor's Plat which State law allows to clear up these kind of discrepancies and Judge McGinnis ruled that Little Chute Land Company no longer had an interest in the land and all the records indicate they intended to deed away all of their property. Attorney Koehler stated that the issue that is still open involves an issue that originally started between the Berkens and a couple of their neighbors that involves adverse possession to some portions of this property. Attorney Koehler explained that the Berkens' had obtained a judgment saying they owned this property that the Village would own under Judge McGinnis's ruling but because Little Chute was not joined as a party in the action, the Village was never given the opportunity to defend its rights so the court was asked to reopen the case to explain that Little Chute had a claim to this land and had a right to be heard on the adverse possession case. Attorney Koehler stated that case has been scheduled for a separate trial and that will be held in May or June of 2011. Attorney Koehler and staff explained the tax situation with the property.

Trustee Mahlik asked if it was important that the Village owns the whole parcel and what is the value and maybe a part of the parcel could be given up to the Berkens. Attorney Koehler stated because litigation is still pending, those details should be discussed in closed session. Trustee Mahlik stated his point is how much is being spent on this deal in Attorney fees. President Fischer stated at this point the Board has decided to move forward with the case. Trustee Elrick suggested that if Trustee Mahlik wishes to discuss the issue further, it should be put on a future agenda as a closed session at a meeting when Attorney Koehler is present.

Discussion on 2011 Budget

D. Haug reviewed the handout he provided on the required public hearing notice on the budget and noted that the assessed value is not yet known and the amount shown is a reasonable estimate and the amount of the proposed levy shows a 1.6% increase over last year. C. Kell noted that the notice doesn't necessarily reflect what is going to be adopted as the budget as it could be lower or higher and it is currently based on what we know today and it could change. D. Haug reviewed the general fund expenditure summary that showed the funds that are now moved to the general fund due to the new national standard for financial reporting. D. Haug pointed out that the road aids decreased \$31,000 and interest on investments is lower than anticipated, so revenue is down \$80,000 but within the entire budget, the proposed levy is up \$60,000 and this supports the argument that what is being presented is a status quo budget. D. Haug and staff reviewed the general government individual budgets and pointed out the accounting changes and the mission statements included with each budget function. Trustees Elrick and Frassetto asked about looking at other options for GIS services. Discussion took place on the GIS budget. Trustee Elrick questioned the budget items for Village Hall for new equipment and equipment replacement and the Finance Director agreed that this may be an oversight that will be corrected. Administrator Kell commented that future discussions about the possibility of merging the courts will take place with the municipalities that are looking at merging with the Metro. Administrator Kell commented that the wage adjustment reserve account does include a 1% increase for 2010 for non-reps which he felt the Board may want to consider because of the wages increases given to union personnel and it will be up to the Board to decide if they want to grant the increase. In response to Trustee Mahlik's questions and suggestions regarding insurance costs for retirees, staff stated they have looked at other options and they explained how the State program works and it was noted that money is budgeted to hire an outside firm to see what insurance options are available to the Village. D. Haug commented that money has been budgeted for a new electric service at Doyle Park and the Cheese Fest will be donating funds towards this purchase and the Parks Director will also be seeking an additional grant for the purchase. Staff noted the significant savings in

newsletter printing and mailing costs due to making the newsletter available in electronic format. D. Haug also led a review of the Public Safety budgets which included the Fire Department. In response to Trustee Elrick's question, Chief Vanden Heuvel stated that there are procedures in place to charge for false alarms.

Administrator Kell stated he expects to meet with the Fire Chief and Insurance agents to discuss the issue of insurance coverage for volunteers and other issues with Worker's Comp. insurance for fire fighters but at this time, the cost of this type of insurance has not been included in the budget. D. Haug also commented on the public fire protection fee stating currently 80% is collected through the general fund and the rest is on customers' utility bills. D. Haug noted that the Village will be applying to the PSC for a water rate increase which will likely result in a 10-12% rate increase that will also raise the public fire protection fee and it will have to be decided between the Board and Water Commission how the increase will be allocated. The Fire Chief will get back to the Board on what items are included in the Department's budget for small equipment. Chief Vanden Heuvel explained that the awards and recognition account has increased because of the number of retirees that will be recognized next year. During the review of the budget for the crossing guards, Trustee Elrick requested that the Police Chief provide the Board with costs for better school crossing signs before the budget is adopted. D. Haug stated that further review of the budget will be on the next Board meeting agenda which will be in two weeks since there will be no meeting on Oct. 13.

Operators Licenses:

<i>Theresa J. Bevers</i>	<i>166 Frances St.</i>	<i>Kaukauna</i>	<i>Pine Street</i>
<i>Steven Daniel Golden</i>	<i>1016 Cedar St.</i>	<i>Little Chute</i>	<i>Express</i>
<i>Bruce Richard Hartjes</i>	<i>603 McKinley Ave.</i>	<i>Little Chute</i>	<i>Village Limits</i>
<i>Paul R. Hartjes</i>	<i>1505 Glenview Ave</i>	<i>Kaukauna</i>	<i>Village Limits</i>
<i>Jenny Lynn Huss</i>	<i>1008 Sheridan Ct.</i>	<i>Kaukauna</i>	<i>5th Quarter</i>
<i>Tricia A. Vandenberg</i>	<i>305 Klein St.</i>	<i>Kaukauna</i>	<i>Pine Street</i>

*Moved by Trustee Frassetto, seconded by Trustee Elrick, to approve Operator's License as presented.
Ayes 6, Nay 0-Motion Carried*

Department and Officers Progress Reports

B. Carpenter provided a handout to the Board that reported on an examination of staffing levels that she had conducted. B. Carpenter stated the report is being presented to alert the Board to the challenges the library faces because of a low staffing level. B. Carpenter also provided Board members with a handout and comments on the importance of story time in the library and she invited Board members to an event being held at the Library on Oct. 21 when an author will be presenting a program on the most haunted locations in Wisconsin. B. Carpenter noted that the Friends of the Library group has also sponsored a ghost story writing contest and the winner will be announced that evening. Chief Misselt reported that ordinances on vicious dogs and abatement procedures are completed and ready to be presented to the Board. Chief Misselt also commented on a positive meeting he had with the President of the Outagamie County Tavern League. D. Haug stated he will be bringing a draft report forward at a future meeting concerning the technical differences of fund balance reporting that needs to be approved by the Board. D. Haug stated he will also be working on a PSC water rate case study application. C. Kell reported that the Plastics Company he has been working with is still interested in locating their company in the area and the Village may be their number one site and an official resolution concerning this development and purchase of property will be brought to the Board at a future meeting. C. Kell reported that based on previous discussions with the County, the Holland Road project had been dropped from the Village's CIP that was recently adopted but now he has been contacted by the County and they now want the Village to put it back in the CIP schedule for 2011 but funding agreements with the County need to be settled and the Board will be kept updated on the situation. C. Kell reported that he and the Public Works Director will be meeting with the DOT on Oct. 18th regarding the Hwy. 96 project. J. Moes – no report. R. Van Gheem reported progress continues on the Buchanan Pond project and the work on Madison Street is progressing well and railroad crossings at Buchanan Street and

Rosehill Road will be undergoing repairs by the railroad in the next two weeks. R. Van Gheem provided a handout concerning the construction project on Kelbe Drive and he commented that it appears that an agreement with Miller Masonry has been reached. R. Van Gheem also provided a handout for visual reference of the five-year CIP projects. V. Schneider commented that the Deputy Clerk position was filled by Sandy Berkers and she will fill in at Board meetings as needed. V. Schneider reminded Board members that upcoming agenda items will include the Liquor License application submitted by Landreman's Restaurant and a final assessment resolution on the rehab sidewalk project as well as a proposed amendment to the ordinance on absentee ballot canvassing. V. Schneider also informed the Board that the United Way campaign has begun and information will be included with next week's paychecks. Attorney Koehler – no report.

Disbursement List

Moved by Trustee Hietpas, seconded by Trustee Frassetto to Approve the Vouchers as presented and Authorize the Finance Director to draw from the Respective Funds.

Ayes 6, Nay 0 – Motion Carried Unanimously

Items for Future Agenda

President Fischer reminded Board members that the policy in practice for putting items on the agenda has been that the full Board agrees to the agenda items and individual trustees do not make individual requests to staff for agenda items. Chief Misselt requested that the ordinances regarding vicious dogs, abatement procedures, and cat licensing be put on a future agenda for review and discussion. Trustee Frassetto requested that the GIS topic be put on a future agenda for discussion. President Fischer recommended that the discussion on the GIS issue be placed on the agenda of the Oct. 27th Committee of the Whole meeting.

Call for Unfinished Business

None

Adjournment

Moved by Trustee Van Deurzen, seconded by Trustee Elrick to Adjourn the Regular Board meeting at 8:25 p.m.

Ayes 6, Nay 0-Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk