

## **MINUTES OF THE REGULAR BOARD MEETING OF DECEMBER 15, 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  
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  
Tom Flick, Director of Parks, Recreation, and Forestry  
Roy Van Gheem, Director of Public Works  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

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

None

### **Approval of Minutes**

Regular Board Meeting Minutes – December 1, 2010

Committee of the Whole Meeting Minutes – December 8, 2010

*Moved by Trustee Elrick, seconded by Trustee Frassetto to approve the Regular Board Minutes of December 1, 2010 and the Committee of the Whole Minutes of December 8, 2010 as presented.*

Ayes 7, Nay 0-Motion Carried Unanimously

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

Fox Valley Metro Police Department Activity Report – September 2010

Park Planning Committee Meeting Minutes – September 13, 2010

Board noted receipt of items.

### **Resolutions:**

#### **a) CSM - - 1830 Rosehill Road – Eugene and Susan Wildenberg**

*Moved by Trustee Verstegen, seconded by Trustee Frassetto to Adopt Resolution No. 33, Series of 2010 Approving the CSM for 1830 Rosehill Road for Eugene and Susan Wildenberg as presented.*

Ayes 7, Nay 0 – Motion Carried Unanimously

#### **b) Approving Commitment of Fund Balances**

*Moved by Trustee Frassetto, seconded by Trustee Verstegen to Adopt Resolution No. 34, Series of 2010 Approving Commitment of Fund Balances as presented.*

Further Discussion: Trustee Van Deurzen asked if the committed funds could be switched back or changed if needed and the Finance Director stated that if there was a reason to switch or change the designations it could be changed by a resolution approved by the Village Board.

Vote on the Motion:

Ayes 7, Nay 0 – Motion Carried Unanimously

**c) Amended Resolution Adopting the 2011 Budget and Establishing the Tax Levy**

D. Haug commented that it is unusual to amend the resolution that the Board adopted to set the tax levy and he reiterated that this resolution has the same dollar amount that was adopted and the only difference is in the distribution of the levy in to a few more funds.

*Moved by Trustee Elrick, seconded by Trustee Hietpas to Adopt Resolution No. 35, Series of 2010*

*Amending Resolution No. 30, Series of 2010 Adopting the 2011 Budget and Establishing the Tax Levy.*

Roll Call Vote: Trustee Elrick – Yes, Trustee Frassetto – Yes, Trustee Hietpas – Yes, Trustee Mahlik – Yes, Trustee Van Deurzen – Yes, Trustee Verstegen – Yes, President Fischer – Yes.

Ayes 7 – Nay 0 – Motion Carried Unanimously

**Operators License:**

Cindy M. Laha	149 S. Washington St.	Kimberly	Dwyer's Food Mart
Alisha J. Pagel	1601 Freedom Rd. #11	Little Chute	Moasis
Lori M. Wiedenhaupt	243 S. Patrick St.	Kimberly	Main Event

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

Ayes 7, Nay 0 - Motion Carried Unanimously

**Department and Officers Progress Reports**

Chief Misselt reported that he is planning to introduce at next week's meeting an ordinance on prohibiting synthetic marijuana or Cannabinoid, an ordinance dealing with ATV's and snow removal, and a rewrite of the ordinance on animals that also covers the issue of vicious animals. D. Haug reported that the tax bills had been mailed on Monday and it is already quite busy with payments coming in and staff is learning new software for processing the bills. C. Kell reported that he had met with Attorney Koehler on the land acquisitions recently approved by the Board and the closings for those real estate transactions will take place before the end of the year. C. Kell stated that he has requested that Attorney Koehler give an update tonight on the Berken's adverse possession court case. C. Kell informed the Board that he had been contacted by an Appleton architect that specializes in green building and sustainable development concerning the subdivision project and he would like to develop some plans and submit them and present them to the Board. C. Kell stated this could delay moving forward with the project but he will wait to see how long it takes for the architect to submit the plans and the Board will then need to decide if they want to hear a presentation from the architect. C. Kell stated that staff has been getting a number of inquiries on the new subdivision and he is concerned because some of the contacts are from people that are interested in purchasing a number of lots and this is an issue that will need to be addressed in the future. C. Kell informed the Board that staff had been informed of a sale of property on the southeast corner of Evergreen Drive and French Road for a financial institution and contact had also been made with the Community Development office of another possible financial institution project on Hwy. 41 west of the Doppler site. C. Kell informed the Board that he had made contact with Gene Kobussen, the owner of the Flying Dutchman, and condolences were expressed to Mr. Kobussen that the project didn't work out and Mr. Kobussen indicated the plans are to hire a broker to market the property and his intent is to do what he can to continue to make payments that are owed to the Village. C. Kell stated that he informed Mr. Kobussen that he would work with him as much as he can to help him find a new owner or someone to lease the property to get it opened again and the name of an interested party was given to Mr. Kobussen.

C. Kell reported on a meeting held last Tuesday with business and property owners on the east end of Main Street to talk about the project schedule and the community sensitive design issues for the area and generally the schedule was well received and overall it seemed that the business owners supported the idea of three lanes with a center turning lane. There were concerns with some intersections being constructed with dedicated turning lanes as they will an impact on parking and those are issues that have to be worked through but the turning lanes are a result of State traffic study and it is likely the State will demand that the turning lanes at the intersections are included in the project. C. Kell stated the Village has not yet received word from the State or Kaukauna if the proposed schedule is acceptable to them. C. Kell mentioned that he has been in bi-weekly contact with Lee Reynebeau and his development group concerning their property on Hwy. 41 north of the Village and Mr. Reynebeau has indicated that based on discussion he has had with some board members, he was no longer going to pursue the Village's purchase of the property as he didn't feel there was support for the proposal from the Board. C. Kell stated he wanted to make the Board aware of the fact that pending current property purchases in the Industrial Park, the Village is going to be down to only 10-12 acres of available Industrial Park land and the sites are small. C. Kell stated that the Board should start thinking about the future of the community and business manufacturing and employment development in the Village. Trustee Verstegen commented that she thought the Administrator was going to bring to the Board a plan for a new industrial park area and she had not been contacted by Mr. Reynebeau. Additional comments were made on this issue and Trustee Verstegen suggested that this issue be placed on a future agenda for discussion. In response to a question by Trustee Hietpas concerning the Village not making an annual support payment to Advance Little Chute, Administrator Kell stated that the payment has not yet been made because of the uncertainty of the future of ALC but the dollars allocated to ALC are still available and dollars from the 2011 have also been budgeted for ALC. J. Moes reported that he has received numerous calls about property valuations since the tax bills have been mailed and he also reported on an ordinance amendment that he will be bringing forward in early January concerning the housing code and the size required for bedrooms. T. Flick reported that Wisconsin Boys Youth Soccer Association named Little Chute Coach, Dort Vander Wyst, as Coach of the Year and she will be honored in March at Lambeau Field. T. Flick also reported that the Little Chute Shooting Stars Dance Team took first place in a recent competition that was held in Green Bay. T. Flick noted that the Department's staff has been helping Public Works with snow removal and they have also started prepping the ice rink at Heesakker Park and the rink should be open in a week or so. T. Flick updated the Board on the Deer Culling program and stated six deer had been culled in the last two weeks and with the previous hunt, the total deer culled has been nine.

R. Van Gheem reported that the Department has been putting in a lot of hours dealing with snow removal and he also provided an update on the pond projects and noted that he they are working at closing out 2010 contracts so special assessments can be billed. V. Schneider reported that the newsletter had been sent out electronically this past Monday and the hard copy is currently at the Post Office and will be mailed out tomorrow. V. Schneider stated she had been contacted by Outagamie County Board Chair, Helen Nagler, and the Chair wanted to announce to the Village that she will be accepting applications for an appointment to the seat for County Supervisor District 26 which consists of Wards 13 and 16-19 in the Village and applications for this seat are being accepted by the County until January 4<sup>th</sup>. Attorney Koehler gave procedural updates on the case of ordering the demolition of a failing duplex, the David Allen assessment case, and the case the Village has with the Berken's. In response to Trustee Mahlik's question on the costs associated with the David Allen case, Attorney Koehler stated he would let the Administrator know the fees the Village incurred and stated that the Board needs to remember that the Village did not start this action and it was brought forward by the property owners so the Village was faced with defending the lawsuit and that is common procedure.

### **Disbursement List**

Trustee Verstegen commented on the minimal payments made to the firefighters and the value the Village receives from the Volunteer Firefighters.

*Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to Approve the Disbursement List as presented and Authorize the Finance Director to draw from the Respective Funds.*

Further Discussion: Trustee Hietpas requested that the Attorney submit a breakdown on litigation charges. Trustee Frassetto questioned the YMCA membership payment and R. Van Gheem stated that as part of the Health and Safety Program the Municipal Services Building employees are offered reimbursement of fifty percent based on proven attendance in a fitness program. D. Haug explained the charges to the City of Appleton for Valley Transit and weights and measures inspections.

Vote on the Motion:

Ayes 7, Nay 0 – Motion Carried  
Unanimously

### **Call for Unfinished Business**

Trustee Verstegen commented on the Industrial Park study that she thought was going to be presented to the Board. C. Kell stated the Board was presented a proposal to purchase the property in Closed Session. Trustees Frassetto, Mahlik and Hietpas indicated they had been contacted by Mr. Reynebeau. Trustee Verstegen asked if the Board should instruct staff to look into this issue further to determine if the property is a feasible area for an industrial park, what the costs would be, and what the taxes are in the existing industrial park for a similar size area and she feels the Village will be at a disadvantage with the adjoining communities if the Village doesn't have any available Industrial Park land. Additional comments on Industrial Park issues were made by trustees and staff.

### **Items for Future Agenda**

A discussion on Industrial Parks will be an item on next week's Committee of the Whole agenda.

### **Adjournment**

*Moved by Trustee Van Deurzen, seconded by Trustee Frassetto to Adjourn the Regular Board meeting at 6:57 p.m.*

Ayes 7, Nay 0-Motion Carried Unanimously

## **VILLAGE OF LITTLE CHUTE**

By: \_\_\_\_\_  
Charles Fischer, Village President

Attest: Vicki Schneider, Village Clerk