

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF MARCH 14, 2012

### Call to Order

President Vanden Berg called the Committee of the Whole meeting to order at 6:00 p.m.

### Roll Call

PRESENT: President Vanden Berg, Trustee Berken, Trustee Frassetto, Trustee Hietpas, Trustee Mahlik, Trustee Peerenboom, Trustee Smith

ALSO PRESENT: C. Kell, T. Matheny, J. Moes, T. Flick, R. Van Gheem, V. Schneider  
Interested Citizens, Media Reps, LCSD Superintendent David Botz, LCSD Board President Mary Janssen, Family members of the late Jim and Barbara Harp, Attorney James Long and Anne Weiland representing the Heesakker Family, Paul Hartjes of Village Limits Supper Club

### Public Appearance for Items not on the Agenda

Attorney Long stated that he has a signed agreement from the Heesakker family and he also stated a family member toured the park today with Mr. Flick and they are ready to present the agreement to the Board and he believes that it will be scheduled on the April 18<sup>th</sup> Board agenda. Attorney Long offered to have discussions with Village reps and his clients prior to that date so everyone involved can move forward with this agreement and he thanked everyone for their cooperation thus far. President Vanden Berg stated that the agreement may be on the April 25<sup>th</sup> agenda instead of the meeting on the 18<sup>th</sup>.

### Harp Family Park Donation Presentation

Mary Harp Jirschele commented on how much the Village and Island and Heesakker Parks meant to their parents and family and the family members presented a check to the Village in the amount of \$4,120 from the Barbara Harp Memorial fund and from the Harp children for the purchase of 5 benches for the Heritage Parkway Trail through Island and Heesakker Parks. T. Flick thanked the Harps on behalf of the Parks Dept. and Park Planning for their continued support of the Parks and he commented on the past donation the family made for the development of the Fishing Wharf at Island Park.

### Presentation by Little Chute School District on Referendum Question on April 3 Ballot

David Botz gave a power point presentation and explained the technology needs of the school district. Mr. Botz stated the referendum is asking for a five-year nonrecurring referendum to exceed state imposed revenue limits by \$355,000 for the 2012/2013 school year through the 2014/2015 school year and \$250,000 for the 2015/2016 school year through the 2016/2017 school year to maintain the investment that was previously approved in a 2007 referendum for technology. Mr. Botz presented how the technology upgrade will be used for the district. Mr. Botz answered questions from the Board and thanked the Board for listening to the presentation.

### Discussion/Possible Action – Village Limits Supper Club Parking Options

R. Van Gheem stated that he had met with the owners and he reviewed the diagrams that were presented to the Board of the existing parking lot and two options for trying to bring the parking lot into partial compliance with Village Ordinances. R. Van Gheem stated the two main concerns are the width of the driveway opening and the backing of six stalls onto a public street. R. Van Gheem noted that the parking stall on the northeast corner of the property will be lost because of the Main Street project. Paul Hartjes commented that it all looks good on paper until someone pulls in the driveway and backs into the building and he has lost a total of seven stalls because he has lost five on Main Street. Mr. Hartjes stated he would like to see it left the way it is because people back onto Sanitorium Rd. every day and there has never been a problem and he commented on his elderly customers not liking change. Staff noted that the zoning code does not allow backing out on to the street for properties that have more than a couple stalls and the driveway configuration is to address ingress and egress on public roads. Discussion took place. Trustee Smith stated that this driveway is a unique situation and there are businesses that can handle change and those that can't and he deems this business as not being able to handle the change unless they are able to

purchase additional property and then there is the financial impact on the business and it is hard to impose the change on them and this is a situation where the Village needs to bend and flex. Trustee Frassetto thanked R. Van Gheem for putting the information together noting that she knows it is his job to do what he can to conform to ordinances but she agrees with Trustee Smith that this is one of those unique properties we have in the Village and it doesn't fit in with what we would like to do without causing a hardship and we will have to bend a little and she supports leaving the driveway as it is. President Vanden Berg questioned in what respects the driveway and the setbacks are not compliant with Village Code and J. Moes responded that the driveway as it currently is would not be allowed under the Village Code without a variance because it is too close to the intersection and the entire parking lot doesn't meet code but that is different issue.

*Moved by Trustee Frassetto, seconded by Trustee Smith that the Village leaves the existing curb cut in front of Village Limits as it abuts Sanitorium Road.*

Further Discussion: Trustee Peerenboom asked if it would hamper the business to bring the north end of the existing 98.6' curb opening farther away from the arch of the curve. R. Van Gheem responded that the way the parking is now, if you closed up the driveway too much, the cars would over hang even more on to the sidewalk. J. Moes stated that curb cut on the south end could be reduced to make a little more room to parallel park. President Vanden Berg questioned if this is the proper procedure or should they be requesting a variance. J. Moes stated that a curb cut is not a part of a variance and the property is allowed to exist under the Zoning Codes but if the property was destroyed or changed they would need a variance but the Board can make the decision on the driveway opening. R. Van Gheem stated it needs Board action because it doesn't meet the Codes and he doesn't have the authority to vary from the Codes.

Vote on the Motion:

Ayes 7, Nays 0 – Motion Carried Unanimously

#### **Review and Approval of T-Mobile Cell Lease for Stephen St. Water Tower**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Approve the T-Mobile Lease for the Stephen St. Water Tower as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

#### **Review/Possible Action on Amendments to Private Lateral Replacement Policy**

*Moved by Trustee Frassetto, seconded by Trustee Berken to Approve the Amendments to the Private Lateral Replacement Policy as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

#### **Discussion/Possible Action on Storm Sewer and Sanitary Laterals on Sanitorium Rd. from Main St. to Vandenberg Ln.**

R. Van Gheem explained that according to Village ordinance if a street is reconstructed and storm sewer is available, storm sewer laterals shall be installed to abutting property owners. The Department plans to install storm sewer laterals on all of Sanitorium Rd. and unless directed otherwise by the Board, the Department will follow the Storm Lateral Policy. R. Van Gheem stated because the section of Sanitorium Rd. south of Lincoln Avenue was taken out of the project, he is looking for the Board to affirm that these property owners should still be required to follow the Storm Sewer Laterals & Sanitary Lateral ordinance and policies. R. Van Gheem explained the situation at certain addresses and the need to further investigate these situations and he noted that if defects are found, the property owner will be required to fix and pay for the deficiencies. Discussion took place. Board members agreed that the policies should be followed and the property owners should be sent letters informing them of the required hookups/repairs.

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Direct the Public Works Department to proceed with this particular part of the Village as they would per ordinance in any other part of the Village.*

Further Discussion: Trustee Peerenboom questioned if Trustee Frassetto would give them a timeline or follow the currently required timelines. Trustee Frassetto stated she is fine with the current timelines as it sounds like the letters will be sent in the appropriate amount of time. R. Van Gheem stated that on the north side of Lincoln those properties are part of the road project and they will be given information at the assessment hearing in April and they were also informed at the information meetings that if they didn't have a storm sewer connection they would be getting one. R. Van Gheem stated the grey area is south of Lincoln Ave. as there isn't a project there and if the Board wants, these property owners can be given more time but it makes sense to do the work while the contractor is there. R. Van Gheem stated that letters would be sent to those property owners south of Lincoln Ave. Trustee Peerenboom asked if the intent then is that these property owners would be sent a letter informing them they would be included in the project and they would be required to connect as the rest of the project does and they would be also be notified of the assessment hearing and R. Van Gheem responded, yes, if that is the direction from the Board.

Vote on the Motion:

Ayes 7, Nays 0 – Motion Carried Unanimously

### **Appointment of the Village Administrator to the Fox Cities Room Tax Commission**

*Moved by Trustee Smith, seconded by Trustee Mahlik to Approve the Appointment of the Village Administrator to the Fox Cities Room Tax Commission.*

Further Discussion: President Vanden Berg asked the Administrator what the Room Tax Commission was. C. Kell stated that every community in the Fox Cities that has hotel facilities is provided a seat on the Room Tax Commission and the Commission decides how the room tax money is going to be spent. C. Kell stated that the current pending issue that the Commission will be meeting about is the refunding of the bond issue for the PAC. C. Kell stated that communities with more hotel facilities have two representatives on the Commission and the Commission is mainly made up of municipal staff members with the exception of Grand Chute as they have two town supervisors on the Commission because their Administrator is on the CVB Capital Development Committee. C. Kell stated he doesn't believe that the Commission has met since he has been with the Village. C. Kell stated that another issue the Commission will be looking at in the future will be the exhibition center that is being proposed for downtown Appleton. Trustee Frassetto asked who previously served on the Commission and staff responded they weren't sure but this may be the first appointment for the Village since the Village has had a hotel.

Vote on the Motion:

Ayes 7, Nays 0 – Motion Carried Unanimously

### **Unfinished Business**

Trustee Hietpas asked about the status of the Poly-Flex Developers Agreement and if it was discussed with Attorney Koehler. C. Kell responded that there is some redrafting that is going on with the agreements and the reason the principals of Poly-Flex didn't want to give personal guarantees for the building was because they were not going to be the owners of the building. C. Kell stated that the Village is asking for personal guarantees from LC Poly. C. Kell stated the agreement will be brought back to the Board. C. Kell stated that Attorney Koehler would tell the Board that the Village is in an ultimate spot of control as we will have the first mortgage on that property whether that is the vacant land or the building or even part of the building, if that is all that goes up. C. Kell stated he did not know if the steel for the project was ordered.

### **Items for Future Agenda**

Trustee Peerenboom requested an agenda item for discussion on the Building Inspector's position and also one on the possibility of the Parks Committee, Village President, and a Trustee to act as a negotiating unit with the Heesakker family to try to reach an agreement, simply for discussion before meeting with them. Discussion took place on the scheduling of a discussion on the Board floor regarding an agreement with the Heesakker family. C. Kell stated that staff feels pretty confident that a draft of an agreement can be put together to present to the Board at the meeting on April 25<sup>th</sup> unless the Board doesn't want staff to do that

and they just want to hear the proposal from the Heesakker family that night. Attorney Long stated they are willing to meet with staff and/or Board members to discuss the agreement. Trustee Frassetto stated she has a concern, that while not wanting to rush into anything, there is the possibility of having half of the Board flip over and a new Board might not be comfortable with voting on this issue right away and the current Board has a considerable amount of time invested in this issue so she feels it should be tied up prior to a new Board being seated. Attorney Long stated that is why they originally wanted it on tonight's agenda but it could be moved up to next week's meeting. Discussion took place on possible Board meeting dates that would work for the discussion. Attorney Long suggested that it be placed on next week's agenda to discuss and vote on it as they don't need any more time. Board members agreed to put the Heesakker proposal on next week's agenda.

C. Kell stated the members of Evergreen Development have some critical timeframes they have to meet and they would like to have a discussion with the Board in Closed Session next week and he suggested that because of the personnel issues closed session on next week's agenda that the Board meet earlier in closed session with Evergreen Development and then have an action item on this issue on the early part of the agenda and then go back into closed session at the end of the agenda to deal with the personnel issues. Board members agreed to start next week's Board meeting with a Closed Session at 5:15 p.m. Paul Hartjes asked about available beautification funds and how they could get some and staff explained that the Community Sensitive Design money was for Main Street and it couldn't be used for a private parking lot.

**Adjournment**

*Moved by Trustee Smith, seconded by Trustee Mahlik to Adjourn the Committee of the Whole meeting at 7:33p.m.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

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By: Michael R. Vanden Berg, Village President

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Attest: Vicki Schneider, Village Clerk