

## MINUTES OF THE REGULAR BOARD MEETING OF JUNE 1, 2011

The Regular Board meeting was called to order at 6:00 p.m. by Michael Vanden Berg, Village President

### **Invocation**

### **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  
Bob Berken, Trustee  
Tammy Frassetto, Trustee  
James Hietpas, Trustee  
Dan Mahlik, Trustee  
Bill Peerenboom, Trustee  
Skip Smith, Trustee

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

PRESENT: Charles Kell, Village Administrator  
Dale Haug, Finance Director  
Eric Misselt, Police Chief  
Jim Moes, Community Development Director  
Roy Van Gheem, Director of Public Works  
Tom Flick, Director of Parks, Recreation, and Forestry  
Vicki Schneider, Village Clerk  
Charles Koehler, Village Attorney

ALSO PRESENT: Nick Vande Hey of McMahan Associates, Media reps and interested citizens

### **Approval of Minutes**

Regular Board Meeting Minutes –May 18, 2011

Committee of the Whole Meeting Minutes – May 25, 2011

*Moved by Trustee Peerenboom, seconded by Trustee Berken to approve the Regular Board Minutes of May 18, 2011 and the Committee of the Whole Minutes of May 25, 2011 as presented.*

Ayes 7, Nays 0-Motion Carried Unanimously

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

*Minutes of the Design Review Board Meeting of April 27, 2011 (unapproved)*

*Minutes of the Water Commission meeting of April 19, 2011*

*Minutes of the Library Board Meeting of April 19, 2011*

Board members noted receipt of the informational items.

### **Resolution:**

#### **Final Assessment Resolution – Ebben Pond – Phase A**

*Moved by Trustee Frassetto, seconded by Trustee Smith to Adopt Resolution No. 16, Series of 2011 a Final Assessment Resolution for Ebben Pond Phase A.*

Ayes 7, Nays 0 – Motion Carried Unanimously

### **Action Regarding the Possible Purchase of Additional Right-of-Way on East Main St., East of Sanitorium Road**

Trustee Smith commented that he did view the area and talked to a number of people and they didn't express much concern about impacts on signs but the biggest concern is what it is going to look like and he informed them that the design had to be completed. Trustee Smith stated that his biggest concern was the rental properties and not being able to get a hold of anyone. Trustee Peerenboom questioned if the right-of-

way is moved back two-feet from the existing sidewalk, would all of the signage need to be five-feet from the new right-of-way? J. Moes responded that the signs would become non-conforming if they are less than five feet but they could remain where they are until they were modified, relocated or reconstructed, then they would have to meet the five-foot setback requirements of the Village ordinance. Trustee Peerenboom stated that his concern is if they would be required to be moved as he is hesitant to leave them as non-conforming and he asked if staff knew if they were going to be made conforming signs by the State as part of the project. R. Van Gheem responded that the State will negotiate with the property owners and the State will be made aware of all the factors involved but he doesn't know how the negotiations will go and some of the major impacts are due to the turning lanes being installed and not because of acquiring the two-feet of additional right-of-way. Trustee Peerenboom stated he also has a concern with the house located directly east of Rosehill Rd. as if the sidewalk is moved he believes it will put an adverse condition on that property owner as the driveway is very steep and the garage is very close to the road. R. Van Gheem stated those are issues that they are trying to work out. Trustee Smith stated he doesn't want to leave an owner with a sign that is non-conforming and that part scares him because someone else is doing the negotiating and he wants the property owners to be aware that their sign is non-conforming and if they take money from the State for moving the sign, then the property owner has made a deal. R. Van Gheem stated they will be made aware of the issues and the State has an extensive process that go through for right-of-way acquisitions. Trustee Peerenboom stated that another concern he has is with the \$50,000 estimated costs to the Village and it changing. Discussion continued on the Trustee's concerns. Trustee Smith commented that it seems like a lot to go through to accommodate a few steep driveways and he agrees with Trustee Peerenboom and it seems like there are more unknowns than what is known. R. Van Gheem summarized the issues stating that the option is being presented as some property owners have requested that their driveway aprons be improved and it is up to the Board if they want to move ahead with purchasing right-of-way but a decision needs to be made as there is a lot of work to do on the project and he is relying on the DOT experts and the estimates they have provided. Trustee Frassetto stated that she believes proceeding with acquiring the additional right-of-way is in the overall best interest of the Village.

*Moved by Trustee Frassetto to approve allowing the DOT to negotiate to purchase additional right-of-way in the section of E. Main Street, east of Sanitorium Rd.*

President Vanden Berg asked the Village Attorney if the motion made, which is the same motion that last failed at last week's meeting, has to be made by a member that voted against the motion and the Village Attorney agreed that a Board member that voted against the motion needs to make the motion.

*Trustee Frassetto withdrew her motion.*

Trustee Smith stated that it is not that he doesn't want this but he wants to be real clear on what the Village is doing and that is his hesitation as he talked with many businesses but he didn't hear a lot of participation from people and he understands the staff's frustration on that end of it. Trustee Smith further stated he is concerned about spending another \$50,000 to get a little more grass space and soften a couple of driveways when we could have a beautiful street without it and he needs to be convinced that the extra green space is really worth it. Trustee Mahlik asked how the road would match up with Kaukauna's section and R. Van Gheem stated that Kaukauna's design is different but the alignment of the driving lanes will be lined up. R. Van Gheem further commented on the calls received from the driving public and the business owners on the issues with their steep driveways and responding to those concerns and they are trying to improve the issues the best they can and either way they need to move forward with the design and a decision needs to be made. C. Kell reminded the Board of the added benefit to the property owners of getting a new sidewalk that they won't have to pay for because the DOT will be paying for the sidewalk costs. Trustee Smith asked if this is in the agreement with the DOT so they will not be able to back out of the agreement of paying for the sidewalk and R. Van Gheem responded that this will be put in the agreement with the DOT if approved as the existing agreement needs to be updated in order to move

forward. R. Van Gheem stated that he doesn't believe the DOT would back out of this agreement and the purchase of additional right-of-way is one of the pieces they are waiting for. Trustee Smith commented that if we put \$50,000 in to the cost of the acquisition of the right-of-way, we then gain space for extra snow storage, extra green space with better terraces and aprons and new sidewalk being paid for by the DOT on both sides of the street in this portion of the street. Trustee Smith also asked about the impact east of Rosehill Rd. and if the impact on the Rosehill Bar property would change if we took the two-feet and R. Van Gheem responded that is not the two-feet of additional right-of-way that affects the Rosehill Bar property but it is the turning lanes. Trustee Smith asked if there would be options for the Village to change the concept drawings and R. Van Gheem noted that the Village will have review powers.

*Moved by Trustee Smith, seconded by Trustee Mahlik to approve having the DOT negotiate the purchase of additional right-of-way on Main Street, east of Sanitorium Rd.*

Further Discussion: In response to President Vanden Berg's question about sidewalk costs, R. Van Gheem stated that if the Village approves the additional right-of-way acquisition, then the DOT will pay 100% of the new sidewalk construction costs from Sanitorium Rd. to the east and if the right-of-way is not obtained, the cost would be assessed to the Village and then to property owners as part of the project costs that will be assessed. R. Van Gheem explained that the total cost is estimated at \$129,212 and acquisition costs to the Village are estimated at \$49,412 and delivery (negotiation) costs at \$79,800 and these costs are offset by approximately \$73,000 in reduced sidewalk construction costs.

President Vanden Berg commented that if we didn't do this we would be assessing the \$73,000 and R. Van Gheem stated those costs would then be assessed with the project costs.

Vote on the Motion: Ayes 5, Nays 2 (Vanden Berg, Peerenboom) – Motion Carried  
Trustees Berken and Peerenboom were excused from the meeting at this time. (6:33 p.m.)

#### **Action – Annual Liquor License Renewals**

V. Schneider updated the Board on the status of the establishment that had outstanding taxes and a fee due to the Village stating the taxes had been paid and the fee would be paid when the license is picked up. Approval of all the liquor license renewals is recommended. Trustee Mahlik asked if the Village felt they would receive the weights and measures fee and the Clerk responded, yes, and the fee owed is only \$50.

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Approve the Annual Liquor License Renewals as listed including the license for Dwyer's Food Mart.*

Further Discussion: D. Haug clarified that the weights and measures fee is not being disputed by the business owner.

Vote on the Motion: Ayes 5, Nays 0 – Motion Carried

#### **Action on Special Event Permit – Fox Cities Marathon – September 18, 2011**

*Moved by Trustee Frassetto, seconded by Trustee Smith to Approve the Special Event Permit for the Fox Cities Marathon on September 18, 2011.*

Ayes 5, Nays 0 – Motion Carried

#### **Action Regarding Wording Addition to the Business Improvement/Façade Renovation Program Manual**

*Moved by Trustee Frassetto, seconded by Trustee Smith to Approve the Wording Addition to the Business Improvement/Façade Renovation Program Manual as presented.*

Further Discussion: Trustee Mahlik commented that he doesn't think the business owners should be told what they have to do and he understands that it isn't being forced but he thinks the Village should be doing what they can to have business owners fix up their facades and he would like to make it as easy as possible for them to do that rather than have them feel obligated to take several extra steps to do it and they have a right to pick any contractor that they want.

Ayes 4, Nays 1 (Mahlik) – Motion Carried

**Operators License:**

Faith A. Danz	1723 Harrison St. Apt. 3	Neenah	Walgreens
Tammy L. Parker	1717 E. John St.	Appleton	The Flying Dutchmen
Kayla M. Rueden	1 Ash Grove Pl.	Kaukauna	Express
Brian J. Vandenberg	1612 Florence St.	Kaukauna	Rosehill Bar
Kaylee M. Wilson	320 E. 20 <sup>th</sup> St.	Kaukauna	Landreman’s Restaurant

*Moved by Trustee Frassetto, seconded by Trustee Smith to approve the operator’s license as listed on the agenda.*

Ayes 5, Nays 0 – Motion Carried Unanimously

**Department and Officers Progress Reports**

Chief Misselt provided Board members with a copy of the Department’s 2010 Annual Report and asked them to review it and contact him if they had any questions or comments. D. Haug stated that he and the Administrator have been working with Ehlers on the scenarios for financial options for debt financing and this information will be provided to the Board for discussion at next week’s meeting. D. Haug also stated that he has been working at evaluating the status of the sanitary fees in particular because of the cost that are being charged to the Village by the HOV treatment plant and at next week’s meeting he will be presenting information on sanitary rates along with a recommendation to increase the rates. D. Haug read the letter he had submitted to the Administrator giving notice of his intent to retire from the Village effective July 29, 2011. Trustees thanked D. Haug for his years of service to the Village. C. Kell reported that the Fox Cities CVB had approved the Way Finding Signage Grant for the Village but before it is finalized it needs to go through the Town of Grand Chute for approval. C. Kell stated the he has delivered the petition to the County for bridge aid of \$191,000 for the Mill St. bridge project and he doesn’t anticipate any issues with getting approval for the aid. C. Kell informed the Board that he and the Finance Director, with assistance from the Deputy Clerk, are working on a newsletter article that compares the Village’s cost to taxpayers to that of other communities in the Fox Cities and that information will be shared with the Board at next week’s meeting. C. Kell informed the Board that he is working on a submittal to the DOT that is due by June 13 and this concerns the hiring of an engineering consultant for the Mill St. Bridge project. C. Kell stated that he would like to begin recruiting for replacement of the Finance Director and the Board will have to determine how they want to be involved in the process. C. Kell stated that D. Haug is willing to come back on a consulting type basis because there is going to be some education needed with the new person. C. Kell asked the Board to begin thinking about considering some type of recognition event for past Board members. J. Moes reported that the County has submitted the petition for annexation for the landfill parcel and that will be on the Plan Commissions June agenda to review and make a recommendation to the Board. T. Flick reported it is Cheese Fest week so they are busy with setup. T. Flick stated that he and his staff are discussing filling in the hole of the ice rink at Heesakker Park as there have been a lot of issues with maintaining it so they would like to construct the rink on flat ground in the same location and Board members did not express any issues with this proposal. T. Flick also reported that soil borings were completed for the Heesakker Park Pedestrian Bridge and those went well, that the DPI lighting project is complete, and the pool opened this evening and there will be limited hours until after the Cheese Festival. R. Van Gheem reported that tentatively the utility work on Kelbe Dr. will begin the week of June 13 and property owners will be notified, the lateral program project will begin on June 10, and construction of the yard waste site continues. V. Schneider reported that she is also busy working on her Cheese Fest duties and she asked that all articles for the summer newsletter be turned in this week. Attorney Koehler – no report.

**Disbursement List**

Trustee Hietpas requested that the Village Attorney breakdown in further detail the charges for some of the lawsuits the Village is involved in. Attorney Koehler stated that their billing system has been reconfigured to provide a breakdown of the costs but there has only been one lawsuit since this happened and his staff is manually working on the cases from the old system. Trustee Hietpas stated he would like to see the breakdown on the current bill and Attorney Koehler stated he will provide this information to the Board.

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

Ayes 5, Nays 0 – Motion Carried

**Call for Unfinished Business**

None

**Items for Future Agendas**

C. Kell stated that next week’s agenda will consist of Public Works project items that need decisions, debt financing, sewer rates, the Van Dyn Hoven issues and other items so it will likely be a long meeting next week.

**Adjournment**

*Moved by Trustee Smith, seconded by Trustee Mahlik to Adjourn the Regular Board meeting at 6:55 p.m.*

Ayes 5, Nays 0 - Motion Carried

**VILLAGE OF LITTLE CHUTE**

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

Michael R. Vanden Berg, Village President

Attest: \_\_\_\_\_  
Vicki Schneider, Village Clerk