

## MINUTES OF THE REGULAR BOARD MEETING OF JUNE 15, 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  
Ray Lea, Police Captain  
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: Outagamie County Supervisor Dist. 18 Don De Groot, Developer Jerry Van Dyn Hoven, Media reps and interested citizens

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

Don De Groot stated that the County Highway Committee of which he is a member met concerning the issue of vacating a portion of W. Lincoln Avenue and he is reporting that the committee decided they have no position on the matter and it is a village issue and he thanked the Board for giving him the opportunity to speak last week and tonight.

Sara Eslinger, 1005 Washington St., stated she wanted to make sure that it was going to be noted and discussed about the bike lane painting.

Lori Kappell, 823 Bluff Ave., commented on last week's meeting on the strong views put out by some board members that the Village Board's image has been tarnished over issues and she thinks that view point is right because the people of the Village expect the Board to stand by their decisions and not go back on their votes. Ms. Kappell further commented that preference seems to be given to personal interest topics of trustees and some items are tailored for specific people and not the whole village and she asked the Board to do what is right for the Village as a whole.

### **Approval of Minutes**

Regular Board Meeting Minutes – June 1, 2011

Committee of the Whole Meeting Minutes – June 8, 2011

*Moved by Trustee Peerenboom, seconded by Trustee Berken to approve the Regular Board Minutes of June 1, 2011 and the Committee of the Whole Minutes of June 8, 2011 as presented.*

Ayes 7, Nays 0-Motion Carried Unanimously

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

*Minutes of the Park Planning Committee meeting of February 1, 2011*

*Minutes of the FVMPD Police Commission meeting of May 10, 2011 (unapproved)*

*Minutes of the Board of Review meeting of June 2, 2011*

Board members noted receipt of the informational items.

**Resolutions:**

Jerry Van Dyn Hoven commented that no one has failed with this project and development is a process that takes time and some of the Trustee's never talked to him and there is in fact development going on and the project is being looked at. Mr. Van Dyn Hoven stated his original project did not involve the closure of W. Lincoln Ave. but he was happy to accommodate that idea and he trusts the wisdom of the group if they feel that taking out the street vacation is best. Mr. Van Dyn Hoven also commented that he has rehired the engineering firm and he has an interested party in the parcel and he is operating in good faith and he has over one million dollars invested in that corner and he intends to put a development there. Mr. Van Dyn Hoven also commented that the Walgreen's development was a seven year venture and further stated he is in support of what the neighbors desire and if they want the street vacation taken off the table, then for now we take it off and if it comes back with possible other ideas like a one way street, he looks forward to working with the Village on the project.

**a) Terminating the Conditional Vacation of a Portion of W. Lincoln Avenue in the Village of Little Chute, which is Previously Adopted as Resolution No. 6, Series of 2010**

*Moved by Trustee Mahlik, seconded by Trustee Berken to Adopt Resolution No. 17, Series of 2011 a Resolution Terminating the Conditional Vacation of a Portion of W. Lincoln Avenue in the Village of Little Chute which is previously adopted as Resolution No. 6, Series of 2010.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**b) Initial Resolution Authorizing \$4,140,000 General Obligation Bonds for Street Improvement Projects**

D. Haug clarified that the initial resolutions are required by bond council to identify specific aspects of the borrowing and they are a component part of the full resolutions which is the resolution listed as item g.

C. Kell commented that the maximum impact on the tax levy for debt payments is an increase of .08¢ per \$1,000 which amounts to a maximum tax rate for debt payments of \$1.25 per \$1,000 and with a \$150,000 home that is an increase of \$12 per year and that increase is for two years and then it begins to decline.

In response to Trustee Hietpas' question regarding the flexibility of the \$1.33 million for Village Hall remodeling, Administrator Kell stated that the bonds are structured so if the Village Board decides not to do the Village Hall project or to do a project of less cost, the whole amount or the balance can be transferred to other projects except a building project without a penalty and an example would be using the money for the Main Street project costs.

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adopt Resolution No. 18, Series of 2011 Initial Resolution Authorizing \$4,140,000 General Obligation Bonds for Street Improvement Projects.*

Roll Call Vote: Trustee Berken – Aye, Trustee Frassetto – Aye, Trustee Hietpas – Aye, Trustee Mahlik – Aye, Trustee Peerenboom – Aye, Trustee Smith – Aye, President Vanden Berg - Aye

Ayes 7, Nays 0 – Motion Carried Unanimously

**c) Initial Resolution Authorizing \$360,000 General Obligation Bonds for Parks and Public Grounds Projects**

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to Adopt Resolution No. 19, Series of 2011 an Initial Resolution Authorizing \$360,000 General Obligation Ponds for Parks and Public Grounds Projects.*

Roll Call Vote: Trustee Frassetto – Aye, Trustee Hietpas – Aye, Trustee Mahlik – Aye, Trustee Peerenboom – Aye, Trustee Smith – Aye, Trustee Berken – Aye, President Vanden Berg - Aye

Ayes 7, Nays 0 – Motion Carried Unanimously

**d) Initial Resolution Authorizing \$595,000 General Obligation Bonds for Water System Projects**

*Moved by Trustee Frassetto, seconded by Trustee Berken to Adopt Resolution No. 20, Series of 2011, an Initial Resolution Authorizing \$595,000 General Obligation Bonds for Water System Projects.*

Roll Call Vote: Trustee Hietpas – Aye, Trustee Mahlik – Aye, Trustee Peerenboom – Aye, Trustee Smith – Aye, Trustee Berken – Aye, Trustee Frassetto – Aye, President Vanden Berg - Aye  
Ayes 7, Nays 0 – Motion Carried Unanimously

**e) Initial Resolution Authorizing \$425,000 General Obligation Bonds for Sewerage Projects**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adopt Resolution No. 21, Series of 2011 an Initial Resolution Authorizing \$425,000 General Obligation Bonds for Sewerage Projects.*

Roll Call Vote: Trustee Mahlik – Aye, Trustee Peerenboom – Aye, Trustee Smith – Aye, Trustee Berken – Aye, Trustee Frassetto – Aye, Trustee Hietpas – Aye, President Vanden Berg - Aye  
Ayes 7, Nays 0 – Motion Carried Unanimously

**f) Initial Resolution Authorizing \$1,230,000 General Obligation Refunding Bonds**

*Moved by Trustee Berken, seconded by Trustee Hietpas to Adopt Resolution No. 22, Series of 2011 an Initial Resolution Authorizing \$1,230,000 General Obligation Refunding Bonds.*

Roll Call Vote: Trustee Peerenboom – Ayes, Trustee Smith – Aye, Trustee Berken – Aye, Trustee Frassetto – Aye, Trustee Hietpas – Aye, Trustee Mahlik – Aye, President Vanden Berg - Aye  
Ayes 7, Nays 0 – Motion Carried Unanimously

**g) Resolution Providing for the Sale of \$6,750,000 General Obligation Corporate Purpose Bonds**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adopt Resolution No. 23, Series of 2011 Providing for the Sale of \$6,750,000 General Obligation Corporate Purpose Bonds.*

Roll Call Vote: Trustee Smith – Aye, Trustee Berken – Aye, Trustee Frassetto – Aye, Trustee Hietpas – Aye, Trustee Mahlik – Aye, Trustee Peerenboom – Aye, President Vanden Berg – Aye  
Ayes 7, Nays 0 – Motion Carried Unanimously

**h) Resolution Providing for the Sale of \$1,330,000 General Obligation Promissory Notes**

*Moved by Trustee Mahlik, seconded by Trustee Smith to Adopt Resolution No. 24, Series of 2011 Providing for the Sale of \$1,330,000 General Obligation Promissory Notes.*

Roll Call Vote: Trustee Berken – Yes, Trustee Frassetto – Yes, Trustee Hietpas – Yes, Trustee Mahlik – Yes, Trustee Peerenboom – Yes, Trustee Smith – Yes, President Vanden Berg – Yes  
Ayes 7, Nays 0 – Motion Carried Unanimously

**i) Resolution Providing for the Sale of \$1,605,000 Storm Water System Revenue Bonds**

*Moved by Trustee Frassetto, seconded by Trustee Berken to Adopt Resolution No. 25, Series of 2011 Providing for the Sale of \$1,605,000 Storm Water System Revenue Bonds.*

Roll Call Vote: Trustee Frassetto – Aye, Trustee Hietpas – Aye, Trustee Mahlik – Aye, Trustee Peerenboom – Aye, Trustee Smith – Aye, Trustee Berken – Aye, President Vanden Berg – Aye  
Ayes 7, Nays 0 – Motion Carried Unanimously

**Action – Liquor License Combination Class B – 5<sup>th</sup> Quarter – Gerald Watson, Agent**

Captain Lee stated that the Department does not have an issue with this person as the agent as the background check on this person was found to be acceptable. C. Kell stated that Gerald Watson will be the primary owner of the property in terms of the investment group. Trustee Mahlik asked if the agent would be actively running the operation and the Administrator stated he doubted it. Trustee Mahlik then asked if there were concerns if the agent's relative would be running the operation because there were issues with him. Captain Lee stated that the instances were a concern because of the number of issues that there were but they were not related to liquor law violations but were of a personal nature. Captain Lee also stated that if a problem develops the Department will meet with the owners and enforcement issues will be dealt with.

*Moved by Trustee Frassetto, seconded by Trustee Smith to Approve the Combination Class B Liquor License for the 5<sup>th</sup> Quarter – Gerald Watson Agent.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Action – 2011 Fund Balance Transfer for Police Merger and 2011 Budget Adjustment for Fox Valley Metro Merger**

**2011 Fund Budget Transfer**

101-29211 Undesignated – Safety Center Remodeling and Technology Upgrades - \$110,470

**2011 Budget Adjustment**

<u>Revenue</u>	<u>Approved Budget</u>	<u>Amended Budget</u>	<u>Net Change</u>
207-33333 Partner Transition Contribution	\$0	\$106,564	\$106,564
207-39101 Transfer In – General Fund	\$0	\$110,470	\$110,470
<u>Expenditures</u>			
207-52120-304 Merger Technology	\$0	\$ 23,310	\$ 23,310
207-52120-305 Merger Remodeling	\$0	\$193,724	\$193,724

*Moved by Trustee Peerenboom, seconded by Trustee Hietpas to Approve the 2011 Fund Balance Transfer to Fox Valley Metro Budget of \$110,470, Approve the Partner Contributions for Merger Expenditures of \$106,564, Approve the 2011 Fox Valley Metro Budget Adjustment for \$217,034 for Safety Center Remodeling and Technology Upgrades in Support of the 2011 Police Merger.*

Roll Call Vote: Trustee Hietpas – Aye, Trustee Mahlik – Aye, Trustee Peerenboom – Aye, Trustee Smith – Aye, Trustee Berken – Aye, Trustee Frassetto – Aye, President Vanden Berg – Aye

Ayes 7, Nays 0 – Motion Carried Unanimously

**Action on Sanitary Sewer Fee Increase**

*Moved by Trustee Mahlik, seconded by Trustee Smith to Approve the Sanitary Sewer Rate Increase to \$7.50 per 1,000 gallons effective July 1, 2011 and to Maintain a Fixed Charge of \$3.00 per month on all accounts.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Discussion and Direction to Staff on Clarifying a Definition of Terrace for Village Urbanized and Non-Urbanized Streets**

C. Kell stated the issue surfaced last week as the deadline was approaching in regard to the order issued by the Parks Director to the Berken residence to trim their bushes and the issue that was brought up was the definition of terrace and the fact that there are currently several definitions in the Village code book in different sections. C. Kell commented on why the current definitions are problematic in regard to the location of curb lines and dimensions of the terraces. C. Kell reviewed his proposal to amend the code and define terrace in all areas of the code as: “Terrace, terrace area, sidewalk area or boulevard shall be defined as the area between the back of curb and the street right-of-way line/property line on Village streets where curbing exists or the area between the edge of street pavement and the street right-of-way line/property line on Village streets where no curbing exists”. Board members agreed to put the proposal on next week’s agenda for review and discussion.

Trustee Mahlik was excused from the meeting at this time. (6:39 p.m.)

**Operators License:**

Lori J. Brittnacher	1200 Coolidge Ave.	Little Chute	Gentlemen Jacks
Elizabeth A. Cooley	605 W. 8 <sup>th</sup> St.	Kaukauna	The Pump House
Heather M. Langley	803 Dodge St.	Kaukauna	M & M Bar
Donna S. Noack	W5544 Holly St.	Appleton	Rosehill Bar
Paul C. Olander	932 Woodland Dr.	Menasha	Walgreens

Amie L. Van Deurzen  
Dawn M. Zenisek

216 Lox Ct.  
114 W. Division St.

Combined Locks  
Kaukauna

Down the Hill  
Rosehill Bar

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

Ayes 6, Nays 0 – Motion Carried

### **Department and Officers Progress Reports**

Captain Lee stated that the Department's new website has been launched although parts of it are still under construction and if the Board members have any comments or concerns with the site they should contact him or Chief Misselt. Captain Lee also provided an update on the status of the merger that is scheduled to go into effect on July 1. D. Haug informed the Board that staff is working on the Capital Improvement Plan and there are many needs in areas of technology for upgrades and software. D. Haug also informed the Board that staff has reviewed a draft of the 2010 financial statements and the Village's auditing firm is planning to make a report on the 2010 financial statements to the Board in July. C. Kell gave an update on the Mill Street Bridge project stating the DOT has informed him that based on the process, bids would not be let until December of next year which means that construction will not take place until 2013 possibly going into 2014. C. Kell stated he has talked with the Navigational Authority about that and likely isn't going to be a problem for them as they are running behind and it doesn't look like the system will open until 2014. C. Kell informed the Board that he made a decision to send out solicitations for the engineering design for the bridge to approximately 50-60 consultants today and he did this to keep the project moving forward because the DOT informed him they would not be able to do this until August. C. Kell informed the Board that it appears that the information on the acquisition costs provided by the DOT for the Main Street project did not include any dollars for moving signs or taking care of sign issues because they did not see a problem because none of the signs were hanging over the right-of-way. C. Kell stated that because of the Village's zoning, if the setback is reduced below five-feet the sign becomes non-conforming and if the business wants to change the sign they are not allowed to do that if it is non-conforming. C. Kell further stated that staff is looking at the issue as well as the DOT and one possible solution is for the Village to create a zoning overlay district along Main St. for signage and that proposal may be brought forward to the Board at a future meeting. C. Kell provided an update on the Plastics Manufacturing Company stating that they are now looking at existing buildings and they may not be building in the Industrial Park and he is still working to get this company in Little Chute. C. Kell stated that there are two issues coming before the Design Review Board and those are the Jet's Pizza Business and Express Station. C. Kell stated that he and the Village President met with Lee Reynebeau and Paul Klister on Tuesday regarding their interest in selling industrial park property to the Village. C. Kell stated he had talked with Fox Valley Tool & Die and they have made arrangements to buy the properties east of them for possible expansion and they are also looking at the relocation of the Village's utilities. C. Kell stated the Ebben Subdivision is being designed by McMahons and the bid package should be going out soon. C. Kell stated that he didn't believe the Mill Street Bridge delay would affect any of the funding but he will check with the County. C. Kell stated that the State is aware that the Rosehill Bar sign has to be relocated due to the turning lane and the State will work out the compensation with the Rosehill Bar owner. J. Moes informed the Board that due to new State assessing requirements, the Village may have to schedule a revaluation sooner than expected and the cost of the revaluation process can run \$100,000 to \$200,000. T. Flick stated that he has submitted the Coast Guard permit for the Heesakker Park Pedestrian Bridge and it normally takes three to four months for their review. T. Flick reported that in conjunction with Kaukauna Utilities, the Department removed Emerald Ash trees on the west side of Wilson Street from Crystal Print to Main Street and appropriate terrace trees will be planted in that terrace in the fall. T. Flick reported that this weekend begins back to back tournaments in the Village which will have a good economic impact for the Village. T. Flick also reported that the Fox Locks Authority has informed the Village that the canal will not be filled for another week or longer. R. Van Gheem reported that work continues on the yard waste site and utility projects. V. Schneider reported that the summer newsletter is at the printers and it will be mailed to

residents in the next week or so and the electronic copy will be sent out this week. V. Schneider also reported that as of now there will be a recall primary election on July 12 and the general recall election will be held on August 9<sup>th</sup> and these elections will have unbudgeted costs for the Village. Attorney Koehler – no report.

**Disbursement List**

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

Ayes 6, Nays 0 – Motion Carried

**Call for Unfinished Business**

R. Van Gheem informed the Board that the HOVMSD could accommodate the Board with a visit on August 31 at 6:00 p.m. Board members agreed with the date for a tour of the HOVMSD. C. Kell informed the Board that the Quad Communities meeting will be held on August 9 in Combined Locks.

R. Van Gheem informed the Board that the cost to adjust the bike lanes and accommodate for parking on the west side would cost approximately \$7,500 based on the low bid of the two bids received for the project. Discussion took place on the issue of changing the bike lane markings on Washington St. Trustee Frassetto stated it was her understanding that the Board’s direction to staff was to allow for bike lanes on both sides of Washington St. and parking on the west side where it can be accommodated and she is not in favor of eliminating the bike lanes. R. Van Gheem stated the options are to eliminate the bike lanes or designate them as bike routes or leave them as bike lanes but the lanes have to be adjusted to accommodate for parking between the railroad and Paradise Drive. Trustee Frassetto stated that Mr. Van Gheem is acting on how the Board voted and if the Board wants to go back on that decision then this issue should be put on a future agenda as the issue is not on tonight’s agenda. Trustee Peerenboom pointed out that the Board did vote to proceed with keeping the bike lanes and to allow for parking on the west side at the April 20<sup>th</sup> Board meeting. Trustee Smith commented on the Bike Plan that was adopted by a previous Board and state he would like to revisit the plan at a future meeting. Discussion continued.

*Moved by Trustee Hietpas, seconded by Trustee Smith to reconsider the prior change to Washington St. concerning the bike lanes and parking issue and have this placed as an item on next week’s agenda.*

Ayes 4, Nays 2(Vanden Berg, Frassetto) – Motion Carried

**Items for Future Agendas**

Trustee Frassetto asked for a future discussion on the Village code and permit fees regarding business signs. Request by receiver of Country Inn & Suites to hold liquor license for hotel. Review and discussion on the Pool Study Recommendations.

**Adjournment**

*Moved by Trustee Peerenboom, seconded by Trustee Berken to Adjourn the Regular Board meeting at 7:47 p.m.*

Ayes 6, Nays 0 - Motion Carried

**VILLAGE OF LITTLE CHUTE**

By: \_\_\_\_\_  
Michael R. Vanden Berg, Village President

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