

**MINUTES OF THE REGULAR BOARD MEETING OF FEBRUARY 6, 2013**

**Call to Order:** President Vanden Berg called the Regular Board Meeting to Order at 6:00 p.m.

**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  
Bill Peerenboom, Trustee  
Skip Smith, Trustee  
Larry Van Lankvelt, Trustee

**Roll Call of Officers and Department Heads**

PRESENT: Charles Kell, Village Administrator  
Jim Moes, Community Development Director  
Erik Misselt, FVMPD Police Chief  
Jeff Elrick, Assistant Director of Public Works  
Tom Flick, Director of Parks, Recreation and Forestry  
Teri Matheny, Finance Director  
Village Attorney Charles Koehler  
Vicki Schneider, Village Clerk

OTHERS PRESENT: Michael Spence Nestle Rep., John Calmes, Nick Vande Hey of McMahons, Interested Citizens, Media Reps

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

None

*Moved by Trustee Peerenboom, seconded by Trustee Berken to enter into the public hearing.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Public Hearing – Zoning Change Request filed by John Calmes for 1022/1024/1026 Washington Ct. – Change Zoning from RM – Residential Multi-Family District to ID – Industrial District**

J. Moes stated that the neighboring industry's offer to purchase on this parcel is contingent upon the rezoning of the property. J. Moes stated the Plan Commission reviewed the request and they are recommending approval of the rezoning request. J. Moes informed the Board that a new rezoning request came in for the property at 1020 Washington Street and the Plan Commission will be reviewing that request at their meeting next week. Trustee Smith asked if there would be any residential properties left on this side of the street once the rezoning for all these properties goes through. J. Moes stated that the neighboring industry would own all of the property on this side of the street and if approved, they will all be zoned industrial.

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to exit the public hearing.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Approval of Minutes**

Regular Board Meeting Minutes – January 16, 2013

Committee of the Whole Meeting Minutes – January 23, 2013

*Moved by Trustee Van Lankvelt, seconded by Trustee Berken to approve the Regular Board Meeting Minutes of January 16, 2013 and the Committee of the Whole minutes of January 23, 2013 as presented.*

Ayes 7, Nays 0 - Motion Carried Unanimously

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

*Plan Commission Meeting Minutes – December 10, 2012*

*Joint Library Board Meeting Minutes – December 18, 2012*

*FVMPD Incident Report – January 2013*

Board members noted receipt of the informational items.

**Ordinances:**

**Amending Village of Little Chute Municipal Code – Chapter 6 - Animals**

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to Adopt Ordinance No. 1, Series of 2013 Amending the Village of Little Chute Municipal Code – Chapter 6 – Animals.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Approving the Rezoning of 1022/1024/1026 Washington Court from RM – Residential Multi-Family to ID – Industrial District**

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to Adopt Ordinance No. 2, Series of 2013 Approving the Rezoning of 1022/1024/1026 Washington Court from RM – Residential Multi-Family District to ID – Industrial District.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Review and Action to Approve Site Plan for L & B Cabinets – 1533 E. Elm Drive**

J. Moes stated that the site plan meets all village codes and staff is recommending approval of the site plan.

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to Approve the Site Plan for L & B Cabinets at 1533 Elm Drive as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Action to Award Bid- 2013 Main Street Utility Construction – Contract A**

*Moved by Trustee Berken, seconded by Trustee Van Lankvelt to Award Contract No. L0001-9920582-A Main Street Utility Construction project from Jackson Street to Lewis Street to Donald Hietpas and Sons of Little Chute for \$893,873.45.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Action to Award Bid – 2013 Main Street Utility Construction – Contract B**

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to Award Contract No. L0001-9920582-B for the 2013 Main Street Utility Reconstruction Project from Lewis Street to the East Village Limits to Carl Bowers & Sons Construction Co., Inc of Kaukauna for \$914,897.25.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Update on the Pheasant Run and Doyle Park Storm Water Project Designs**

J. Elrick reviewed the proposed alternatives for drainage for Doyle Park and stated that the recommendation is alternative #4 Variation 1, which is installing a 21" Central Division Trunk Line that would run parallel and immediately west of the existing interior central system west of the parking lot. An 18" Easterly Diversion Trunk Line would begin at a manhole midway down the slope from Taylor Street and it would turn to run along the base of the slope to a dedicated outfall at the canal. The connection of the easterly system to the central storm sewer system would be eliminated and this allows the offsite flows to bypass the interior park storm sewer system and discharge directly into the canal.

J. Elrick reviewed the proposed alternatives for the Riverside Drive Ravine and stated the recommendation is alternative #2 which is to replace parts of the gabion channel with a 60" reinforced concrete storm sewer pipe at Riverside Drive partially down to the river outfall as this will eliminate the erosion issues and provide a long term solution for storm water conveyance to the river. J. Elrick informed the Board that to move forward with applying for the required permits from the DNR, designs for the projects must be submitted with the applications. J. Elrick also notified the Board that getting a permit for the recommended plan for

Pheasant Run/Riverside Drive may be difficult because the DNR has concerns because the ravine is considered a navigable stream. J. Elrick stated that if the pipe isn't approved, there are options to modify the ravine channel. C. Kell stated that engineering needs to be done before the DNR will even look at the projects for permitting and the engineering cost is approximately \$25,000 and applying for the permit and submitting the project plans does not guarantee a permit. Discussion took place. Trustee Peerenboom asked for the price for the gabion system and J. Elrick responded that he didn't have the estimates for that but he could get them for the Board. Trustee Peerenboom stated he would like to see the cost estimates for the two gabion options because the pipe will likely be a tough sell to the DNR if it is labeled a navigable stream and he has concerns with spending the \$25,000 on engineering unless there is a potential to have a substantial savings by installing the pipe. Discussion continued. T. Matheny stated that these two projects are in the 2011 bonding and the bonding money needs to be spent by August. Trustee Peerenboom stated he is asking for an estimate for options 3 & 4 and also what the engineering cost is just for those options as he wants to see if it is worth the risk. J. Elrick stated they can do that but he wants the Board to know that there will be also be a cost associated with getting the estimates. Board members agreed that Public Works should move forward with the recommendations for the Doyle Park project and report back on the cost estimates.

**Operator's Licenses:**

Sonette M. French	212 ½ E. 7 <sup>th</sup> St.	Kaukauna	Down the Hill
Vernon L. Riedle	322 Paul Dr.	Kimberly	Weenies Still
Cory J. Roehrig	1002 Hartzhiem Dr.	Appleton	5 <sup>th</sup> Quarter
Ashley M. Wacaser	204 Island St.	Kaukauna	5 <sup>th</sup> Quarter

*Moved by Trustee Smith, seconded by Trustee Peerenboom to Approve the Operator's Licenses as presented.*  
 Ayes 7, Nays 0 – Motion Carried Unanimously

**Department and Officers Progress Reports**

Chief Misselt reported that the Department is now purchasing fuel from the Kwik Trip in Kimberly instead of Outagamie County and this should likely result in an estimated cost savings of \$200 to \$300 a month and above that the Department will also receive refunds on the State fuel tax that is paid. T. Matheny reported that tomorrow is the last day of tax collection and 3,500 payments were collected at Village Hall. T. Matheny thanked the maintenance and public works staff for their efforts to keep the sidewalks shoveled during the snow storm on January 31<sup>st</sup> so citizens could get in to pay their taxes. T. Matheny stated the audit is scheduled for April 8<sup>th</sup> and 15<sup>th</sup>. C. Kell stated that it sounds like many members of the Fire Dept. are in favor of relocating the memorial statues to the Village Hall plaza and they will be making a decision at their meeting in March and they are still discussing what they want to do with the flag pole. C. Kell stated he is still waiting on and discussing the funding affidavit with the donor of the Village Hall expansion project and it sounds like there may be a different alternative for releasing the funds and he hopes to meet with the donor next week to get this wrapped up so the project can move forward. C. Kell informed the Board that he has had discussions with the representative of a downtown property and they have asked if the Village is interested in purchasing the property so he will place that as a closed session item on next week's agenda. C. Kell reported that all management staff attended a workplace harassment educational training session put on by the League's Insurance and he is looking at possibly providing this training to all employees. C. Kell reported that he had submitted a request to the donor of the Heritage Park project for the funds and their attorney has replied and the family wants to see a covenant recorded on the property requiring that the land remains park land. C. Kell stated that if the Board agrees he will have Attorney Koehler draft the documents for the covenant and Board members indicated agreement with the proposal. C. Kell stated that the Fire Truck quotes are due this Friday and the quotes will be reviewed and a recommendation will be brought to the Board at a future meeting. C. Kell stated that he and the Public Works Director met with Fox Valley Tool and Die in regards to relocation of their utilities and they have committed to giving the Village an easement on the corner of their property for a welcome sign. C. Kell provided Board members with a revised schedule for the Mill Street Bridge project that he had received today. C. Kell reviewed the schedule noting a critical component is going to be the timeline on securing

the easements and right-of-way with the Navigational Authority and these documents also need to be approved by the State and this has to be done well in advance of the PS & E which is due to be completed in August 2013, so he and the Parks Director will be working on this with the Navigational Authority to get this process moving. C. Kell stated that another critical issue will be the Section 106 approval from the State Historical Society. J. Moes stated he is working on the 2013 assessments, State reporting documents, and preparing specs for the RFP for the 2014 revaluation. T. Flick reported that the summer/fall program book should be going to print next week and a number of new programs have been added. T. Flick congratulated the Chuting Stars for taking 1<sup>st</sup> place finish in pom and in kick at a State competition. T. Flick stated they are currently reviewing playground proposals and options for replacement of the equipment at Van Lieshout Park. T. Flick reported that final plans for Heesakker Park improvements are being reviewed and he informed the Board that he has decided to pull the proposal for an archery range from this park project as they are not 100% comfortable with the safety aspect because some recommended guidelines for safety zones would not be met. T. Flick stated Island Park and Creekview Park are being considered for the range and he is working with the Jaycees on the determining the best location for the range. T. Flick stated they are currently working on obtaining quotes for trees for the Hwy. 96 project and they are looking at submitting RFPs to four local companies. T. Flick stated final details for the Heritage Park specs are being completed and once the covenant is recorded, they will be going out to bid for this project. T. Flick requested to place a resolution before the Board at next week's meeting for review and this resolution concerns supporting the Fox Wisconsin Heritage Parkway project. J. Elrick reported that the Main Street project has started as WE Energies is working on gas mains and he also reported that quotes had been received for two new dump trucks and a recommendation on the purchase will be brought to the Board at a future meeting. V. Schneider reported that in person absentee voting began on Monday and that continues until 5:00 p.m. on Friday, February 15<sup>th</sup>. V. Schneider informed the Board that a claim for a sewer backup would be on next week's agenda for Board action and she stated that a new claim was filed due to a resident falling outside the Village Hall and a new claim was also filed for water damage at a property due to the water main break on Main Street. At the request of President Vanden Berg, Attorney Koehler commented on his experience with keeping of closed session minutes.

#### **Disbursement List**

*Moved by Trustee Peerenboom, seconded by Trustee Berken to Approve the Vouchers and Authorize the Finance Director to pay all vendors.*

Ayes 7, Nays 0 – Motion Carried Unanimously

#### **Call for Unfinished Business**

None

#### **Items for Future Agendas**

Next week's agenda – Discussion on extension of storm sewer laterals.

*Moved by Trustee Smith, seconded by Trustee Peerenboom to enter into closed session. (7:10pm)*

Ayes 7, Nays 0 – Motion Carried Unanimously

The Village Administrator, staff and the Village Attorney were excused from the meeting at this time.

**Closed Session: 19.85(1)(c) Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute (g) Conferring with Legal Counsel for the Village, legal counsel rendering oral or written advice concerning strategy to be adopted by the Village Board with respect to litigation in which the Village is now or is likely to be involved.**

*Discussion of a personnel contract matter*

*Moved by Trustee Smith, seconded by Trustee Berken to exit closed session and return to open session. (8:30 pm)*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Return to Open Session**

No action taken.

**Adjournment**

*Moved by Trustee Smith , seconded by Trustee Berken to adjourn the Regular Board meeting at 8:30 p.m. Ayes 7, Nays 0 - Motion Carried Unanimously*

**VILLAGE OF LITTLE CHUTE**

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

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