

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF MAY 22, 2013

### 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 Hietpas, Trustee Joosten,  
Trustee Smith, Trustee Van Lankvelt

EXCUSED: Trustee Frassetto, Trustee Peerenboom,

ALSO PRESENT: C. Kell, J. Moes, R. Van Gheem, S. Berkers, T. Flick, Mike McMahon, Don De Groot, Little Chute Girl Scouts - Brownie Troop #2573, Dave Schmalz, Steven Golz, Kate Berken, and other Interested Citizens, Media Reps

### Public Appearance for Items not on the Agenda

None

*Moved by Trustee Hietpas, seconded by Trustee Van Lankvelt to move item #3 to item #2 on the Agenda.*

Ayes 5, Nays 0 – Motion Carried Unanimously

### Presentation- Little Chute Girl Scouts – Brownie Troop #2573 – Check to Village for Van Lieshout Park Playground Project

A Representative from the Brownie Troop #2573 presented a check for \$250 for the Van Lieshout Park Playground. She noted that as part of their Take Action project the troop decided to give the money they earned from cookie sales to help pay for playground equipment after the park had been vandalized.

### Discussion/Action- Conditional Use Permit for 1409 Vandenbroek Rd. – Steven Golz Applicant

J. Moes stated that the Plan Commission approved the Conditional Use Permit with the recommended conditions. Conditional use approval is to be for a maximum of 20 years after which time actual use is expected to comply with underlying zoning district regulations. Approval is for only the uses listed in the explanation area of the IFC (Item for Consideration). The Village Board shall retain continuous jurisdiction and approval authority over all conditional uses at this location, the conditional approval may be revoked upon complaint of owners within 100 feet of the property, such revocation shall be subject to the Village Board first holding a hearing to review such complaint. Hours and days of such uses shall strictly conform to the uses which have been listed in the explanation area of the IFC. Parking for all employees and customers shall be on site, public streets shall not be used for needed parking. Signs shall be reviewed and approved by the Board prior to installation. No overnight storage is allowed outside of the buildings. No changes of any kind may be made to the exterior of the current buildings without prior approval of the Village Board. Steven Golz stated that he was in agreement with the conditions recommended by the Plan Commission.

*Moved by Trustee Smith, seconded by Trustee Van Lanvelt to approve Conditional Use Permit for 1409 Vandenbroek Rd. - Steven Golz as presented on the IFC.*

Ayes 5, Nays 0 – Motion Carried Unanimously

### Presentation by Mike McMahon of McMahon – Design and Cost Alternatives for the Village Hall Remodeling and Expansion Project and Village Board Direction on the Projects

C. Kell introduced Mike McMahon of McMahon Associates as the project architect on the Village Hall Renovation Project and that he is also working with the Windmill Committee on the Visitor Center Project. C. Kell noted that Paul Coenen of the Boldt Company was present in the audience if board members had questions regarding construction estimates.

Mike McMahon of McMahon presented a handout with information regarding the addition and renovation of the Village Hall. M. McMahon stated that the addition is designed to match the visitor center of the windmill. M. McMahon noted that all lighting, lighting controls, HVAC, and plumbing are to be replaced due to its advanced age. M. McMahon noted that due to the age of the Village Hall the brick on the addition would not be the same but the idea is to make the buildings similar in nature to give it a small downtown feel. M. McMahon continued with some ideas for the Board Room. M. McMahon questioned board members if the designs and finishes were what they had in mind. President Vanden Berg stated that it was the design he had in mind. M. McMahon questioned if the board wanted a Dutch theme integrated into the board room design. M. McMahon discussed the current budget for the addition and renovation and noted that the estimate of \$980,000 for the renovation includes HVAC for the parts of the building that are not being renovated. Trustee Smith questioned if the HVAC for the Community Room, Board Room, and the basement of the hall were separate. M. McMahon noted that the boiler is connected to every part of the hall in some way and it is being replaced. Trustee Hietpas questioned the contingency fund for the renovation and Paul Coonen stated that would be 10% and for the new construction it would be 5%. Trustee Hietpas questioned if asbestos removal was included in this budget. C. Kell noted that the current budget for the village renovation does not include furniture, phones or computer technology. M. McMahon discussed the schedule for the renovation and addition project. Trustee Smith stated that he would be willing to give up some of the décor of the boardroom to save money that could be used on the mechanical portion of the project. Don DeGroot questioned the pay back the village would get back for updating windows and HVAC. M. McMahon stated it would be 5-10 years. Board members agreed that it was important to have HVAC replaced with the renovation. Trustee Joosten stated that he would like to see where the \$180,000 could be found in the 2013 budget before beginning the project. M. McMahon stated that he could pull some line items from the renovation project and get them to the board.

**Review/Action – 2012 Assessors Plat – Approval to Send to State for Review**

J. Moes stated that Dave Schmalz, Wisconsin Registered Land Surveyor has previously done nine Assessors Plat amendments for the village totaling 635 lots. Dave Schmalz stated that he has been working with the village on the Assessors Plat since 2008 but due to problem areas of the plat and legal issues it has not been filed with the State. D. Schmalz stated that he met with the village board and he was ordered to do one Assessor Plat. D. Schmalz stated that he approached the plat in three different ways, the first was to the east and north of Doyle Park and there were not many issues there. The second part was to the west of Highway N and south of Main Street a ¼ of a mile out and that he met with every property owner in this portion and acquired 13 easements for the placement of an interceptor pipe. The last portion which is 17 lots that are east of Buchanan and south of Bluff Street of the Assessors Plat was in litigation at the time of survey preparation. D. Schmalz stated that he gave a presentation to the Planning Commission in November of 2012 and because of a Circuit Court and Appellate Court law suits the Planning Commission wanted the Village Attorney to take a look at the Assessors Plat and that he received an e-mail from Attorney Koehler informing him that the appeals time for the Assessors Plat court cases have expired. D. Schmalz went on to say that due to the litigation issues between the Village of Little Chute and Mr. and Mrs. Berken attorney Koehler and staff felt it was best to have the Planning Commission and the Village Board look at the Assessors Plat before sending it to the state for approval. D. Schmalz stated that it was the opinion of attorney Koehler that he could take off the notes regarding the Circuit Court Case on the Assessors Plat but due to lack of recorded findings he would prefer to leave notes on the Assessors Plat. D. Schmalz stated that he is comfortable with the 2012 Amendment to the 1917 Assessors Plat of the Village of Little Chute. Kate Berken stated that she was sent a notice in 2008 stating that the village was doing an Assessor's Plat and that she had a certain amount of time to respond to the notice and that she had an attorney send the required information to the village assessor. Kate Berken stated that she has not been paid back for taxes that she paid in 2007 and 2008 for the property south of lot 10 on the Assessors Plat. Kate Berken stated that in 2012 she paid the taxes for the land south of Roosevelt, south of lot 10, and the

property south of lots 13 and 14 and she was not supposed to pay taxes for these properties. Kate Berken went on to say that she would like the tax money back from taxes she paid in 2006-2008 and for 2012 taxes and if she doesn't get the money back then the village should give her the 2500 sq. ft. of property back. Trustee Smith questioned if the property that Mrs. Berken is questioning was once deeded to them. Dave Schmalz stated that the Assessors Plat does not create property it surveys the property and the reason for the Assessor's Plat in this area is due to the county's inability to draw the Assessors Plat map or description. Dave Schmalz stated that he has no opinions regarding the taxes but informed the Berkens that the Assessor's Plat was on the agenda for this week. President Vanden Berg stated that every indication has been given that the map meets the survey rules and complies with the court case. C. Kell stated that he felt that the Assessors Plat should be moved forward because the village has been dealing with this for far too long and if the Berkens are correct and the village owes them tax money then the village will pay it. Bob Berken questioned why the 2012 Amendment to the 1917 Assessors Plat is on the county website as the official Plat when it has not been approved by the board. Dave Schmalz stated that he gave the unrecorded Assessors Plat to the county and let them know that it was not registered and the county made their own decision to post it.

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to send 2012 Amendment to the 1917 Assessors Plat to the State of Wisconsin*

Ayes 4, Nays 1 (Hietpas) – Motion Carried

**Discussion/Possible Action – Request to Increase Building Inspectors Hours from 35 hours per week to 40 hours per week**

J. Moes stated that with the increase in building permit applications and lateral inspections Brett Jensen is needed to work 40 hours per week. C. Kell stated that he agreed with J. Moes and noted that if the work load drops off the Building Inspector's hours could be put back at 35 hours per week.

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to increase Building Inspectors hours from 35 hours per week to 40 hours per week.*

Ayes 4, Nays 1 (Hietpas) - Motion Carried

Further Discussion:

Trustee Joosten questioned the Building Inspector's hourly rate. Trustee Hietpas stated that he was not in favor of increasing the building inspector's hours and that he felt that money could be used towards the Village Hall project.

*Moved by Trustee Smith, seconded by Trustee Hietpas to Appoint Don DeGroot as Citizen Member of Joint Review Board and Michael Vanden Berg as Board Member for Joint Review Board.*

Ayes 5, Nays 0 – Motion Carried Unanimously

**Unfinished Business**

C. Kell stated that he handed out a memo that will handed out to employees and sent to retirees regarding an upcoming meeting to look at WEA Trust for health insurance for village employees at a considerable discount than what the village currently pays for health insurance.

**Items for Future Agenda**

Trustee Joosten stated that he recommended the topic of the Retiree Health Insurance Plan be on a future agenda.

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to enter into Closed Session.  
(7:34p.m.)*

Ayes 5, Nays 0 – Motion Carried Unanimously

**Closed Session:** 19.85(1)(e) Wis. Stats. Deliberations or negotiations on the purchase of public properties, investing of public funds or conducting other specific public business when competitive or bargaining reasons require a closed session.

- a) *Discussion/Negotiation of Financial Arrangements and Agreements with Evergreen LC Development LLC*
- b) *Discussion of Sale of Village Property, Development Agreement Provisions, and Tax Increment Financing – Victor Allen*

*Moved by Trustee Van Lankvelt, seconded by Trustee Hietpas to exit closed session and return to open session. (9:00 p.m.)*

Ayes 5, Nays 0 – Motion Carried Unanimously

**Return to Open Session**

No action taken.

**Adjourn**

*Moved by Trustee Van Lankvelt, seconded by Trustee Hietpas to Adjourn the Committee of the Whole meeting at 9:01 p.m.*

Ayes 5, 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: Sandy Berkers, Village Deputy Clerk