

## MINUTES OF THE REGULAR BOARD MEETING OF SEPTEMBER 19, 2007

The Regular Board meeting was called to order at 6:00 p.m. by Charles Fischer, Village President

### **Invocation**

President Fischer called for a moment of silence.

### **Pledge Allegiance to the Flag**

President Fischer led members in the reciting of the Pledge of Allegiance.

### **Roll call of Trustees**

PRESENT: Charles Fischer, President  
John Elrick, Trustee  
Brian Joosten, Trustee  
Steve Ransbottom, Trustee  
Uriah Van Ooyen, Trustee  
Judd Vanden Heuvel, Trustee (6:07)  
Janet Verstegen, Trustee

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

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

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

None

### **Approval of Minutes**

*Regular Board Meeting Minutes – September 5, 2007*

*Committee of the Whole Meeting Minutes – September 12, 2007*

*Moved by Trustee Elrick, seconded by Trustee Vanden Ransbottom to approve the Regular Board minutes of September 5 and the Committee of the Whole minutes of September 12, 2007 as presented.*

*Ayes 6, Nay 0 – Motion Carried*

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

*Minutes of the Plan Commission Meeting of August 13, 2007*

*Fox Valley Metro Police Department Activity Report – June 2007*

*Minutes of the Kimberly – Little Chute Joint Library Board – August 21, 2007*

*Minutes of the Fire Commission Meeting – September 10, 2007*

**Action to Rescind Resolutions No. 33, Series of 2007 Approving the Project Plan for Proposed Tax Incremental District Number 4 and No. 34, Series of 2007 Creating, Describing and Making Certain Findings Concerning Tax Incremental District Number Four Village of Little Chute, Wisconsin**

J. Moes stated the adoption of the resolutions last week was too soon after the Public Hearing on the TID as 14 days is required between the Public Hearing date and the adoption of the resolutions approving the TID. Board members were asked to rescind the resolutions adopted last week and adopt new resolutions at tonight's meeting.

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to rescind Resolutions No. 33, Series of 2007 Approving the Project Plan for Proposed Tax Incremental District Number 4 and No. 34, Series of 2007 Creating, Describing and Making Certain Findings Concerning Tax Incremental District Number Four Village of Little Chute, Wisconsin.*

Ayes 6, Nay 0 – Motion Carried

**Resolutions:**

**a) Approving the Project Plan for Proposed Tax Incremental District Number Four**

*Moved by Trustee Verstegen, seconded by Trustee Van Ooyen to Adopt Resolution No. 36, Series of 2007 Approving the Project Plan for Proposed Tax Incremental District Number Four*

Ayes 5, Nay 1 (Joosten) - Motion Carried

**b) Creating, Describing and Making Certain Findings Concerning Tax Incremental District Number Four**

*Moved by Trustee Van Ooyen, seconded by Trustee Verstegen to Adopt Resolution No. 37, Series of 2007 approving Creating, Describing and Making Certain Findings Concerning Tax Incremental District Number Four.*

Ayes 5, Nay 1 (Joosten) - Motion Carried

**c) Review and Possible Action on Resolution Recognizing the 100 Year Anniversary of the Little Chute Fire Department**

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Resolution No. 38, Series of 2007 Recognizing the 100<sup>th</sup> Year Anniversary of the Little Chute Fire Department.*

Ayes 6, Nay 0-Motion Carried

**Decision on Village's Role in Acquisition of Property or Use of Eminent Domain as requested by Erickson Construction & Development for their Proposed Development**

C. Kell stated Erickson Development representatives had requested that the Board make a decision on acquisition of property that is needed for construction of a road to their proposed development. Trustee Elrick stated he is against the use of eminent domain at this time because of the housing being proposed on the south 40 acres of the property and because of the location of the proposed mapped road as he feels it would hinder future commercial development. Trustee Verstegen stated she is against the eminent domain request as the project does not meet the criteria for use of eminent domain for public need or blighted area. Trustee Ransbottom stated he agrees with Trustee Verstegen's comments and does not support the use of eminent domain. Trustee Elrick stated if the possibility exists of moving the mapped road to a different location and a meeting of the current land owners could be arranged he wouldn't necessarily be opposed to using eminent domain to get services out to the proposed development. C. Kell stated that staff was working from the confines of the Board adopted Comprehensive Plan that has the road mapped in its current location and recommended that the property owners in the area get together to come to an agreement on the location of the road. Jeremy Wildenberg, 707 W. Main, addressed the Board and gave statements against the use of eminent domain and the current status of the housing market. Leann Wildenberg, 707 W. Main, addressed the Board and gave her opinions as to why she is against the use of eminent domain. Jim Verbruggen, representing Northside Solutions, the current owner of the property for the proposed development, addressed the Board and commented on the occurrences that took place with the land being proposed for development up until this point and pointed out that the Village Board did approve the annexation of his client's property along with a

piece of Mr. Van Grolls with the road mapped in its current location and commented on the amount of money that was spent by the Village to get utilities to this area. Mr. Verbruggen asked the Board when they would consider getting services to the annexed property. Mr. Verbruggen also asked the Board to consider tabling the issue until the parties can meet and an agreement can be reached on the correct placement of the road. Mr. Verbruggen stated that there is only a section of Mr. Van Groll's land that is needed for the road. Mr. Van Groll stated the Van Groll's did not get to provide any input on the development of the land. Mr. Verbruggen stated Mr. Van Groll has been offered a fair price for the land. Discussion continued. C. Kell stated per the Developer's request, the Board can table making a decision at this time and staff can try to work out a solution with the area land owners but it would take some time. Dion Volk of Erickson Construction & Development stated they would be willing to wait for a decision from the Board to allow time for the parties to work out an agreement. Trustee Verstegen stated she wants the Developer to know that she is against using eminent domain for any reason for this project. Attorney Koehler stated if the Board takes action tonight on the use of eminent domain the action could be reconsidered and rescinded at a future meeting. Mr. Wildenberg spoke against the use of eminent domain in this situation. Don De Groot spoke against the Village using eminent domain for this particular situation.

*Moved by Trustee Joosten, seconded by Trustee Verstegen to deny the use of eminent domain for the project before the Board tonight.*

Further Discussion: Dale Baeton, Shade Today, commented on the trees he has planted on Mr. Van Groll's land and stated he will not allow eminent domain to take away his trees.

Ayes 7, Nay 0 – Motion Carried

**Adoption of 2008 – 2012 CIP Plan**

*Moved by Trustee Ransbottom, seconded by Trustee Van Ooyen to adopt the Capital Improvement Plan supported by the tax levy and 2009 recommendations for Public Works projects.*

Further Discussion: Trustee Verstegen asked for clarification on what part of the CIP plan was actually being adopted and D. Haug stated it is a very small part of the plan being adopted but the part that will allow staff to proceed with preparing the budget and designs for the 2009 public works projects. Trustee Verstegen asked for clarification in the motion so only the 2008 CIP plan for tax levy projects and the 2009 public works design projects is adopted.

*Moved by Trustee Ransbottom, seconded by Trustee Van Ooyen to amend the previous motion to state adopt the 2008 Capital Improvement Plan supported by the tax levy and 2009 recommendations for Public Works Design Projects.*

Vote on the amendment to the motion:

All Ayes – Motion Carried Unanimously

Vote on the main motion:

All Ayes – Motion Carried Unanimously

**Action on Parade Permit for the Little Chute Fire Department – 100<sup>th</sup> Anniversary Celebration Parade – September 29, 2007**

*Moved by Trustee Verstegen, seconded by Trustee Elrick to approve the Parade Permit for the Little Chute Fire Department – 100<sup>th</sup> Anniversary Celebration – September 29, 2007*

All Ayes-Motion Carried Unanimously

**Operator's Licenses**

<i>Matthew E. Hart</i>	<i>727 W. Fifth Street</i>	<i>Appleton</i>	<i>Express</i>
<i>Maria R. Grignon</i>	<i>321 Prospect Ave</i>	<i>Combined Locks</i>	<i>Express</i>
<i>May Yeu Ly</i>	<i>207 S Locust St. Apt. D</i>	<i>Green Bay</i>	<i>Express</i>
<i>Benjamin J. Schultz</i>	<i>725 Fremont St.</i>	<i>Appleton</i>	<i>Jacks or Better</i>
<i>Lori J. Brittnacher</i>	<i>129 Taylor St.</i>	<i>Kaukauna</i>	<i>Gentlemen Jacks</i>

**Regular Board Meeting Minutes – September 19, 2007**

Leslie A. Wacker  
Sketer M. Ziemer

1106 High St.  
1209 Division St.

Kaukauna  
Appleton

Moasis  
Snaggletooths

*Moved by Trustee Elrick, seconded by Trustee Van Ooyen to approve the operator's license as presented.*

All Ayes – Motion Carried Unanimously

**Department and Officers Progress Reports**

Chief Peterson reminded the Board that the Fox Cities Marathon is taking place on Sunday and the race will be starting earlier and going through Little Chute in a reverse pattern. D. Haug reported that the PSC will be conducting a formal hearing by telephone on the proposed water rate increase on Thursday, September 20 at 10:00 a.m. in the Board Room. D. Haug also informed the Board that the DOR had notified municipalities that because the State budget has not yet been determined, it is anticipated that the 2008 Shared Revenue will remain the same as this year. C. Kell reminded the Board that a meeting had been scheduled with Congressman Steve Kagen, area State Representatives and other parties interested in the Mill Street Bridge project. The group will visit Island Park and then meet for discussion and presentations by the Locks Authority, the Windmill Committee, the CVB and the HOVMSD. C. Kell informed the Board that the Village will be hosting the Quad Communities meeting on Wednesday, October 31<sup>st</sup> and one scheduled agenda item concerns recycling issues. J. Moes stated that he had received notice that Walgreens was suing the Village again this year for excess tax as they have done in communities throughout Wisconsin but currently the lawsuits are all on hold while until the Supreme Court hears their appeal on the case they lost with Madison. J. Moes invited Board members to the 100<sup>th</sup> anniversary celebration of the Kimberly Library on Saturday stating the event is taking place at the Kimberly Library between 10 a.m. and 2 p.m. T. Flick reported that the Legion Park project is estimated to be completed within two weeks if the weather cooperates and also that buckthorn removal work is taking place at Heesakker Park. T. Flick stated end of season pool maintenance is being conducted and informed the Board that the Department is going to look at purchasing a smaller vehicle than originally designated in the CIP as a smaller vehicle will allow for access into additional areas of the parks. R. Van Gheem stated work continues on wrapping up the 2007 contracts and work is being done on the designs for the 2008 projects. V. Schneider reminded the Board that information is need from them for the Board member web page and the new website is going live in 12 days. V. Schneider also provided an update on the status of the recodification project. Attorney Koehler provided information on parliamentary procedure.

**Call for Unfinished Business None**

**Items for Future Agenda**

Trustee Verstegen informed Board members that the Legion and Garden Club with assistance from staff are working on the Veterans Memorial Garden.

**Adjournment**

*Moved by Trustee Ransbottom, seconded by Trustee Van Ooyen to adjourn the meeting at 7:03 p.m.  
All Ayes-Motion Carried Unanimously*

**VILLAGE OF LITTLE CHUTE**

By: \_\_\_\_\_  
Charles Fischer, Village President

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Attest: Vicki Schneider, Village Clerk