

## **MINUTES OF THE REGULAR BOARD MEETING OF JULY 11, 2012**

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

### **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  
James Hietpas, Trustee  
Bill Peerenboom, Trustee  
Skip Smith, Trustee  
Larry Van Lankvelt, Trustee

EXCUSED: Tammy Frassetto, Trustee

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

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

OTHERS PRESENT: Interested Citizens, Media Reps, Gene Kobussen, Dan Mahlik, Norman and Lucille Wildenberg

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

Dan Mahlik, 329 W. Lincoln Avenue, questioned the status of Village owned properties on W. Lincoln Avenue. J. Moes explained that the real estate listing for the home at 316 W. Lincoln Ave. had expired and the Board will need to discuss if they want to make some improvements to the home before listing it again, possibly change the asking price, or just relist the property as is. C. Kell stated the regarding the property at 319 W. Lincoln and the corner lot, the Park Planning Committee's plan was discussed and reviewed by the Plan Commission and they have recommended that the Village not develop the properties as a park but market and sell the home with the extra lot. C. Kell stated that the Board has not yet discussed this issue and he explained that the Parks Planning Committee had looked at developing the corner lot into a park and they had made some recommendations to the Plan Commission for a reduced sized park and he has now asked Park Planning to work on obtaining cost estimates for implementing the reduced size park and they are also putting together another plan to improve both lots. C. Kell stated those plans should be presented to the Board in the next three to four weeks and the plans will not go back to the Plan Commission as they have already made their recommendation. T. Flick stated that they have the park plan and cost estimates completed for the one lot and a design completed for utilizing both lots, with the house removed, but they are waiting for cost estimates for that plan. T. Flick stated that he expects to receive those costs this week and he will forward them on to the Village President and Administrator. Norman Wildenberg, 723 Charles St., stated that he understands that the Windmill has not yet been named and he asked if he could make a suggestion to the Board. President Vanden Berg informed Mr. Wildenberg that the Village does not make that decision but they would pass the suggestion along to the Windmill Committee. Mr. Wildenberg proposed that the Windmill be named the Van den Broek mill after our founding father, Father Van den Broek, as he brought three ship loads of people to Little Chute and that makes a connection between the Windmill, Little Chute and the Netherlands and he stated he would appreciate it if his proposal would be given consideration.

## **Approval of Minutes**

Regular Board Meeting Minutes – June 20, 2012

Committee of the Whole Meeting Minutes – June 27, 2012

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to approve the Regular Board Meeting minutes of June 20, 2012 and the Committee of the Whole minutes of June 27, 2012 as presented.*

Ayes 6, Nays 0 - Motion Carried

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

*Minutes of the Water Commission Meeting of April 17, 2012*

*Minutes of the Joint Library Board Meeting of May 15, 2012*

*Fox Valley Metro Incident Reports June and YTD*

Board members noted receipt of the informational items.

## **Review/Action – Sidewalk Café Permit – The Flying Dutchman – 532 Grand Avenue**

Gene Kobussen stated that he had reviewed the revisions to the layout made by Mr. Van Gheem and he will have no problem complying with the requirements. R. Van Gheem stated the requirements are that umbrellas are not allowed on the tables on Main Street and placement of umbrellas on the tables positioned on the bumpouts will have to be approved on a case by case basis as it could be a corner vision issue. R. Van Gheem stated the Village's approval will also be contingent on the State giving approval for the placement of the tables. Mr. Kobussen stated he had contacted the DOT on this issue and he is moving forward with the process to obtain their permission. All departments indicated that they also reviewed and approved the plans as proposed and Chief Misselt reminded Mr. Kobussen that this does not allow for him to extend his alcohol license to the sidewalk as that would require a different permit. Mr. Kobussen stated he is aware of that and he does plan to pursue obtaining an outdoor alcohol permit. Clerk Schneider requested that Mr. Kobussen provide the Village with a copy of the DOT permit.

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to approve the Sidewalk Café Permit for the Flying Dutchman contingent upon their receiving approval for their plan from the DOT.*

Ayes 6, Nays 0 – Motion Carried

## **Discussion/Possible Action – Multiple Frontage/Corner Lot Assessment Policy**

C. Kell stated that staff reviewed the Village's corner lot assessment policy and the policies of other communities and staff feels that the policy is appropriate the way it is and most other communities have a similar policy. C. Kell reviewed the current policy for multiple frontage lots and pointed out the number of lots in the Village that front on multiple streets and that have had to pay assessments for these streets.

C. Kell stated that staff did look at an alternative that the Board could consider and that is for assessments on multiple frontage lots and parcels to be held in abeyance by the Village for the second and/or third assessments until the first assessment is paid off. C. Kell stated that staff is not in support of this option because of the fiscal impact on the Village as a result of having to pay for and hold these assessments and the negative impact it could have on the tax levy and ability to pay for other Village services. C. Kell reiterated that staff is not in support of changing the corner lot policy and the Van Zeeland Nursery situation is clearly not a corner lot and there are hundreds of these types of properties in the Village but the Board could consider the issue of abeyance. Trustee Hietpas stated he could agree that technically the Van Zeeland Nursery lot is not a corner lot but when he looks at the intent he would like to see it treated as a corner lot. J. Moes commented that the original intent of the corner lot credit was for residential properties but to treat properties fairly it had to apply to other type of properties and commercial properties actually benefit from corner lots and his concern is with identical lots that have already had to pay assessments. Discussion took place. Trustee Smith stated that while he sympathizes with the owner, he doesn't think the policy should be changed, but maybe a longer payment plan could be offered to the Nursery. T. Matheny stated she has the authority to extend payments for 10 years but she doesn't have the authority to put the assessment in abeyance. J. Moes commented on the option of holding off on the billing

for a second street assessment until a few years after the billing for the first street assessment. Trustee Van Lankvelt commented that he also sympathizes with the owner but his concern is with the properties that have the same situation and that have already paid their assessments. Trustee Hietpas stated at a minimum he would like to consider abeyance but he would also like to see the policy changed. The Board members all commented that they sympathize with Mr. Sanderfoot and they discussed the abeyance possibility but the majority of the Board was not in favor of an abeyance as there is the option of a 10-year payment plan, if requested by the property owner. T. Matheny commented on the issues with holding assessments in abeyance, noting that abeyances are mainly used for properties that are not in the Village, and she would prefer offering this property owner a 10-year payment plan.

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to leave the Multiple Frontage/Corner Lot Special Assessment Policy as is and not make any changes to it.*

Further Discussion: President Vanden Berg asked if the property owner has to provide any documentation to the Finance Department if they request a 10-year payment plan. T. Matheny responded that the practice has been to give the 10-year plan to those that ask for it and the only thing she will not allow is a 10-year payment plan for the private sanitary lateral work. Trustee Van Lankvelt stated that for a past assessment he had, he just spoke to the Finance Director to get the payment plan. C. Kell stated that in general, in a situation like Van Zeeland Nursery with all their frontage and assessments in two consecutive years, they are a logical candidate for the 10-year plan, especially with the second year being the Main St. assessment.

Vote on the Motion:

Ayes 5, Nays 1(Hietpas) – Motion Carried

#### **Operator's Licenses:**

|                        |                       |              |                          |
|------------------------|-----------------------|--------------|--------------------------|
| James T. Austin        | 222 ½ Canal St.       | Little Chute | Weenies Still            |
| Sean Bekx              | 308 W. Kimberly Ave.  | Kimberly     | Express                  |
| Mitchell J. Bolwerk    | 511 Dorothy Ct.       | Kimberly     | Down the Hill Bar        |
| Darlene Chalupa        | 329 Monroe St.        | Little Chute | Down the Hill Bar        |
| Nicole M. Dufrane      | 315 E. McKinley Ave.  | Little Chute | Hawk's Nest              |
| Robert E. Gersmehl     | W2414 Buchanan Rd.    | Appleton     | Pine Street Bar          |
| Stacy M. Gersmehl      | W2414 Buchanan Rd     | Appleton     | Pine Street Bar          |
| Elizabeth Glasheen     | 401 Desnoyer St.      | Kaukauna     | Landreman's Family Rest. |
| Ryan E. Hacker         | 1808 E. Fremont St.   | Appleton     | Van Zeelands Hwy. 00     |
| Bruce R. Hartjes       | 603 W. McKinley Ave.  | Little Chute | Village Limits           |
| Paul R. Hartjes        | 603 W. McKinley Ave.  | Little Chute | Village Limits           |
| Whitney A. Hartjes     | 504 W. Division St.   | Kaukauna     | Village Limits           |
| Brian J. Hauser        | 1401 E. Cass St       | Appleton     | Hawk's Nest              |
| Steve J. Hietpas       | 417 Orchard Ln.       | Little Chute | Up the Hill Bar          |
| Brittany A. Hughson    | 2005 W. Russet Ct.    | Appleton     | Van Zeelands Hwy. 00     |
| Allen G. Klemp         | 1510 Vandenbroek Rd.  | Little Chute | Super 41 Shell           |
| Kelly L. Knutson       | 1420 Northview Ln.    | Little Chute | Pine Street Bar          |
| Stacy A. Laha          | 149 S. Washington St. | Kimberly     | M & M Bar                |
| Patricia C. LaMar      | 1111 Oviatt St.       | Kaukauna     | Moasis                   |
| Patricia L. Lauer      | 710 Lincoln Ave.      | Kaukauna     | Larry's Piggly Wiggly    |
| Sheri D. Luciano       | 1500 Capitol Dr.      | Green Bay    | Hawk's Nest              |
| Stacey Lynn Malewski   | 1422 Ridgeview Ln.    | Little Chute | Up the Hill Bar          |
| Janice C. Meulemans    | W526 Greiner Rd.      | Kaukauna     | Larry's Piggly Wiggly    |
| Danielle R. Nabberfeld | 247 S. Roger St.      | Kimberly     | Larry's Piggly Wiggly    |
| James L. Nackers       | 403 Park St.          | Comb. Locks  | Larry's Piggly Wiggly    |
| Ashley M. Nettekoven   | 1708 Main Ave.        | Kaukauna     | Rose Hill Bar            |
| Kimberly A. Norvell    | 724 N. Cambridge Dr.  | Appleton     | Up the Hill Bar          |
| Asley M. Olson         | 430 E. Maple St.      | Appleton     | M & M Bar                |
| Sarah R. Otte          | 228 S. Anne St.       | Kimberly     | Landreman's Famly Rest.  |
| Julie Poburka          | 1542 E. Meadow Grove  | Appleton     | Simon's Cheese           |
| Kimberly Rouse         | 912 S. Joseph St.     | Appleton     | Express                  |
| Sandra L. Portman      | 911 Wilson St.        | Kaukauna     | Weenies Still            |

## Operator's Licenses Cont.

|                        |                           |              |                   |
|------------------------|---------------------------|--------------|-------------------|
| Andrea L. Rudolph      | 310 Cherry Ln.            | Little Chute | Express           |
| Jessica L. Strobel     | 914 Hartzheim Dr.         | Appleton     | Weenies Still     |
| Laura L. Taylor        | 1437 Windmar Dr.          | Neenah       | Walgreens         |
| Ronald J. Thoma        | 304 E. First St.          | Kimberly     | Down the Hill Bar |
| Jacob K. Van Wychen    | 1015 Manor Pl.            | Little Chute | Pine Street Bar   |
| Corey R. Vander Zanden | 5011 W. Edgewood Dr.      | Appleton     | Express           |
| Ellie Walker           | 816 Miller Ln.            | Kaukauna     | Pop In Again      |
| Douglas M. Weigman     | 436 Orchard Ln.           | Little Chute | Pine Street Bar   |
| Holly J. Weigman       | 311 E 8 <sup>th</sup> St. | Kaukauna     | Pine Street Bar   |
| Lori M. Wiedenhaupt    | 243 S. Patrick St.        | Kimberly     | Main Event        |

*Moved by Trustee Peerenboom, seconded by Trustee Berken to Approve the Operator's License as presented.*

Ayes 6, Nays 0 – Motion Carried

**Department and Officers Progress Reports**

Chief Misselt reported that Lieutenants Steeber and Slotke started in their new positions on Monday and they will be going through an orientation program. Chief Misselt reported that Officer Scott Van Schyndel has been selected to fill the Community Support Officer position and he started in this position on July 9<sup>th</sup>. Chief Misselt reported that he would be updating the organization chart and it will be provided to the Board and that will happen at the end of August when the two new patrol officers have finished their training. Chief Misselt reported that all but one of the new squads is now in operation and the last one should be ready to go by the end of the week and three old squads were sold at auction for approximately \$3,000 each. T. Matheny reported she filed for an extension for submitting the Comprehensive Annual Financial Report and an extension to July 31 was approved. T. Matheny gave an update on the status of the CIP and she commented that as far as the 2013 budget she has completed a municipal cost comparison. T. Matheny also reported that the information coming out from the WRS is that rates for next year will likely be going up 1% on the employee and employer shares. C. Kell reported that the Premier Evergreen project is moving forward and all development agreements have been signed and the closing is tentatively scheduled for July 31 and the site plan will be presented to the Board in next few weeks. C. Kell stated that staff has made contacts in regards to the Pine Street issue and it appears there is a willing seller of the residential properties and it looks like the project may go forward as discussed by the Board. C. Kell stated that the first operational planning meeting on the Mill Street Bridge was held this morning and he will be providing a project schedule to the Board next week. C. Kell announced that Fire Chief Bob Vanden Heuvel had retired and the Fire Dept. has elected Mark Jansen the new chief. C. Kell reported that the issue of the library roof was discussed with the Village Attorney and it has been concluded that the project will need to be rebid and he posed the question to the Board if they want to consider waiting until next year and do the whole project in 2013. Board members agreed that this should be an agenda item for next week. J. Moes reported that property assessments had been completed and notices sent to those that have had a change in their property assessments and Open Book is scheduled for July 23 and Board of Review is scheduled for July 30. J. Moes stated he would like to have an agenda item next week concerning authorization for staff to move forward with offers for the homes on Pine St. J. Moes also reported that he is working with various commercial entities on site plans and additions. T. Flick reported that six benches had been installed along the Heritage Parkway Trail and a seventh bench will be added on the north side of the bridge and signage for the bridge has also been completed and the punch list on the project is being finalized. T. Flick reported that a project at Legion Park had been completed and this included history signage for the cannons. T. Flick stated the plans for Island Park are continuing and he also reported that the Military Discount program for recreation programs is being utilized. T. Flick reported that the downtown parking lots were cleaned up and he reported that a tournament with 20 plus teams would be playing at Legion Park this upcoming weekend. T. Flick stated that pool operations are running very smooth and he is very impressed with the pool staff. Trustee Smith asked about the flow of water through the locks and T. Flick stated that the locks are controlled by the Fox Locks Authority and he can contact them to see if they will be releasing water into the canal. Trustee Van Lanvelt commented that he has had three complaints about pet owners not picking up after their dogs on the trail and in the parks. T. Flick stated the Dept. can issue citations if they catch them but their department has not had any complaints and they are satisfied with the policy and the cooperation they are getting from residents. T. Flick stated

the intent is to purchase three trash receptacles for the trail system but they have to wait until later in the year to see if there is money in the budget. T. Flick stated that they have not seen any change in the amount of trash in Heesakker Park since the trail was put in. Chief Misselt stated that he has not been made aware of any complaints and right after the ordinance was changed the Department spent time down there and there was only one issue that was dealt with. T. Flick stated the only real issue with the trail is mopeds and they will be installing signs off from Garfield Ave. and on Mill Street addressing no motorized vehicles. Trustee Hietpas asked T. Flick if his opinion on the deer hunt has changed because of the trail and T. Flick responded that he has no issue with closing the trail for the hunt and he would recommend continuing the hunt but authorizing the hut will be brought to the Board later this summer for a decision. R. Van Gheem reported that the State has started their storm water work on Buchanan St. and they will be starting on Sanitorium Rd. next week and the State will also be clearing brush from Heesakker Park on the 16<sup>th</sup> for the relocation of the storm sewer pipe. R. Van Gheem stated they don't yet have the concrete contractor's schedule but the subcontractors will be coming in for site excavation. R. Van Gheem also reported that signs for the Main Street businesses will be placed on Hwy. 00 and on Rosehill Rd. and he noted that Main Street is open to Kaukauna. R. Van Gheem stated that the open laborer position in the Department will be posted internally this week. R. Van Gheem stated that the contractors and the State are supposed to keep emergency services updated on the status of street access during construction and he will reiterate this to them. Clerk Schneider – no report. Attorney Koehler reported on the status of the Poly-Flex developer's agreement.

#### **Disbursement List**

*Moved by Trustee Peerenboom, seconded by Trustee Smith to Approve the Vouchers and Authorize the Finance Director to pay all vendors.* Ayes 6, Nays 0 – Motion Carried

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

None

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

Trustee Hietpas commented that there needs to be a future agenda item for the marketing plan for the Village North subdivision. Trustee Hietpas stated that there was an email sent to some of the Board by Nola Feldkamp and she is requesting to appear before the Board concerning her special assessments for Sanitorium Rd. and he asked the Board if they wanted to discuss this on a future agenda. The majority of Board members did not indicate that they wanted this as an agenda item and President Vanden Berg stated he will contact Mrs. Feldkamp. The library roof issue will be on next week's agenda.

*Moved by Trustee Peerenboom, seconded by Trustee Berken to enter into closed session. (7:11pm)*

Ayes 6, Nays 0 – Motion Carried

The Village Administrator, Clerk, Attorney, and J. Moes were present for closed session.

**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.**

Offer to Purchase of Polk Street Lot 3

*Moved by Trustee Peerenboom, seconded by Trustee Berken to exit closed session and return to open session. (7:23 pm)*

Ayes 6, Nays 0 – Motion Carried

#### **Return to Open Session**

**Possible Action to Accept Offer to Purchase of Polk Street Lot 3**

*Moved by Trustee Peerenboom, seconded by Trustee Berken to Authorize Administrator Kell to Accept the Amended Offer to Purchase for Lot 3 on Polk Street on the condition that the initial offer and the Village rights will be released upon closing of the new offer and the purchasers will also have to release any alleged claims at that time.*

Ayes 5, Nays 1 (Vanden Berg) – Motion Carried

**Adjournment**

*Moved by Trustee Smith, seconded by Trustee Berken to adjourn the Regular Board meeting at 7:25 p.m.*

Ayes 6, Nays 0 - Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

Attest:

\_\_\_\_\_  
Vicki Schneider, Village Clerk

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