

## **MINUTES OF THE REGULAR BOARD MEETING OF AUGUST 1, 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  
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, Police Chief  
Roy Van Gheem, Director of Public Works  
Tom Flick, Director of Parks, Recreation, and Forestry  
Teri Matheny, Finance Director  
Beth Carpenter, Library Director  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

OTHERS PRESENT: Interested Citizens, Lori Malone, Dick Schevers, Dan Mahlik, Media Reps

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

None

### **Approval of Minutes**

Regular Board Meeting Minutes – July 18, 2012

Committee of the Whole Meeting Minutes – July 25, 2012

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to approve the Regular Board Meeting Minutes of July 18, 2012 and the Committee of the Whole Minutes of July 25, 2012 as presented.*  
Ayes 7, Nays 0 - Motion Carried Unanimously

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

*Minutes of the Joint Library Board meeting of June 19, 2012*

Board members noted receipt of the informational items.

### **Resolution:**

### **Authorizing a Quick Claim Deed for 1421/1423 Buchanan Street – Clifford and Deborah Peeters/Cassie Peeters**

*Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to Adopt Resolution No. 28, Series of 2012 Authorizing a Quick Claim Deed for 1421/1423 Buchanan Street for Clifford and Deborah Peeters and Cassie Peeters.*  
Ayes 7, Nays 0 – Motion Carried Unanimously

### **Discussion/Possible Action – Rosehill Road Reconstruction – Terrace Trees**

Trustee Berken had provided a news article to the Board that related to the same issue with terrace restoration in the Village of Kimberly; it was noted that Kimberly had a different contractor than Little Chute. R. Van Gheem reviewed the information he provided to the Board noting that the project had started in August 2011 which is late in the year to start a paving contract and restoration work began November 18, 2011. Due to the late date, the grass is dormant seeded and in an attempt to be proactive, the

Contractor installed biodegradable netting to hold the seed and mulch in place. R. Van Gheem also noted that the winter had little to no snow cover which is poor for restoration. The Contractor returned in May of this year to repair several areas of restoration as this has been an unusual year with very little rain which is poor for restoration. R. Van Gheem reviewed the four practices that are used for restoration, noting that the fertilizing, seed, and mulch practice is the practice used most often in the Village. R. Van Gheem reviewed the costs of each practice and noted that he has seen all practices succeed and all practices fail and the success of restoration is weather dependent and dependent on the property owners watering and caring for the seeded area. R. Van Gheem also noted that the application of netting is not a common practice but was used in this situation by the Contractor as they were trying to be proactive because of the time of year the restoration took place. R. Van Gheem stated that the Contractor had been paid in full but there is a one year warranty period that is still in effect and the Contractor must reseed any area which has failed to “catch”. Discussion took place. Trustee Van Lankvelt and Trustee Peerenboom stated they want the Contractor to come back and Trustee Peerenboom stated the Village and the Contractor could probably do a better job on informing the residents regarding their responsibility for cutting and watering. Trustee Peerenboom suggested giving a flyer to the residents. R. Van Gheem stated that in the future they will expand on this notification in the letter provided to the residents. Trustee Peerenboom stated it would be beneficial to notify residents a second time when the restoration goes from one season to the next, as in this case. Trustee Frassetto agreed with Trustee Peerenboom and she noted that both sides of the street were in poor shape. R. Van Gheem stated that they will have the Contractor come back and restore to the specs but he cautioned that doesn’t mean the Contractor will be restoring the entire project. President Vanden Berg and Board members agreed that the Public Works Director should contact the Contractor and have him come back to redo the restoration and to work with the Contractor on the best timeframe for doing this. Trustee Berken asked if the catch basin that was put in had to have the entire top taken off to clean it. R. Van Gheem stated that was correct and that is the problem with yard drains and that is why they don’t like to use them but in situations like this they are needed.

Lori Malone, 1209 Rosehill Rd., stated that she was told not to mow the weeds by a Public Works employee a number of months ago. Ms. Malone stated they did water and the weeds are still there and they mow it and she is fine if they want to come out and try it again. Ms. Malone asked what the guarantee was if it doesn’t work again as she was promised that it would be returned to its previous state and she wants the netting pulled up. Ms. Malone further commenting on paying their bills and she wants something in writing that if it doesn’t grow, they are not going to pull another penny out of their pocket as it is \$400 out of her money right now for weeds. Ms. Malone stated she wants a guarantee that if it doesn’t grow that they are going to do something about it or the Village is. Ms. Malone commented on the situation looking ridiculous especially the drain. Ms. Malone further commented on the issues and restoration problems and commented numerous times on wanting a guarantee. Dan Mahlik, 329 W. Lincoln Ave., commented on landscapers not providing guarantees under certain circumstances like this year with no rain and he doesn’t understand how we can guarantee that the grass is going to grow. R. Van Gheem stated they have never guaranteed any lawn because they can’t. Trustee Smith stated he feels for the residents and knows what they want but he just wants to get the contractor back and get it redone but cannot guarantee anything. President Vanden Berg and Trustee Frassetto indicated agreement with Trustee Smith. R. Van Gheem asked if the Board had any thoughts on changing the methods for future projects. Trustee Frassetto stated outside of this year, the methods used are fine but she does not like the netting. R. Van Gheem stated that netting is normally not used and it will not be used on the Main St. project. Discussion took place on having the contractor remove the netting and R. Van Gheem stated he will work with the Contractor to see if it is possible to remove the netting.

*Moved by Trustee Van Lankvelt, seconded by Trustee Peerenboom to instruct the Public Works Director to contact the Contractor about coming back to perform restoration on the terraces on a timeline to be worked out between the Public Works Director and the Contractor.*

Further Discussion: Trustee Frassetto asked if the work can be reviewed before the warranty deadline in case the restoration performed is not adequate. R. Van Gheem stated that they would be reviewing the

restoration work prior to the end of the warranty period. Trustee Van Lankvelt asked that the Public Works Director keep the residents informed of what and when something is going to happen.

Vote on the Motion

Ayes 7, Nays 0 – Motion Carried Unanimously

**Discussion/Possible of Future Use of 319 W. Lincoln Avenue and Possible Village Park Development Option for this Property.**

C. Kell stated that U.S. Venture is still willing to pay for removal of the home but the Village will be responsible for the landfill fees that are estimated at \$2,000. Trustee Van Lankvelt asked if they would be willing to remove the house if the Village would not utilize the land for a park but offer the lot for sale. C. Kell stated that he did not have a discussion with U.S. Ventures on that option but they do have some interest in seeing the park development on the corner. Discussion took place on the two park options and the other options of selling the house and extra lot or tearing down the house and selling the lot. Trustee Peerenboom stated he agrees with the Plan Commission recommendations to combine the empty lot with the lot that has the house and selling it as it makes it much more conformable lot and it allows for a buyer to build a larger garage. Dan Mahlik, 329 W. Lincoln Ave., stated that he didn't agree with selling the home as it is a dilapidated home in a less than desirable area and when people come over the bridge into the new downtown, they have to look at this undesirable site. Mr. Mahlik stated he thinks the home should be torn down and he commented about money being donated towards a park and the U.S. Ventures plans.

J. Moes stated that his best guess is that the home would need an estimated \$5,000 worth of work and it could be sold for around \$79,000 and the only way to market it would be to add some land so someone could put up a larger garage. Mr. Mahlik disagreed with Mr. Moes commenting that he does not believe the house would sell for that much and he provided further comments on the valuation. J. Moes stated he isn't giving any opinion on what should be done and he is just giving an estimate of value. J. Moes stated it would be best to just add on some of the land to the house lot to allow for a larger garage because adding the entire triangle would make the home less desirable. Discussion took place on the two designs for the park and the cost and staff time to maintain the park. T. Flick noted that the Department is tapped out for taking on more work and they would have to push stuff off and reprioritize their time to care for a new park. T. Flick stated what is being proposed for the park are low maintenance items and he noted that Public Works will also have to spend time on maintenance for the park. J. Moes stated that the tax bill for the property is around \$1,800. T. Flick explained that currently that corner is a low priority area for maintenance. Mr. Mahlik commented on the Parks Department maintaining county land because the County will not maintain the grass and that time should be used for the park that is an entrance into the Village. C. Kell stated it is his understanding that the anonymous donors are not interested in making a donation for a smaller park. J. Moes commented on work being needed in the house and C. Kell stated the Village does have an obligation to fix the sewer lateral. Board members were provided with a copy of the Park Planning Committee meeting minutes of May 1, 2012 that stated their recommendation is to dedicate 80 ft. to Lot 319 and sell Lot 319 with the home and develop Lot 0568 into park land and request the foundation to donate to the revised smaller park for amenities. T. Flick stated that the Park Planning Committee also wanted it pointed out that the smaller option will cost the Village \$30,000 and the larger park option appears to be covered by a donation. T. Flick stated that he and the Park Planning Committee don't feel that park development funds should be used to develop the park as it isn't a priority in the park system or a want of theirs and they highly request if the Board decides to go with the smaller option that park development funds are not used as they don't feel it is a need in the park system or the desire of the majority of the community to spend the park development funds there as they have other needs and necessities. R. Van Gheem stated he can't speak for other members of the Plan Commission but the reason he voted against the park was because there were park studies, comprehensive plans, and other studies done and not one of them proposed a park in this area and he asked what had changed that made it desirable to have a park in this location. President Vanden Berg stated he didn't know if the studies were done with the Windmill in place and that is the trump card in his mind and the Village is changing. Trustee Frassetto stated she agreed that park development funds should not be used for the park project.

C. Kell confirmed that the assumption is \$90,000 would be donated for the development of the park but the requirement is that it has to include a historic and educational component and the preliminary plan does show some indication of that but he is not prepared to say that will be adequate for the foundation and they will want to review what is being proposed. Trustee Smith stated he would not want to make a decision tonight because of U.S. Venture likely bringing forward a plan soon. Trustee Frassetto stated she disagreed and the Board needs to move forward so something is done with the property. Discussion took place on the maintenance issues with the lots. Trustee Van Lanvelt stated he agrees with Trustee Peerenboom that it isn't a good location for a park and either the house should be sold or torn down and sell the lot. T. Flick stated that the proposed cost for the park does not include the welcome sign and no electrical and it anticipated that a bench or two will be donated by WE Energies and things can be changed around to keep the cost around the \$90,000. Trustee Frassetto stated that with the larger scale, besides maintenance, it is a free park for the Village and she agrees with President Vanden Berg that the windmill is here and it changes the game and this is an area for people to gather and if we went with the smaller scale, where does the \$30,000 come from and she doesn't think adding land to the home will make the home any more desirable.

*Moved by Trustee Frassetto, seconded by Trustee Hietpas to approve removal of the existing property and joining of the two lots for park development in the future.*

Further Discussion: Trustee Peerenboom stated he simply cannot go against the recommendation of the Park Planning Committee so he will not support the motion. President Vanden Berg asked what the proper role was of the Park Planning Committee and T. Flick replied that they were asked to review the site and come back with a recommendation for a park plan and they took it a step further because there are members that are very proactive in not losing any more lower income housing and loss of school district taxes.

Trustee Frassetto stated she would not have made this motion had she not been in the house and she doesn't think that it is a suitable house for a family to habitat and she agrees there needs to be affordable housing in our school district but that house is not appropriate as it is for people to live in. Trustee Smith stated he also struggles with going against the committees and he feels we are moving too fast and he doesn't think having a park there would hurt what U.S. Venture wants to do but he also doesn't know if it is going to help and he doesn't think it would hurt to delay this a couple weeks. Trustee Berken stated he agrees with Trustee Frassetto that if the house is knocked down the lot wouldn't sell as there are lots at Polk Pond that are nicer lots and in Village North that are more desirable and we can't sell them and this lot has a big area of frontage and it is by the bridge.

Vote on the Motion: Ayes 4, Nays 3 (Peerenboom, Smith, Van Lankvelt) – Motion Carried

#### **Action on Special Event Permit – Kermis Dutch Festival – September 15, 2012**

Trustee Frassetto requested to abstain from voting on this agenda item as she is the Chair of the Kermis Committee.

*Moved by Trustee Van Lankvelt, seconded by Trustee Berken to approve the Special Event Permit for the Kermis Dutch Festival on September 15, 2012.*

Ayes 6, Nays 0, Abstained 1 (Frassetto) – Motion Carried

#### **Action on Special Event Permit – Community First Fox Cities Marathon – September 23, 2012**

*Moved by Trustee Smith, seconded by Trustee Peerenboom to approve the Special Event Permit for the Community First Fox Cities Marathon on September 23, 2012.*

Ayes 7, Nays 0 – Motion Carried Unanimously

#### **Action on Special Event Permit – LCHS Homecoming Parade – September 28, 2012**

*Moved by Trustee Berken, seconded by Trustee Peerenboom to approve the Special Event Permit for LCHS Homecoming Parade on September 28, 2012.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Operator's License:**

Mary Ann Anderson	1701 Hoover Ct.	Little Chute	Pop In Again
Ronald J. Collard	3302 Rambling Rose Dr.	Appleton	Walgreens
Derek R. Cummings	29 Lynwood Dr.	Hilbert	Valley Liquor
Andrew J. Hughes	1816 Travis Ln.	Kaukauna	Down the Hill
Kurtis S. Koehler	1022 Washington St.	Little Chute	Hawk's Nest
Christy L. Novak	1022 Washington St.	Little Chute	Weenies Still
Alisha J. Pagel	1601 Freedom Rd.	Little Chute	Moasis
Judith A. Reed	741 Depot St.	Little Chute	Weenies Still
LaRae J. Schell	1827 Paul Dr.	Kaukauna	Super 41 Shell
Diann M. Schoenfelt	405 E. 8 <sup>th</sup> St.	Kaukauna	Hollanders

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

**Department and Officers Progress Reports**

B. Carpenter reported on a new library assistant staff member that was recently hired. B. Carpenter reported that the eight-week Summer Reading Program had over 2,300 participants which is up over 23% from last year and the summer programs had 4,200 participants which is up 53% over last year. B. Carpenter thanked her staff with special thanks to Ann Hardinski, Brianna Hardinski, Jenna Hennessey and Angela Schneider for all their hard work with the summer programs. B. Carpenter reported that they will be starting to plan for the fall programs and the Library will be closed on August 15 for staff training. Chief Misselt – no report. T. Matheny reported that the 2011 CAFR had been filed and at the August 22 meeting Kerber Rose is requesting to be put on the agenda to present the CAFR. T. Matheny stated she would like the 5<sup>th</sup> Wednesday, August 29, to be scheduled as a meeting for CIP review/discussion and she will be providing the CIP to the Board in advance of the meeting. T. Matheny reported that staff had met with Phil Cossen from Ehlers regarding the refinancing that the Board approved earlier this year and this will be brought forward at a meeting in September. T. Matheny reported that the preliminary equalized value estimates came out and the Village's equalized value is down \$24 million and it isn't expected that the number will change. T. Matheny reported that she would be on vacation next week. C. Kell reported that J. Moes had delivered the offer to purchase for 500 Pine Street and the owner has signed the offer and the Village's requirement to close will be subject to the Village Board passing a resolution or ordinance by October 5 that vacates or abandons a portion of Pine Street. C. Kell stated that plans for the street are being prepared by the Public Works Director and will be brought to the Board in the near future and this doesn't mean that the street needs to be vacated at the time the ordinance/resolution is adopted. C. Kell reported that the Village has signed extension agreements on the Premier closing and he also reported that he is confident that the project will continue to move forward but Premier is reevaluating the project by increasing the number of units and using a different mix of units and if the site plan changes, it will be presented to the Board for approval at a future meeting and they also may be asking for another extension of the closing date. C. Kell reported that there have been ongoing meetings taking place relative to the Windmill/Village Hall project but he did not have any results to report. C. Kell provided Board members with the minutes from the Operational Planning meeting for the Mill St. Bridge project. C. Kell stated he has not had any success as of today in reaching the Poly Flex officials and he will try again tomorrow to contact them. C. Kell reported that he was contacted by Linda Schuh regarding the width of Grant St. and they are lobbying again for a wider street and he told Ms. Schuh that at this point the Board had made their decision and the engineering plans were redone, the contract was signed and he does not see changing the width of the road at this point. C. Kell reported that U.S. Venture had contacted him about moving ahead with their project. J. Moes reported that it isn't unusual that the Village' equalized value is down as it is down county wide because of lower sales. J. Moes reported that the BOR had met to hear two appeals and the Board upheld both assessments. J. Moes also reported that he will be interviewing six candidates for the Building Inspector's position. T. Flick reported that they are switching gears now to fall sports programs and next week the annual men's softball tournament will be taking place. T. Flick reported on a new program, Pages in the Park, that they are conducting with Library staff and that program is taking place on August 7 at Heesakker Park. T. Flick reported that Park Planning meets next Tuesday to begin planning for a concept design for the Village North Park and he also reported that at last night's Family Fun

Fest over 1,400 meals were served and it was a tremendous success and he thanked all those involved, especially the Cheese Fest for their donations as they paid for a majority of costs. R. Van Gheem reported on the progress of the current projects taking place noting that the storm sewer work being done by the State is substantially completed on Buchanan St. and they are now working in Heesakker Park and the street excavation has been delayed by the weather and they will now begin restoration on Buchanan St. beginning on Aug. 9<sup>th</sup>. R. Van Gheem also reported on equipment failures they are having and the time being spent on repairs of the Village's older equipment. V. Schneider reported that absentee voting for the Aug. 14 election started on Monday and she is working with Trustee Frassetto and the Kermis Committee on plans for the Festival. Attorney Koehler reported that the closing with the Fischer's for the Polk St. lot would be taking place in the Clerk's office tomorrow. Trustee Van Lankvelt commented on the nice job that was done on the Fitzpatrick Field at the High School and he noted that all funds for the project were raised by the Gridiron Club.

### **Disbursement List**

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt 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**

Trustee Hietpas asked when the marketing proposal for the Grand Avenue property and the Village North subdivision would be on the agenda. Staff stated they will be bringing a proposal to the Board at a future meeting and Board members indicated agreement with getting a written proposal/contract from Hietpas Realty to market the subdivision. C. Kell stated the Grand Avenue property will be presented as a separate item for review at a future meeting.

### **Adjournment**

*Moved by Trustee Frassetto, seconded by Trustee Smith to adjourn the Regular Board meeting at 7:49 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