

## **MINUTES OF THE REGULAR BOARD MEETING OF JULY 1, 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  
Tammy Frassetto, Trustee  
James Hietpas, Trustee  
Brian Joosten, Trustee  
Bill Peerenboom, Trustee  
Skip Smith, Trustee  
Larry Van Lankvelt, Trustee

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

PRESENT: Rick Hermus, Interim Village Administrator  
Scott Lund, FVMPD Police Captain  
Jim Moes, Community Development Director  
Teri Matheny, Finance Director  
Tom Flick, Director of Parks, Recreation, and Forestry  
Jeff Elrick, Assistant Director of Public Works  
Sandy Berkers, Village Deputy Clerk  
Chuck Koehler, Village Attorney

OTHERS PRESENT: Nick Vande Hey of McMahon, Michael Stouffer, Interested Citizens and Media Reps

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

None

### **Approval of Minutes**

Regular Board Meeting Minutes – June 19, 2013

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to approve the Regular Board Meeting Minutes of June 19, 2013.*

Ayes 7, Nays 0 - Motion Carried

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

Design Review Board Meeting of April 16, 2013

Joint Library Board Meeting of May 21, 2013

### **Action on Temporary Class “B” Beer Retailers License – Spierings Cancer Foundation – August 17, 2013**

*Moved by Trustee Frassetto, seconded by Trustee Smith to approve the Temporary Class “B” Beer Retailers License for Spierings Cancer Foundation on August 17, 2013*

Ayes 7, Nays 0 – Motion Carried

### **Action on Special Event Permit – Community First Fox Cities Marathon – September 22, 2013**

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt to approve Special Event Permit – Community First Fox Cities Marathon on September 22, 2013*

Ayes 7, Nays 0 – Motion Carried

### **Review/Possible Action- Proposed Design Concept for Vandenbroek/Depot Streets Intersection**

N. Vande Hey of McMahon summarized the history of the Vandenbroek/Depot Streets Intersection and

noted that in 2003 when Main Street was resurfaced the board considered realigning Vandenbroek/Depot Streets but due to relocation concerns for a business on the corner of Main Street and Vandenbroek Street the board decided it was not cost effective at that time. N. Vande Hey stated that since then the automotive business has ceased to operate and the village purchased the property and had the building razed. N. Vande Hey discussed the option of vacating Pine Street which would push more traffic to use Vandenbroek Street and the possibility of purchasing 2 properties on Vandenbroek Street so that East Lincoln Avenue could be pushed through to the West toward Vandenbroek Street. Mike Simon of McMahon reviewed the Vandenbroek/Depot Streets traffic analysis handout and that at this time the intersection does not meet requirements to have a traffic light. M. Simon discussed the intersection drawings and stated that the bump outs would allow the driver to pull out further into the intersection to see when it is safe to proceed. M. Simon went on to say that the reason the Vandenbroek/Depot Street study was done was due to the building of the windmill and potential traffic issues. Trustee Hietpas questioned the cost of acquiring land on Vandenbroek Street and Main Street and the cost of demolition of the building. N. Vande Hey stated that McMahon did not keep records of that information. Trustee Joosten questioned if property owners at Vandenbroek/Depot streets would be assessed for the realignment and J. Moes stated that Salon Indulgence would be exempt due to their sale agreement but others would be assessed. Trustee Frassetto questioned if it were possible to put a no left turn sign on Vandenbroek Street going west. Staff agreed that yes you could put a sign up but it would become an enforcing issue due to years of turning left at that intersection. Trustee Smith questioned the bonding of money needed to pay for the project and T. Matheny stated yes. Trustee Hietpas questioned if the Vandenbroek/Depot Streets realignment and connecting Vandenbroek to East Lincoln is part of the same project and N. Vande Hey stated that connecting Vandenbroek Street and East Lincoln will depend on acquiring the 2 properties on Vandenbroek Street and the board's decision to proceed with that project. Trustee Hietpas stated that he had a hard time approving this project and that tax money could be used elsewhere in the village. Trustee Smith stated that the village has a \$100,000 on the table from a donor for the project and that is hard to turn down. President Vanden Berg stated that with the money from the donor and money already invested in the project it would be in the area of \$50,000 for the realignment. Trustee Peerenboom voiced concern for the downtown business owners losing parking stalls due to the realignment. N. Vande Hey stated that years ago when the downtown was designed parking stalls were installed even though the issue of vision obstruction existed.

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to move forward with the Realignment of Vandenbroek/Depot Streets Intersection*

Ayes 3, Nays 4 (Frassetto, Peerenboom, Hietpas, Joosten) – Motion Failed

### **Resolution- For the Acceptance and Dedication of Additional Right of Way Adjacent to Vandenbroek Street as Public Street**

No Action Taken-Due to previous motion failure

### **Review/Approval of Offer to Purchase Industrial Park Land by Kay James VI, LLC**

Attorney Koehler stated that this agreement has been an ongoing process and the owner would like to close this purchase on July 8, 2013 but there has been ongoing negotiations regarding future building for some unforeseen reason. Attorney Koehler explained the Offer to Purchase to the board and that the village does not usually sell property in the Industrial Park unless there are plans to build and with that it becomes if the owner does not build in a certain amount of time the village reserves the right to buy back the property and how much would it cost. Attorney Koehler stated that Chuck Kell had been negotiating a buy back up until December 31, 2021 and at the cost of \$160,000 but Mr. Kowalski did not think the deal was fair for him. Attorney Koehler stated that the most current offer is if Mr. Kowalski does not build by December 31, 2014 the village can buy it back for \$160,000 and if the village buys the property back in 2015 Mr. Kowalski will pay the village the \$45,500. Attorney Koehler stated that the board could approve the offer with the provisions that he has stated and that the purchase could still close on July 8, 2013. Trustee Hietpas questioned Attorney Koehler if the village was responsible for the carrying costs, interest or property taxes. Attorney Koehler stated that no the village will not be responsible for any of those costs.

R. Hermus stated that he would recommend approval of the agreement as it is amended.

*Moved by Trustee Frassetto, seconded by Trustee Smith to approve Offer to Purchase Industrial Park Land by Kay James VI, LLC Contingent on the Approval of the Development Agreement in Tax Incremental District #2*

Ayes 6, Nays 1 (Joosten) – Motion Carried

**Review/Approval of Development Agreement in Tax Incremental District #2 for Kay James VI, LLC**

*Moved by Trustee Frassetto, seconded by Trustee Smith to approve Amended Development Agreement in Tax Incremental District #2 for Kay James VI, LLC*

Ayes 6, Nays 1 (Joosten) - Motion Carried

**Resolution – Authorizing Sale of Industrial Park Property to Kay James VI, LLC**

*Moved by Trustee Frassetto , seconded by Trustee Smith to Adopt Resolution No. 27, Series of 2013 Authorizing Sale of Industrial Park Property to Kay James VI, LLC*

Ayes 7, Nay 0 – Motion Carried

**Operator's Licenses:**

Zornow, Jean M	1008 Miller Ln.	Kaukauna	Larry's Piggly Wiggly
Evers, Nick J	N2737 McCabe Rd.	Kaukauna	Larry's Piggly Wiggly
Duda, James R	1501 Joan Ct.	Little Chute	Gentleman Jack's
Vande Hey, Sara M	905 E Main St.	Little Chute	Walgreens
Olander, Paul C	932 Woodland Dr.	Menasha	Walgreens
Otto, Shirley M	3145 N. Rankin St.	Appleton	Walgreens
Erdman, Candy L	727 Manitowoc St.	Menasha	Walgreens
Gaffney, Ellen K	310 E. 3 <sup>rd</sup> St.	Kimberly	Walgreens
Santiago, Amy L	232 S. Maple St.	Kimberly	Walgreens
Mossberger, Matthew	715 Saunders Rd. #2	Kaukauna	Walgreens
Dierich, Wendy	W2672 Center valley	Freedom	Super 41 Shell
Maley, Rachel J	1220 Garfield Ave.	Little Chute	Down the Hill
Anderson, Joshua	2108 S. Maple Crest	Appleton	Pick N Save
Kostecki, Rich M	N6065 Cty U	DePere	Pick N Save
Strane, Katherine C	3333 N Casaloma Dr.	Appleton	Walgreens
Monty, Janice	156 Lamplighter Dr. #2	Kaukauna	Hawks Nest
Vaubel, Noreen M	724 Sue St.	Little Chute	Pop In
Mikulski, Cynthia	908 E. Northwood Dr.	Appleton	Pop In
Smith, Maxine	412 W. Division St.	Kaukauna	Pop In
Linders, Robert Jr.	1700 Kelly Rd. #6	Little Chute	Super 41 Shell
Jersett, Marlene J	W2329 Greenspire Way	Appleton	Walgreens
Hooyman, Rebecca	2617 Nature View Ct.	Kaukauna	Hawks Nest
Ehlers, Julie A	510 Carole Dr.	Little Chute	Rosehill Bar
Whiteley, Betty A	1650 Kelly Rd.	Little Chute	Down the Hill

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

Ayes 7, Nays 0 – Motion Carried

**Taxi Drivers:**

Jordan, Denise	208 B Maple St.	Kaukauna	Bell Taxi
Champine, Jason	1413 W. College Ave.	Appleton	Bell Taxi
Cox, David	116 W. Bell St. #103	Neenah	Bell Taxi

Deputy Clerk, Sandy Berkers stated that according to FVMPD Jason Champine cannot be approved at this time.

*Moved by Trustee Smith, seconded by Trustee Frassetto to approve Taxi Drivers Denise Jordan and David Cox as presented*

Ayes 7, Nays 0 – Motion Carried

### **Department and Officers Progress Reports**

Captain Lund noted that due to the Federal Budget Sequester all of the state Botz safety grants have been cancelled due to the government's lack of funding to the state. Captain Lund went on to say that the OWI Task Force Grants are still receiving funding. Captain Lund reported that the PD received 195 requests for officer application and they had to be postmarked by Friday July 5, 2013. T. Matheny reported that the Comprehensive Annual Finance Report (CAFR) was filed and that Joe Galarowicz will be at the board meeting on Wednesday July 17, 2013. T. Matheny reported on a mass mailing that was sent out by Home Serve regarding insurance for private sanitary laterals and that the Water Utility is recommending to residents to call their homeowners insurance. R. Hermus reported that he is working with staff to get a better understanding of agreements that Mr. Kell was working on. R. Hermus reported that there are a lot of positive things that are going on in this community. J. Moes reported that all building projects are going well but a slight hold was put on the Cherryvale Apartments due to the death of one of the partners. J. Moes reported that property assessment changes have been submitted to the county and notices have been sent to tax payers. J. Moes reported that Open Book Viewing will be on July 17, 2013 and Board of Review is scheduled for July 22, 2013. T. Flick reported that the Van Lieshout playground work started and if all goes well should be finished in one day and the rubberized surface goes in next week. T. Flick reported that Heritage Park is going well and that the concrete slab was poured for the pavilion and form work has begun for the pathway. T. Flick reported more mechanical failure for the pools boiler and that the parts needed to repair it would be \$4000. J. Elrick reported that the 2013 asphalt paving project is almost complete. J. Elrick reported that Public Works and Park & Rec had CPR training and is now certified. J. Elrick reported that interviews took place for a laborer position for the Public Works Department and that a person should be picked soon to fill that position. J. Elrick reported a bid opening for the Doyle Park Storm Sewer project and that Don Hietpas & Sons was the lowest bidder. S. Berkers reported that the clerk Vicki Schneider is doing well. Attorney Koehler no report.

### **Disbursement List**

*Moved by Trustee Peerenboom, seconded by Trustee Van Smith to Approve the Vouchers and Authorize the Finance Director to pay all vendors.* Ayes 7, Nays 0 – Motion Carried

### **Call for Unfinished Business**

Trustee Joosten questioned President Vanden Berg if he talked with the two Insurance Brokers and President Vanden Berg stated that he spoke with one and that the board would have to decide what would be the best way to proceed.

### **Items for Future Agendas**

None

*Moved by Trustee Peerenboom, seconded by Trustee Smith to enter into closed session for item.*  
(7:04pm) Ayes 7, Nays 0 – Motion Carried

The Village Clerk and staff were excused at this time. The Village Administrator was present for the closed session.

### **Closed Session:**

19.85(1)(e) Wis. Stats. Deliberations or negotiations on the purchase of public properties, investing of public funds or conduction other specific public business when competitive or bargaining reasons require a closed session. *Sale of Village Owned Property*

*Moved by Trustee Peerenboom, seconded by Trustee Frassetto to exit closed session and return to open session. (9:17 p.m.)*

Ayes 7, Nays 0 – Motion Carried

**Return to Open Session**

No action taken.

**Adjournment**

*Moved by Trustee Peerenboom, seconded by Trustee Frassetto to adjourn the Regular Board meeting at 9:17 p.m.*

Ayes 7, Nays 0 - Motion Carried

**VILLAGE OF LITTLE CHUTE**

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

Attest:

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Sandy Berkers, Village Deputy Clerk