

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF FEBRUARY 23, 2011

### Call to Order

President Fischer called the Committee of the Whole meeting to order at 6:50 p.m.

### Roll Call

PRESENT: President Fischer, Trustee Elrick, Trustee Frassetto, Trustee Hietpas, Trustee Mahlik, Trustee Van Deurzen, Trustee Verstegen

ALSO PRESENT: C. Kell, D. Haug, E. Misselt, T. Flick, R. Van Gheem, V. Schneider  
Nick Vande Hey, McMahan Associates and Citizens and Media Rep

### Public Appearance for Items not on the Agenda

None

### Discussion – 2010 Budget Carryover – Fox Valley Metro

Chief Misselt stated that the Village of Kimberly did approve the budget carryover. C. Kell commented that he is not opposed to this proposal and he fully understands the serious problems with the IT system at the Police Department but he wants the Board to be aware that the reserve account for the Metro is down to a critical level and he is very concerned with the level of the reserve. C. Kell stated that with the transfers that are being proposed tonight the reserve account will be about \$13,000 and that is the lowest it has been and the goal has been to keep the reserve in the \$30,000 to \$50,000 range. C. Kell stated an example of needing reserve funds would be if a squad car would unexpectedly need replacement. Staff noted and explained why the Kimberly reserve fund is higher than Little Chute's reserve fund for the Metro.

Discussion took place. Chief Misselt pointed out that this is completely independent of the possible merger and the replacement is needed regardless of what happens with the merger. Chief Misselt stated that system had been neglected for so many years that they are now in a bad spot and they have to fix the system now and he explained the types of public records that are required to be stored. Chief Misselt explained that the previous chief had not budgeted for the server replacement until 2014 and he further explained the budgeting issues and up until now the Department's lack of a technology replacement plan which he is now correcting and from this point forward there will be a technology replacement plan and it will be included in the CIP. Board members agreed to put the item on next week's agenda for action.

### Discussion – 2010 Budget Adjustments

Board members reviewed the budget adjustments and agreed to place the item on next week's agenda for action.

### Review/Discussion – Report on Downtown Parking Issues

Trustee Frassetto commented that for the most part the report and the comments made at the public meeting on the parking issue indicate that there is cooperation between the property owners and excluding the issue at Baker's Outlet, which she thinks could be addressed individually in the future, the businesses are happy with the parking availability in the downtown. Trustee Frassetto stated that she doesn't think action is needed. No action was taken.

### Award Bid for Razing of the Schwartzbauer Property at 817 E. Main Street

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to award the razing/demolition work to the low bidder, Ric Huss Excavating, Inc. at the bid amount of \$5,975.00 and bill the property owner for this and the other associated costs for removal of this structure.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Discussion/Possible Action – Resolution Levying Special Charges Against Gerald Van Dyn Hoven Properties at 521 Madison Street and 306 W. Lincoln Avenue**

*Moved by Trustee Elrick, seconded by President Fischer to Adopt Resolution No. 4, Series of 2011 Levying Special Charges against Gerald Van Dyn Hoven Properties at 521 Madison St. and 306 W. Lincoln Avenue as presented.*

Further Discussion: Trustee Frassetto asked why only these two properties were picked as she understood it would be all the properties. C. Kell stated that these two properties were selected as they were the most likely to be developed and the most valuable and it wasn't necessary to split the charges because only \$5,000 is due and payable. C. Kell stated the Village Attorney recommended applying the charges to the most prominent properties that have the potential to be developed. Staff confirmed that the charges are due by March 15 and that is specified in the Dutch Boyz Contract Termination Agreement and this resolution authorizes the Village to apply the special charges to the property if Mr. Van Dyn Hoven doesn't pay the \$5,000. C. Kell stated that if the charges are not paid by March 15, 2011 the Finance Department will invoice Mr. Van Dyn Hoven and if he doesn't pay, the charges would be applied to the tax bills for the property in December. Trustee Mahlik questioned when the lien would go on the properties and staff responded that a lien isn't required to apply special charges on the tax bill but if the Board wanted a lien, the resolution could be submitted to the Register of Deeds. Trustee Frassetto asked if the resolution would cover collecting the charges even before the 15<sup>th</sup> if the properties sold and D. Haug responded that the charges would be collected as they would notify the title company of the special charges on a real estate inquiry. Trustee Hietpas inquired if Mr. Van Dyn Hoven would be charged interest as David Allen was with his tax bill and D. Haug stated if the invoice is not paid within 30-days then interest would start accruing and he further stated for clarification that the Village did not charge Mr. Allen interest but it was because Mr. Allen did not pay his tax bill as was required and the County applied interest charges to the tax bill.

Vote on the Motion:

Ayes 7, Nay 0 – Motion Carried Unanimously

**Discussion/Possible Action on Polk Pond Design**

Michael Stouffer, 714 Bluff Avenue, commented that he spoke with four residents after the informational meeting on the pond and they all were in favor of the design with four lots. Trustee Frassetto agrees that the four lot concept would be in the best interest of the Village to recoup some of the money and it appears to have neighborhood support.

*Moved by Trustee Elrick, seconded by Trustee Frassetto to move forward with the Polk Pond Design based on the four lot option.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Presentation on Ebben Subdivision Design and Infrastructure Issues**

C. Kell commented that this is before the Board at the request of Trustee Elrick to look at some options before the staff proceeded with their design. C. Kell stated that staff isn't necessarily agreeable to all of the concepts being presented and staff will be making some recommendations on the design when it is brought back to the Board in two weeks. C. Kell stated the presentation is provided to give the Board some ideas of what could be done. Nick Vande Hey, McMahon Associates, reviewed two concept plans that included a 5.1 acre park, street designs, and green infrastructure options. Both concepts offered the same number of residential lots and the difference is in the layout of the park space and options for the storm sewer.

N. Vande Hey stated the Board will need to consider the street width, the amount of traffic volume which will likely be very low, emergency vehicle access, on street parking needs, on-street bicycle lanes, and terrace widths. N. Vande Hey noted that some of the drainage options may be difficult to implement because of the clay soil in this area. Discussion took place on the various concepts.

Trustee Elrick stated he wanted to know what the various options are so it can be determined if it is feasible to implement some green infrastructure options into this subdivision. N. Vande Hey stated he is not saying it won't work to add some of the green infrastructure options but it may likely add costs. N. Vande Hey stated that narrowing the road would reduce costs. R. Van Gheem commented that various options could be looked at if the terrace width is increased such as changing the setback requirements. Trustee Elrick stated his preference of the two concept plans was the one that had the lot located on the west side of the park because corner lots are not that desirable and having the lot on the west will likely result in a faster sale than having the lot on the east side of the park. Trustee Hietpas stated he would like to see the issue addressed of this subdivision being moved into the Little Chute School District from the Kaukauna School District. C. Kell stated he is working on setting up a meeting with the LC School District Superintendent to discuss this issue. T. Flick stated that the Village's consultant on the Pedestrian/Bike Facility Plan has recommended that just sidewalks be installed in this subdivision with no bike lanes and no multi-use path. N. Vande Hey stated that in order to move forward with the engineering design of the subdivision the lot configuration will need to be decided and the street width and sidewalk construction needs to be determined. Trustee Versteegen questioned the need for a soccer field as if the field wasn't included the Village could gain five more lots. T. Flick responded that this is just a conceptual concept of what five acres of raw land can allow the Village to do with a park in the future and it will take a long time to come up with a master plan for this park and it really is all about planning for the future for this park. C. Kell asked the Board to think about how marketable the land would be if it had a 26 foot street with no parking on either side and he thinks parking should be considered at least for one side and those are the kind of questions that staff is asking the Board to think about. Staff will be bringing back a checklist of design options and recommendations for the Board to consider at the next Committee of the Whole meeting.

### **Unfinished Business**

R. Van Gheem brought up an issue of the expense for construction of the yard waste site being more than he estimated due to a piece of equipment being left out of the estimate for the 2nd option which was selected by the Board. Trustee Elrick suggested adding the security cameras at a later date. Trustee Frassetto suggested putting this on a future agenda for discussion since it involves spending more money on the yard waste site.

### **Items for Future Agenda**

Yard Waste Site Construction Costs

President Fischer stated the Board would not be taking any action on the closed session item and they would be coming out of closed session to adjourn.

*Moved by Trustee Mahlik, seconded by Trustee Van Deurzen to Enter into Closed Session. (8:06 pm)*

*Ayes 7, Nay 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. *Purchase of Public Property for Downtown Redevelopment and Future Industrial Park Development***

### **Return to Open Session and Adjournment**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Exit Closed Session and Return to Open Session. (9:08 p.m.)*

*Ayes 7, Nay 0 – Motion Carried Unanimously*

No action was taken on the Closed Session Items.

*Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to Adjourn the Committee of the Whole meeting at 9:08 p.m.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

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By: Charles Fischer, Village President

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Attest: Vicki Schneider, Village Clerk