

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF APRIL 13, 2011

REVISED: APRIL 18, 2011

Call to Order

President Fischer called the Committee of the Whole meeting to order at 6:00 p.m.

Roll Call

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

EXCUSED: Trustee Mahlik

ALSO PRESENT: C. Kell, T. Flick, D. Haug, R. Van Gheem, V. Schneider

Public Appearance for Items not on the Agenda

None

Review/Action- Insurance Claim Denial - Williamson

Trustee Hietpas questioned the amount of the claim and the age of the snow blower. V. Schneider commented that she had asked Mr. Williamson for the paperwork regarding the cost of the claim and that he failed to provide this information. V. Schneider stated that Mr. Williamson told her that although he felt it was the Village's fault, he would not be pursuing the claim any further. V. Schneider also stated that Mr. Williamson was sent the agenda for the April 13, 2011 Committee of The Whole Meeting and he was informed he could appear before the Board to state his case.

Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Deny Insurance Claim for Jay Williamson.

Ayes 5, Nay 0 –Motion Carried Unanimously

Discussion on Washington Street Project

President Fischer commented that in the past some of the concerns with the Washington Street Project have been parking and bike lanes. Trustee Frassetto stated that a lot of the concerns that the Board has heard have been about assessment rates and that she would like a brief breakdown of how the assessments are issued. R. Van Gheem stated that concrete is a flat rate based on the width of the street and the type of use of the property and that industrial and commercial property is charged more than residential and the assessments for this project were billed per the assessment policy. Ken Eslinger, 1005 Washington Street, commented that concrete had to be extended 100 ft. because of a divider for the no whistle zone and the no whistle zone is for the betterment of everyone in the community and the extra 100 ft. should have been asphalt and now they have to pay a higher assessment because of the added 100 ft. R. Van Gheem stated that the 100 ft. extension was not for the whistle zone but for the betterment of the street and for the drainage. Sara Eslinger, 1005 Washington, questioned if the Board had anything from the State claiming that the extra 100 ft. was required and she would like to see the actual change order. R. Van Gheem stated that he did not have that information with him and there wasn't a change order provided by the State and it was a last minute change made by the State. C. Kell stated that the 100 ft. extension was a field decision by a State Engineer. D. Haug stated that the process for special assessments have been followed according to the ordinance. Trustee Van Deurzen questioned the Eslinger's if they were disagreeing that they had 166 ft. of footage and the Eslinger's stated "no" they were not. R. Van Gheem stated that by Little Chute's policies the Eslinger's were charged for what they got. Ms. Eslinger stated that in construction when a change is made a change order is provided for information purposes and the change cost them \$4,000 and that was a big difference. Marty Marasch, 1614 Vandebroek Rd., stated that he was at the meeting on

behalf of Dan Heiting and that as he understood it, there was a donation made to cover a large portion of whatever obligation they had to the materials being put in and he question the status of the donation. President Fischer stated that after the donor's assessments were paid there was \$40,000 left to use for the project. Trustee Elrick stated that his recollection of the \$40,000 was to be used for the asphalt portion of the project and had nothing to do with the concrete. C. Kell stated that Mr. Hartwig (donor) was donating the money for an asphalt overlay on the existing road and not replacing curb and gutter or the storm sewer that was crushed underneath the road. C. Kell went on to say that the Board discussed this matter and they decided to move forward with a complete reconstruction so they could receive a TEA grant for the project. C. Kell stated that the difference between Hartwig's concept of the project and what the Board decided to do was dramatically more expensive because the project was a total reconstruct and not just an overlay. Chuck Marko, 1020 Washington St., questioned what would happen with the new road and utilities if there would no longer be a Washington St. Staff stated that they were not aware of any additional expansion plans for Nestle at this time. Ms. Eslinger questioned the Board if Washington St. residents would get a credit if the street was abandoned. President Fischer responded that he didn't think they would receive a credit. Trustee Elrick stated that he believes that Nestle will expand at some point in the future and that a turn in the street to hook up to Holland Road would be after the Eslinger's property. Lori Verhagen, 226 Paradise Dr., stated that all they are asking for is parking on one side of Washington St. and further commented that because of the no parking on Washington St, the Heiting Place has their employees' park on Paradise Drive which leaves little parking for the residents. T. Flick stated that a Public Hearing was held for the Washington St. project and the Board came to the conclusion at that time that bike lanes would be put and place and there would be no parking on the street. T. Flick went on to state that Washington St. connects to an existing two and a half miles of current bike lanes on Highway 96 and it will connect to the north via Holland Rd. which will connect to the Paper Trail and the Apple Creek Trail System. Trustee Frassetto questioned staff if it would be possible to put in parking on one side. R. Van Gheem stated that a portion of Washington St. is 41 ft. and parking could be put in on one side, north of the Eslinger property and it would end before Paradise Dr. Trustee Elrick commented that the Village does not have an influx of bikers and so why couldn't a bike go around a parked car. Trustee Frassetto commented that she agrees a bike trail is important for the future but if the Village is able to add parking on a portion of Washington St. at this time and have a bike lane that would seem to be the best option. R. Van Gheem stated that the decisions the Board needs to make is whether they want parking with or without bike lanes or bikes can go around parked cars by just having bike accommodations. C. Kell commented that the Board adopted a plan to implement bike and pedestrian facilities and the only two realistic north/south streets in the Village to make connections are Washington St. and Rosehill Rd. and he suggested that if the Board feels strongly that parking needs to be implemented on Washington St., then the same thing should be done on Washington as is being done on Rosehill Rd. and that is keep the road wide enough to allow parking on one side and put the bike lane next to the travel lane and this could be done on the west side of Washington St. where the road is wide enough. C. Kell stated that the bike lane doesn't have to be eliminated as it can run outside the parking lane but the difficulty will come to a future board to decide when the parking should be eliminated because the bike lane will be more important at that point. C. Kell also alerted the Board and residents that when parking is again allowed on Washington Street then you will see employees from Nestle parking on the street instead of the parking lot and there will be nothing the Village can do about it. Mr. Marasch asked if it was mandatory that Mr. Heiting have an eight foot terrace or could he put in concrete in the eight-foot area of grass. Trustee Elrick stated it depends on the property line and Mr. Heiting cannot pave the right-of-way from his property line to the back of the curb.

Trustee Elrick suggested that Village staff ask Mr. Heiting if he will direct his staff to park on Washington St. instead of Paradise Dr. Trustee Frassetto requested that the Washington Street parking issue be put on a next week's agenda for possible action. Sara Eslinger questioned the cost of the trees and T. Flick responded that the price of the trees is a respectful price for the size of trees put in on that street and the cost included the planting, staking, mulching, and watering. No action was taken.

Discussion/Possible Action - Special Assessment Collection Policy

President Fischer stated that he would go along with the recommendation to revise the special assessment policy to limit installment payments to not exceed ten years, unless there are extraordinary circumstances. Trustee Elrick stated that he agreed with President Fischer. D. Haug stated that the reason this issue was brought to the Board was so the policy would have a set time.

Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Adopt the Revised Special Assessment Collection Policy to limit installment payments not to exceed ten years.

Ayes 4, Nay 1 (Frassetto) – Motion Carried

Discussion/Direction to Staff on Notice of Order to Cut Down Hedges in the Right-of-Way along Bluff Avenue- Issued to Robert & Kathryn Berken- 182 Grant Street

T. Flick stated that a complaint was filed with the Fox Valley Metro Police Department regarding the hedges at 182 Grant Street and that they were a safety issue. Mr. Flick went on to say that the complaint led to a review of a proposed ordinance change that did not pass and so the current ordinance stands and the plantings must stay under 3 ft. and currently the hedges are at 4 ft. T. Flick asked for guidance from the Board as to what direction to go with this issue. Trustee Elrick stated that the hedges should be cut down to 3 ft. like the ordinance states. Trustee Hietpas questioned if the hedges could be grandfathered in because of having an age of 35 years and R. Van Gheem responded there isn't a grandfather clause in the ordinance. C. Kell stated that in the past he had drafted a proposed ordinance change to allow taller plantings on rural cross sections in the Village and that was not approved by the Board. Trustee Frassetto stated that Mr. Berken had asked that this issue be postponed a week because he was unable to attend this meeting due to health reasons.

Moved by Trustee Frassetto, seconded by President Fischer to table Discussion/Direction to Staff on the Notice of Order to Cut Down the Hedges in the Right-of-Way along Bluff Avenue- Issued to Robert & Kathryn Berken- 182 Grant Street.

Ayes 3, Nay 2 (Elrick, Van Deurzen) – Motion Carried

Further Discussion- Lori Kappell stated that Mr. Berken had knee surgery and could get to his therapy session and did not understand why he couldn't make it to tonight's meeting. Ms. Kappell went on to state that she felt it was totally ridiculous to postpone this issue to another week.

Unfinished Business

President Fischer thanked the present board members for their work and the staff for all they have done and their professionalism over the years and asked them to keep up the good work and he congratulated new trustees. Don De Groot thanked President Fischer for his 26 years of service and he complimented him for the job he did for the Village over the years and he also thanked Trustee Elrick, Trustee Van Deurzen, and

Trustee Verstegen for their service and dedication to the Village. Trustee Elrick thanked the prior Board members and partners in Kimberly that he had the pleasure of working with and staff for preparing the Boards for making the best educated decisions they could and he knows that the Village is in excellent financial shape so he especially thanked Finance Director Dale Haug and his staff for that and he believes Little Chute is positioned for great things to happen in the future and he thanked everyone for allowing him to serve the Village.

Items for Future Agenda

Washington Street parking and bike lanes.
Bluff Avenue Order to Trim Bushes.

Adjournment

Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Adjourn the Committee of the Whole meeting at 7:02 p.m.

Ayes 5, Nay 0 – Motion Carried

VILLAGE OF LITTLE CHUTE

By: Michael R. Vanden Berg, Village President

Attest: Vicki Schneider, Village Clerk