

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF MAY 26, 2010

### 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 Mahlik, Trustee Van Deurzen, Trustee Verstegen

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

### Public Appearance for Items not on the Agenda

None

### Presentation by Bill Rollins of Aquatica Design – Pool Study

T. Flick introduced Bill Rollins from Aquatica Design and Park Planning Committee Members, Chuck Stangel, Mary Janssen and Rueben Wittman. Mr. Rollins presented the study on the investigation and exploration on the future of aquatics in the Village. Mr. Rollins reviewed the trends in aquatics, the demographic and drive time analysis, and three options for the Board to consider. A question and answer session followed the presentation. T. Flick concluded that the intention is to use the current facility for the next 10 years and the Board will need to make decisions in the future regarding budgetary issues for maintenance and repairs/replacements of the current facility and long-term planning decisions will need to be made concerning the future of aquatics in the Village. T. Flick thanked Mr. Rollins and stated the pool study will be placed on a future agenda for discussion.

### Review/Possible Action – Request by Pop In Again Tavern for Outdoor Band Performances

Rick Puffe, owner of Pop In Again, stated that he is making the request to include every Sunday but it is likely that he will not book bands for every Sunday and it may only be once a month. Mr. Puffe noted that there has not been any alcohol related citations issued to the establishment but there have been noise complaints but only two complaints had been in writing and an anonymous person has been making most of the complaints. Mr. Puffe indicated he has spoken with many of the neighbors and they are in support of the outdoor music and he would like to have the opportunity to meet with the person that is making the anonymous complaints to see if he can address their concerns. Chief Misselt stated that Mr. Puffe is correct and the Department has responded to noise complaints and most of the complaints are being made anonymously. Clerk Schneider stated that Pop In Again's Outdoor Beer Garden is grandfathered from the new ordinance for outdoor alcohol permits as the Village Board had approved their license a number of years ago to include the outdoor space in the license premises with the condition that it is only open from noon to 9 p.m.

*Moved by Trustee Frassetto, seconded by Trustee Verstegen to Approve the Request by Pop In Again Tavern for Use of the Outdoor Beer Garden for Musical Events from June 6 through October 31 on Sunday afternoons from 2 p.m. to 6 p.m. including the Annual Corn Roast on Saturday, September 11<sup>th</sup> from 3 p.m. to 7 p.m.*

Ayes 7, Nay 0 – Motion Carried Unanimously

### Review/Possible Action – Resource One International Site Plan

J. Moes stated the site plan is for a small addition to the current building and the plan has been reviewed by staff and it meets all of the required Village codes.

*Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to Approve the Site Plan for Resource One International as presented.*

Ayes 6, Nay 0, Abstain 1 (Elrick) - Motion Carried

### Review/Approval of 2010-2011 Fox Valley Metro Professional Police Association Labor Agreement

C. Kell reviewed the proposed labor agreement and noted that the agreement was ratified by the Police Union. C. Kell stated his concern is that the non-union personnel did not receive any wage increase in 2010 and he commented on the impact that the agreement is going to have on the Department's budget as

implementing furloughs is difficult to do in public safety but staff needs to understand the seriousness of the budget issues, that may get worse instead of better. Chief Misselt stated that he will be meeting with both Administrators to discuss options to accommodate the cost in 2010 and he does have concerns with the budget. Discussion took place.

*Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to Approve the 2010-2011 Labor Agreement between the Villages of Little Chute and Kimberly and the Fox Valley Metro Professional Police Association as presented.*

Further Discussion: Trustee Frassetto commented that union employees getting a raise and non-union employees not receiving a raise is a big issue because everyone in the organization contributes and she asked if he was looking at cutting things from the non-union employees to compensate the union employees. Chief Misselt stated that may be one of the options as in their line of work, the biggest cost is personnel and finding this amount of money in the budget is going to hurt everyone. Chief Misselt stated that his intention is to meet with the Administrators and the recommended options will be brought to the Board.

Roll Call Vote: Trustee Elrick – Yes, Trustee Frassetto – Yes, Trustee Hietpas – Yes, Trustee Mahlik – Yes, Trustee Van Deurzen – Yes, Trustee Verstegen – Yes, President Fischer - Yes

Ayes 7, Nay 0 – Motion Carried Unanimously

#### **Discussion/Possible Action – Close Heesakker Pond Contract**

*Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to Close the Heesakker Park Pond Contract.*

Ayes 7, Nay 0 – Motion Carried Unanimously

#### **Review/Possible Action – Ebben Pond Subdivision & Neighborhood Park Development Project on East Evergreen Drive**

C. Kell reviewed the recommendation to move forward with setting aside 5.178 acres of this property for a proposed future park and to approve the sale of the remaining land for development purposes. C. Kell stated that at this time, staff is analyzing the best option for selling the land which could be that the Village sells the proposed lots directly or to sell the entire property to a developer. C. Kell stated there are approximately 39 developable lots in the subdivision. C. Kell and T. Flick discussed the proposal to set aside a little over five acres for active recreational needs with the total park space including the passive areas with the ponds for a total park area 9.5 acres for a future neighborhood park for this area of the Village. Discussion took place. Trustee Mahlik questioned if this was the right time considering the housing market. C. Kell responded that staff has seen an increase in inquiries on the land and the Village does not have many available residential lots. Trustee Elrick commented that there is 600 feet of street that cannot be assessed and he would like to see some additional lots added to the north. Trustee Verstegen commented on including additional lots in the subdivision and reducing the 5.1 acres of park land to 4 acres as she doesn't like the 5 acre park and she would rather see the pond areas used. C. Kell stated staff is not committed to the layout of the plan as presented and there is some flexibility to adjust the plan and maybe add a few more lots to the north side and the Parks Director and Park Planning Committee need to come up with a plan for the park land. T. Flick stated the planning process for a park can take over a year and also he doesn't feel that it is a good idea to limit them in the planning process to only passive areas and not the flat green space for active recreation. J. Moes reminded the Board that the proposal will also have to be sent to the Plan Commission for review.

*Moved by Trustee Frassetto, seconded by President Fischer to Approve the Request to Move Forward with the Ebben Pond Subdivision & 5.1 Acres Set Aside for Future Park Development.*

Further Discussion: Trustee Verstegen stated she will be voting against the motion as she would like to see four or five additional lots on the north side for single family development. President Fischer stated he will be voting for it as the possibility of creating those lots has not been ruled out.

Vote on the Motion: Ayes 6, Nay 1 (Verstegen) – Motion Carried

#### **Information/Discussion – Providing Financing for Abandonment of Private Wells**

D. Haug reviewed the proposal that was approved by the Water Commission to offer financing to owners that are agreeing to abandon their private wells but are having financial difficulties with financing the project. D. Haug stated that if the Board did not have any objections to the proposal, staff would move

forward with offering this financing and he also noted that the proposal will not cost the utility any money as it will be financed in the same way as special assessments. Board members did not object to the proposal.

**Discussion/Possible Action – Private Lateral Sanitary Lateral (prequel)**

Trustee Frassetto thank the Public Works Director and his staff for listening to the residents and for the time they have spent putting the proposed policy together. Trustee Frassetto also asked if there was an option to put the bill on the property owner’s tax bill if they can not pay within sixty days. Staff responded that it is not like an assessment program and they understood that the Board was requesting that in these situations, where the Village is not replacing anything in the right-of-way, an assessment payment plan would not be offered and payment would be required within 60 days. Trustee Frassetto stated she would like to see a payment option for residents that are having financial struggles. Trustee Elrick confirmed with staff that there is a hardship program for residents.

*Moved by Trustee Elrick, seconded by Trustee Van Deurzen to Approve the Private Sanitary Lateral Prequel to Assist Property Owners by Implementing the Recommendations in the IFC.*

Ayes 6, Nay 1 (Frassetto) – Motion Carried Unanimously

R. Van Gheem stated the amended policy will be brought back to the Board for final approval.

**Unfinished Business**

Trustee Frassetto reminded staff of her request to see the written job descriptions for the Department Heads.

**Items for Future Agenda**

Chief Misselt requested to present the proposed amendment to address woody materials in the terrace issue at next week’s meeting. Laurie Hansen, 823 Bluff Ave, asked the Board to consider holding off on addressing this issue until the end of June as she would like to have time for a discussion with Department Heads to get some clarification. Board members indicated they would not review the ordinance amendment until a future meeting. Ms. Hanson also asked if she could ask questions of the Village Attorney. President Fischer stated that would be ok at a Regular Board meeting when the Attorney is present. Michael Stouffer, 714 Bluff Ave., asked the Board to consider having an agenda item at the end of the meeting for visitors to comment on items that were discussed during the meeting.

*Moved by Trustee Elrick, seconded by Trustee Mahlik to Enter into Closed Session. (8:25 p.m.)*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Closed Session:** Legal (g) Conferring with legal counsel for the Village, legal counsel rendering oral or written advice concerning strategy to be adopted by the Village Board with respect to litigation in which the Village is now or is likely to become involved. 19.85(1)(g), Wis. Stats. – Vinton 2008 Concrete Construction Contract

*Moved by Trustee Versteegen, seconded by Trustee Frassetto to Exit Closed Session and Return to Open Session. (8:54 p.m.)*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Return to Open Session – Possible Action on Closed Session Item - Vinton 2008 Concrete Construction Contract**

*Moved by Trustee Versteegen, seconded by Trustee Van Deurzen to Accept the Proposal Presented by the Village Attorney following the Mediation Session of \$50,000 and the \$15,000 Release Letter Subject to Approval of the Final Settlement Agreement.*

Further Discussion: Trustee Elrick stated that based on principle he is not going to vote for the motion and he requested that Vinton's Attorney write up the settlement. Trustee Frassetto stated that she agrees with Trustee Elrick but when tax dollars are at stake it is a roll of the dice, so to speak and she would rather error on the side of caution.

Ayes 6, Nay 1 (Elrick) – Motion Carried

**Adjournment**

*Moved by Trustee Van Deurzen, seconded by Trustee Elrick to Adjourn the Committee of the Whole meeting at 8:58 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