

MINUTES OF THE REGULAR BOARD MEETING OF MAY 2, 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
Tom Flick, Director of Parks, Recreation, and Forestry
Teri Matheny, Finance Director
Jim Moes, Community Development Director
Ray Lee, Police Captain
Roy Van Gheem, Public Works Director
Beth Carpenter, Library Director
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk

OTHERS PRESENT: Interested Citizens, Media Reps, Tony & Laura Fischer

Public Appearance for Items Not on the Agenda

Trustee Van Lankvelt addressed the Board and thanked everyone that voted for him and those that may not have voted for him but they exercised their right to vote and he feels it is an honor and privilege to serve the community. Trustee Van Lankvelt stated he respects those Board members that have served in the past and the current Board members. Trustee Van Lankvelt stated he does not think the Board should be used as a vehicle for personal agendas or vendettas and the Board is to represent the whole Village and all the taxpayers of the Village. Trustee Van Lanvelt stated he hopes to have a good working relationship with the Board and the employees. Trustee Van Lankvelt stated he had asked the Village Clerk to provide all Board members with the worksheets on effective public officials and reducing risks and the ethics code; to be discussed later.

Approval of Minutes

Regular Board Meeting Minutes – April 18, 2012

Moved by Trustee Frassetto, seconded by Trustee Peerenboom to approve the Regular Board Meeting Minutes of April 18, 2012 as presented.

Ayes 7, Nays 0 - Motion Carried Unanimously

Report of Other Minutes-Other Informational Items

Minutes of the Water Commission Meeting of February 21, 2012

Minutes of the Joint Library Board Meeting of March 20, 2012

Board members noted receipt of the informational items.

Ordinance: Discussion/Possible Action

Amending Village Code of Ordinances – Chapter 40 Streets, Sidewalks & Other Public Places, Article IV – Excavations, Obstructions & Encroachments, Section 98 Sidewalk Cafes

C. Kell explained that the amendments will streamline the permitting process for our businesses and the Public Works Director is in agreement with the proposed changes. The proposed amendments change the starting date to March 1, weather permitting and eliminate the annual renewal process.

Moved by Trustee Frassetto, seconded by Trustee Smith to Adopt Ordinance No. 6, Series of 2012

Amending Village Code of Ordinances – Chapter 40 Streets, Sidewalks & Other Public Places, Article IV – Excavations, Obstructions & Encroachments - Section 98 Sidewalk Cafés.

Ayes 7, Nays 0 – Motion Carried Unanimously

Review/Action to Approve the Sale of Polk Street Pond Lots

J. Moes reviewed the two bids that were received. One bid was submitted by Matt Brockman for Lot 4 and the bid amount was \$38,501. The other bid was from Tony & Laura Fischer for Lot 3 and the bid amount was \$58,000. J. Moes stated that staff's recommendation is to approve the sale of the lots at the offered prices and authorize the Administrator to sign and deliver the offers. J. Moes stated that one of the parties is in attendance and they feel that they bid too high. Laura Fischer, 1109 E. Lincoln Ave., stated they put their bid in at \$9,000 over the minimum because they were expecting a high number of bids for the lots and they are shocked that there were only 2 bids for 2 lots. Mrs. Fischer stated she understands they can withdraw their offer and concede their earnest money but they would also like to know what other options are available and if the Village is willing to negotiate with them. J. Moes stated that the process is if they withdraw their bid, they forfeit the earnest money and it would be up to the Board to accept another bid from this party and he cautioned the Board that if they try to negotiate with one party, those that bid on Village North lots may come back and want to negotiate also. Mrs. Fischer stated they would like to negotiate and withdraw their bid and submit an alternate bid if that is allowed. Mrs. Fischer further stated that they were under the presumption that there would be numerous offers on the lots and that is why they submitted a high bid. Attorney Koehler explained that in his recollection of the offer to purchase that there was a clause that the bids were irrevocable until the Board acted on them and the standard language is if the Village accepted the offer and the purchaser didn't close, the Village would have the right to retain the earnest money and the Board also has the right to sell the lot to someone else and if the purchase price is less than what the Fischer's bid, the Village could claim the difference from the Fischer's. Attorney Koehler stated he would have to confirm this by reviewing the offer to purchase. Discussion took place on the options available to the Board on accepting or rejecting the offer. Attorney Koehler informed the Board that if they accept the offer, that leaves all of their options open and the remedy could be decided any time before closing, but if they reject the offer, the earnest money is returned and that would be the end of it. Attorney Koehler stated that the bid cannot be withdrawn as it was included in the offer to purchase that once they sign it is irrevocable until the Board acts on the offer. Attorney Koehler explained the remedies the Board could consider. Staff noted that the procedure for moving forward with the sale of the remaining two lots has not yet been determined by the Board. Attorney Koehler advised that if the Board accepts the bid and then decides to negotiate, that could be done in either open or closed session. President Vanden Berg, Trustee Frassetto, and Trustee Hietpas all commented that they agree with accepting the bid and to not rule out future negotiations. Attorney Koehler noted that the closing on the four lots for Village North will take place on June 7. Tony & Laura Fischer both thanked the Board for listening and informing them of their options and they stated they acknowledge the fact that they did submit the bid and they will have to face the consequences.

Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to approve the sale of Lot 4 to Matt Brockman for the bid amount of \$38,501 and the sale of Lot 3 to Tony & Laura Fischer for the bid amount of \$58,000 and authorize the Administrator to sign and deliver the offers.

Ayes 7, Nays 0 – Motion Carried Unanimously

Update on Building Inspector Issue

C. Kell stated another proposal for inspection services was received from a private party and this person is willing to consider working on a part-time basis based on an hourly rate which appears to be \$50 an hour. C. Kell reported that he and Jim will be meeting with the City of Appleton on Friday to discuss what they may be able to offer. C. Kell noted that he had sent a request to surrounding communities to see if any of them would be able to assist with this service and to date, Appleton is the only community that has responded. C. Kell stated that in the meantime Jim Moes is handling the inspections. Staff stated this item could possibly be placed on next week's agenda for further discussion and a recommendation but that will depend on what information Appleton is going to need and how quickly staff will be able to gather any requested information. J. Moes stated that one private contractor would retain 80% of the fees with a base amount and the other contractor would get 90% of the fees with no base amount and one charges \$45 an hour and one \$50 an hour and they both also charge for any re-inspections which the Village now does not at no extra cost to help with getting the project completed correctly. Trustee Peerenboom questioned if the Administrator had prepared an RFP yet. Administrator Kell stated he hadn't and was waiting to see what Appleton has to offer but if the Board wants to look at going with a private contractor with a fee schedule then that would be the point at which to send out an RFP. Trustee Peerenboom stated his point is he would rather get an RFP out there instead of having people randomly send in proposals but he agrees we should listen to what Appleton has to offer first. J. Moes stated it will not be that difficult to put an RFP together but is likely other proposals will be very similar to the proposals already received. Trustee Smith commented on builders being concerned about the service time from independent contractors if the Village goes that route but he does want to do what is most cost effective for the Village. No action was taken.

Operator's License:

Amanda L. Duenes	1520 Vandenbroek Rd.	Little Chute	Super 41 Shell
Crystal L. Gullickson	270 Kaukauna St. Apt. 1	Menasha	Express
Julie J. Siebers	1101 W. Wisconsin Ave.	Kaukauna	Hollanders

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

Ayes 7, Nays 0 – Motion Carried Unanimously

Department and Officers Progress Reports

Captain Lee extended an invitation to the Board to attend the Department's Open House that is taking place during National Police Week and the open house and swearing in ceremony for the new officers will be held at 3:00 p.m. on May 16th. B. Carpenter reported on the success of the Fox Cities Book Festival and she updated the Board on staffing issues noting that currently the Department is at full staff. B. Carpenter also reported on the upcoming 8-week Summer Reading Program and a Share and Be Aware Confidence Cycling Class taking place this Thursday. B. Carpenter reported that there had been a patron suggestion to designate one stall in the parking lot as a drop off/pickup stall and that suggestion was discussed with staff and taken to the Library Board and she would like to bring a request to the Board for a sign once she has the costs confirmed. T. Matheny reported that she plans to present the CIP & Budget calendar to the Board at the next Regular Board meeting. C. Kell reported on a meeting that he had with Nestle to discuss their company's future plans and he commented that he will be contacting the State about some grant options and property acquisitions for the Company and the direction the company wants to go will be positive for Little Chute. C. Kell also reported that he had met with the Navigational Authority and overall the timetable with the bridge and the opening of the locks should work out. C. Kell reported that the Design Review Board had met to review the revised plans for the Windmill and Visitors Center and he noted that the DRB did approve the revised bracing system for the windmill but the plans will have to come back to the DRB for approval of the project once the brick is selected for the Windmill and Visitor's Center, but construction on the project will continue to move forward. C. Kell also noted that as requested by President Vanden Berg, he had provided a memo to the Board on the status of pending capital improvement projects scheduled for 2012 and 2013. J. Moes reported that he is half way completed with liquor license inspections and he is handling all inspections and continues to work to get the assessment roll completed.

T. Flick reported that the Park Planning Committee had met to discuss to consider park dedication of the land on the corner of W. Lincoln Ave. and Madison St. and a recommendation and concept design will move forward to the Plan Commission on May 14th. T. Flick reported that the Pedestrian Bridge is still on target for 100% completion in early June and he reported that there was a recall on a slide that is located at Doyle Park so the manufacturer will be working down there to replace the slide. T. Flick reported that the State is removing trees and underbrush from the levy and they are planning to do some improvements to the riprap of the canal. R. Van Gheem reported on the Main Street Community Design project and interest by the property owners to be involved. R. Van Gheem reported that construction crews are staging for the Buchanan St. project and the water main on Sanitorium Rd. is near completion. R. Van Gheem stated that water and sewer, as far as is currently planned, is completed on Cherryville and they are also working on storm sewer projects on Sanitorium Rd. and private lateral replacements are also taking place.

R. Van Gheem stated that two weeks ago the Board had approved Grant St. to be constructed in concrete at 19 ft. back to back but that was on the condition that the contractor would hold the bid price and the contractor has not agreed to hold all the bid prices. R. Van Gheem stated he could verbally report the results tonight if the Board wanted. President Vanden Berg stated his intent was to have an agenda item next week to reconsider the decision on the street and he asked that the numbers be shared. R. Van Gheem reported that the asphalt construction costs are \$18,113 with the full cost being estimated at \$22,641 and that relates to an estimated cost of \$83.41 per ft. to the property owners and that is the best estimate based on current information. For a 19 ft. back to back concrete with curb and gutter the estimate is \$18,222 with the full cost estimated at \$23,688. Trustee Frassetto questioned the need to reconsider because the numbers appear to be very close to what was reported to the property owners at the previous meeting.

R. Van Gheem reminded the Board that the assessment rate for concrete is fixed and the rate is approximately \$67 per ft. President Vanden Berg stated the issue that the property owner raised with him is that the rate for a 24 ft. street is the same as the 19 ft. so they are requesting that the street be constructed at 23 ft. street instead of a 19 ft. street because their assessment would not change but the overall cost to the Village would change because there is more concrete. Trustee Smith asked for confirmation from staff that the blacktop cost didn't include any curb or gutter and staff confirmed that is correct and the estimated cost for concrete of \$23,688 includes curb and gutter and 19 ft. back to back but it doesn't include aprons. V. Schneider reported that the School District had donated a projector and stand to the Village and she thanked Superintendent Botz and Judy Stangle for the donation. V. Schneider also reported that the Fox Cities CVB had hired a new executive director and they are holding an open house on Wednesday, May 9 from 11 to 1 and she invited the Board to attend the open house. V. Schneider also reported that Lori De Groot a long term chief election inspector had recently retired and she would like the Board to consider adopting a resolution at a future meeting recognizing the recently retired election inspectors for their service. Attorney Koehler reported that the four closings for the Village North Subdivision are all scheduled for June 7 between 10:30 and noon at the Village Hall.

Disbursement List

Moved by Trustee Peerenboom, seconded by Trustee Smith 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 Peerenboom stated he would like to see a discussion on the Grant St. construction on next week's agenda and he also commented that the Village Administrator had sent him the minutes of July 6, 2011 meeting where the Village Board approved the design of Grant St. and a map was included and he would like the numbers for this street provided as it was approved for 24 ft. width back to back without a hammerhead. Trustee Peerenboom stated that the motion made by Trustee Frassetto at that meeting was to approve the project layout proposal as presented with the modification that Grant St. pavement be changed to asphalt without curb, gutter and sidewalk. R. Van Gheem commented that he was not at that meeting

and that design was not brought forward by Public Works so he believes it was a concept plan but he can bring forward the numbers and he asked the Board to strongly consider safety and the functionality of the street. Trustee Peerenboom stated concept or not, that is what the Board voted to put in so he would like to see the numbers to see how much of a difference the hammerhead cost is adding to the project.

Trustee Peerenboom stated that he did not see the modifications with the hammerhead until the assessment hearing and the property owners were debating why the costs went up. R. Van Gheem stated he specifically discussed the hammerhead with the property owners so they were aware of it. Trustee Peerenboom stated he wants to see the costs for a 24ft. asphalt street, no curb and gutter, no hammerhead.

Board members agreed to put the issue of Grant St. on next week's agenda. T. Flick stated that Park Planning has a recommendation for a name for the Village North Park and he would like to bring that recommendation forward at a future meeting. Trustee Peerenboom questioned whether the recommendation for the name had to first go to the Planning Commission and J. Moes stated he didn't believe so but staff will confirm that. President Vanden Berg stated that he would like the Board to review the pending Capital Improvement projects scheduled for 2012/2013 so the Board can discuss and schedule the meetings needed for public input. T. Matheny cautioned that what was previously presented for 2013 could change when the CIP is put together this year. Trustee Frassetto asked when the Board would be reviewing/discussing the employee handbook and President Vanden Berg said it would be soon but the Board has to decide how they want to undertake the review of the manual.

Moved by Trustee Smith, seconded by Trustee Peerenboom to Enter into Closed Session. (7:06pm)

Ayes 7, Nays 0 – Motion Carried Unanimously

Closed Session: 19.85© Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute *Continuation of Performance Evaluation of the Village Administrator*

Moved by Trustee Peerenboom, seconded by Trustee Berken to Exit Closed Session. (8:35 p.m.)

Ayes 7, Nays 0 – Motion Carried Unanimously

No Action Taken

Adjournment

Moved by Trustee Peerenboom, seconded by Trustee Berken to Adjourn the Regular Board meeting at 8:35 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