

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF JUNE 13, 2012

Call to Order

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

Roll Call

PRESENT: President Vanden Berg, Trustee Berken, Trustee Frassetto, Trustee Hietpas, Trustee Peerenboom, Trustee Smith, Trustee Van Lankvelt

ALSO PRESENT: C. Kell, T. Matheny, J. Moes, J. Elrick, V. Schneider

Interested Citizens, Media Reps, Kate Berken

Public Appearance for Items not on the Agenda

None

Moved by Trustee Berken, seconded by Trustee Van Lankvelt to Enter the Public Hearing on Creating Article XVI East Main Overlay District. Ayes 7, Nays 0 – Motion Carried Unanimously

Public Hearing – Creating Article XVI East Main Overlay District, Section 560 Purpose; Applicability and Section 561 General Regulations of Chapter 44 – Zoning Code

No public comment or questions.

Moved by Trustee Smith, seconded by Trustee Peerenboom to Exit the Public Hearing. Ayes 7, Nays 0 – Motion Carried Unanimously

Moved by Trustee Van Lankvelt, seconded by Trustee Peerenboom to Enter the Public Hearing on Amending Section 44-46 – RC District (e) Dimensional Requirements. Ayes 7, Nays 0 – Motion Carried Unanimously

Public Hearing - Amending Village's Municipal Code – Section 44-46 – RC Conventional Single Family District (e) Dimensional Requirements

No public comment or questions.

Moved by Trustee Peerenboom, seconded by Trustee Smith to Exit the Public Hearing. Ayes 7, Nays 0 – Motion Carried Unanimously

Action to Adopt Resolution – CSM – Clifford and Deborah Peeters – 1421/1423 Buchanan St. – Zero Lot Line

J. Moes stated that the Plan Commission reviewed the CSM and they are recommending approval to the Village Board.

Moved by Trustee Van Lankvelt, seconded by Trustee Berken to Adopt Resolution No. 21, Series of 2012 Approving the CSM for Clifford and Deborah Peeters for 1421/1423 Buchanan St. as presented. Ayes 7, Nays 0 – Motion Carried Unanimously

Action to Adopt Resolution – CSM – Scott & Dawn Franzke – 519 E. Lincoln Avenue

J. Moes stated that the Plan Commission reviewed the CSM and they are recommending approval to the Village Board.

Moved by Trustee Peerenboom, seconded by Trustee Berken to Adopt Resolution No. 22, Series of 2012 Approving the CSM for Scott & Dawn Franzke – 519 E. Lincoln Ave. as presented. Ayes 7, Nays 0 – Motion Carried Unanimously

Action to Adopt Resolution – WDNR – NR208 Compliance Maintenance Resolution

J. Elrick stated that this is a required annual report to the DNR on the Village's Sanitary Sewer System and the Village has received a grade of A which is in the voluntary range and is very good.

Moved by Trustee Van Lanvelt, seconded by Trustee Smith to Adopt Resolution No. 23, Series of 2012 WDNR NR 208 Compliance Maintenance Report as recommended by staff. Ayes 7, Nays 0 – Motion Carried Unanimously

Discussion/Possible Action – DPW Staffing – Filling Laborer Position

J. Elrick stated that recently a DPW laborer took the position of engineering aid so the Department is down another laborer and they were already running a lean operation and the Department has reduced its staff quite a bit since 2001 and they are currently at a skeleton crew so they are requesting Board approval to fill the recently vacated position. C. Kell commented that the Public Works Director worked with him in 2009 and 2010 and he agreed to not fill vacated positions at that time but in looking at the amount of work and issues that are not being addressed, he has no question that this position is needed and he supports filling the position. C. Kell stated that the reason this is before the Board is because the Director didn't go to the outside to fill the engineering aid position as the Director felt they had an employee that could do this job and this allowed him to promote from within the Department. Trustee Peerenboom stated that he agreed with Mr. Kell's comments and he is glad that the Director looked in-house to give someone that is currently employed with the Village a chance to fill the position and he is in support of filling the laborer position. Trustee Frassetto also commented that she agreed with filling the position.

Moved by Trustee Smith, seconded by Trustee Peerenboom to Authorize the Public Works Director to fill the laborer's position in the Department.

Ayes 7, Nays 0 – Motion Carried Unanimously

Discussion/Possible Action – Building Inspector Position

J. Moes stated that customers expect someone to be available to answer their questions and to assist them with obtaining their permits and the permit numbers are up 20% over last year. J. Moes stated he is suggesting hiring someone at a lower pay grade at 35 hours a week, until permits pick up even more. J. Moes commented that no other communities have come forward being able to offer customer service and Appleton was the only community that could offer limited inspection services and they would charge \$60 an hour and in addition, travel time would also be charged and Appleton indicated they didn't believe they could provide a truly cost-effective solution for the Village's inspection needs. J. Moes stated he has talked with other communities, builders, and contractors and there is a strong preference for dealing with in-house inspectors. J. Moes explained that the Department had the inspector, a part-time office person, a summer intern, and himself up until about seven years ago and then the Department was reduced to only his position and the inspectors and office support was shared with the Finance Dept. Trustee Van Lankvelt stated he sees a need for the position, maybe even part-time, and he would like to see someone come in that could work into the position and learn all the duties at some point, as someday Mr. Moes will be retiring. Trustee Frassetto stated she agreed that if the position is filled it wouldn't hurt to look at someone to come in for the long-term and also learn the assessing aspect of the job. Discussion took place on hours of work, salary, benefits, and certifications that would be required of a new person and also on issues with contracting out for the services. Kate Berken asked what the benefit costs would be and staff responded that it would depend if the person was single or married and he estimated the benefit costs for a single person at approximately \$10,000. T. Matheny pointed out that the benefit costs are not a new cost as this position had already been budgeted for at the previous inspector's salary and benefit costs for the entire year and replacing this position as proposed by Mr. Moes would not result in a budget overrun. Trustee Van Lankvelt commented that as proposed by staff he doesn't see how it would be possible to hire someone from a private firm to do the job at that price. Trustee Peerenboom stated he doesn't think that 35 hours is necessary for a building inspector and he made that determination by looking at other communities and what building projects they have going on in their communities and he commented that our building inspector had been loaned out for 10 hours a week and he is more comfortable with the position being at 30 hours a week. Trustee Hietpas asked if any other communities have requested inspection services from us and staff stated that no other communities have asked for assistance at this time. Trustee Smith stated he would rather just manage the dollar end of it and let staff deal with the tasks and if staff says they need the position, then he agrees and he would approve filling the position. J. Elrick commented on the amount of time needed for inspection of private laterals and he believes that the inspector will easily put in 35 hours a

week. J. Moes stated that because of his workload, Public Works staff has had to conduct the majority of the private lateral inspections. Discussion continued on certification requirements and training and J. Moes explained that the certifications are mainly done through on-line courses and there will be State testing requirements and the person will need to attend required educational meetings.

Moved by Trustee Van Lankvelt, seconded by Trustee Smith to Approve Filling the Building Inspector's Position at up to 35 hours a week and at the grade 4 pay level.

Ayes 6, Nays 1 (Peerenboom) – Motion Carried

Moved by Trustee Peerenboom, seconded by Trustee Berken to Enter into Closed Session for the Items Listed and to return to Open Session following the Closed Session. (6:44pm)

Ayes 7, Nays 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.

- 1) *Evergreen L. C. Development Agreement*
- 2) *Premier L. C. Development Agreement*
- 3) *Amending Offer to Purchase for 325 W. Main Street*

Moved by Trustee Smith, seconded by Trustee Berken to Exit Closed Session and Return to Open Session. (7:10 pm)

Ayes 7, Nays 0 – Motion Carried Unanimously

Return to Open Session

Discussion/Action – Evergreen L.C. Development Agreement

C. Kell stated he recommends that the Board approve the agreement and authorize the Village Attorney to use his best judgment as to what the final dates and language should be for item #16 under the right of first refusal. C. Kell stated that two proposals for the language of this item were provided to the Board and one indicates “Two Years” from the date of closing and the other is the date of “May 1, 2014” and the two dates are basically within two months of each other. Trustee Hietpas asked what would happen if they delay a vote on this agreement until next week. C. Kell stated it would delay the project as the Village couldn't close on the real estate deal and there could be a potential risk that the Developer could walk and the Developer wants to get going on this project as soon as possible. Trustee Hietpas stated he would like more time to review the agreement with the changes.

Moved by Trustee Van Lankvelt, seconded by Trustee Smith to Enter into an Agreement with Evergreen L. C. Development and authorize the Attorney to add the appropriate language to item #16.

Further Discussion: Trustee Peerenboom stated that he assumes Mr. Kell brought up every known change between the draft and the copy provided tonight and he agrees with Trustee Hietpas as it is a large document to look at and to assume all the changes were caught but he will support it and vote for it but if he finds something huge in the next week he has the right to bring it back up for reconsideration.

Vote on the Motion: Ayes 6, Nays 1 (Hietpas) – Motion Carried

Discussion/Action – Premier L.C. Development Agreement

Moved by Trustee Van Lankvelt to Enter into an Agreement with Premier L.C. Development with the changes proposed.

Trustee Frassetto questioned if there were any changes proposed on this agreement. President Vanden Berg replied that there were possible changes from earlier drafts but he doesn't think there were any items in limbo in regards to the document in front of them tonight.

Trustee Smith seconded the motion.

Further discussion: Trustee Peerenboom stated he notes the same concerns and the fact that he will support this motion as he did on the last motion. Trustee Hietpas stated his concerns are also the same and if he

has to vote tonight he will vote no because he didn't have time to review the agreement presented tonight.

Vote on the Motion: Ayes 6, Nays 1 (Hietpas) – Motion Carried

Discussion/Approval for Evergreen L. C. Development to Install Additional Utilities and Streets in Evergreen L. C. Development

C. Kell provided a handout that showed where the number of \$494,498.77 that was indicated in his IFC came from and that is the amount that had been expended as of June 1 on utilities for this project. C. Kell reviewed the work that is left to complete the project on Cherryville to the north village limits in order for the Developer to start with the initial 30 units of their development and the cost for this infrastructure is \$371,460. C. Kell reviewed the additional cost of \$264,767 for the Developer to entirely complete Phase I of the project. C. Kell stated that this total of an additional \$636,237 of infrastructure needs to be put in to support this project and this will also open up utilities to other projects on the west side of the road.

C. Kell stated this infrastructure will also basically satisfy what the Village would do to provide support to the Northside Solutions property. C. Kell stated that they are not proposing to do any work on Street "A" at this point and that street goes out to French Rd. and that would be approximately another \$1 million in infrastructure. C. Kell noted that a temporary black top road will be put in until such time that a concrete street is put in and the concrete street will be assessed to the properties. C. Kell stated that there is really no way to close the sale of the property and have the Developer's agreements signed without having the utilities in place because they are buying the land at a price that includes the utilities being in place.

Discussion took place. Trustee Peerenboom stated that he knows the Administrator is extremely positive about this development but he would be in favor of only approving the \$371,460 until he sees that the 30 units are actually started then he wouldn't have a problem approving the remaining amount. C. Kell question how they could close on the real estate deal if there isn't a commitment to the utilities and he is requiring that the real estate closing and the agreements are signed before moving forward with the utilities. Trustee Hietpas commented on allowing Evergreen L. C. Development to make these decisions. C. Kell stated this all becomes part of the carrying costs under the 2009 agreement and it is a best to work as a partnership so everyone knows what is going on. Trustee Smith stated he believes the Village needs to authorize the spending for the additional utilities as he doesn't foresee the Developer backing out of this project. Kate Berken, 182 Grant St., questioned the dynamics involved with the land sales and why a gravel street couldn't be put in. President Vanden Berg stated that the property is owned by Bob and Pat and it is being sold to the Village and simultaneously to Premier. C. Kell stated the Village is getting involved for TIF incentives and it is also a condition of the Developer that asphalt is put in instead of gravel for marketing the properties. C. Kell explained what utilities had already been installed and what still needs to be designed and installed.

Moved by Trustee Peerenboom, seconded by Trustee Frassetto to Authorize Evergreen L. C. Development to install an additional \$636,237 of additional infrastructure on Cherryvale Ave to the North Village limits line subject to Premier Little Chute Development signing the Development Agreement for their project and closing on the purchase of the land for Phase I of the project.

Ayes 7, Nays 0 – Motion Carried Unanimously

Unfinished Business

Trustee Hietpas asked if the Board was going to meet on Tuesday, July 3 because of Wednesday being the 4th of July. Board members indicated they would be available for July 3 and to leave it up to the Village President to decide if a meeting is needed that week or not.

Items for Future Agenda

Trustee Smith stated he would like to visit the issue of re-inspections and fees. T. Matheny stated that for the 2013 budget, staff is working on a fee study and that is one of the items they were going to look at and she will mention this request to J. Moes.

Adjournment

Moved by Trustee Peerenboom, seconded by Trustee Smith to Adjourn the Committee of the Whole meeting at 7:39 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