

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF JANUARY 26, 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 Mahlik, Trustee Verstegen

EXCUSED: Trustee Van Deurzen

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

### Public Appearance for Items not on the Agenda

Bob Berken, 182 Grant St, commented on the concerns he had in relation to the lawsuit between him and the Village. Mr. Berken commented that the Village's Attorney was not providing him with accurate information and the Attorney costs for him and the Village continue to go up because the issue continues to be strung along. Trustee Mahlik asked staff to provide Trustees with a breakdown of the Attorney fees that the Village has incurred in this case and he also expressed concern, if in fact it is true, that Mr. Berken is not getting accurate information.

Lori O'Bright, 224 N. Rankin Street, Appleton, introduced herself to the Board and stated that she is a candidate for Outagamie County Clerk and she commented on her background and experience.

### Update on Dutch Boyz Development Project and Discussion of the Draft Contract Termination Agreement for the Project

Attorney Steve Frassetto, representing Dutch Boyz Development, commented that as reported to the Board some time ago, the bids for the project came in much higher than originally estimated and the Developer is currently looking at ways to reduce costs and alternatives to make the project a financially feasible project. Attorney Frassetto commented on the costs the Village incurred as shown in the draft of the contract termination agreement. Attorney Frassetto commented on the three components of the agreement stating those were the Developer's Agreement, the road vacation, and the conditional use permit and stated he is working with Attorney Koehler on his client's questions and concerns on the termination agreement's effect on those components. Attorney Frassetto stated the Developer is interested in coming forward with a project that will work financially for him and still be an asset to the Village but that would likely be under a separate agreement with the Village. Trustee Mahlik asked for the costs that the Village has incurred from the Village Attorney's work on this project so he can get a true picture of what it really cost the Village. C. Kell stated he didn't believe the Attorney spent a lot of time on this project once the Developer's Agreement was in place but staff would get those costs determined and provide that information to the Board. Trustee Hietpas asked if the letter informing the Developer that the conditional use permit will be revoked has been sent as he understands the letter is required to be sent 45 days prior to revoking the permit. C. Kell stated he didn't believe that the letter had been sent but the conditions were never met. Trustee Hietpas asked if a formal letter should still be sent and Attorney Frassetto stated that is one of the items he is working on with Attorney Koehler. Additional discussion took place. Board members agreed to put the issue and termination agreement on the February 9th Committee of the Whole meeting agenda for further review and possible action. Trustee Mahlik requested that the final termination agreement be provided to trustees in advance of the meeting. Trustee Hietpas stated he would like to see the letter sent out about revoking the conditional use permit so the Village covers its bases.

### Review/Discussion – 2010 Budget Adjustments

D. Haug reviewed the budget adjustments requested at year-end 2010 to better represent the actual allocation of expenditures and the requests to carryover unspent 2010 budget dollars for ongoing projects or for new items identified after 2011 final budget approval. D. Haug noted a correction to the carry over amount for the Fire Department budget that changed the carry over amount from \$20,000 to \$10,000. D. Haug noted that the carry over amount for the yard waste site may change depending on the Board's decision on the next agenda item. Board members agreed to place the budget adjustments on next week's agenda for action.

### **Discussion/Possible Action – Expanding Residents Access to Yard Waste Disposal Site**

Trustee Elrick stated he liked the option as in the long term the costs of not having Village staff move things will prove beneficial and the FOB system allows for greater control over the unmanned site. Trustee Verstegen questioned the cost of the FOB system. R. Van Gheem explained that the option of providing the electronic access cards is being presented to go along with the original proposal to have a secured site that the residents would have access to seven days a week and the decision whether to charge residents for a FOB to recoup some of the costs would need to be made by the Board. R. Van Gheem commented that at this time the Department will also still provide for curb side pick-up with residents purchasing stickers for their yard waste bags and in the Fall they would still pick up leaves. Gabe Konopka, 102 E. McKinley Ave., commented that he would likely only use the drop off site once a year and he wouldn't want to have to pay \$20 a year for the FOB, but overall he likes the idea. Jan Cook, 428 Vandenbroek St., stated she agreed with Mr. Konopka's comment as residents that only buy two stickers a year won't necessarily want to spend \$20. R. Van Gheem clarified that he understands that at this point the Board still wants the Department to provide curbside pick-up of yard waste bags. Discussion continued. Trustee Frassetto suggested moving forward with the yard waste site plan at this time and determine pricing for the FOB at a different time. Michael Stouffer, 714 Bluff Avenue, questioned if the FOB system would allow for a one-time charge for the FOB and then bill people on a per usage basis. R. Van Gheem stated that you could possibly do that but there would be additional costs for software and billing and he is trying to keep the process simple. D. Haug stated that a billing program would be very expensive for billing residents on a per use basis and it is very inexpensive to issue stickers. Trustee Frassetto and Trustee Elrick stated that the decision on charging for FOBS does not have to be made tonight. R. Van Gheem stated that another option is to leave things as they currently are.

*Moved by Trustee Frassetto, seconded by Trustee Elrick to approve expanding residents' access to the Yard Waste Disposal Site by utilizing the option referenced as Option 2 in the Request for Board Consideration, totaling \$23,555 with some minor room for adjustment based on final numbers.*

Ayes 6, Nay 0 – Motion Carried

### **Review/Discussion of Correspondence from Uden**

President Fischer stated that as he understands the letter, the request from Uden is to not go with an official Sister City program. Trustee Elrick commented that Little Chute already is a part of the Sister City program and what is the next step in talking with Uden Representatives about the program? C. Kell stated that there is no additional cost to the Village to have a second Sister City and the cost is only a couple hundred dollars a year. C. Kell stated it looks like they want it to be an informal program and it looks like they want it to be centered around the schools and he thinks the Windmill Director and Windmill Committee should work with the schools to set something up. Trustee Elrick suggested that the Administrator talk with Mr. De Groot on the issue to find out the reasons why Uden doesn't want to be part of the Sister City program.

### **Unfinished Business**

None

### **Items for Future Agenda**

C. Kell stated that it looks like there is going to be some resolution to the funding issue for the Polk Street Pond as it looks like the DNR is going to fund it as a substitute so the question is if there is clear indication that the Village is going to receive funding, should staff move with the project or should it be an agenda item? R. Van Gheem stated there isn't a guarantee the money would be the same amount the Village was originally going to receive but the indication is fairly good that it will be the same amount. C. Kell stated his concern is if they do not move forward with the engineering they won't be able to build this year. Staff

stated they did not know exactly when they would receive official word from the DNR and they estimated the engineering would cost \$48,000. Additional comments were made and it was agreed to put the issue on next week's agenda for discussion and possible action.

*Moved by Trustee Elrick, seconded by Trustee Frassetto to Enter into Closed Session. (6:49 p.m.)*  
Ayes 6, Nay 0 – Motion Carried

Staff members and the Clerk were excused from the meeting at this time.

**Closed Session: 19.85(c) Consideration of Employment, Promotion, or Performance Evaluation**

**Data of any Public Employee of the Village of Little Chute**

*Considering Performance Evaluation Data Regarding a Village Department Head Requested by Trustee Frassetto and the Performance Evaluation of the Village Administrator*

*Moved by Trustee Frassetto, seconded by Trustee Verstegen to Exit the Closed Session. (8:00 p.m.)*  
Ayes 6, Nay 0 – Motion Carried

**Return to Open Session – Action on 2011 Salary Increase for the Village Administrator**

No action was taken.

**Adjournment**

*Moved by Trustee Frassetto, seconded by Trustee Verstegen to Adjourn the Committee of the Whole meeting at 8:04 p.m.*

Ayes 6, Nay 0 – Motion Carried

**VILLAGE OF LITTLE CHUTE**

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By: Charles Fischer, Village President

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Attest: Vicki Schneider, Village Clerk