

## **MINUTES OF THE REGULAR BOARD MEETING OF MARCH 2, 2011**

The Regular Board meeting was called to order at 6:00 p.m. by Charles Fischer, Village President

### **Invocation**

President Fischer called for a moment of silence.

### **Pledge Allegiance to the Flag**

President Fischer led members in the reciting of the Pledge of Allegiance.

### **Roll call of Trustees**

PRESENT: Charles Fischer, President  
John Elrick, Trustee  
Tammy Frassetto, Trustee  
James Hietpas, Trustee  
Dan Mahlik, Trustee  
Don Van Deurzen, Trustee  
Janet Verstegen, Trustee

### **Roll Call of Officers and Department Heads**

PRESENT: Charles Kell, Village Administrator  
Dale Haug, Finance Director  
Eric Misselt, Police Chief  
Jim Moes, Community Development Director  
Tom Flick, Director of Parks, Recreation, and Forestry  
Roy Van Gheem, Director of Public Works  
Beth Carpenter, Library Director  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

### **Public Appearance for Items Not on the Agenda**

None

### **Approval of Minutes**

Regular Board Meeting Minutes –February 16, 2011

Committee of the Whole Meeting Minutes – February 23, 2011

*Moved by Trustee Verstegen, seconded by Trustee Elrick to approve the Regular Board Minutes of February 16, 2011 and the Committee of the Whole Minutes of February 23, 2011 as presented.*

Ayes 7, Nay 0-Motion Carried Unanimously

### **Report of Other Minutes-Other Informational Items**

*Fox Valley Metro Police Department Reports – November & December 2011*

*Fox Valley Metro Police Comm. Meeting Minutes – January 4, 2011*

*Planning Commission Meeting Minutes – January 10, 2011*

*Library Board Meeting Minutes – January 18, 2011*

*Water Commission Meeting Minutes – January 18, 2011*

*Fox Valley Metro Police Comm. Minutes – February 8, 2011*

*Minutes of the Public Informational Meeting – 2011 Projects/Polk St. Pond Design – Feb. 23, 2011*

Board noted receipt of informational item.

### **Action- 2010 Budget Carryover – Fox Valley Metro**

#### **2010 Budget Carryover Request**

207-29216 – Designated – Police Equipment \$22,000 (A Balance Sheet account to recognize held funds)

<u>2011 Budget Adjustment</u>	Approved	Amended	Net
<u>Revenue</u>	<u>Budget</u>	<u>Budget</u>	<u>Change</u>
207-39120 – Apply Fund Balance <u>Expenditures</u>	\$0	\$22,000	\$22,000
207-52120-302 Equipment Replacement	\$12,000	\$34,000	\$22,000
<i>Moved by Trustee Elrick, seconded by Trustee Frassetto to approve the 2010 Fox Valley Metro budget carryover request of \$22,000 and to approve the 2011 Fox Valley Metro budget adjustment of \$22,000 for replacement of computer network server and associated software and implementation needs.</i>			
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			

### Action-2010 Budget Adjustments

Listing of all budget adjustments attached to the minutes.

*Moved by Trustee Elrick, seconded Trustee Mahlik to approve \$54,700 General Fund carryover of unspent 2010 fund to 2011 budget and approve \$22,000 Police Fund carryover of unspent funds to 2011 budget.*

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

Ayes 7, Nay 0 – Motion Carried Unanimously

### Action on Excess Assessment Claim filed by Walgreen Co.

J. Moes explained that three years ago as a result of a Supreme Court ruling on the Walgreen case versus the City of Madison, the State changed the laws and the Assessor's Manual and the assessment was set according to the current manual. J. Moes further noted Walgreens' throughout the State have appealed their 2010 assessments and their argument is that they should be valued at the cost to replace them new.

*Moved by Trustee Elrick, seconded by Trustee Verstegen to deny the Claim for Excessive Assessment filed by Walgreen Co. for the property located at 219 W. Main Street, Little Chute.*

Further Discussion: In response to Trustee Mahlik's question of Walgreen's stating that the assessment should be based on replacement costs including the land, J. Moes stated that in Walgreen's opinion the land value is included. J. Moes stated that Walgreen Co. presented documentation that showed it could be replaced for \$2.1 million but his documentation shows \$2.98 million and he used Marshall and Swift.

Trustee Mahlik asked why the Walgreen's assessment is \$3.3 million. J. Moes stated that the State requires that the sales, income, and cost approaches are to be used to calculate assessment and actual sales are the most accurate reflection of true market value. Trustee Mahlik asked about the comparison to the assessment of \$3.768 million for the Appleton store. J. Moes stated that was the most comparable property.

Trustee Mahlik stated that the Appleton market is more expensive from a land standpoint. J. Moes stated that isn't necessarily so as the Little Chute Walgreens has better highway access and traffic counts and he wouldn't say that Appleton is more expensive than Little Chute. Trustee Hietpas asked if any of the appeals had been settled in court. J. Moes stated that none of them had but generally what will happen is that the appeals will be denied by the municipalities' boards and then they will go on to court and they will select one community to take all the way through to Supreme Court as they did last time with the City of Madison and they will ask the other communities to hold decisions pending the outcome of the court case. J. Moes stated that in the previous case a few years ago the Circuit Appeals Court upheld the assessments but the Supreme Court overturned the ruling. J. Moes stated that there was a decision made 15 years ago where it was determined that actual rents were to be used instead of market rents and now they are saying the opposite is true but the assessor manual requires actual rents to be used.

Vote on the Motion:

Ayes 7, Nay 0 – Motion Carried Unanimously

**Action – Parade Permit – Larry’s Piggly Wiggly Pig to Pig Walk on April 30, 2011**

*Moved by Trustee Frassetto, seconded by Trustee Verstegen to approve the Special Event Permit for Larry’s Piggly Wiggly Pig to Pig Walk on April 30, 2011.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Discussion/Possible Action – Regarding Annexation of the Outagamie County Landfill**

President Fischer commented that the Village has been working on this issue for a couple of years and while he would like the Town to pay more, they are not going to and they would just keep their part of the road up to their standards which will not be good when trucks start going to the landfill from all three counties so he is leaning towards option three which was recommended by the Administrator.

C. Kell stated that the Village wouldn’t be forced to fix the road but two years ago both Vandenbroek and the Village agreed to fix the road and public pressure may increase as the road deteriorates as a large part of the Village’s population uses the road. C. Kell stated that if Vandenbroek backs out of the agreement to maintain first response firefighting responsibility for this cell area of the Landfill, the County will put in a water main so the Village’s Fire Department can take over the responsibility. The Administrator’s recommendation is to agree to annex only the portion of the Outagamie County Landfill that is currently located in the Town of Vandenbroek and the Town’s portion of Holland Road upon petition for annexation by the Outagamie County Board of Supervisors with the stipulation that this will only be approved by the Village of Little Chute subject to the following conditions being met: 1. That the Town of Vandenbroek approves the Holland Road Agreement and commits the \$60,000 of Town funding toward the reconstruction of Holland Road between W. Elm Dr. and Florida Ave.; 2. That the Town of Vandenbroek agrees to and approves a written legal agreement that the Town will continue as the Primary Fire Protection Response Agency serving the Outagamie County Landfill; 3. That the Outagamie County Board of Supervisors approves a legal agreement what will require Outagamie County to install a water main extension and water hydrant system as deemed required by the Village of Little Chute to adequately serve the new North East Landfill Cell in the event that Town of Vandenbroek Primary Response Fire Protection for the landfill becomes unavailable in the future due to issues beyond the control of the Town of Vandenbroek such as the dissolution of their Volunteer Fire Department.

*Moved by Trustee Verstegen, seconded by Trustee Frassetto to approve the Administrator’s recommendation as presented.*

Further Discussion: President Fischer commented that it isn’t the ideal situation but he believes it is the best the Village can get right now. Trustee Van Deurzen asked what the total bill will be for redoing the road and R. Van Gheem estimated approximately \$450,000 to \$500,000 depending on the design. C. Kell stated the prior agreement called for the Village to pay for the east side and Vandenbroek would contribute \$60,000 and the County would contribute \$84,000 and the Village would pay \$84,000 and residents will be assessed. Trustee Elrick noted that the County cannot be assessed and the \$500,000 is only the cost for the section from Florida Ave. to Elm Dr.

Vote on the Motion

Ayes 7, Nay 0 – Motion Carried Unanimously

**Discussion on the State’s Budget Repair Bill’s Effect on the Village Budget and Employees and Possible Action Regarding the Village Non-Represented Salary plan or other Village Board Direction Regarding this Issue**

C. Kell stated this is a revolving issue and he wants the Board to understand the ramifications of the budget repair bill and the biennial budget bill to employees and what it means financially for employees and the Village. C. Kell stated the bill stipulates that employees pick up their local share of their Wisconsin Retirement benefits which is 5.8% for the employees and the effect is the net take home pay in employees paychecks will be 5.8% lower and the bill has a provision that future raises are restricted to the cost of living increase. C. Kell stated it appears there is flexibility to allow for step increases and performance bonuses and those types of things. C. Kell noted that these restrictions are supposed to go into effect on the first payroll after March 13<sup>th</sup> if the bill is passed by then. C. Kell noted that one other aspect is if there are

existing union contracts, they stay in force until they are up for renewal and in the Village's case the DPW/Parks Union is covered through the end of this year so they are not required to pay the local retirement share for this year if the bill passes because they are under contract and the Police Union is exempted from the cost sharing for retirement. C. Kell noted that an additional item added under the budget repair bill requires employees to pick up 12.6% of health insurance cost and these are the mechanism the Governor is providing to offset the loss of State revenues. C. Kell noted that Village employees already pay 10% of their health insurance cost and starting in January 2012 it is mandated that they pick up another 2.6% of their health insurance costs. C. Kell noted that in the two year biennial budget the Governor is proposing revenue reductions to local government and as near as staff can determine at this time, it looks like the Village's reduction in revenue will be around \$200,000 and in general it looks like the amount of revenue the Village loses will be offset by the reduction in the benefits the Village will have to pay. C. Kell commented that a number of communities have rushed to approve their union contracts to protect their workers and some have made adjustments in their salary plans to adjust for their employees having to pay for the retirement benefit and that is what he wants to discuss with the Board primarily from the standpoint of the way it is being implemented by the State. C. Kell stated there are two classes of employees and the non-union class is going to have to pay the retirement benefit immediately upon approval of the State's budget and the union class will not have to pay for their retirement portion until next year. Staff stated that the approximate savings this year, that doesn't include the police portion, is \$45,000 and any proposals for the Police Department will have to be discussed with Kimberly. Discussion took place on possible base pay increases or bonus pay. C. Kell stated that if the Board recommends moving forward, he would propose a resolution with a reversion clause because we don't know what the legislature is going to come up with. C. Kell stated the whole crux of this issue is if it is fair that the savings is only riding on the back of only half of the employees? C. Kell stated all he is asking the Board to consider is if they feel it isn't a fair approach and that all the employees should be treated the same, there is a way to address that without it costing additional new money to the Village and safeguards can be put in place in case something changes as he doesn't want it to end up costing the Village more money but he feels that he owes it to the employees to at least bring this issue forward. Trustee Van Deurzen stated it isn't fair to say half of the employees as the union employees will get hit with it next year. Discussion continued. C. Kell stated that if the Board wants to consider adopting something it should be put on next week's agenda because if the bill does get passed it is supposed to go into effect on the first payday after March 13<sup>th</sup>. Discussion took place on the proposed shared revenue reductions and staff stated they need to further review and refine the numbers. Staff stated they could address a few different scenarios and bring the information back to the Board next week.

#### **Operators Licenses:**

Cassandra Rae Blaizei	1513 E. Plaza Dr.	Appleton	Pine Street Bar
Kelly L. Knutson	N2298 Cty Rd. N	Little Chute	Valley Liquor
Logan J. Meyerhofer	7816 Weber Rd.	Greenleaf	M&M Bar
Jake Van Wychen	1015 Manor Place	Little Chute	Pine Street Bar
Holly J. Weigman	311 E. 8 <sup>th</sup> St.	Kaukauna	Pine Street Bar

*Moved by Trustee Frassetto, seconded by Trustee Verstegen to Approve the Operators' Licenses as listed on the agenda.*

Ayes 7, Nay 0 – Motion Carried Unanimously

#### **Department and Officers Progress Reports**

B. Carpenter invited Board members to a wine and cheese tasting event at the Library on March 17<sup>th</sup>. B. Carpenter stated a new employee will be starting on March 9<sup>th</sup> and she also reported on the status of the planning process and an evaluation of the first part of the process will be put together and presented to the

Board at a future meeting. B. Carpenter thanked Attorney Koehler for his help with the Joint Library Agreement and the agreement will be presented to the Board next week for review. Chief Misselt commented that the Department's new officer Aaron Wanserski started employment this week and Mary Peterson has verbally given notice that she intends to retire on June 1. Chief Misselt reported that the Intergovernmental Services Agreement is almost completed and ready to go should the proposed merger with the Village of Combined Locks be approved. D. Haug – no additional report. C. Kell stated that he has informed Department Heads to hold off on filling any vacant positions until the State's budget issue is resolved. C. Kell stated that he has submitted a proposal to the Fox Cities Chamber for sites for a potential rail customer industry that is looking to build. C. Kell stated he continues to work with the Plastics Company and is trying to arrange a meeting with them and the State and the goal is to keep them in Wisconsin. C. Kell stated in regards to razing the Main Street property, it is being recommended to hold off until April 1 to raze the property because of a surcharge disconnection that the gas company charges and Board members indicated agreement with holding off on razing the property until April 1. C. Kell stated he had met with Windmill Representatives and Mr. Hartwig to work on the plan for the Village Hall and he also stated that PBJ Co. would like to meet with the Board in Closed Session on March 16 regarding real estate matters and Board members agreed to hold the Closed Session. C. Kell reported that the Flying Dutchman is planning to open March 15<sup>th</sup> as a supper club and the Design Review Board is meeting on Thursday to review a proposed sign for the restaurant and the business continues to be owned by Gene Kobussen and he has hired the former owner of Dorn's Supper Club to manage the business. C. Kell stated no additional funding had been provided to the Flying Dutchman. J. Moes – no report. T. Fick reported that the Summer/Fall Program Book is being mailed this week, light poles and lights are being installed at Doyle Park for the front diamond, and the Department will be conducting interviews for summer positions in a few weeks. T. Flick also gave an update on the progress of the Terrace Tree Trimming program and he noted that Trustees had received an article at their desks tonight written by the Park Planning Committee Chairman regarding the future of aquatics in Little Chute and he asked Board members to review the article as it will be submitted for publication in the Spring newsletter and he asked Board members to contact him if they had any issues with the article. R. Van Gheem reported that the subcontractors for Open Range Communication are moving forward with installation of the wireless service on the Village's water tower and he also reported that the Department is working to align the 2011 projects and the Main Street project. R. Van Gheem stated that they had the most reports ever after the last snowfall of residents not shoveling sidewalks and blowing snow into the street. V. Schneider reported that she continues to follow State action on the Voter ID bill and if recall elections move forward this year, money was not budgeted for the extra elections. Attorney Koehler – no report.

### **Disbursement List**

In response to Trustee Hietpas' question about payments to the school districts, J. Moes stated he can provide him with the assessed values for each school district.

*Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to Approve the Vouchers as presented and Authorize the Finance Director to draw from the Respective Funds.*

Ayes 7, Nay 0 – Motion Carried Unanimously

### **Call for Unfinished Business**

None

### **Items for Future Agendas**

State's Budget Effect on the Village and Village Employees

**Adjournment**

*Moved by Trustee Van Deurzen, seconded by Trustee Verstegen to Adjourn the Regular Board meeting at 7:19 p.m.*

Ayes 7, Nay 0 - Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

By: \_\_\_\_\_  
Charles Fischer, Village President

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Attest: Vicki Schneider, Village Clerk