

## **MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF MAY 11, 2011**

### **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 Mahlik, Trustee Peerenboom, Trustee Smith

ALSO PRESENT: C. Kell, D. Haug, R. Van Gheem, E. Misselt (6:30 p.m.), V. Schneider  
Media Reps and Concerned Citizens

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

None

### **Presentation/Discussion of Village Financial and Debt Plan for Capital Improvement Projects by Ehlers Financial Advisors**

D. Haug introduced Phil Cosson of Ehlers and handouts of the presentation were provided along with a debt ratio chart. Mr. Cosson led Board members through a review of the Pre-Sale Report for the Village's 2011-2013 Capital Finance Plan for general projects, TIDs, and storm water, water and sewer utilities. The presentation included information on the Village's current debt and it was noted that the Village hasn't borrowed funds in the market since 2008. Mr. Cosson noted that the Village has a strong AAA3 rating. Mr. Cosson reviewed scenarios for 2011 GO Notes, a STF loan, and 2012 bond anticipation notes and the presentation also showed different amortization schedules and options for funding the storm water utility. Staff stated that the CIP projects will be brought back to the Board for discussion and decisions on moving forward with the projects and the goal will be to have a decision on moving forward with the debt issue in the next 60 to 90 days.

### **Discussion of Complaint by Ron Miller, Miller Masonry, Regarding a Former Trustee's Involvement in the Baker's Outlet Renovation Project and the Construction Process for Projects Utilizing Façade Renovation Loans from the Village**

Mr. Miller handed out a copy of a letter that was addressed to the Village Administrator concerning the Façade Renovation Program and the Baker's Outlet Building Project. Mr. Miller commented that his concerns are with the project not being bid out and with a former's trustee's involvement with developing the program and being the contractor for the project. It was noted that former Trustee Elrick abstained from all votes connected with this issue and the opinion was that there was no conflict of interest on this issue. Discussion took place on financial accountability, proposals for getting estimates, differences in public and private bidding practices, and promoting local businesses for the projects. The consensus was to have the Village Administrator include language in the Façade Renovation Loan program application that states "the Village encourages use of local contractors".

### **Review/Discussion of Proposed Changes to the FVMPD Collective Bargaining Agreement to Incorporate the Combined Locks Officers CBA as a Part of the Merger Process**

Chief Misselt reviewed the details of the changes that were made to the Collective Bargaining Agreement. The changes were needed to accomplish the merger of the Combined Locks Department with the Metro. Chief Misselt started that both Police Union Associations had reviewed and approved the changes and he and Chief Lund feel the changes are reasonable and appropriate. Board members agreed to put the Collective Bargaining Agreement on next week's agenda for action.

### **Review/Discussion of Merged FVMPD Organizational Chart**

Chief Misselt reviewed the proposed organizational chart for the merged department. Chief Misselt noted that the second investigator position that has been left vacant for a couple of year is now filled and it will significantly enhance their capabilities in criminal investigations. It was also noted that the inclusion of a third Captain's position in the chart is not intended to be a long-term arrangement and upon the vacating of that position through attrition, the third captain's position will be eliminated and replaced by a line officer. Chief Misselt and Administrator Kell are recommending approval of the organizational chart. Board members agreed to put the new FVMPD organizational chart on next week's agenda for action.

### **Review/Possible Action- Award of Contract for 2011 Sanitary Lateral Rehabilitation Program**

R. Van Gheem explained that this project is designed to assist 84 property owners rehab their private sanitary laterals from the Village right-of-way to their building and there were five bids received for the project. R. Van Gheem explained that the low bidder had an anomaly as their sealed bid didn't contain the bid bond security but it was delivered to the Clerk the same day shortly after the bid opening.

R. Van Gheem noted that the language contained in the bid documents gives the Board some discretion to waive any irregularities in the bids and this was confirmed by the Village Attorney as was the fact that the Board could reject the low bid. Representatives of M & E Construction, the low bidder, were present and commented that it was an error they made and it was due to their misunderstanding on including the bid bond with their bid. R. Van Gheem noted that the cost for the homeowner based on the M & E Construction bid would be approximately \$2,155 and the cost would be approximately \$2,370 based on the second lowest bid by Scott Lamer Construction. R. Van Gheem noted that these estimates do not include unit prices for sidewalk, backfill, or topsoil, seeding, mulch and those items would be an additional charge to the property owner and actual costs may vary from home to home. Discussion took place on concerns with the unit prices of the bid submitted by the second lowest bidder.

*Moved by Trustee Frassetto, seconded by Trustee Smith to Award the Contract for the 2011 Sanitary Lateral Rehabilitation Program to M & E Construction of Kaukauna, WI for \$190,565.*

Ayes 4, Nay 3 (Hietpas, Mahlik, Peerenboom) – Motion Carried

### **Action - Award Contract for 2011 Roadway Project – GRAEF Project No. 2010-2014.00**

Staff noted the past issue on concrete paving with Vinton Construction was settled with Vinton agreeing to financial concessions and they have worked in the Village since the 2008 concrete street paving project and there have not been any issues with their work.

*Moved by Trustee Mahlik, seconded by Trustee Hietpas to Award the Contract for Base Bid No. 2, Including Alternate C, for the 2011 Roadway Project #2010-2014.00 to Vinton Construction of Manitowoc, WI for a total cost of \$188,337.59*

Ayes 7, Nays 0 - Motion Carried Unanimously

### **Action – Award Contract for 2011 Utility Project – GRAEF Project No. 2010-2014.00**

*Moved by Trustee Berken, seconded by Trustee Peerenboom to Award the Contract for Base Bid #1 including Alternate A for the 2011 Utility Project #2010-2014.00 to DeGroot, Inc. of Green Bay, WI for a total cost of \$208,217.14.*

Ayes 7, Nays 0 – Motion Carried Unanimously

## Unfinished Business

Trustee Peerenboom stated he would like to have either the Village Board or the Planning Commission review and better define the language in the Village Zoning Code regarding the definition of street line in relation to traffic visibility and the vision triangle as there is some confusion if it is measured from the street or the property line. Discussion took place. C. Kell stated that staff has always enforced the street line as the property line. C. Kell stated that what the Village has on the books right now is lenient compared to other communities requirements and the Planning Commission could decide to make the ordinance stricter than it is right now and it could have an impact on many areas in the Village. C. Kell stated that in relation to the order to trim the hedges, staff decided to hold off because of the possibility that the Planning Commission will be looking at the ordinance. Staff stated the proposal would be a change to a zoning ordinance so it does have to go to the Planning Commission for a recommendation and a public hearing will need to be held. C. Kell stated that if it isn't referred to the Planning Commission, staff will continue to enforce it as they have always done and that is from the property line. President Vanden Berg asked Board members for a show of hands of those that want to send the issue back to the Planning Commission and three indicated they were in favor of sending it to the Planning Commission and four board members indicated they did not want to send it to the Planning Commission.

## Items for Future Agenda

Trustee Peerenboom informed staff that a citizen on Pleasantview Ave. had a concern with the property on Hwy. OO that had recently burned down and staff stated they will respond to the property owner.

Trustee Berken requested that the Board talk about how and when information is presented and he used the example of receiving the aerial drawing of the bushes at the Board meeting instead of in the packet.

President Vanden Berg stated he does want to have a future discussion on how the meetings are conducted, what role staff plays, and to look at how to make the meetings better.

C. Kell informed the Board that the settlement agreement being presented contains what the Board requested so the Board can decide if they want to review it in open session instead of in closed session.

*Moved by Trustee Peerenboom, seconded by Trustee Frassetto to skip agenda item 10 (Closed Session) and go to agenda item 11(Open Session).*

Ayes 7, Nays 0- Motion Carried Unanimously

## Action on Settlement Agreement with BLC Community Bank 5<sup>th</sup> Quarter Revolving Loan

C. Kell explained that the bank has agreed to pay \$33,000 to the Village and in return the Village agrees to assign the collateral which is specifically the mortgage which leaves the Bank free and clear to bid on the property. The agreement also allows the Village to preserve the right of action against the guarantors and it also states that if the bank is successful in reselling the property and made whole then they agree to pay any excess sale proceeds to the Village in satisfaction of the Village's remaining outstanding balance up to \$66,000. C. Kell stated that the Village's legal counsel has reviewed the agreement.

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to accept and approve the settlement agreement with BLC Community Bank for the 5<sup>th</sup> Quarter's Revolving Loan as presented.*

Further Discussion: In response to concerns expressed by Trustee Hietpas, C. Kell stated that the personal guarantees are enforceable and it is up to the Board if they want to move forward with pursuing the personal guarantees. C. Kell stated that the Village is giving up its rights to the mortgage but if they sell the property for more money than the Village gets the excess funds available to make the Village whole.

Vote on the Motion:

Ayes 7, Nay 0 – Motion Carried Unanimously

## Adjournment

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adjourn the Committee of the Whole meeting at 9:29 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