

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF AUGUST 10, 2011

### Call to Order

President Vanden Berg called the Committee of the Whole meeting to order at 6:56 p.m.

### Roll Call

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

ALSO PRESENT: C. Kell, R. Van Gheem, J. Moes, E. Misselt, T. Flick, V. Schneider  
Nick Vande Hey- McMahons, Interested Citizens and Media Reps

### Public Appearance for Items not on the Agenda

Lori Malone, 1209 Rosehill Road, stated that removing parking for bike lanes on Rosehill Road in front of her property and her neighbors property is a problem as one neighbor is handicapped, their driveways are small, and contractors will not be able to park in front of houses when doing work. Ms. Malone further stated that it isn't fair that as taxpayers they have to have their visitor's park at a location away from their homes and she asked the Board to please not put in the bike lanes and to keep the parking on the street.

### Public Informational Meeting on Heesakker Park Pedestrian Bridge Design/Trail (Presentation by Bloom Companies)

T. Flick noted that Board members had been provided with a copy of the notes taken from meetings that were held on the bridge design alternatives and the pedestrian trail with the consultants from Bloom Companies, Village staff and the Village President, Fox Locks Authority Executive Director and a Kaukauna Utilities representative. T. Flick introduced Tom Zalewski and Tanya Wagner of Bloom Companies. Mr. Zalewski presented information on the two selections of bridge that were chosen from the 10 designs that were presented to the group. Mr. Zalewski stated that the Village staff has selected a 3-span 240' long prefabricated steel truss bridge with a 152' long bowstring center span, a 35' long low truss, and a 51' long low truss. C. Kell provided Board members with a letter from the Fox Locks Authority that stated their first preference was the overhead truss style bridge as it replicates the railroad style bridge historically found along the Fox River System and they feel that because the bridge is in the historic river district, efforts should be made to make the bridge as compatible as possible and they indicated their second alternative would be the bowstring design. Mr. Zalewski noted that the design of the two bridges is exactly the same except for the style in the middle. Staff commented that they felt the overhead truss style bridge looked too much like a railroad bridge and it also would cost quite a bit more than the bowstring bridge and they feel that the bowstring bridge is both historically appealing and more graceful and interesting. Ms. Wagner presented information on the pedestrian trail noting that the trail will be placed on the existing levy and it meets ADA standards. Ms. Wagner also noted that the cost estimate used to obtain grant funding for the project was underestimated. The estimate timeline for the project is that the design will be completed by mid-September and construction will start in October/November or the Spring of 2012 and the trail will be constructed in the Spring of 2012. Discussion took place.

### Discussion/Possible Action on Selection of Heesakker Park Pedestrian Bridge Design

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Approve the Bowstring Truss Bridge Design for the Heesakker Park Pedestrian Bridge.*

Ayes 7, Nays 0 – Motion Carried Unanimously

### Action on Request by Outagamie County Sheriff's Department on Address Change for 1110 Riverside Drive

J. Moes stated the request is being made by the County as the current address for the property does not fall in the parameters of the Village's address range and it could cause a delay in response to an emergency situation. J. Moes stated the property owner was sent the agenda and a copy of the Sheriff's Department request and if approved, he will take the necessary steps of notifying the property owner and various entities of the address change and he recommended that the address be changed to 2600 Riverside Drive.

*Moved by Trustee Peerenboom, seconded by Trustee Hietpas to Approve the Request by the Outagamie County Sheriff's Department and authorize staff to proceed with changing the address of 1110 Riverside Drive to 2600 Riverside Drive.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Review/Discussion – Amendment to Village Code Section 26-131 (a)(b)(c)(d) - Penalties**

Chief Misselt explained that due to a recent ruling by the Wisconsin Supreme Court, municipalities and police departments can recover the cost of the blood draw fee from defendants that are convicted of OWI. Chief Misselt further stated that the LC Court is in support of collecting this fee. Board members agreed to put the ordinance amendment on next week's agenda for action.

**Review/Action – Award Bid for FVMPD Remodeling Project**

Chief Misselt provided a copy of a letter from the project architect. The architect's letter confirmed that three bids were received for the project and they are recommending that the contract be awarded to the low bidder Zeise Construction at a base bid cost of \$114,175 and the alternate bid cost of \$6,981. Chief Misselt also provided a handout on the projected and actual costs for the project which came in lower than originally projected.

*Moved by Trustee Mahlik, seconded by Trustee Berken to approve awarding the remodeling project for the FVMPD to Zeise Construction of Green Bay in the amount of \$114,175.00 for the base bid and \$6,981.00 for the alternate bid for a total amount of \$121,156.00.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Review/Action – Award Contract for 2011 Street Construction Project No. L0001-910367**

Trustee Peerenboom questioned if it was included in the bid that the Village has the ability to pull projects from the contract and staff responded that they are all individual projects but there would be an impact on the contract depending on what would be pulled out. Trustee Peerenboom stated he is particularly requesting to consider pulling Harvest Trail out of the contract and he didn't realize last week when approving the utility contracts that Harvest Trail was included and he would like to see the utility work and the street construction pulled from the bids. C. Kell noted that the utility construction contract has already been awarded and signed and that could significantly impact the contract and the cost of everything and the Village would likely incur a penalty. Trustee Frassetto questioned why we would want to do this as the Board had previously approved moving forward with developing this subdivision and it would be hard to sell the lots without infrastructure. Trustee Peerenboom stated that he doesn't feel the Village should be in the real estate business and he thinks the Village should let a developer develop it. Trustee Hietpas stated he is a little uncomfortable because of the current real estate market and looking at budget cuts and he is not opposed to taking a look at backing off on this project. C. Kell gave a history of the project and the decision by the Board to authorize staff to develop this subdivision and he noted that a significant amount of money has already been spent on the planning for this subdivision. John Elrick, 501 Appletree Ln., commented that this project has nothing to do with the budget that the Board will be going through this fall as he understood when he was on the Board that this project was being financed with a 5 or 7 year note with anticipation that it would be paid back in that timeframe. C. Kell stated the intent is to take out a State Trust Fund loan for the utility work and that won't be done until January and this project was accounted for in the financial planning that Elmers conducted for the Village's debt planning and included in the tax rates that were related to the debt and there was a small tax rate increase on the whole debt package. John Elrick commented that this project will not necessarily affect the assessed rate up or down and C. Kell stated it will affect it at a very minimum. John Elrick further commented that during the election campaigns he heard the candidates comment on holding the line on taxes and if there isn't any new development, the taxes are going to go up and if the effort isn't put forth to spur development, we are going to have no development and increased taxes. Discussion continued.

*Moved by Trustee Frassetto, seconded by Trustee Smith to award the contract for 2011 Street Construction Project No. L0001-910367 to Ptaschinski Construction of Beaver Dam, WI for a total cost of \$1,009,976.39.*

Ayes 5, Nay 2 (Hietpas, Peerenboom) – Motion Carried

**Set Public Hearing Date – Preliminary Plat of Village North Subdivision**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to set a public hearing date for Wednesday, August 24, 2011 at 6:00 p.m. before the Village Board for the Preliminary Plat for the Village North Subdivision.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Citizen Appointments to Police Commission**

President Vanden Berg informed the Board that due to the consolidation with Combined Locks, the Village's representation on the Commission is being reduced by one and Richard Schevers has agreed to step down from the Commission. The members that will continue to serve will be Bill Van Berkel and Scott Schommer. Mr. Schommer is currently up for reappointment to the Commission and President Vanden Berg stated he is recommending reappointing Mr. Schommer to a new three year term.

*Moved by Trustee Peerenboom, seconded by Trustee Mahlik to appoint Scott Schommer to a three year term on the Police Commission.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Unfinished Business**

C. Kell provided an update on the liability issues of the Mutual Aid Box Alarm System Agreement and he noted that the current mutual aid agreement that we have with the Town of Vandenbroek and the Town of Kaukauna states that the municipality requesting mutual aid shall be legally responsible for the acts of the fire fighters responding and he noted that the Fire Chief is bringing up the liability issue at tonight's Fire Chiefs' meeting. C. Kell outlined the schedule for the Finance Director interviews this Friday, stating the candidates would be meeting with Department Heads in the morning and interviews with him and the Village Trustees will be Friday afternoon. C. Kell stated he will be asking the candidates a series of preset questions to respond to and then he will open it to trustees to ask any additional questions that are related to the issue that is brought up and after that if the Trustees have questions they want to ask the candidates they will be free to ask them. C. Kell stated he will gather the impressions from the Department Heads and the Board could meet in closed session next Wednesday to discuss the candidates and he feels that because this is a Department Head that works under him, he should be making a recommendation to the Board but the Village Code does require that the Village Board approve the candidate for the position. C. Kell stated the meet and greet with the candidates and the Village Board will be held at Hollanders at 5:00 p.m. on Friday. C. Kell also reported on an issue that is being checked on regarding a complaint that apparently has been filed with the DOT regarding the removing of the bike lanes on Washington Street. C. Kell stated that the Public Works Director had received an email from the DOT asking why the decision was made to remove the bike lanes and to provide background information and there is an indication they may be considering pulling back some of the grant money provided to the Village. Staff will continue to keep the Board updated on the issue. Trustee Hietpas asked about the letter that was received from a resident that commented on a driveway approach being put in for the Buchanan Pond and staff explained that a driveway approach was not put in but the sidewalk was damaged when the pond was built and the contractor was made to replace it and it was not intended as an access point for the pond. C. Kell stated he will be contacting the resident to explain the situation.

### **Items for Future Agenda**

Board members agreed with Trustee Frassetto's request to put the Rosehill Road Bike lanes on next week's agenda for discussion and possible action. T. Flick requested that the Board give direction or take action on the Deer Culling Program at a future meeting and Board members agreed to put this issue on next week's agenda for action.

*Moved by Trustee Frassetto, seconded by Trustee Peerenboom to enter into closed session. (8:15pm)*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Closed Session: 1.85(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. Purchase of Downtown Properties**

*Moved by Trustee Peerenboom, seconded by Trustee Frassetto to exit closed session and return to open session. (8:25pm)*

Ayes 7, Nays 0 – Motion Carried Unanimously

### **Return to Open Session/Action on Closed Session Item – Purchase of Downtown Properties**

Administrator Kell explained that the Village Board received a proposal from U.S. Ventures indicating that they had a signed offer to purchase all of the Jerry Van Dyn Hoven properties west of Madison Street on W. Lincoln Avenue and W. Main Street. U.S. Ventures intends to keep three (3) of the properties for their facility expansion purposes and they are requesting that the Village purchase the other six (6) properties including five (5) homes for \$500,000. The proposal gives the Village 90 days after closing to decide if they want to remove some, all, or none of the structures at U. S. Ventures expense. After 90 days, removal of any structure would be at the Village's expense. The Village would be expected to reimburse U. S. Ventures \$2,000 for landfill tipping fees for each house they are asked to remove.

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to approve the offer to purchase of downtown properties.*

Ayes 7, Nays 0 – Motion Carried Unanimously

### **Adjournment**

*Moved by Trustee Peerenboom, seconded by Trustee Berken to Adjourn the Committee of the Whole meeting at 8:29 p.m.*

Ayes 7, Nays 0 – Motion Carried Unanimously

## **VILLAGE OF LITTLE CHUTE**

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By: Michael R. Vanden Berg, Village President

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Attest: Vicki Schneider, Village Clerk