

MINUTES OF THE REGULAR BOARD MEETING OF DECEMBER 19, 2012

Call to Order: President Vanden Berg called the Regular Board Meeting to Order at 6:00 p.m.

Pledge Allegiance to the Flag

President Vanden Berg led members in the reciting of the Pledge of Allegiance.

Roll call of Trustees

PRESENT: Michael Vanden Berg, President
Bob Berken, Trustee
Tammy Frassetto, Trustee
James Hietpas, Trustee
Skip Smith, Trustee
Larry Van Lankvelt, Trustee

EXCUSED: Bill Peerenboom, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator
Jim Moes, Community Development Director
Ray Lee, FVMPD Police Captain
Jeff Elrick, Assistant Director of Public Works
Teri Matheny, Finance Director
Vicki Schneider, Village Clerk
Village Attorney Charles Koehler

EXCUSED: Tom Flick, Director of Parks, Recreation & Forestry, Roy Van Gheem, Director of Public Works

OTHERS PRESENT: Interested Citizens, Media Reps

Public Appearance for Items Not on the Agenda

None

Approval of Minutes

Regular Board Meeting Minutes – December 5, 2012

Committee of the Whole Meeting Minutes – December 12, 2012

Moved by Trustee Van Lankvelt, seconded by Trustee Berken to approve the Regular Board Meeting Minutes of December 5, 2012 and the Committee of the Whole Minutes of December 12, 2012 as presented.

Ayes 6, Nays 0 - Motion Carried

Report of Other Minutes-Other Informational Items

Minutes of the Plan Commission Meeting of November 12, 2012

FVMPD Activity Report – November 2012 and YTD

Board members noted receipt of the informational items.

Ordinance:

Rezoning property located on Rosehill Road, Certified Survey Map #5150 Lots 1 & 2 owned by Irene Hietpas from RC- Residential Single Family District to RT – Residential Two Family District

Trustee Frassetto stated that she believes it would be in the best interest to rezone the property based on the volume of the street but based on the covenants that were presented when the homeowners purchased their lots, she would not support the zoning change because the covenants require single-family homes.

J. Moes stated the covenants do apply to these lots. President Vanden Berg stated that even if the Village changed the zoning the lots are still covered by the covenants. J. Moes stated that Irene Hietpas did stop in to see him and she did not indicate that she wanted to withdraw the request. Further discussion took place.

Moved by Trustee Smith, seconded by Trustee Frassetto to Deny the Rezoning Request filed by Irene Hietpas for a change from RC – Residential Single Family District to RT – Residential Two Family District for CSM #5150 Lots 1 & 2.

Ayes 6, Nays 0 – Motion Carried

Resolutions:

President Vanden Berg stated that the petitioners have requested that Resolution items (a) and (b) be withdrawn from the agenda as they are not ready to move forward at this time.

a) Approving the Signing of a Development Agreement between the Village of Little Chute and Dale and Donna Baeten Revocable Living Trust for Property being Subdivided by Certified Survey Map

b) Approving the CSM for Shade Today – Dale and Donna Baeten, Owners

c) Approving the Exchange of Properties between the Village of Little Chute and St. John Church

C. Kell stated he had shared this resolution with Dale Vande Hey of St. John's and also with Pat Hietpas and he received a call from Mr. Vande Hey informing him that both councils of the Church had met and they are in favor and support this land exchange. C. Kell stated the only outstanding issue is the storm water waiver and he will be working on this with Attorney Koehler and it will be on a temporary basis and only for the Pine St. right-of-way. C. Kell stated the remaining step for the Church is to get approval from the Diocese. C. Kell stated that the resolution puts the Village on record that we are supportive of the swap and the conditions and that the Village staff and President are authorized to sign the legal documents. Trustee Frassetto questioned if this allowed or required the Village to put in a storm drainage system. C. Kell stated that the Public Works Director feels that if the Village is going to store snow on the lot that there would have to be some type of minimal drainage put on the property and when we stop storing snow and the Church decides to develop the property the storm system would be removed.

Moved by Trustee Van Lankvelt, seconded by Trustee Smith to Adopt Resolution No. 44, Series of 2012 Approving the Exchange of Properties between the Village of Little Chute and St. John Church on the contingency that St. John's gets it approved by the Diocese and the storm water waiver issue is worked out.

Further Discussion: Trustee Frassetto questioned whether the Public Works Director had reached an agreement with the owners of the Pine Street Property. C. Kell stated that they have agreed verbally but not with an official legal document. C. Kell stated that he feels that the Church and Mr. Hietpas want to tear the houses down relatively quickly so the resolution states that if they do that before obtaining approval from the Diocese, they will have to pay for the demolition and the Village will not pay for it.

Vote on the motion:

Ayes 6, Nays 0 – Motion Carried

Trustee Hietpas requested that agenda item (J) regarding the employee handbook be taken up after agenda item (O) in case Trustee Peerenboom does show up.

Moved by Trustee Hietpas, seconded by Trustee Frassetto to move agenda item (J) to follow agenda item (O).

Ayes 6, Nays 0 – Motion Carried

Review/Action – Approval of MCO Contract

T. Matheny stated that the contract was reviewed by the Water Commission and they are recommending approval to the Village Board. T. Matheny stated that the base contract increased 1.5% but overall the contract of \$329,653 is up only \$1,700 or .53%. T. Matheny stated the contract is billed on a monthly basis in three parts; a base amount, health insurance, and liability insurance. T. Matheny stated that \$300,000 had been budgeted for the MCO contract.

Moved by Trustee Van Lankvelt, seconded by Trustee Smith to Approve the 2013 MCO Contract.

Further Discussion: Trustee Hietpas asked if there was ever a cost analysis done to see if the Village is still saving money by subcontracting this out. T. Matheny stated that 2013 will be year four of their five-year contract and the contract ends on 12/31/14. Trustee Berken asked how many employees they have working in the water department. T. Matheny stated that regularly there are three employees working in the Village and supplemental help is brought in if needed but none of them are exclusively working for Little Chute. Trustee Van Lankvelt stated he had been on the Water Commission for almost 25 years and before MCO the personnel issues that had to be dealt with were very big and MCO also has expertise from other

communities that they can rely on and reference and they have staff electricians and instrumentation staff that they call in and that is all part of the contract. Trustee Van Lankvelt stated it isn't just them running the Water Department but they have a whole backup of people they can call to get answers. President Vanden Berg stated that they have resources that we didn't have before and we would have to go out and contract for. T. Matheny commented that they started keeping more detailed time logs in 2012 and the Water Commission has asked staff to conduct an analysis in 2013 to delineate a more comprehensive understanding of what services MCO provides because since the initial contract was bid and awarded there have been additional responsibilities added to the contract that were not in the original bid. T. Matheny further commented that they are keeping very detailed records for the Village to put together information to analyze if we are truly saving money and we will know exactly what they perform and the Village will be able to review costs. T. Matheny stated for instance all MCO employees are salary and they don't pay overtime.

Vote on the Motion:

Ayes 6, Nays 0 – Motion Carried

Approval of 2013 Meeting Schedule

Moved by Trustee Smith, seconded by Trustee Van Lankvelt to Approve the 2013 Meeting Schedule as presented.

Ayes 6, Nays 0 – Motion Carried

Operator's License:

Jennifer A. Koslonski 420 Woodland Dr. New London Hawk's Nest

Moved by Trustee Berken, seconded by Trustee Frassetto to Approve the Operator's License as presented.

Ayes 6, Nays 0 – Motion Carried

Department and Officers Progress Reports

Captain Lee stated that the Department will have extra officers available to handle whatever the upcoming snowstorm produces. T. Matheny commented on the additional information she provided to Trustees based on comments made at the budget hearing regarding retiree health insurance and this information will be revisited for the 2013 budget. T. Matheny stated that up to this point \$1.5 million in taxes had been collected. C. Kell provided Board members with a copy of an update on Ignite Fox Cities that showed the investments that have been made and he noted that they are at 75% of their funding goal and if Outagamie County would clear the money that they have in their contingency fund for this it would put them close to their \$800,000 goal. C. Kell commented on Kurt Coenen's request to appear before the Board regarding the Northside Solutions project. C. Kell stated that he feels it wouldn't be productive to have Kurt come before the Board until we find out how Appleton reacts to the agreements that he and the Public Works Director negotiated on the issue. C. Kell stated that we should get an answer back from Appleton relatively quickly and Kurt agreed that nothing would be done until after the holidays and then either Kurt will appear before the Board to talk about the issues and an update will be given on where the situation is contractual with the City or it may be that staff and the Developers will meet with Appleton before he comes to the Board. C. Kell informed the Board that the Design Engineers for the Mill Street Bridge and the State are working on a new schedule for the bridge and he will bring it before the Board when it he has it in his possession. C. Kell reported that he and President Vanden Berg had met with the contractor's representatives, McMahon & Associates as the architect, and a representative of the donor concerning the Village Hall expansion and remodeling project and the intent is to have architectural design contracts on the January 2 agenda for approval. C. Kell stated that it looks like they will be in a position to have contract approvals wrapped up in March and construction would begin in April. Trustee Frassetto asked about the timeline for construction for the salon and C. Kell stated he was told that they would be starting construction last week and he doesn't know why they haven't started. C. Kell stated that they do have an early start permit for the foundation. C. Kell and J. Moes both commented on numerous issues the State has with the building plans that have to be worked out. C. Kell stated he has also given them permission to store their building materials on the balance of our vacant property and they will be giving us a waiver of responsibility.

J. Moes reported that he followed up with the manager of General Beer on the issue with the piles of soil and the fence that was falling down and the manager assured him he would take care of the issues. J. Elrick reported on the advertising for bids for the Main Street Utility project noting that the bid opening would be January 17th and he also stated that they are scheduled to start plowing snow at 4 a.m. tomorrow.

V. Schneider reported that as a follow-up to the issue of gazebos and accessory structures, J. Moes had written an article for the Spring newsletter and for now that article is placed on the website and she will move it to the newsflash section of the website in the Spring and she also reported that the newsletter was available for pickup and would be mailed to residents tomorrow. Attorney Koehler reported that the real estate closings had taken place with the Spierings for Lot 5 in Village North and with Nicolet Lumber/Premier for the Multi-Family lot sale on Elm Drive.

Disbursement List

Moved by Trustee Smith, seconded by Trustee Van Lankvelt to Approve the Vouchers and Authorize the Finance Director to pay all vendors. Ayes 6, Nays 0 – Motion Carried

Review/Possible Action on Village of Little Chute Employee Handbook and Personnel Manual

C. Kell reviewed the following list of changes made to the employee handbook and personnel manual, responded to questions posed by Trustee Peerenboom, and noted items that still needed decisions by the Board.

- Page 7 - 2h – Administrator conducts second step grievance procedures assuming that the Village Administrator is not part of or a party to or the reason for the grievance filed. C. Kell stated at this point it would step by him and go to an impartial hearing officer.
- Page 7 - 1c - C. Kell stated the meaning of this is the Department Heads are appointed by the Village Board based on a recommendation of the Village Administrator. C. Kell stated he could clarify the language.
- Page 8 – 3c- take out word “second”.
- Page 14-5.07(4) - grade point average changed to 2.5 on a 4.0 scale.
- Page 15 – Comp Time Policy – C. Kell stated that this was discussed with Department Heads and what is being setup is a maximum accumulation of 80 hours and at the end of the year, 40 hours would be paid out and 40 hours could be carried over or paid out at the discretion of the Department Head.
- 7.02 Compensation Structure and Process - C. Kell stated that the salary structure is still in the handbook but the actual salary plan that the Board adopts is included as an appendix and this will allow for the Board to make changes to the plan without having to amend the handbook and personnel manual. The Board will just need to adopt the appendix if a change is made to the salary plan and the current salary plan is included in the appendix and the Board will have to decide if that is going to be the plan for 2013.
- Page 18 – 8.06 - Vacation Schedule – C. Kell stated that when this was discussed with the Board, there was Board consensus that the sixth week of vacation would be removed from the schedule for new hires and it reads that the six week is only available to those employees who started employment prior to the adoption of this employee handbook. President Vanden Berg recommended including the date of adoption of the manual under the section of vacation policy.
- Page 18 – Sick Pay – C. Kell stated that the consensus of the Board was to change this to a maximum of 9 days and for bookkeeping purposes he would like to change this to accumulate at 6 hours per month which equals 9 days. C. Kell reported that he had a meeting with employees yesterday and mainly the union employees are not particularly happy with the reduction in the days as in many cases they use their sick days instead of filing a worker’s comp claim so the Department can continue with a good record of no lost time and it keeps insurance costs down. J. Elrick stated that the employees do file an accident report but use sick leave if they need to be off work. Discussion took place on this issue.
- C. Kell noted that he is changing all references to “Department Director” to “Department Head”.

- Page 19 – No employee will be permitted to waive vacation for the purpose of double pay. C. Kell stated that means vacation will not be paid out and the employee has to take it or lose it. C. Kell stated employees are allowed to carryover 40 hours.
- Page 20 – 9.02- Extension of Bereavement Leave shall only be granted in writing by the Department Head and approved by the Village Administrator. C. Kell stated he doesn't believe the word "shall" obligates the Village to grant the extension. Discussion took place on changing the word "shall" to "may". Board members indicated agreement with changing the language to reference that in the absence of the Village Administrator, Department Head approval would be sufficient. C. Kell will make the adjustment.
- Page 22 – 12.01 (1) – Salary Plan – takes it out of the context of the handbook and references the salary plan as Appendix C. C. Kell noted that all items listed under 12.01 are decided after the position is filled and this is done through a process by the Department Head and the recommendations are brought to the Village Administrator. C. Kell stated the core components remain in the handbook but the plan itself will be an appendix.
- Page 23 (5) Re-Evaluations – C. Kell stated that when major changes are made to a position description the pay grade for the position may be adjusted up or down depending on the nature of the changes.
- Page 24 (c) – Demotion – C. Kell stated it doesn't means something would be done automatically but it would be analyzed and a recommendation of a pay rate adjustment would be made by the Village Administrator with approval by the Village Board.
- Page 25 – 13.0 Performance Planning and Review System – C. Kell stated that the manual states that the Board will review Dept. Head reviews with the Village Administrator and that process has been solidified. Discussion took place on the deadlines for review dates and the involvement of the Board for Dept. Heads salary increases and the current salary plan and how it compares to a pay for performance plan. It was also noted that the performance evaluation forms are part of the appendix and could be changed without amending the handbook. Board members present were not in a consensus for moving the dates and President Vanden Berg directed the Administrator to move the performance review dates to November 1 for all employees and December 15th for the reviews of the Department Heads performance evaluations and the Administrator's evaluation. Discussion also took place on the timing of review of the annual budget and T. Matheny stated for next year she could move the start of the budget review to around the 1st of October. President Vanden Berg suggested that the Board set aside time at a future meeting to have a discussion on the current salary plan and a pay for performance plan.
- Page 30 & 31 – Grievance Procedures – C. Kell stated the word "de nova" is a legal term meaning start over. C. Kell noted in Step 2 language was added reading that any grievance that involves actions of the Administrator shall automatically skip step 2 and move to an Impartial Hearing Officer. Trustee Frassetto stated that grievance policy will also need to be amended.
- Page 40 - Electronic Communication- C. Kell stated that the language for this section was loosened up and the original language was too rigid. C. Kell stated that this allows employees to use the fax or copy machine with reimbursement to the Village for the expense. C. Kell stated part of the reason he changed this section is because of the Board's agreement with employees in the Municipal Services building being allowed to use tools, power washers, and water and this wasn't really fair for the office employees. C. Kell stated he didn't believe there is any abuse of this and employees may use electronic communications or copy/fax equipment only on an incidental basis with limited use. C. Kell stated Department Heads would be responsible for monitoring the employee's actions. Discussion took place. Attorney Koehler stated that what is written is a flexible and a discretionary judgment situation and it could be more specific but it would take some work to put the parameters in place and going with a flexible, discretionary system like this could be followed and if there is some abuse it could be modified to deal with the situation. Discussion continued. No changes were recommended by the Board.

- Page 46 – C. Kell noted that all employees will be required to sign an Acknowledgement of Review and Understanding of the Village of Little Chute Employee Handbook and Personnel Policies.
- Page 58 – 17.23 – Benefit Continuation During Leave – C. Kell explained that this is for situations where employees are on paid or unpaid leave and their benefits continue for 90 days with the employee paying their employee share and this is as long as the employee is returning to work. The employee would be billed for 100% of the cost of their benefit coverage's should they fail to return to work. Discussion took place. The Board did not recommend any changes to this section.
- Page 61 – Harassment in the Workplace – C. Kell stated he meant to include the Village President in the language under Complaint Reporting and he will add that back in. C. Kell stated that if the employee isn't comfortable filing a claim with their supervisor, Department Head or the Village Administrator and it is filed with the Village President, it is now filed outside the Village's personnel system and does that mean that the Village President will take the investigation forward. C. Kell asked the Board if that is what they wanted as there is an expectation of minimal disclosure in means of public knowledge, an expectation of dealing with it promptly and he questioned if the Village staff would know this is even going on and he questioned the ramifications that haven't been considered. C. Kell stated it was Trustee Peerenboom's recommendation to include the Village President if the employee wasn't comfortable going to the Village Administrator. Discussion took place. T. Frassetto stated that Trustee Peerenboom would have to inform the Board what his intent was with his statement. Discussion continued. T. Matheny commented that it would be beneficial for staff to receive training on harassment issues. Trustee Frassetto suggested that staff research to see if there is an option to have an insurance company come in to do some training on harassment issues. No action taken at this time.
- Page 62 – Residency – C. Kell stated he has left the policy as it was stating all Village Department Heads and the Village Administrator shall live within 10 miles of the corporate limits of the Village within 12 months of beginning employment. Individual Employment Agreements with the Village Board can provide for an extended time period. Trustee Frassetto and Trustee Hietpas stated that they want to see it required that the Village Administrator live within the Village limits. Discussion took place. Trustee Berken agreed that the Administrator should live in the Village and a special circumstance could be looked at. President Vanden Berg stated it appears that the Board is split three to three on this issue and this will be discussed at the next meeting.
- Page 63 – Solicitations and Distributions – C. Kell stated this allows for the United Way Campaign and for employees being permitted to sell for fundraising items for youth athletic or school fundraisers and for girl scouts and those of a similar type nature.
- Page 63 – Use of Village Vehicles – C. Kell stated that there is criteria in the Village's Vehicle Use Policy which is an appendix and it give the Administrator the authority to determine employees use of Village vehicles. This item will be revisited.
- Page 65 – 17.38 Weapons – C. Kell stated the question was about how this applies to legal authority and he envisions this would apply to Sherriff Deputies, FBI agents, Investigators and others that have the authority to carry a weapon. Captain Lee stated that the buildings are posted that no concealed carry is allowed in the buildings.
- Page 66 – 17.39 Workplace Safety – C. Kell stated this authorizes the Village Board to pull together a Safety Committee but he doesn't really see a need for it as the Public Works Department has regular safety meetings. Trustee Van Lankvelt commented that the Fire Department also has regular safety meetings. J. Elrick stated they hire a company to come into do safety training and they also provide safety training to part-time staff.

C. Kell stated that he will make the noted changes and it will be brought back to the Board at their first meeting in January to review the outstanding issues and for possible adoption. Trustee Frassetto asked about the section of Employee Personnel Files and where they are kept. C. Kell stated that the Finance Dept. keeps the initial hire forms and financial forms and he keeps the Department Head evaluations and the Department Heads keep the evaluations for their employees.

Trustee Frassetto stated she would like to see it referenced as to where files on the Administrator are to be kept. C. Kell stated he could pose the question to the Administrator's network and he will let the Board now what responses he receives.

Call for Unfinished Business

None

Items for Future Agendas

Board members agreed to cancel the Board meeting on December 26, 2012. T. Matheny asked the Board if they were moving forward with no pay increases on January 1 as she needs to know for payroll purposes by the 1st meeting in January. President Vanden Berg stated they would know more after the meeting tonight. Trustee Van Lankvelt stated he would like to have a future agenda item sometime next year to discuss retirees' health insurance.

President Vanden Berg stated that item (a) under closed session is being deferred to another time as the offer to purchase has not yet been received.

Moved by Trustee Frassetto, seconded by Trustee Van Lankvelt to enter into closed session.

(8:09 pm)

Ayes 6, Nays 0 – Motion Carried

Staff and the Village Attorney were excused from the meeting at this time. The Village Administrator was present for the item (b) (1).

- a) 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. *Offer to purchase - 316 W. Lincoln Avenue*
- b) 19.85(1)(c) Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute (g) Conferring with Legal Counsel for the Village, legal counsel rendering oral or written advice concerning strategy to be adopted by the Village Board with respect to litigation in which the Village is now or is likely to be involved.
 - 1) *Review of Department Heads Performance Evaluations with the Village Administrator*
 - 2) *Discussion of a personnel contract matter*

Moved by Trustee Smith, seconded by Trustee Frassetto to exit closed session and return to open session. (10:40 pm)

Ayes 6, Nays 0 – Motion Carried

Return to Open Session

No action taken.

Adjournment

Moved by Trustee Smith, seconded by Trustee Frassetto to adjourn the Regular Board meeting at 10:40 p.m.

Ayes 6, Nays 0 - Motion Carried

VILLAGE OF LITTLE CHUTE

By: _____

Michael R. Vanden Berg, Village President

Attest:

Vicki Schneider, Village Clerk