

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF MARCH 13, 2013

### 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 Hietpas, Trustee Peerenboom, Trustee Smith, Trustee Van Lankvelt

EXCUSED: Trustee Frassetto

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

### Public Appearance for Items not on the Agenda

None

### Action – Resolution – CSM – 911 W. Evergreen Drive – Scott Schmalz, Darwin Schmalz

J. Moes stated that the CSM slightly adjusts the lot line between the two lots and the Plan Commission has reviewed the CSM and they are recommending approval.

*Moved by Trustee Berken, seconded by Trustee Hietpas to Adopt Resolution No. 9, Series of 2013 Approving the CSM for Lot 2 of CSM 3272 and part of Lot 1 CSM 1118 for owners Scott Schmalz and Darwin Schmalz*

Ayes 6, Nays 0 – Motion Carried

### Possible Action – Resolution – CSM – Shade Today – Mel Baeten/Big D's Development – Fullview Drive

Staff stated that no action is needed as it is now the understanding that they are going back to the CSM that was previously approved by the Board.

### Review/Possible Action – Approving Easement in Heritage Park for WE Energies Natural Gas Relocation/Upgrade Project on W. Lincoln Avenue

President Vanden Berg stated that no action is needed tonight and this item will be presented on a future agenda.

### Review/Action – Adopt Post Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations

*Moved by Trustee Peerenboom, seconded by Trustee Smith to Adopt the Post-Issuance Compliance Policy for the Village of Little Chute as presented.*

Ayes 6, Nays 0 – Motion Carried

### Review/Possible Action to Award Contract for the Doyle Park Pool Slide Replacement

T. Flick reviewed the proposals for the replacement slide and the money that had been budgeted for the slide and installation. He noted that the low bid of \$114,553 is \$14,553 over budget. T. Flick stated that staff has been looking at options for staying in budget and one way is to remove the structure in-house which would save approximately \$6,000 and to recycle the materials which will bring in some money that will go back into the aquatics fund. T. Flick stated he would work diligently to try to get local contractors to give back to the Village between concrete, electrical, and plumbing. T. Flick stated that depending on how these efforts work out the amount \$14,553 should be reduced and there is also money in the aquatic's fund balance. T. Flick stated that the low bidder Splashtacular, Inc has offered to deduct \$15,500 from their proposal if the concrete foundation is installed by others but he will not be able to get estimates on the foundations until Splashtacular, Inc. engineers them and in order to get the construction documents, the Village will need to contract with Splashtacular Inc. for the construction and installation of a new waterslide. Discussion took place. T. Flick stated he can inform Splashtacular that the Village Board is agreeable to contracting with them but firm cost estimates are needed on the foundations and footings and if they come back at a favorable cost then the Village will sign the contract.

*Moved by Trustee Peerenboom, seconded by Trustee Smith to award the contract to Splashtacular, Inc. of Paola, Kansas in the amount of \$99,053.00 contingent on getting the concrete foundation work installed at an amount not to exceed \$15,500.*

Ayes 6, Nays 0 – Motion Carried

### **Review/Discussion – CIP Update**

T. Matheny reviewed the Village's 2011 and 2012 bond issues and the arbitrage concerns and she discussed the need for the Village to comply with expending all bond funding by August of 2014.

T. Matheny reviewed the projects that were slotted to be funded with the bonding but have been delayed and she discussed the projects she and the Public Works Director are proposing as replacement projects for 2014. Jay and Kelly Streets and Violet Lane would remain in the 2014 CIP plan and Grand Avenue and McKinley Street would be removed from the plan and if feasible replaced with Fillmore Street, Hayes St., and Miami Circle as they both have significant storm water construction components to the projects.

T. Matheny stated preliminary engineering would be needed for these projects to see if they are feasible to pursue. The 2011 financing would not be held for storm water projects for the Buchanan interceptor, Taylor Street and Pheasant Run. The 10% spend down requirement for the 2012 Notes will be complied with for the down payment on the pumper, civic center roof replacement and engineering and the requirement for spend down for November 2013 should be met with the water portion of Main Street.

T. Matheny stated that the Board will be provided monthly reports that itemize the progress of the capital improvement projects. Discussion too place. J. Moes stated as a property owner on Miami Circle, while he understands the Village's position in trying to meet its obligations on the borrowing, in his observation two-thirds of Miami Circle is in reasonable condition and is serviceable for another five years and if it is done sooner, the property owners that have to pay for the street are losing out on the investment they previously made. J. Moes stated he would encourage getting the other streets that are in dire conditions done and not do Miami Circle because it is in reasonable condition and he recommended that Board members take a drive on the street and he further stated that Daytona Lane is in worse condition and this is his opinion as a property owner. C. Kell stated that he and the Village President had a meeting with the landowner involved with the interceptor project and Taylor St. and they believe it was understood about the urgency to get the project moving forward and the Village should be getting cooperation on that but he still thinks that the contingency projects should be put in place as recommended. Trustee Smith stated he understands spending the money on preliminary engineering but he doesn't want to see us short of money if the projects that were originally bonded for move forward. C. Kell stated that through the State Trust Fund the Village has the ability to get funds in a reasonable time and there are reserves in the utility funds. Trustee Peerenboom asked if shuffling projects is ok to do with the bonding proceeds. T. Matheny stated it depends on the type of financing and the 2011 bonds had specific purposes called out and they have to be spent that way but the fortunate part is that the largest purpose was public works which is any public purpose project. T. Matheny explained that revenue bonds that were issued for utilities and the utility fees or revenues pay back those bonds then they have to be utility projects. T. Matheny stated that the 2012 notes and the Village Hall notes can be used for anything as a public purpose other than buying land for resale. T. Matheny stated that in the future if a private party is involved in projects she would suggest setting milestones and only taking debt to cover the milestones but the cost of the financing also needs to be considered. C. Kell stated he does not have any concerns about meeting the deadlines for the Village Hall project. President Vanden Berg stated he agrees with Mr. Kell's observations in regards to the Buchanan interceptor but he also recommends doing the contingency planning. R. Van Gheem stated that they will have to expend some funds and manpower time for the preliminary engineering for the contingency projects. Board members indicated consensus with moving forward with preliminary engineering for the contingency projects.

### **Unfinished Business**

C. Kell informed the Board that the Village President signed the contract to purchase the fire truck and if the truck is paid for upfront within 30 days of signing the contract, Pierce is offering 5% interest on the payment and they will give the Village an interest deduct on the price of \$7,648.00 and that is given right up front. C. Kell stated there is going to be a performance bond on the truck and he needs to check into that further and if it looks like a strong program he recommends paying upfront to get the savings. C. Kell stated he will report back on the performance bond.

Trustee Van Lankvelt asked about John Elrick approaching Mr. Flick about the pond. T. Flick stated that John Elrick had approached him about the possibility of shifting the Heesakker Park off-street parking lot further south as a proactive move for a future pond site if the Village would ever approve constructing a pond down there. T. Flick stated Mr. Elrick was requesting that the Village look into this and consider the concept. T. Flick stated he did discuss this with Nick from McMahon and some of the parking would be lost, the grades would change and there would be re-engineering costs, water could not be drained to the north which is what they were hoping to do to get storm water treatment and there would be some issues with complying with ADA accessibility from the parking lot to the multi-use trail which could be done but there would be a cost increase. Trustee Van Lankvelt asked the Board if they were even willing to consider putting a pond in this area. Trustee Smith stated that we are pretty far into the process to make changes as the bids are going to be open tomorrow. Nick Vande Hey stated a change order could be given to the contractor for changes in grades or parking lot configurations under the current contract.

Nick Vande Hey stated that with the pond the parking lot would have to be higher and with the current design of the parking lot the odds are that the parking lot would have to be taken out in order to put in a pond. Nick Vande Hey stated the parking lot could be put in at the grade needed for a pond and the site would need to be raised a good five or six feet and the trail may be able to be shifted to the other side of the parking lot. T. Flick stated that construction on the trail head parking and the trail has to be completed by June 20, 2013. Trustee Peerenboom stated he wouldn't change his vote on not putting the pond in this location and this issue has been discussed and voted on a number of times and he can't see delaying this project when bids are being opened tomorrow. President Vanden Berg stated he thinks this is a matter of the Board deciding if they want to consider this. Nick Vande Hey commented on the timeline for the project and what would be involved with changing the design to complete a change order for the contractor. T. Flick stated that a decision on this would have to be made in two weeks. Discussion continued. Board member indicated consensus with moving ahead with the project as it currently is designed.

### **Items for Future Agenda**

Trustee Van Lankvelt asked the Board if they would want to discuss possible changing the rotation and time of the terms for Trustees and Board members and change it to voting for two board members each year instead of three and a three-year term may be better than a two-year term. Board members indicated agreement with placing this item on a future agenda for discussion. J. Moes stated that on next week's agenda he will be bringing forward the revaluation proposals.

President Vande Berg asked Board members if they wanted to have a future agenda item regarding a pond at Heesakker. No Board members responded.

C. Kell, J. Moes, and Clerk Schneider were present for closed session item (a) and then they were excused from the meeting.

*Moved by Trustee Smith, seconded by Trustee Peerenboom, to enter into closed session. (7:14pm)*

Ayes 6, Nays 0 – Motion Carried

**Closed Session:**

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 of 316 W. Lincoln Ave.*

b) 19.85(1)(c) Consideration of Employment, Promotion, or Performance Evaluation Data of any Public Employee of the Village of Little Chute and 19.85 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. *Discussion of a personnel contract matter.*

*Moved by Trustee Berken, seconded by Trustee Peerenboom to exit closed session and return to open session. (7:35 pm)* Ayes 6, Nays 0 – Motion Carried

**Return to Open Session**

No action taken.

**Adjourn**

*Moved by Trustee Berken, seconded by Trustee Peerenboom to Adjourn the Committee of the Whole meeting at 7:35 p.m.* Ayes 6, Nays 0 – Motion Carried

**VILLAGE OF LITTLE CHUTE**

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By: Michael R. Vanden Berg, Village President

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Attest: Vicki Schneider, Village Clerk