

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF MARCH 27, 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 Frassetto, Trustee Hietpas, Trustee Peerenboom, Trustee Smith, Trustee Van Lankvelt

ALSO PRESENT: C. Kell, J. Moes, T. Flick, T. Matheny, R. Van Gheem, G. Brouillard, V. Schneider Interested Citizens, Media Reps

### Public Appearance for Items not on the Agenda

None

### Action on Insurance Claim – Hammen

Ken and Sharon Hammen, 636 Van Buren Street, addressed the Board concerning the insurance claim and the damage that happened to their personal belongings, the property, and the cleanup that they have had to do. The incident that occurred was a water main break on Main Street and the water flowed into the basement of 636 Van Buren St. The Hammen's stated that their renters insurance would not cover the damages/losses because they did not have flood insurance and their insurance company viewed this as flood damage. Discussion took place. The Hammen's were asking the Village Board to consider reimbursing them for their losses. The Village's insurance company recommended denial of the claim because they found no negligence on behalf of the Village. It was explained to the Hammen's that if the Village doesn't follow the insurance's company's recommendation, the insurance company will not defend the Village should a lawsuit develop.

*Moved by Trustee Smith, seconded by Trustee Peerenboom to deny the claim filed by Ken and Sharon Hammen based on the recommendation of the Village's Insurance Claims Administrator.*

Ayes 5, Nays 2 (Berken, Frassetto) – Motion Carried

Mr. Hammen suggested that the Village look at educating people about purchasing flood insurance so they are covered in case they incur damage to their property due to a water main break. J. Moes stated he will prepare an article for the Village's newsletter.

### Action – Award Bid for Civic Center Roof Replacement

G. Brouillard reviewed the bids and the requirements of the specification manual. G. Brouillard stated that he and McMahons are recommending awarding the bid to Northwestern Roofing as they are the qualified bidder. Trustee Peerenboom asked if the other two contractors were not considered as qualified bidders because they could not supply an example of reverse ballasted roof projects that they had done.

G. Brouillard stated that was correct and that is the reason those bids were not being recommended.

*Moved by Trustee Frassetto, seconded by Trustee Smith to Award the Bid for the Civic Center Roof Replacement to Northeastern Roofing.*

Ayes 7, Nays 0 – Motion Carried Unanimously

### Presentation by Fox Wisconsin Heritage Parkway

Jim Draeger and Candice Mortara gave a presentation on the history and goals of the project, the management & board structure, funding, and the partnerships involved in the project. A question and answer session followed the presentation. T. Flick reminded the Board that the Parkway organization was asking for \$150 a year in support and a resolution supporting the Fox Wisconsin Heritage Parkway would be presented to the Board next week for action.

### Action - Vote on Ratification of FVMPPA Union Contract

C. Kell stated that the FVMPPA did accept and approve the Tri-Boards offer for the 2012-2014 contract.

C. Kell stated that what was approved was the base offer that was discussed in closed session and no changes were made. C. Kell stated a motion is needed to ratify the contract and the contract documents

will be brought back for the President's signature. Trustees Frassetto and Hietpas stated they would abstain from voting as they were not at the Tri-Board closed session meeting.

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to Ratify the FVMPPA Union Contract for 2012-2014.*

Ayes 5, Nays 0, Abstained 2 (Frassetto, Hietpas) – Motion Carried

**Review/Approval of Site Plan and Building Plans for VA Property, LLC Expansion in the Village's Industrial Park and Authorization to Record a 10.5 ft. No-Build Easement on the Village's Public Works Property**

Board members were provided a handout of a letter J. Moes received that indicated the maximum number of employees on the largest shift and also a copy of the easement. J. Moes stated that Attorney Koehler had reviewed the easement and the site plan meets all zoning regulations and Industrial Park Covenants and staff is recommending approval of the site plan and easement.

*Moved by Trustee Frassetto, seconded by Trustee Berken to Approve the Site Plan for the expansion for VA Property, LLC.* Ayes 6, Nays 0, Abstained 1 (Smith) – Motion Carried

*Moved by Trustee Frassetto, seconded by Trustee Berken to Approve the Easement and Authorize the Village President and Village Clerk to sign the easement as presented.*

Ayes 6, Nays 0, Abstained 1 (Smith) – Motion Carried

**Review/Approval – Amendment to the Village's Revolving Loan Fund Manual**

C. Kell reviewed the amendments to the manual that are being required by the U.S Department of Housing and Urban Development. C. Kell stated that is the Federal agency that monitors Wisconsin's Community Development Block Grant program.

*Moved by Trustee Peerenboom, seconded by Trustee Van Lankvelt to Approve the Amendments to the Village Revolving Loan Fund Manual as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Review/Village Board Direction on 2013 Street Construction Preliminary Plans**

R. Van Gheem reviewed the preliminary project plans that consist of installing a storm sewer for the Stoney Ridge Apartment site off W. Elm Drive, replacement of water and storm water mains with the construction of storm water laterals where needed on Wisconsin Ct., spot replacement of sanitary and storm sewer mains and storm water laterals where needed on E. Elm Dr. from Ceil St. to Buchanan St., and asphalt replacement on Harding St., Sheridan Ct., and Woodland Ct. There will be spot replacement of curb and gutter and sidewalk. R. Van Gheem stated that the bid opening for these projects will be on April 11 and the public hearing for assessments combined with the informational meeting will be held on April 15. R. Van Gheem stated that the Department will plan to move forward with these projects unless the Board objects. Board members did not indicate any objection to moving forward with these projects.

**Action – Preliminary Assessment Resolution Setting a Public Hearing for 2013 Asphalt Paving, Rehab Sidewalk & Storm Sewer Lateral Projects**

*Moved by Trustee Berken, seconded by Trustee Smith to Adopt Resolution No. 11, Series of 2013 a Preliminary Assessment Resolution for 2013 Asphalt Paving, Rehab Sidewalk, and Storm Sewer Lateral projects and set the Public Hearing for April 15, 2013.*

Ayes 7, Nays 0 – Motion Carried Unanimously

**Review/Possible Action on Vandenbroek/Depot Street Intersection Project Including Possible Action on Resolution for the Acceptance and Dedication of Additional Street Right-of-Way Adjacent to Vandenbroek Street as Public Street**

Board members and staff discussed the proposal to realign the intersection this year due and this project is being considered again at this time due to a \$100,000 donation for this project contingent upon it the project being completed this year. Trustee Peerenboom stated that the donation is something to consider to lower the Village's cost of this project but he also expressed concerns with the visibility at the intersection and suggested that parking should be pushed back to help with the visibility issue. Trustee Van Lankvelt stated he supports this project. Staff stated that the project would include the infrastructure for traffic signals to be placed at this intersection in the future. Staff also pointed out that there were various options that could be looked at for the area that would be eliminated as street right-of-way. Trustee Frassetto stated she would like to see a proposed design and costs brought forward before committing to the project. T. Matheny stated that there would be funds available for the project. President Vanden Berg stated that there have been studies done over the last 30 years that have recommended straightening this intersection and he supports moving forward with the project this year. J. Moes reminded the Board that WE Energies needs to run a gas line to the salon and that will either be in the street right-of-way if it is reconstructed or an easement will be needed if the street isn't reconstructed but a decision needs to be made so they can proceed. Some board members also expressed concern with passing a resolution to dedicate additional street right-of-way if the project didn't move forward at this time. R. Van Gheem stated that the project costs could be around \$200,000 instead of \$250,000 as was previously estimated but it will depend on the design selected for the project and there is minimal utility work needed for this project.

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to authorize staff to move forward with the design of the Vandenbroek/Depot Street Intersection project.*

Ayes 4, Nays 3(Berken, Hietpas, Peerenboom) – Motion Carried

*Moved by Trustee Van Lankvelt, seconded by Trustee Smith to Adopt Resolution No. 12, Series of 2013 Acceptance and Dedication of Additional Right-of-Way Adjacent to Vandenbroek Street as Public Street.*

Ayes 3, Nays 3 (Berken, Frassetto, Hietpas) Abstained 1(Peerboom) – Motion Failed  
J. Moes stated he would present for approval at next week's meeting an easement for the WE Energies gas line.

**Unfinished Business**

Trustee Hietpas asked what was being done about a concern a resident on Pierce Ave., had with a neighbor's property. J. Moes stated that his department did not find any ordinance violations on the property at this time but they will take a look at the property again when the snow has melted and there is not an ordinance in place that regulates whether garbage containers can be stored in front of the house or on a front deck or patio. V. Schneider stated that the Police Chief informed her that the Department would follow up and enforce any ordinances that they can on their end. J. Moes stated he understood that there may have been an unlicensed vehicle on the property that the Police Department followed up on.

**Items for Future Agenda**

Trustee Van Lankvelt suggested that the Board look at adopting an ordinance concerning storing of garbage containers in front of homes. Village staff and other Board members commented that it would be a difficult ordinance to enact because at some properties, the residents have no other choice than to place their garbage and recycling containers in the front of their homes.

C. Kell was present for closed session item (a) and then they were excused from the meeting.

*Moved by Trustee Smith, seconded by Trustee Van Lankvelt, to enter into closed session. (7:47pm)*  
Ayes 7, Nays 0 – Motion Carried Unanimously

**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.

1. Possible Purchase of Property for Sanitorium Road Pond Project
2. Possible Investment of Public funds for a Development Project and Review of Developers Agreement

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 Peerenboom, seconded by Trustee Frassetto to exit closed session and return to open session. (9:21 pm)*  
Ayes 7, Nays 0 – Motion Carried Unanimously

**Return to Open Session**

No action taken.

**Adjourn**

*Moved by Trustee Peerenboom, seconded by Trustee Frassetto to Adjourn the Committee of the Whole meeting at 9:21 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