

## **MINUTES OF THE REGULAR BOARD MEETING OF JANUARY 16, 2008**

The Regular Board meeting was called to order at 6:00 p.m. by Charles Fischer, Village President  
**Invocation**

President Fischer called for a moment of silence.

### **Pledge Allegiance to the Flag**

President Fischer led members in the reciting of the Pledge of Allegiance.

### **Roll call of Trustees**

PRESENT: Charles Fischer, President  
Brian Joosten, Trustee  
John Elrick, Trustee  
Steve Ransbottom, Trustee  
Uriah Van Ooyen, Trustee  
Janet Verstegen, Trustee  
Judd Vanden Heuvel, Trustee

### **Roll Call of Officers and Department Heads**

PRESENT: Dave Peterson, Police Chief Fox Valley Metro  
Dale Haug, Finance Director  
Jim Moes, Community Development Director  
Tom Flick, Director of Parks, Recreation and Forestry  
Roy Van Gheem, Director of Public Works and Jeff Elrick, Assistant Director of Public Works  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

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

David Winkel, representing Cinder Care at 715 Depot Street, commented to the Board about the issues of a storm sewer on Cinder Care property and the Village's parking lot. Mr. Winkel provided Trustees with photos from a recent rain and water running off the Village's parking lot onto Cinder Care property and stated that Cinder Care is requesting that the Village remove the storm sewer pipe or purchase an easement for it and remove its water from their property. Board members noted that a Closed Session on this issue is on tonight's agenda.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Amend the Agenda to take Item K – Discussion Possible Action on Concrete Street Designs for 2008 Projects as the next item of business.*  
Ayes – 7, Nay 0 – Motion Carried Unanimously

### **Discussion/Possible Action on Concrete Street Designs for 2008 Projects**

Lori Stumpf, 417 Johnson Avenue, presented a petition to the Board on behalf of the Johnson Street residents and the petition opposes the narrowing of Johnson Street by six feet. Dane Lamers, 726 Jackson Street, asked for clarification on the construction of Jackson Street in concrete. R. Van Gheem informed the resident that the policy requires that if more than 30 – 40% of the curb and gutter needs replacing it is more cost effective to replace all the curb and gutter and those streets will then be constructed in concrete as it has been determined to be more cost effective. R. Van Gheem also informed Mr. Lamers that the width of the street from curb face to curb face is being proposed at 22 feet and that does not include the width of the sidewalk and the sidewalk is being relocated to the west side of the street. Board members agreed that Canal Street, Wilson Street and Depot Street will be designed as had been presented by the Village Engineers. Board members discussed the proposed design of reducing Johnson Street to 27 feet and the issues of the driveway grades. Staff stated that

the best option to address the various issues of the driveway grades and storm water drainage are to reduce the width of the street to 27 feet. In response to a concern by Gary Hartjes, 322 Johnston Street, R. Van Gheem informed residents with special needs that they should contact the Public Works Department and the residents will try to be accommodated. Trustee Ransbottom informed the residents that they need to be aware that the street width of 30 feet is an additional \$480 assessment charge to the residents and a wider street means a higher assessment cost for all taxpayers and that the grade steepness issues will not be improved. R. Van Gheem stated that ADA issues, crowning the street, and correcting drainage issues would cause the driveways to be steeper at the current width of 33 feet because of the design needed to address the various issues.

President Fischer stated he has confidence in the Village's engineering and design team and recalled the issues on McKinley Street when the Board agreed to make the street wider at the requests of the residents. President Fischer stated he has heard what the advantages are to going with a 27 foot street and asked what the advantages were to going wider. Lori Stumpf stated the traffic in the summer is heavier and there are cars parked galore on the street and cars passing each other and safety is a concern and it is in worse in the winter because of snow. R. Van Gheem stated the traffic count in the area is low and it is not intended that two cars can pass at the same time. Jessi Sable, 1019 Jefferson Street, stated it is hard for him to get through the road now with his truck. Discussion continued with residents expressing concerns with narrowing the street because of safety, parking, and traffic issues. R. Van Gheem stated the cost from going from 27 feet to 33 feet is an extra \$11 per foot going from \$70 to \$81 per foot and studies have shown that narrower streets are safer. Lori Stumpf stated that all property owners on Johnson Street signed the petition with the exception of a vacant house and one residence. Trustees discussed with staff the options for increasing the width to 29 or 30 feet. Michael Stouffer, a resident on Bluff Avenue, commented on the extraordinary effort R. Van Gheem and his staff made to accommodate his disabled wife during the construction on their street. R. Van Gheem stated that the bidding for the project should be in February or early March to get the best prices but if the design changes, the bidding process will have to be pushed back and the cost for the redesign will also be allocated to all taxpayers. Trustee Elrick asked the residents if they are willing to sign a document stating they will pay for any fixes that are needed if the street is designed at 33 feet as that width will create problems for the residents' driveways as it did on McKinley Street and R. Van Gheem stated that 100% of the property owners would have to agree to easements to move the sidewalk back to private property to make a 33 foot design work. Trustee Verstegen stated that it appears the 33 foot street width is not going to work but a 29 foot width would work and that there is a problem with parking near the intersection of Johnson Street and Madison Street that needs to be addressed and she asked if there was a consensus for the 29 foot width.

Trustees concurred with Trustee Verstegen. Chief Peterson and R. Van Gheem stated that the parking issue would be looked at in the spring. It was noted that Wilson Street has a heavier traffic count and that is the reason the street is remaining at 33 feet. R. Van Gheem stated the 29 foot width will function but there may be problems with steepness on some of the driveway aprons. Trustee Elrick pointed out that under the Village's policy the cost of the

29 foot width is \$75 a foot compared to \$70 a foot for the 27 foot width. Trustee Elrick didn't agree with pushing the bid date back and Trustee Joosten stated if the residents can't come to a consensus on the 29 foot width, the project should stay at 27 feet. Lori Stumpf stated that she could work with 29 feet as it is better than the 27 width. Chief Peterson stated that residents will need to contact the Police Department if there are concerns with parking on both sides of the street after the construction is completed.

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to change the design of Johnson Street to a 29 foot wide street.*

Ayes 7, Nay 0 – Motion Carried Unanimously

R. Van Gheem informed the Board that the issues with Jackson Street are concerns from residents with moving the sidewalk from the east to the west side, extending the street as requested by some property owners but opposed by others, and consideration for making the street one way. Discussion took place concerning a

Attorney and staff that the agreement applied only to the construction of the street in 1973 and not the current construction project. The current design extends the street to the end of the right-of-way. Mr. Kons, 920 Jackson Street, stated he owns the two lots on the east side and he was interested in having the street extended to his lot and at one time the other property owners had interest in the extension. R. Van Gheem stated that on dead-end street the property owners can agree with 100% consensus to opt out of the sidewalk construction but they will still be assessed for it. Staff suggested that this year's project be constructed on Jackson only to Mc Kinley Street and lay gravel in the right-of-way north of Mc Kinley to provide access to Mr. Kons lot. Board members agreed to move ahead with the current plan on Jackson Street to Mc Kinley Street and to keep the current design to move the sidewalk to the west side and to keep the street as a two way street. Staff will contact the property owners north of McKinley to see if they still wish to have the street extended and if the property owners no longer wish to have the street extended the Village will move ahead with only repair utilities and patch the road. Mr. Kons stated gravel access to his property will be sufficient for now.

### **Approval of Minutes**

*Regular Board Meeting Minutes – January 2, 2008*

*Committee of the Whole Meeting Minutes – January 9, 2008*

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to approve the Regular Board minutes of January 2 and the Committee of the Whole Minutes of January 9, 2008 as presented,*

Ayes 7, Nay 0 – Motion Carried Unanimously

### **Report of Other Minutes – Other Informational Items**

*Police School Liaison Monthly Report – November 2007*

Board members noted receipt and review of the Report of Other Minutes and Informational Items.

### **Action on Budget Adjustment – Carryover 2007 Fire Department Unspent Budget**

<u>Account</u>	2008		2008	
	Adopted <u>Budget</u>	Previously <u>Amended</u>	Amended <u>Budget</u>	Change
Expenditure				
101-52200-212 Clothing	\$ 3,940	---	\$ 6,540	\$2,600
101-39120 Apply Fund Balance	\$132,000	\$136,767	\$139,367	\$2,600

*Moved by Trustee Verstegen, seconded by Trustee Elrick to Approve the Carryover of \$2,600 of unspent 2007 Fire Department budget into 2008 to purchase firefighter drill turn-out gear.*

Roll Call Vote: Trustee Verstegen – Yes, Trustee Vanden Heuvel – Yes, Trustee Van Ooyen – Yes, Trustee Ransbottom – Yes, Trustee Joosten – Yes, President Fischer – Yes, Trustee Elrick – Yes

Ayes – 7, Nay 0 – Motion Carried Unanimously

### **Action on Bid Award – 2008 Projects**

R. Van Gheem explained two anomalies with the bid from Jossart Brothers which was the low bid for the CTH. “OO”/Washington Street project and stated that he feels the issues had been resolved and the recommendation is to award the bid for the CTH “OO”/Washington Street project to Jossart Brothers.

*Moved by Trustee Verstegen, seconded by Trustee Elrick to Award Contract No. L0001-970104-A to Donald Hietpas & Sons, Inc, for \$816,041.85.*

Ayes – 7, Nay 0 – Motion Carried Unanimously

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Award Cured-In-Place Contract No. L0001-970104-B to Jossart Brothers, Inc., for \$767,982.00.*

Ayes 7, Nay 0 – Motion Carried Unanimously

**Approval of Administrator's Request to Attend National Planning Conference**

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Approve the Administrator's request to attend the National Planning Conference.*

Ayes – 7, Nay 0 – Motion Carried Unanimously

**Operator's Licenses**

<i>Amanda J. Leary</i>	<i>564 W. Henry St.</i>	<i>Kaukauna</i>	<i>Jacks or Better</i>
<i>Kendra N Tolliver</i>	<i>2601 Henry St.</i>	<i>Appleton</i>	<i>Express</i>
<i>Julie A. McGrath</i>	<i>1511 Biscayne Dr.</i>	<i>Little Chute</i>	<i>Express</i>
<i>John Thao</i>	<i>2919 W. Glenpark Dr.</i>	<i>Appleton</i>	<i>Express</i>
<i>Christine N. Priest</i>	<i>2021 N. Taylor St.</i>	<i>Little Chute</i>	<i>Van Zeeland Oil</i>
<i>Patty G. School</i>	<i>701 B. Jefferson ST.</i>	<i>Little Chute</i>	<i>Express</i>

*Moved by Trustee Verstegen, seconded by Trustee Elrick to approve the operator's licenses for the individuals listed above as presented.*

Ayes 6, Nay 0, Abstained 1 (Vanden Heuvel)– Motion Carried

**Department and Officers Progress Reports**

Chief Peterson – no report. D. Haug reported that the adopted CIP and 2008 budget booklets were distributed and that the server at Village Hall will be replaced in the next few weeks. D. Haug also reported that staff is working on year end processes and W2 forms had been completed and distributed. C. Kell reported that he had met with the DOT, County and the Consultants on the Mill Street Bridge project and the DOT has assured the parties that the project will meet all deadlines to have the project completed by the spring of 2010. C. Kell stated he also met with the Fox River Locks Navigational Authority on the timeline so the project schedules will correspond with each other. C. Kell stated that several proposals for the round-about study had been reviewed by staff and they will be meeting with the County next week to make the selection for the consultant. C. Kell reported that Beth Jasiak has resigned from the Police and Fire Commission due to relocating out of the Village and the Village Board will need to make an appointment of a resident to complete the term.

C. Kell reported on a positive comment made by Jim Schlies, Vice President of Economic Development of the Fox Cities Camber & Industry, that appeared in the *New North* publication concerning Little Chute's growth potential. C. Kell updated the Board on the situation with the Buchanan Street Bridge and the lack of cooperation from the Town of Vandenbroek for the Buchanan Street bridge replacement and the Village is currently negotiating a land purchase to gain control of the land and now the property owner is considering annexing into the Village if the Town doesn't cooperate and C. Kell asked Board members to thank the landowner for his cooperation when they see him. J. Moes reported that on next week's agenda will be review and action on a site plan for Victor Allen. T. Flick reported that the Department has finished the terrace tree trimming program on Fox Court and it is now moving to the Van Lieshout Park area, that they are picking up Christmas Trees, and are working on the 2008 program books. R. Van Gheem stated the Department is working on numerous projects and is preparing for the upcoming predicted snowfall. V. Schneider stated that 200 people have signed up for the Recognition Dinner and the recodification continues to be worked on.

Attorney Koehler – no report.

## Disbursement List

D. Haug stated the correct amount of disbursements is \$418,279.81 which is \$124.28 less than previously reported due to an error in entering the amount of a disbursement.

*Moved by Trustee Van Ooyen, seconded by Trustee Ransbottom to approve the disbursement list as corrected and to authorize the Finance Director to draw from the respective funds.*

Ayes 7, Nay 0 – Motion Carried Unanimously

## Call for Unfinished Business

None

## Items for Future Agenda

President Fischer stated he would like the Board to consider a review of the rental policy for the Village Hall as he had been approached by residents whom wish to rent the hall and are willing to make a large security deposit for the rental. Board members agreed to place the Village Hall Room Rental Policy on next week's agenda for review and discussion.

Chief Peterson requested that the Board consider making an appointment to the Police Commission at next week's meeting as he does have a hearing coming up before the Police Commission in February. Board members agreed to consider an appointment to the Commission at next week's meeting.

*Moved by Trustee Verstegen, seconded by Trustee Elrick to enter into Closed Session.*

Ayes – 7, Nay 0 – Motion Carried Unanimously

**Closed Session:** *Legal 19.85(1)(g), Wis. Stats. Conferring with legal counsel for the Village, who 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 become involved – Settlement Proposal from Cinder Care of Little Chute Inc.*

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Exit Closed Session.*

Ayes – 7, Nay 0 – Motion Carried Unanimously

## Adjournment

*Moved by Trustee Ransbottom, seconded by Trustee Vanden Heuvel to adjourn the meeting at 9:10 p.m.*

Ayes - 7, Nay 0-Motion Carried Unanimously

## VILLAGE OF LITTLE CHUTE

By: \_\_\_\_\_  
Charles Fischer, Village President

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Attest: Vicki Schneider, Village Clerk