

MINUTES OF THE REGULAR BOARD MEETING OF AUGUST 6, 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, Village President
John Elrick, Trustee
Jason Leicht, Trustee
Steven Ransbottom, Trustee
Skip Smith, Trustee
Uriah Van Ooyen, Trustee
Janet Verstegen, Trustee

Roll Call of Officers and Department Heads

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

EXCUSED: Charles Kell, Village Administrator and Dale Haug, Finance Director

Public Appearance for Items Not on the Agenda

Michael Stouffer addressed the Board about the Village's clay sewer pipe policy and asked the Board to consider removing language from the ordinance that implies modern clay sewer pipe is inadequate and stated he will not be able to attend next week's meeting but he understood the Mike Vandine will be available as scheduled to speak to at next week's meeting about clay pipes. Mr. Stouffer also provided comments on toxic injury and awareness and read a proclamation signed by Governor Doyle in January of this year. Mr. Stouffer asked the Board to consider adopting a resolution concerning acknowledgement of the chemically injured in the community. A written copy of Mr. Stouffer's comments and the proclamation from Governor Doyle and proclamations from other governors throughout the Country were provided to the Clerk.

Approval of Minutes

Regular Board Meeting Minutes – July 16, 2008

Committee of the Whole Meeting Minutes – July 23, 2008

Moved by Trustee Verstegen, seconded by Trustee Ransbottom to approve the Regular Board minutes of July 16 and the Committee of the Whole Meeting minutes of July 23 as presented.

Ayes 7, Nay 0 – Motion Carried Unanimously

Report of Other Minutes – Other Informational Items

Minutes of the Joint Library Board Meeting – July 22, 2008

Board members noted receipt of the informational item.

Ordinance – Action Item

Amending Village of Little Chute Municipal Code – Zoning Code Section 13-1-44(f) RC – Residential Single Family District, Permitted Accessory Signs

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Ordinance No. 10, Series of 2008 Amending Village of Little Chute Municipal Code – Zoning Code Section 13-1-44(f) RC – Residential Single Family District, Permitted Accessory Signs.

Ayes 7, Nay 0 – Motion Carried Unanimously

Resolution – Action Item

CSM – Kraft Pizza Corporation

J. Moes asked the Board to table action on the Resolution as the appropriate CSM that shows the Village's easements had not been submitted to staff for review.

Moved by Trustee Ransbottom, seconded by Trustee Smith to Table Action on the Resolution approving the CSM for Kraft Pizza Corporation until the appropriate documents are submitted to staff.

Ayes 7, Nay 0 – Motion Carried Unanimously

Review/Approval of New Municipal Water Main Easements on the Kraft Pizza Corporation Property

R. Van Gheem reviewed the handouts he provided to the Board regarding the water main reconstruction and easements on the Kraft property as well as the vacation of the existing water main. R. Van Gheem pointed out the conditions of the easements' agreement whereby the Village is not held liable if events occur that require the water main to be shut down for an extended period of time, the Village will not restore features that are not normally allowed in Village utility easements, and Kraft will be required to pay for costs incurred by the Village while exercising its rights under the easements. R. Van Gheem stated at this time he is requesting that the Village Attorney review the easement documents and Kraft Corporation representatives also need to review the documents.

Moved by Trustee Ransbottom, seconded by Trustee Elrick to authorize staff to negotiate with Kraft Pizza Corporation on the Water Main Easements for the Kraft property.

Further Discussion: Trustee Verstegen asked if the easements and the vacation of the water main would come back to the Board for final approval. Staff stated that the final agreements will be brought back to the Board.

Ayes 7, Nay 0 – Motion Carried Unanimously

Review/Approval of the Vacation of Existing Water Main Easements on the Kraft Pizza Corporation Property

Staff stated this agenda item was covered by the motion made for agenda item J regarding the easements with Kraft Corporation.

Award Contract – Doyle Park Storm Sewer and Heesakker Trail

T. Flick reviewed the project and the bids and commented that the project is \$6,276.80 over budget and he is recommending using the park improvement fund to pay for the increased cost. T. Flick pointed out that a grant for paving the trail has been applied for and if the grant is provided to the Village the cost would be removed from the contract and this reduction in the contract has been approved by the recommended contractor.

Moved by Trustee Verstegen, seconded by Trustee Ransbottom to Award the Contract to Install Curb, Gutter, and Storm Sewer at Doyle Park and Construct a Paved Recreation Trail at Heesakker Park to Gene Frederickson Trucking & Excavating of Kaukauna, WI for \$72,067.80.

Further Discussion: Trustee Elrick expressed concern with the cost difference between the low bidder and the amount of the other bids. T. Flick stated McMahons Associates had reviewed the bids and contacted Gene Frederickson Trucking about the amount of their bid and McMahons is recommending the contract be awarded to the low bidder and staff stated they do not have any concerns with the contractor.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action to Amend Liquor License – Name Change – Willies Cedar Lounge to change to Hollanders

Moved by Trustee Van Ooyen, seconded by Trustee Smith to approve the Name Change of Willies Cedar Lounge to Hollanders.

Ayes 7, Nay 0 – Motion Carried Unanimously

Public Works Director Update/Possible Action on Depot Street Reconstruction Issues

R. Van Gheem provided design plans as they were approved by the Board and designs that show how the project was constructed by the Contractor to accommodate a Depot Street property owner who had requested the design change that altered the grade and placement of the street taper. R. Van Gheem stated the installed design may lead to issues with grades and problems with driveways and drainage. R. Van Gheem stated complaints were received from a neighboring property about the design change. R. Van Gheem stated the Board could request that the Contractor tear out the current design and reconstruct it as it was specified by the Board. C. Fischer commented on his meeting with the Contractor and the property owner. A lengthy discussion on the issues involved with the unauthorized redesign took place. President Fischer stated this Depot Street property owner is also requesting that all of the sidewalk on the east side of Depot Street be replaced and this property owner stated he will pay for the additional cost of the sidewalk replacement.

R. Van Gheem stated that Depot Street needs to be open by August 11 as at that time Main Street will be closed and sidewalk replacement may not be completed before school opens. Attorney Koehler stated he could assist R. Van Gheem with providing a written agreement stating that the Village is putting in new sidewalk up to the right of way line and the property owner who volunteered to pay for this project will pay for all excess costs with the number of panels specified that the Village was going to replace. R. Van Gheem asked the Board if they want the contractor to sign the agreement or the property owner. President Fischer stated that there is no question in his mind that any extra expense will not have to be paid for by the Village. Attorney Koehler stated that the Contractor could sign the change order stating what the amount is that they are going to bill for the new sidewalk and the Village's cost will remain at the original amount for replacement sidewalk squares or another option is for the Depot Street property owner to escrow a check for the additional cost. Discussion continued. Attorney Koehler suggested that agreement shall call for the contractor to sign the change order to put in all new sidewalk and the Village's cost is limited to an x amount of dollars and the contractor agrees that any additional cost from doing the project in this manner will be collected from the private property owner making the request for the new sidewalk and hold the Village harmless in the change order. Board members agreed with the Attorney's proposal for language to a change order. Board members agreed the sidewalk shall be placed six inches off the property line. Board members requested that staff obtain a written statement from the Village's engineer what verbal language they stated to the contractor. Attorney Koehler stated the Contractor should not be entitled to bill the Village for an unauthorized change and the Village should determine if there was any harm done in association with the redesign. Staff will keep the Board updated on the issues. R. Van Gheem asked for direction on issues with replacement of non-compliant driveway aprons and Board members agreed that all asphalt or gravel aprons must be replaced with concrete as the ordinance states.

Operator's Licenses

None

Department and Officers Progress Reports

Chief Peterson reported that the Fire Department will be bringing forward any proposed changes to the Open Burning Ordinance and he is no longer involved in rewriting the ordinance. J. Moes stated a permit has been issued for the A & W building and commented on working with developers and possible new developments. T. Flick stated Emerald Ash disease has been found in Wisconsin. T. Flick commented on the potential impact of the disease on the Village as out of 2,438 terrace trees, 626 are ash trees and out of 423 park trees, 126 are ash. T. Flick informed the Board that the 3rd annual Fun Fest is being held at Doyle Park on Thursday and also updated the Board on the status of the Department's construction projects. R. Van Gheem provided an update on the status of various projects and informed the Board that the west bound lane of Main Street between Monroe Street and Jackson Street will be closed for approximately two weeks for street repair. V. Schneider – no report. Attorney Koehler stated the Artz property closing had taken place.

Disbursement List

Moved by Trustee Leicht, seconded by Trustee Van Ooyen to approve the Disbursement List as presented by the Finance Director 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

Board members agreed to discuss the proposal for a resolution recognizing citizens with chemical injuries at the Committee of the Whole meeting on August 27.

Adjournment

Moved by Trustee Van Ooyen, seconded by Trustee Elrick to adjourn the meeting at 7:47 p.m.

Ayes - 7, Nay 0-Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____

Charles Fischer, Village President

Attest:

Vicki Schneider, Village Clerk