

MINUTES OF THE REGULAR BOARD MEETING OF NOVEMBER 19, 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

EXCUSED: Janet Verstegen, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator
Dale Haug, Finance Director
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
Tom Flick, Director of Parks, Recreation, and Forestry

EXCUSED: Chief Peterson

Public Appearance for Items Not on the Agenda

None

Approval of Minutes

Regular Board Meeting Minutes – November 5, 2008

Committee of the Whole Meeting Minutes – November 12, 2008

Moved by Trustee Elrick, seconded by Trustee Ransbottom to approve the Regular Board minutes of November 5 and the Committee of the Whole Meeting Minutes of November 12, 2008 as presented.

Ayes 6, Nay 0 – Motion Carried

Report of Other Minutes – Other Informational Items

Fire Commission Meeting Minutes – November 10, 2008

Joint Police Commission Meeting Minutes – November 11, 2008

Board members noted receipt of the items listed above.

Ordinances:

Creating Section 13-1-53 of the Municipal Code – IT Institutional District

Moved by Trustee Ransbottom, seconded by Trustee Elrick to Adopt Ordinance No. 14, Series of 2008 Creating Section 13-1-53 of the Village of Little Chute Municipal Code – IT Institutional District.

Ayes 6, Nay 0 – Motion Carried

Regular Board Meeting Minutes – November 19, 2008

Amending Section 13-1-124 of the Municipal Code – Storage and Parking of Recreational Vehicles, Automobiles, and Utility Trailers and Section 13-1-125 of the Municipal Code – Storage of Trucks, Tractors, and Road Machinery.

Moved by Trustee Van Ooyen, seconded by Trustee Leicht to Adopt Ordinance No. 15, Series of 2008 Amending Section 13-1-124 of the Municipal Code – Storage and Parking of Recreational Vehicles, Automobiles, and Utility Trailers and Section 13-1-125 of the Municipal Code – Storage of Trucks, Tractors, and Road Machinery as presented.

Ayes 6, Nay 0 – Motion Carried

Amending Section 13-1-142 of the Municipal Code – Sign Permit Required

Moved by Trustee Van Ooyen, seconded by Trustee Smith to Adopt Ordinance No. 16, Series of 2008 Amending Section 13—1-142 of the Municipal Code – Sign Permit Required as presented.

Ayes 6, Nay 0 – Motion Carried

Resolutions:

Consideration of an Initial Resolution Regarding Revenue Bond Financing for the Community Blood Center, Inc. Information with respect to the job impact of the project will be available at the time of Consideration of the Initial Resolution.

The job impact projection was presented to Trustees in their Board packets and the expansion and purchase of additional equipment is expected to create an additional 31 full-time jobs.

Moved by Trustee Van Ooyen, seconded by Trustee Elrick to Adopt Resolution No. 42, Series of 2008 Approving the Initial Resolution Regarding Revenue Bond Financing for the Community Blood Center, Inc.

Roll Call Vote: Trustee Van Ooyen – Aye, Trustee Smith – Aye, Trustee Ransbottom – Aye, President

Fischer – Aye, Trustee Leicht – Aye, Trustee Elrick – Aye

Ayes 6, Nay 0 – Motion Carried

Purchase the Property at 704 Grand Avenue

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Resolution No. 43, Series of 2008 Approving the Purchase of the Property at 704 Grand Avenue for \$120,000.

Ayes 6, Nay 0 – Motion Carried

Adopting the 2009 Budget and Establishing the Tax Levy

Staff commented on the incorrect article that appeared in the Post Crescent and stated that the reporter had been sent the correct information. Trustee Smith suggested requesting a correction to the article. D. Haug handed out the final budget summary and a comparison chart.

Moved by Trustee Ransbottom, seconded by Trustee Leicht to Adopt Resolution No. 44, Series of 2008 Adopting the 2009 Budget and Establishing the Tax Levy as presented.

Roll Call Vote: Trustee Smith – Aye, Trustee Ransbottom – Aye, Trustee Leicht – Aye, President Fischer –

Aye, Trustee Elrick – Aye, Trustee Van Ooyen – Aye

Ayes 6, Nays 0 – Motion Carried

Action on Settlement Agreement and Release between Walgreen Company and the Village

J. Moes explained that the Supreme Court had ruled in favor of Walgreens for their appeal on excess taxes. The Attorney representing the Village is recommending signing the settlement agreement. J. Moes stated the refund amount of \$52,769.23 is for 2006 and 2007 taxes and the refund for 2008 and 2009 will be paid in the future as tax rates are set. J. Moes stated that by signing this agreement it does not prevent the Village from changing future assessments if the ruling changes. D. Haug stated that Walgreens is located in TID #1 so the refund will be drawn from TID #1 funds.

Moved by Trustee Van Ooyen, seconded by Trustee Ransbottom to Adopt Resolution No. 45, Series of 2008 Approving the Settlement Agreement and release between Walgreen Company and the Village as presented.

Ayes 6, Nay 0 – Motion Carried

Action on Settlement Agreement between the Village and Vinton Construction Company

Staff stated they are comfortable with the agreement as presented. Board members decided to discuss the issue of sidewalk assessments for property owners at the next Committee of the Whole meeting.

Moved by Trustee Ransbottom, seconded by Trustee Smith to Approve the Settlement Agreement between the Village and Vinton Construction Company as presented.

Ayes 6, Nay 0 – Motion Carried

Action to Award Bid – Well No. 3 and Well No. 4 Water Systems Improvements

R. Van Gheem provided the Board with a letter from the Village's consultant on the project and the bid results and a letter from Water Well Solutions that stated their request as low bidder to retract their bid without consequence due to an error in a quotation from one of their vendors. A letter from the vendor to Water Well Solutions was also provided to the Board. R. Van Gheem stated the amount of the bid bond is \$2,200 and the Board needs to decide if Water Well Solutions error was caused by a careless act or omission. R. Van Gheem stated that the consultant and the second lowest bid have confirmed that their bid is complete and in order and it is the recommendation to award the bid to Crane Engineering. Attorney Koehler commented on setting precedence and not taking lightly decisions on returning bid bonds. Discussion took place and Board members agreed that part of the bid bond from Water Well Solutions should be used to cover the difference between their low bid and the second lowest bid.

Moved by Trustee Leicht, seconded by Trustee Elrick to Award the Bid for Well No. 3 and Well No. 4 Water Systems Improvements to Crane Engineering the second lowest bidder in the amount of \$45,800.

Ayes 6, Nay 0 – Motion Carried

Moved by Trustee Elrick, seconded by Trustee Ransbottom to retain \$1,175 of the bid bond provided by Water Well Solutions to cover the difference between their low bid and the second lowest bid.

Ayes 6, Nay 0 – Motion Carried

Action to Approve 2009 Meeting Schedule

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Approve the 2009 Meeting Schedule as presented.

Ayes 6, Nay 0 – Motion Carried

Operator's Licenses:

Anthony J. Arndt	W5883 Hearthstone Dr.	Appleton	Express
Janel Lea Dombrowski	2128 Andy John Ct.	Green Bay	Country Inn & Suites
Faith A. Huhu-Lorenz	1101 Riverside Dr.	Kaukauna	M & M Bar
Lila M. Kanter	208 Claribel St.	Kaukauna	Piggly Wiggly
Myhill, Angela Lynn	1055 Oneida St.	Menasha	M & M Bar
Crystal Sue Sampson	2207 E. Wisconsin Ave.	Kaukauna	Van Zeelands
Douglas Raymond Weber	404 E 17 th St.	Kaukauna	Hollanders

Moved by Trustee Van Ooyen, seconded by Trustee Ransbottom to Approve the Operators License as presented.

Ayes 6, Nay 0 – Motion Carried

Department and Officers Progress Reports

D. Haug reported that he will be presenting the Audit for TIDs #2 and #3 at a future meeting and that he is working with the Kimberly Administrator on the submission of an Other Post Employment Benefits study that is due in the spring. C. Kell reported that information and maps for the Village's Industrial Parks are now on the Village's website. C. Kell reported that he had received phone calls from four residents who are asking for an extension on time to replace their faulty sewer laterals due to the poor economy. Staff commented that only a few residents have made the replacement and 111 notices were sent out last August. Board members agreed to have the Public Works Director contact HOV to see if they would give permission for an extension on the lateral replacements. Board members agreed that the letters should be sent to residents who will be required to replace their laterals by November 2010 and the issue will be brought back to the Board for discussion at the next Committee of the Whole meeting. C. Kell provided an update on a meeting with the DOT concerning the Mill Street bridge project and stated the DOT is still planning to provide funding for the project but they will not fund removal of the old bridge unless a new bridge is built. C. Kell stated that if it is the intent to develop the land then the Village should move forward with finding a developer and he will keep the Board updated on the issues. C. Kell reported that the bill for the contract with Vinton Construction has not been paid as charges for sidewalk installation on Depot Street keep appearing on the bill and the issue may be brought before the Board at a future meeting if it isn't resolved. C. Kell stated that it had been reported to the Village Clerk and Building Superintendent that the Grand Avenue door is not ADA compliant for the distance between the steps and the door that is required for a wheelchair and the proposal is to install an automatic door opener at a cost of \$2,150 which the Building Superintendent has available in his budget. C. Kell stated that the Berkens' had paid their special assessment on the road and they are requesting an appeal hearing before the Board. Board members instructed the Village Administrator to send a letter to the Berkens asking for a detailed request of what they are looking for and after the request is received by the Village, the appeal will be scheduled before the Board. C. Kell informed the Board that the *Post Crescent* has requested a list of all employees and their birthdates, salaries, position titles and date of hire and some employees have filed objections to providing birthdates. C. Kell stated he is going to send partial birthdates and ask the *Post Crescent* to consider retracting the employees' birthdates from the request. C. Kell stated that he had received the signed job guarantees with Kraft Foods that will allow the Village to move forward with the TEA grant but issues with the road and an adjoining land owner have surfaced. The adjoining land owner is requesting that upgrades not be made to Washington Street. C. Kell will keep the Board updated on the issue. J. Moes reported that he had inspected the property on Grant Street as requested by Mr. Berken at last week's meeting and it was determined that the wood pile was too close to the property line and the owners' were sent an order to move the wood pile. T. Flick reported on current projects. R. Van Gheem reported on current projects and stated that the opening of the Holland Road overpass, which has been delayed, is now expected to open this week. V. Schneider provided a reminder for newsletter articles and for nomination papers for the spring election. Attorney Koehler asked Administrator Kell to question the DOT on what statute they are referring to for their position on not removing the current bridge unless a new bridge is constructed.

Disbursement List

Motion by Trustee Van Ooyen, seconded by Trustee Leicht to approve the disbursement list as presented.

Ayes-6, Nay 0-Motion Carried

Call for Unfinished Business

C. Kell reminded the Board that next week's Committee of the Whole meeting is canceled.

Items for Future Agenda

Sewer Lateral Hookup Orders will be on a future Committee of the Whole agenda for discussion.
TID #2 and TID 3# audit will be presented at the next Board meeting if completed.

Adjournment

Moved by Trustee Van Ooyen, seconded by Trustee Ransbottom to Adjourn the Regular Board Meeting at 7:12 p.m.

Ayes - 7, Nay 0-Motion Carried

VILLAGE OF LITTLE CHUTE

Attest: _____
Vicki Schneider, Village Clerk

By: _____
Charles Fischer, Village President