

MINUTES OF THE REGULAR BOARD MEETING OF OCTOBER 7, 2009

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
Skip Smith, Trustee
Steve Ransbottom, Trustee
Don Van Deurzen, Trustee
Janet Verstegen, Trustee

Roll Call of Officers and Department Heads

PRESENT: Charles Kell, Village Administrator
Erik Misselt, Police Chief
Dale Haug, Finance Director
Jim Moes, Community Development Director
Roy Van Gheem, Director of Public Works
Charles Koehler, Village Attorney
Vicki Schneider, Village Clerk
EXCUSED: Tom Flick, Director of Parks, Recreation, and Forestry

Public Appearance for Items Not on the Agenda

Sandy Felzer, 515 S. Vandenbroek St., addressed the Board about a concern with a terrace tree that is 15 ½ feet from the front of her foundation. Mrs. Felzer stated that she is having the foundation replaced and the roots from the terrace tree are protruding under her house and she is asking for removal of the terrace tree. Mrs. Felzer invited Board members to come over to her property to take a look at the tree and Board members agreed to put the request on the next meeting agenda for discussion and possible action.

Andy Sanders, 318 McKinley Avenue, expressed his concerns over the bid for the Evergreen Pond Expansion project being awarded to the lowest bid when the second lowest bid was from a local contract and it was only \$2,300 higher. Staff and Board members explained that in the past there have been circumstances when the bid was awarded to a local contractor even if they were not the low bidder but because this project is being funded with grants and stimulus funds, they were required to take the low bid and didn't want to risk losing the stimulus funding if they rejected the low bid. Board members also commented on upholding the integrity of the bidding process for the Village.

Approval of Minutes

Regular Board Meeting Minutes – September 16, 2009

Committee of the Whole Meeting Minutes – September 23, 2009

Moved by Trustee Elrick, seconded by Trustee Smith to approve the Regular Board Minutes of September 16 and Committee of the Whole Minutes of September 23, 2009 as presented.

Ayes 7, Nay 0-Motion Carried Unanimously

Report of Other Minutes – Other Informational Items

Fox Valley Metro Activity Report – July 2009

Minutes of the Water Commission Meeting – August 18, 2009

Minutes of the Plan Commission Meeting – August 24, 2009

Minutes of the Fire Commission Meeting – September 14, 2009

Minutes of the Police Commission Meeting – September 15, 2009

Quarterly Webtrends Report

Board members noted receipt of the above items.

Resolutions:

Supporting the Census Bureau to Ensure a Full and Accurate 2010 Census

Moved by Trustee Verstegen, seconded by Trustee Van Deurzen to Adopt Resolution No. 31, Series of 2009 Supporting the Census Bureau to Ensure a Full and Accurate 2010 Census.

Ayes 7, Nay 0 – Motion Carried Unanimously

Urban Forestry Grant Program

C. Kell stated that the resolution allows the Village to apply for a grant that would be used for GIS software for a tree inventory program. The grant would pay for 50% of the cost of the software and the estimated cost for the software is between \$2,000 and \$2,500.

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Adopt Resolution No. 32, Series of 2009 for the Urban Forestry Grant Program.

Ayes 7, Nay 0 – Motion Carried Unanimously

Action – Pedestrian & Bicycle Facilities Recommendation

C. Kell distributed a letter sent by Fox Cities Greenway, Inc. supporting the Pedestrian and Bicycle Facilities Supplement and offering a few suggestions for additions to the Plan. C. Kell stated the Parks Director is not in favor of adding the suggestions to the Plan at this time but they can be considered as the Plan moves forward.

C. Kell stated there are not any financial commitments needed at this point but the Plan will be considered when working with developers and with the Village's own construction projects. Discussion took place. Trustee Elrick was concerned with the plan for sidewalk on Sanitorium Road with the steep hill and asked if parts of the plan can be removed if the Plan is adopted as presented. C. Kell stated that each street in the Plan will need to be looked at for engineering to see if the recommendations are feasible and each part of the Plan will be brought before the Board for a decision on implementation. Trustee Elrick stated he would not be in favor of the Plan if there wasn't some flexibility to make changes to the Plan and C. Kell stated the Plan is not an ordinance or a law but staff will advocate for the projects presented in the Plan but there is flexibility to eliminate or change the proposed projects.

Moved by Trustee Ransbottom, seconded by Trustee Smith to Approve the Comprehensive Park and Outdoor Recreation Plan, Supplement No. 1, Pedestrian & Bicycle Facilities Recommendations, September 2009 as presented.

Further Discussion: Trustee Van Deurzen asked what the reason was for voting on the Plan if each individual proposal can be decided on. C. Kell stated it is hard to meet with developers and to take a comprehensive look at the Plan or to pick out the recommendations individually without some guidance as to what the continuous system is going to be. Trustee Van Deurzen asked if the Plan is approved are the Developers on the north side of JJ going to be required to put in the bike lane. C. Kell stated it will be addressed with the landowners but some of the landowners are still in the Town and the Plan has been addressed with the Developers of the project on the corner of Evergreen and French Road. Land that is in the town will be addressed when the land

is sold to a developer. Trustee Van Deurzen asked if a developer will be required to put in the pedestrian and bike paths. C. Kell stated that the Developer will likely be required to put in the trails/paths through a developers agreement just like other infrastructure is required. J. Moes stated generally these trails are placed in areas where the land can't be built upon due to setbacks and an adopted plan allows the Park Director to apply for grants for possible projects. Trustee Smith stated that trails in these corridor systems are well liked and desirable and most developers like to see the trails go through the development area as it is another means of access.

Ayes 6, Nay 1 (Van Deurzen) – Motion Carried

Discussion/Possible Action Regarding Parking Issue on Vandebroek Road North of County Hwy. “OO”

Chief Misselt reported on a meeting that was held with seven residents of the Vandebroek Rd. area. The primary concerns of the residents revolved around their garbage not being picked up, mail not being collected or delivered, owners of the parked vehicles leaving refuse on the lawns and streets, and parked vehicles encroaching on the residents' driveways creating a hazard for residents. Chief Misselt stated he has witnessed the cars being parked on Vandebroek Rd. and the Department has had discussions with the Plant Manager at Kraft Foods who has told his employees to park in the Kraft parking lot and not on the road but the requests have been ignored by some of the employees. Chief Misselt stated the residents along with members of the Department have come up with some solid recommendations. The recommendations are to not allow parking on the east side of Vandebroek Rd. from Cty. Hwy. OO to Miami Circle; no parking allowed between 4 a.m. and 8 a.m. each day on Vandebroek Rd. from Miami Circle to Coenen St.; and the same time frame, seven days a week, on Miami Circle from Vandebroek Rd. to Biscayne Dr. Chief Misselt stated the time frame accounts for the shift changes.

Moved by Trustee Ransbottom, seconded by Trustee Leicht to direct the Police Department and Public Works Department to post the road with no parking signs as recommended.

Further Discussion: Trustee Van Deurzen asked if the Police Officers thought it was a good idea. Chief Misselt stated he did not poll the police officers but he feels it is a good solution that is being recommended by the officers involved and the concerned residents.

Vote on the Motion:

Ayes 7, Nay 0 – Motion Carried Unanimously

Action – Budget Adjustment – Fox Valley Metro – ID Printer

2009 Fund Balance Request

101-29218 Designated Fund Balance – Fox Valley Metro \$2,158 (reduce fund balance)
(Current Balance is \$56,343)

<u>2009 Budget Adjustment</u>	<u>Original</u>	<u>Amended</u>	<u>Net</u>
<u>Revenue</u>	<u>Budget</u>	<u>Budget</u>	<u>Change</u>
207-39101 Transfer to FV Metro – Little Chute	\$1,686,586	\$1,688,744	\$2,158
207-33321 Local Police Services – Kimberly	1,048,714	1,050,056	1,342
<u>Expenditures</u>			
207-52120-221 Small Equipment	\$8,000	\$11,500	\$3,500

Moved by Trustee Elrick, seconded by Trustee Ransbottom to Approve the 2009 Little Chute Fund Balance Request and Budget Adjustment in the amount of \$2,158 to Purchase an ID Printer.

Roll Call Vote: Trustee Elrick – Yes, Trustee Leicht – Yes, Trustee Ransbottom – Yes, Trustee Smith – Yes, Trustee Van Deurzen – Yes, Trustee Verstegen – Yes, President Fischer - Yes

Motion Carried Unanimously

Action – Budget Adjustment – 2009 Park Development Projects

<u>Transfer</u>		<u>Original Budget</u>	<u>Change</u>	<u>Amended Budget</u>
<u>Revenue</u>				
Transfer from Other Funds	203-39101	\$310,000	\$20,000	\$330,000
State Grant	203-33290	53,000	(53,000)	0
Donations	203-38301	0	5,500	5,500
<u>Expenditure</u>				
Transfer – Park Improvements	101-59000-491	\$ 0	\$330,000	\$330,000
Doyle Park	203-57620-270	43,000	(43,000)	0
Island Park	203-57620-272	106,000	(106,000)	0
Legion Park	203-57620-273	248,000	146,000	394,000

Moved by Trustee Ransbottom, seconded by Trustee Leicht to Approve the Budget Transfer of \$330,000 for Legion Park Construction and Modify Prior 2009 Budget.

Roll Call Vote: Trustee Leicht – Yes, Trustee Ransbottom – Yes, Trustee Smith – Yes, Trustee Van Deurzen – Yes, Trustee Verstegen – Yes, President Fischer – Yes, Trustee Elrick – Yes

Motion Carried Unanimously

Action – Budget Adjustment – Recycling Carts

D. Haug stated that there are two suggestions for a funding source and the Administrator is recommending the transfer from the General Fund to the Fleet Fund to cover the cost.

<u>Revenue (Fleet)</u>		<u>Original Budget</u>	<u>Change</u>	<u>Amended Budget</u>
Transfer – from Other funds	403-39101	\$ 0	\$137,000	\$137,000
<u>Expenditure</u>				
Fleet DPW – New Equipment	403-57324-301	\$ 0	\$137,000	\$137,000
General Trans to Other Funds	101-59000-495	0	137,000	137,000

Moved by Trustee Leicht, seconded by Trustee Smith to Approve the Transfer of \$137,000 from the General Fund to the Fleet Fund to Cover the Cost of the Recycling Carts.

Roll Call Vote: Trustee Ransbottom – Yes, Trustee Smith – Yes, Trustee Van Deurzen – Yes, Trustee Verstegen – Yes, President Fischer – Yes, Trustee Elrick – Yes, Trustee Leicht – Yes

Motion Carried Unanimously

Action – Award Bid – North Avenue – Washington St. – Vandenbroek St. – Right Turn Lane at Kraft Foods

R. Van Gheem reviewed the bids that were opened on October 5th and the recommendation to award the bid to the low bidder, MMC. C. Kell stated that there is not any Village money being contributed to this project.

Moved by Trustee Leicht, seconded by Trustee Ransbottom to Award the Bid for the North Avenue Right Turn Lane at Kraft Project to MCC, Inc. of Appleton in the Amount of \$134,437.40

Ayes 7, Nay 0 – Motion Carried Unanimously

Action – Award Bid – Paradise Drive Asphalt Mill & Overlay

R. Van Gheem reviewed the bids that were opened on October 5th and the recommendation to award the bid to the low bidder, MMC. R. Van Gheem stated that an assessment hearing on this project will be scheduled at a future meeting.

Moved by Trustee Smith, seconded by Trustee Ransbottom to Award the Bid for the Paradise Drive Asphalt Mill & Overlay Project to MCC Inc. of Appleton in the Amount of \$27,064.50.

Ayes 7, Nay 0 – Motion Carried Unanimously
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2010 Budget Discussion

D. Haug handed out a revised summary page that contained additional information on what the whole financial package would look like for residents with utility costs included. D. Haug reviewed the budget options that manage the fiscal changes while maintaining the same service levels that use a combination of tax levy, sanitation fees, and fund balance and reminded the Board that the numbers are not absolute numbers. Staff is recommending Option A that includes employee costs at a 0% wage increase noting union contracts have not been settled and negotiations are just beginning. Option A also includes a 3% levy increase, a sanitation fee that will be phased in over two years beginning with a fee of \$3.53 per month and use of \$161,000 of fund balance to help phase in the first year of the sanitation fee. D. Haug reviewed the various options being presented and he also reviewed the proposed utility rates for 2010 and noted there will likely be proposed rate increases for sanitary sewer and water rates but a rate reduction is being proposed for the storm sewer utility because of the grants that have been received for storm water utility work. Staff stated that in extreme budgeting circumstances it is appropriate to draw down fund balance and drawing down fund balance will not have a negative effect on the Village's bond rating. C. Kell reminded the Board that the budget contains no line item increases and no personnel increases other than insurance costs and the Departments have all come in with lean budgets and to reduce expenditures any further, the Board would need to look at cuts in services. D. Haug stated that he is recommending a debt issue next year to recover the cost of Legion Park and restore the fund balance and he also noted that if there are no significant major projects in TID #2 it will start repaying the General Fund in two to three years. Trustee Van Deurzen stated he was leaning towards support of Option D but to set the levy at 2%. The consensus of the majority of the board members was Option A. Staff will bring back the budget details to begin a review of each department's line items that will include capital items at the meeting on October 21.

Operator's Licenses:

None

Department and Officers Progress Reports

Chief Misselt commented on the reorganization plan that was recommended for approval by the Police Commission. D. Haug – no report. C. Kell stated that staff had met with the DNR last week at their request to present alternatives to the Heesakker Pond and staff believes that the DNR will not issue a permit for that facility based on their determination that they are no longer going to approve in-line ponds because they believe the ponds are causing warming of the water temperature and the potential affect on the fish in the Fox River. The second concern of the DNR was the bird habitat and nesting areas. C. Kell reported that staff presented alternatives but made it clear that they really are not alternative options but just moving other projects up in the timetable. The Buchanan Pond expansion is a proposal that was presented but also not as a replacement pond. C. Kell stated there is a 30 day comment period and then after the DNR makes a final decision on the Heesakker Pond the Village can decide if it wants to challenge the decision. C. Kell noted that the required DNR notice on the Heesakker Pond was published on September 30th. C. Kell stated that it may be able to preserve the stimulus funds if a project is set to be started in two to three weeks and he also commented on moving forward with the land needed to expand the Buchanan Pond and Nick Vande Hey from McMahons has submitted an aggressive schedule for the Buchanan Pond expansion for DNR review for approval. C. Kell informed the Board that the Van Dyn Hoven project is coming back in an altered state and it will be on Monday's Plan Commission agenda. C. Kell reported that he has met with the Kimberly Administrator and they concur with the Library and Police Department Heads on their budgets. C. Kell reported that he is working with a developer on a possible development for the downtown site.

J. Moes reported that the asbestos is being removed from the Village's properties and the bids for raising the buildings will be presented to the Board at the next meeting. R. Van Gheem stated the Department is working on normal fall duties including leaf pickup and stated the concrete pads had been installed at the library. Trustee Smith asked if the Asst. Director had looked into the request from residents that would like an additional or larger

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recycling cart. R. Van Gheem will follow up on the issue and reported that the County has stated that at this time they will only allow one cart. V. Schneider reminded the Board that there would be no Board meeting next week due to the League Conference. Attorney Koehler commented that the DNR like most State agencies generally have an Administrative Law appeal procedure that comes below the courts and the courts are after that.

Disbursement List

Trustee Elrick requested to abstain from voting on the disbursement list.

Moved by Trustee Van Deurzen, seconded by Trustee Smith to Approve the Disbursement List as Presented and Authorize the Finance Director to Draw from the Respective Funds.

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

Call for Unfinished Business

None

Items for Future Agenda

Board members agreed to put the terrace tree issue at 518 Vandenbroek Street on the next agenda. Trustee Verstegen asked when the Business Improvement Fund and Design Review Board discussion would be on a future agenda. C. Kell stated he will present that information at a future meeting. Board members agreed to put the Police Department's Reorganizational Plan on the next agenda for approval.

Adjournment

Moved by Trustee Ransbottom, seconded by Trustee Van Deurzen to Adjourn the Regular Board meeting at 7:49 p.m.

Ayes 7, Nay 0 – Motion Carried Unanimously

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: _____
Vicki Schneider, Village Clerk