

## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF SEPTEMBER 28, 2011

### Call to Order

President Vanden Berg called the Committee of the Whole meeting to order at 7:16 p.m.

### Roll Call

PRESENT: President Vanden Berg, Trustee Berken, Trustee Frassetto, Trustee Hietpas(7:23pm), Trustee Mahlik, Trustee Peerenboom, Trustee Smith

ALSO PRESENT: C. Kell, R. Van Gheem, T. Matheny, T. Flick, J. Moes, V. Schneider  
Village Employees and Retirees, Interested Citizens, and Media Reps

### Public Appearance for Items not on the Agenda

None

*Moved by Trustee Peerenboom, seconded by Trustee Frassetto to enter into the Public Hearing.*

Ayes 6, Nays 0- Motion Carried

### Public Hearing – Rezoning Properties on French Rd. and Evergreen Dr., Northeast of French Road and Evergreen Drive – Applicant – Evergreen LC Development, LLC

The request is for a rezoning change from RC-Residential Conventional Single-family District to CH – Commercial Highway District and RM – Multi-family District, Parcels 260441000, 260441100, 260441200, and 26044130. Bob DeBruin, Evergreen LC Development, LLC, stated that they have offers tentative to the rezoning and at this stage the Village has some obligations to acquire that land later so they think it is the right way to market it.

*Moved by Trustee Frassetto, seconded by Trustee Smith to Exit the Public Hearing.*

Ayes 6, Nays 0 – Motion Carried

It was noted that the ordinance for the zoning change will be presented to the Board on October 19, 2011.

### Presentation by EPA Representative Ramon Mendoza and WDNR Representative Jennifer Borski on the Removal of “Perc” Pollution at the former Sandies Cleaners, 513 Grand Avenue

Mr. Mendoza stated he is the EPA Representative in charge of the cleanup at 513 Grand Avenue.

Mr. Mendoza presented a slide show that detailed the background and history of the dry cleaner operations, and the involvement of the WDNR, WDHS, County Public Health and the EPA. The presentation also detailed the current and future work to be done at the site and the coordination between various entities involved in the cleanup project. Ms. Borski handed out a fact sheet and commented that due to funding issues, the EPA became involved. The Board was informed that owner is legally responsible for the cleanup and the EPA is working on the process of cost recovery but it is a very long process. Board members were informed that the intent is for the EPA to do a removal of such so that the building meets the commercial standards for indoor air quality and the plan is to install systems that will continue to vent what is left beneath the subsurface and restore the building so it can be used as a commercial property. Board members were also informed that that to make sure the neighborhood is safe, the air is monitored numerous times daily around the perimeter and it was explained that when the gases are let out into the air there is significant vaporization that happens. Information is available on the web at [www.epa.gov/region5/cleanup/sandies](http://www.epa.gov/region5/cleanup/sandies). A copy of the slideshow presentation is on file in the Village Clerk’s office.

### Action on Resolution – Selecting Option for Wisconsin Public Employers’ Group Health Insurance Program

C. Kell reviewed a handout he had provided that showed three options and the annual savings to the employees and the Village by changing from the current HMO plan to an HMO deductible plan. C. Kell pointed out that one of the options allows for the employee to select either Network or United Health and that will not force employees to switch to Network as about half of the employees are in United Health. C. Kell stated that as a transition over a year or two this option may be beneficial. C. Kell also reviewed the new policy that ETF has adopted that allows the Village to “carve out” the Union if there is a contract

issue with them being moved to the HMO deductible plan at this time. C. Kell reviewed the savings to the Village for each option illustrated noting there was a loss of savings to the Village with option #3. C. Kell stated a decision needs to be made tonight as the State needs to know the Village's decision by Friday. C. Kell also noted that from a budget perspective he has asked all departments to submit budgets with a 0% increase and even with that the Village is looking at a loss of \$170,000 in revenue. C. Kell stated that the WRS contribution will plug approximately \$40,000 into the hole so there is roughly \$130,000 to come up with and this is one area that can help with the budget. C. Kell stated that his position and that of the labor attorney is that contract language with the public works/parks Union gives the Village authority to make the proposed change to the health insurance plan. C. Kell stated that he met with the Union today and their leadership is not happy that they haven't been given much time to look at and consider this change. C. Kell stated the option of the "carve out" plan will give the Union some time to consider the deductible plan. Trustee Smith suggested that the health plan reps speak with the Union members to explain the plans. Discussion took place on the "carve out" option for the Union employees. Trustee Mahlik stated option #3 offering Network and United Health gives flexibility to the employees. Trustee Frassetto commented that she didn't think seeing a specialist in a certain network for a very few warrants spending the extra \$15,000 that could be shaved off the Village's budget. C. Kell noted that the Village of Kimberly's decision was to require employees to take Network Health with the deductible and 0% premium costs to the employee but they no longer have a union contract. Michael Stouffer, 714 Bluff Ave., commented on the research he has done on Act 10 and insurance options for the Village employees summarizing there is no impact from Act 10 that forces the Village to require payments from the retirees or the employees. Retiree David Peterson stated the legal counsel he had spoken with stated this would be a dramatic change in the agreement that the retirees have with the Village and the change needs to be agreed upon by both parties and he doesn't know how the Board can make a decision when they don't have all the facts. Trustee Hietpas questioned and commented on changing the agreement made with the Union. Trustee Mahlik commented about the new plan saving the Union employees money. Randy Etten, AFSCME Representative, stated that Act 10 doesn't matter as the Union has a contract thru 2013 and the concern is that the contract states they have to pay a 12% premium and if they enter into a side agreement on the premiums their contract could become invalid. Mr. Etten also commented that a \$1,000 deductible is a significant change to the plan that could be grieved by the Union and it would cost the Village thousands of dollars to go to arbitration and they don't want to enter into that so the option of providing for the "carve out" gives them time to research the issue and talk to the employees so they are supportive of the "carve out" option. Mr. Etten and C. Kell both explained their understanding of the current contract being valid.

*Moved by Trustee Mahlik, seconded by Trustee Peerenboom to Adopt Resolution #35, Series of 2011 Selecting Option #3(Network & United Health @5% premium) and to include the "carve out" provision.*

Further Discussion: David Peterson stated the issue they are addressing as retirees is different than the Union issue and they will pursue this legally and the Village will be spending money there also because the retirees were given this plan and that was the intent of the agreement to the employees. Retiree Jeff Lautenschlager stated he spent half his life working for the Village and it wasn't for the money but it was for the benefits and health insurance for his family and the Village made a deal with those that were hired before 1980. Staff confirmed that the Village pays 100% of the retirees' healthcare premiums. Trustee Mahlik stated he understands where the retirees are coming from and he gave examples of companies going bankrupt due in part to health insurance for retirees and he further commented on the cost of health insurance going through the roof. C. Kell commented that the Board could look at a way to consider alternatives on how to address the retirees' issues in the future and he further asked the Board to consider that based on a decision a Village Board made back in 1980, were they effectively saying that the Village is stuck with this health plan until the last person with the health care benefit is gone and he doesn't know if that was the intent that the Village had. C. Kell stated that the "carve out" cannot be

applied for the retirees. Discussion continued. Retiree Marty Marasch commented that the savings the Village will gain through the change for retirees is not a large amount and he commented on the number of times the issue was discussed on the Board and he stated they would appreciate whatever the Board could do for them and if the Board can't they will look other places to keep the benefit that they have and worked for. Trustee Mahlik commented they are looking at ways for the Village to save money and everyone has options when they vote and the Board has to do something. Michael Stouffer objected to the inference on his motives and the motives of others that are present on the way they voted and he again commented on Act 10 not being a constraint.

Vote on the Motion:

Trustee Berken – Yes, Trustee Frassetto – No, Trustee Hietpas – No, Trustee Mahlik – Yes, Trustee Peerenboom – Yes, Trustee Smith – No, President Vanden Berg – Yes Ayes 4, Nays 3 – Motion Carried

### **Review and approval of Self-Evaluation and Performance Review Forms for Non-Represented Employees**

C. Kell reviewed the forms noting that the performance review form can be used for the current evaluation process and if reviews are switched from the current grade and step system to a performance based system the form can be used for either system.

*Moved by Trustee Frassetto, seconded by Trustee Hietpas to approve the Self-Evaluation and Performance Review Forms for Non-Represented Employees as presented.*

Ayes 7, Nays 0 – Motion Carried Unanimously

### **Unfinished Business**

C. Kell handed out email correspondence from the Village's insurance agency regarding the MABAS agreement and he suggested having the item on next week's agenda for action. T. Matheny informed the Board that she had a meeting with a Bank of Kaukauna representative today and the Bank had a bank examination earlier this year and they are now under a consent order which will become public record this Friday and it means they have to quarterly report to the FDIC and the FDIC is overseeing some changes to strengthen the bank. T. Matheny stated the Village was made aware because we have three certificate of deposits with the bank and she further stated that she didn't hear anything that would lead her to believe that the Village shouldn't continue to invest with the bank but if the Board wants to change that, a resolution would need to be presented to the Board to change that the Bank of Kaukauna would no longer be a depository. No decision was made to put this item on an agenda. C. Kell stated that a meeting will be held tomorrow between the Village, County, and Town of Vandenbroek regarding the Holland Road issues. Trustee Hietpas reported on a tree that was down in a creek at a property on E. Lincoln Ave., and staff stated the Public Works staff is aware of the tree being down and they are checking into the situation.

### **Items for Future Agenda**

None

### **Adjournment**

*Moved by Trustee Frassetto, seconded by Trustee Mahlik to Adjourn the Committee of the Whole meeting at 8:47 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