

## MINUTES OF THE REGULAR BOARD MEETING OF JULY 1, 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  
Mark Recker, Assistant Police Chief  
Jim Moes, Community Development Director  
Dale Haug, Finance Director  
Tom Flick, Director of Parks, Recreation, and Forestry  
Roy Van Gheem, Director of Public Works  
Charles Koehler, Village Attorney  
Vicki Schneider, Village Clerk

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

None

### **Approval of Minutes**

*Regular Board Meeting Minutes – June 17, 2009*

*Committee of the Whole- June 24, 2009*

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to approve the Regular Board Minutes of June 17 and the Committee of the Whole Minutes of June 24, 2009 as presented*

*Ayes 7, Nay 0 -Motion Carried Unanimously*

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

*Fox Valley Metro Activity Report – April 2009*

*Police School Liaison Monthly Report – May & June 2009*

*Minutes of the Water Commission Meeting – May 19, 2009*

*Minutes of the Board of Appeals – June 15, 2009*

*Minutes of the Joint Library Board Meeting - June 23, 2009*

Board members noted receipt of the informational items.

### **Action- Requests for Extensions and/or Village Financing for Installing Private Sewer Laterals**

Trustee Leicht stated he was in favor of residents getting a loan through a bank rather than the Village but if the  
**Regular Board Meeting Minutes – July 1, 2009**

homeowner is not able to get a bank loan then he would like to see the Village lower the interest rate to 5% and he agrees with also offering Option #2. Trustee Verstegen stated she agrees with Trustee Leicht but has concerns with homeowners not being able to pay the \$50 fine if they don't get the work done. Trustee Elrick was in favor of Option #3 because of the Village being required by outside agencies to get the work done and he is concerned for the rest of the Village because of the amount of fines that could be levied against the Village if the work is not done in time. Trustee Ransbottom agreed with Trustee Elrick and was also in favor of Option #3. President Fischer stated he also was in favor of Option #3 but he would like to see a lower interest rate. Trustee Elrick stated he would like to see a higher interest rate charged than 5% as he doesn't think the Village wants to be in the position to provide financing and he sees the Village financing as being a last resort for homeowners to get the work done. Trustee Smith agreed with moving forward to offer Option #3 so the work gets accomplished. D Haug stated he has conferred with the Village Attorney and there are provisions in place to allow for the loan to be added to the property owner's tax bill. Discussion continued.

*Moved by Trustee Leicht, seconded by Trustee Ransbottom to Adopt Option #3 requiring property owners to hire a contractor to complete the work and have the bill paid by the Village and have the bill placed as a special charge on the property owners tax bill for a specific period of time of 3 to 5 years with an annual interest rate of 9%.*

Further Discussion: Trustee Verstegen asked if the homeowners that have not yet completed the work could be notified. R. Van Gheem stated the eight people that have asked for extensions will be notified and the remaining property owners have been sent a reminder letter that their work needs to be completed by the end of August. Trustee Smith stated he has a concern that that when the tax bill comes around in January, people may still have a problem with the payment and the Board may be looking at the issue again. Trustee Van Deurzen asked about lowering the interest rate from 9%. Trustee Verstegen stated she also agrees with a lower interest rate.

*Moved by Trustee Verstegen, seconded by President Fischer to amend the motion to change the interest rate to 7%.*

Further Discussion: Trustee Elrick asked what the current interest rate is on a home equity loan. D. Haug stated he has seen some ads for 6% which is probably the base depending on qualifications and J. Moes stated a 30-year rate is at approximately 5%.

Vote on the Amendment to the Main Motion - Ayes 6, Nay 1 (Elrick) – Motion Carried

Further Discussion: Trustee Verstegen asked if further requests could be handled by staff or if the request must come before the Board. C. Kell responded that the Board's comments require homeowners to present a letter from their bank stating they cannot get a loan for the work, although that language wasn't included in the motion, but that would allow staff to handle the requests and the requests would not need to come back to the Board for approval. Michael Stouffer, 714 Bluff Avenue, asked about those that have requested extensions due to special circumstances as the 3<sup>rd</sup> Option doesn't seem to address those that do not want loans. President Fischer stated that extensions are not part of the motion. C. Kell stated that if homeowners can prove they have a contractor scheduled within a reasonable time after the August deadline, then staff will consider waiving the \$50 fee. Trustee Smith stated the homeowner that requested an extension because he wasn't sure a replacement was needed would need to prove to the Public Works Department that the work is not needed. R. Van Gheem stated that orders were only given if the televising showed proof of a faulty lateral. C. Kell stated that the homeowners have had thirteen months to prove that their lateral didn't need replacing. Attorney Koehler commented that as the motion currently stands, it doesn't state that proof of inability to get a loan is a condition needed for a deferral charge and that language should be included in the motion.

*Moved by Trustee Leicht, seconded by Trustee Ransbottom to further amend the main motion to reflect the persons inability to pay requires them to provide a letter from a financial institution stating they are ineligible for a loan before the Village pays for the work.*

Ayes 7, Nay 0 – Motion Carried Unanimously

Vote on the twice amended main motion:

Ayes 7, Nay 0 – Motion Carried Unanimously  
Regular Board Meeting Minutes – July 1, 2009

### **Action - Insurance Denials-Sewer Backup Claims**

Trustee Elrick asked if the contractor doing the sewer lining work had been contacted about the backup claims. R. Van Gheem stated the contractor has been contacted and is working with the homeowners and the Village has made contact with two of the homeowners and they have indicated that the contractor is working with them on the insurance claims but things are moving slowly.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to deny the insurance claims for sewer backup for 326 Pheasant Run, 320 Pheasant Run and 1027 Roosevelt Street based on the Village's Insurance Company's recommendation.*

Ayes 7, Nay 0-Motion Carried Unanimously

Carla Hoffman, 1027 Roosevelt St., asked how her \$4,000 cleanup bill is going to be covered as this damage was not the result of her actions and she explained the incident and the damage caused to her property. R. Van Gheem stated he hadn't been successful in contacting Ms. Hoffman and informed her that the Village's contractor should be involved with this issue and he will follow up with the Village's contractor on her claim.

### **Action - Contract between Village of Little Chute and Midwest Contract Operation, Inc. for Operations and Maintenance of the Water Treatment Facilities-5 year contract**

President Fischer stated that the Water Commission has reviewed and approved the contract.

*Moved by Trustee Elrick, seconded by Trustee Ransbottom to Approve the Contract between the Village of Little Chute and Midwest Contract Operation, Inc. for Operations and Maintenance of the Water Treatment Facilities for five years.*

Ayes 7, Nay 0-Motion Carried Unanimously

### **Operator's Licenses:**

*Moved by Trustee Leicht, seconded by Trustee Smith to approve all Operator licenses as presented.*

Ayes 7, Nay 0 – Motion Carried Unanimously

### **Department and Officers Progress Reports:**

Asst. Chief Recker stated the new chief will be sworn in July 6, 2009. D Haug stated the 2009 audit is complete and an auditor is available to make a presentation to the Board in August and if Board members preferred, the complete audit can be made available electronically and a written summary sheet can be provided to the Board. Board members agreed to receive a summary sheet and electronic copy of the audit report. C Kell stated he has unofficially heard that the CVS Pharmacy was no longer considering building in Little Chute at this time because of economical reasons. C Kell stated Little Chute was awarded stimulus funding for the Washington St. reconstruction project and when combined with the TEA grant approximately 75% of this project costs will be covered. C. Kell also explained the bidding requirements for stimulus grants which will cause the Village to have significant upfront effort and costs before knowing if the Village will receive funding. Attorney Koehler stated that the contract bids could have a condition included that states if funding is not received in a certain dollar amount and by a certain date that the contract is void. C. Kell stated the pond projects are looking good for possible stimulus money but the water and sewer replacement projects funding is looking slim. Board members agreed with C. Kell to move forward with the pond projects but not the water and sewer projects. C. Kell stated he is working with a metal products fabricating company looking to move into the Industrial Park. C. Kell stated he had met with a developer and reviewed preliminary site plans for the Island Park and it is possible that the potential Island Park developer will be present at the Board meeting on August 5<sup>th</sup> to discuss their plans although that is contingent upon the Village receiving a reply from the Federal Highway Commission on the report for a smaller bridge structure. J Moes reported the 2009 assessment roll had been submitted electronically to the County and they will send assessment change notices to property owners. J. Moes reported that Open Book is scheduled for July 23 and Board of Review will be held on August 3. . T Flick reported that the Legion Park Development Project is 95 % is completed and he

Regular Board Meeting Minutes – July 1, 2009

encouraged Board members to stop by the Park to see the improvements. T. Flick stated a girls ASA softball

tournament will be taking place in the Quad Communities and the Village next weekend. R. Van Gheem stated the Department is working on various projects and designs for future projects and that a meeting with the concrete contractor on the pavement issues has been scheduled and also that the sewer lining projects are completed. V. Schneider stated she has signed up Trustee Verstegen for the Single Stream Recycling Facility Tour and she asked others to let her know if they intended to participate. Attorney Koehler – no report.

**Disbursement List**

Trustee Elrick requested to abstain from the vote because his company is receiving money from the Village. Trustee Verstegen asked if Board member should refrain from voting on the bills list when they are getting small payments and Attorney Koehler stated that Statutes refer to abstaining if there are significant amounts involved.

*Moved by Trustee Van Deurzen, seconded by Trustee Leicht to pay all vouchers as recommended by the Finance Director and they be drawn from the respective funds.*

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

**Call for Unfinished Business**

C. Kell stated that the First Impressions Program would like to present their report to the Board on July 22 and that agenda currently has the Public Hearing for the Design Review Board and discussion on the Design Manual and Board members were asked if they wanted to move the Public Hearing and discussion to another meeting.

*Moved by Trustee Verstegen, seconded by Trustee Elrick to reconsider the vote to hold the Public Hearing for the Design Review Board on July 22 at 6:00 p.m.*

Ayes 7, Nays 0 – Motion Carried

*Moved by Trustee Verstegen, seconded by Trustee Ransbottom to reschedule the Public Hearing for the Design Review Board and discussion on the Design Manual for August 12, 2009 at 6:00 p.m.*

Ayes 7, Nay 0 – Motion Carried

**Items for Future Agenda**

C. Kell stated that the CDA had reviewed and recommended approval of two micro loan applications and those will be presented to the Board at next week’s meeting. C. Kell stated he will also include on next week’s agenda his recommendation to select a consultant to conduct the Village’s facilities study.

T. Flick stated he had contacted the DNR about the option of tranquilizing and moving the deer and the DNR does not support tranquilizing and relocating deer as a way to control the deer herd. T. Flick stated the DNR is available to make a presentation to the Board and Board members agreed that a presentation should be scheduled and the public should be notified of the date. T. Flick stated that he will look at scheduling a presentation for sometime in the Fall for the DNR to present options for controlling the deer herd.

**Adjournment**

*Moved by Trustee Ransbottom, seconded by Trustee Van Deurzen to adjourn the Regular Board Meeting at 7:03 pm*

Ayes 7, Nay 0-Motion Carried Unanimously

**VILLAGE OF LITTLE CHUTE**

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

Attest: \_\_\_\_\_  
Vicki Schneider, Village Clerk