

# Little Chute struggles to span gap with HOV Metro District over Island Park access

By Tom Collins Reporter

Coming to terms regarding access to Island Park and its small metering station has become a suddenly difficult task between the Village of Little Chute and the Heart of the Valley Sewerage District in the past four to five months.

In some ways, the current negotiations have become a reminder of Paul Simon's classic song "Bridge Over Troubled Waters" for the village.

Little Chute Village Administrator James Fenlon offered both a background report on the situation and then particularly focused on an agreement apparently crafted by the Axley Brynelson law firm of Madison for the HOV district. He said he has previously shared his concerns at recent HOV district meetings.

The legal agreement surfaced late this January and has made recent meetings between village and district officials more complex.

Fenlon said the village and the utility were working on a way to access the metering station using access at Heesakker Park. Vehicles under five tons can cross that park's pedestrian bridge and follow the trail for various utility needs.

"We occasionally have park staff driving on the trail," Fenlon said.

For the past two years or more, a utility bridge spanning the canal next to the Mill Street Bridge has been serving utility and district access needs to Island Park. But that temporary bridge must eventually be removed as work begins, probably this fall, on the new Mill Street Bridge structure.

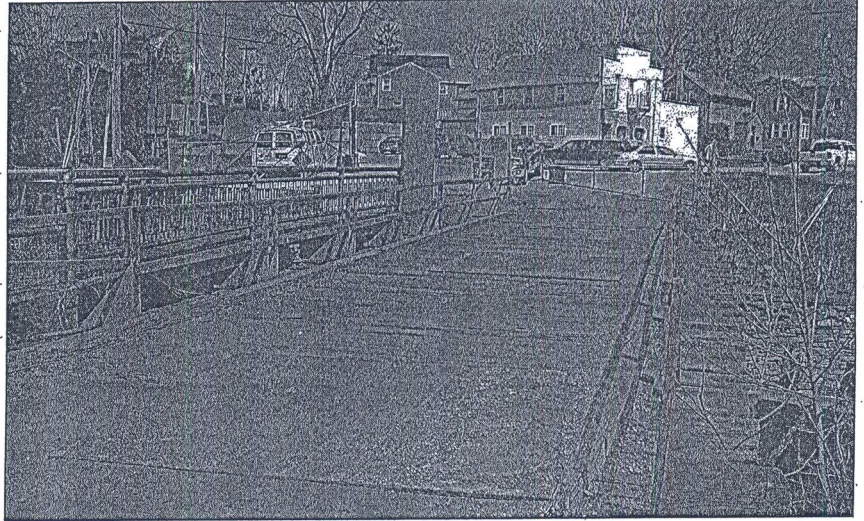
Just when all seemed to be in order, something changed, according to Fenlon.

"I don't know what happened at the [HOV] district," Fenlon told trustees. "In late January, the village received a document crafted by their attorney. It was very strongly worded. The wording in this document is more favorable to the district and not toward the village."

He detailed examples of language the village is trying to convince HOV district officials to modify or change.

One example is the HOV district wanted the village to reimburse them for their share of the temporary bridge rental fees owed to temporary bridge owner Janke Construction.

"That did not seem to be very reasonable and they agreed to take that out," Fenlon said.



Tom Collins photo

This temporary bridge, adjacent to the veteran Mill Street Bridge, soon will be removed to make way for construction of the new bridge. But the removal of the work bridge creates questions about access that are concerning the Heart of the Valley Metro Sewerage District in its discussions with Little Chute officials.

He showed trustees another clause regarding access through Heesakker Park. The village has had concerns, particularly with HOV district contractors, who have gone off trails and caused rutting problems at Heesakker Park. But original document language said the district and its contractors could use "...any route deemed necessary."

"There has to be some discussion there," Fenlon said. "Our park staff cares for our amenities. If every winter we have to repair ruts, that is something that should be discussed."

While primary access to Island Park is available for five ton vehicles, the HOV district document is now calling for a 20 ton capacity for bridge access. The village is verifying data with the state DOT to see if that limit is attainable, according to Fenlon.

Now the HOV document language is calling for the possibility of vehicles that might be even larger than the 20-ton limit. An example might be a sewage vacuum cleaning truck or a crane truck.

"The new [Mill Street] bridge has been talked about for five years," Fenlon said. "We have documented HOV employees attended planning sessions on that bridge. Six months before the project is to be let, we're talking about strengthening a bridge for weight limits."

One of the main issues raised in the HOV legal document that irks village officials is language that calls for the district reserving the right to move the metering station but with the village paying the cost.

That might remind readers of 1955 when Outagamie County officials decided to wash their hands over budgeting and operation of the

current Mill Street Bridge. To emphasize the point, they made a late night visit to the home of then Village President Paul Kostka, who also doubled as a county supervisor. They handed the surprised Kostka the keys to the bridge.

What followed that long, hot summer were contentions about the bridge being either raised or lowered and a series of confrontations that eventually ended in a U.S. District Court ruling in 1957. It would seem that portion of the village has some kind of negative spell on it that continues to repeat itself.

The threat of moving the HOV metering station and then sending the estimated \$750,000 to \$1 million cost to the village particularly irks Little Chute officials. It is what Fenlon called the "real meat and potatoes" of the HOV district legal document.

Both Fenlon and Public Works Director Roy Van Gheem contend there are written examples of the HOV district moving its metering stations and paying for full or partial costs of relocation, not assessing those costs to the communities involved. They say they will requisition HOV records and also talk to Village Attorney Charles Koehler regarding that issue in particular.

"We have a pretty strong inclination that did not happen in the past," Fenlon said regarding the 100 percent assessment. "Now they are going to say we are 100 percent responsible."

"We'll get to a point where we will attempt to prove that," Fenlon added. "In talking to our department of public works, that's not the case."

Fenlon said the ideal is to work together, which seemed to be hap-

pening over recent years and apparently was achieving some common ground regarding the Island Park access.

"The commission lawyered up and wrote an iron clad agreement that at no point in time took any considerations of the village," he said. "When you start negotiation from two opposite points, it's going to be hard to end up with something that needs to occur. It was sticker shock in late January when we received this document."

Fenlon said the apparent consideration about moving the metering station would not be cost effective nor is an example of working together in a collaborative effort.

Several alternatives have been suggested that would help the HOV district meet its heavy vehicle access demands. For example, one consideration has been the portable metal bridges used by the military to span rivers that have no bridges.

A second alternative for access that has been discussed is a concrete pad through the lock. With some work on the levy and Doyle Park sides, that would allow extra heavyweight vehicles to cross through the lock floor.

Fenlon suggested the Fox River Navigation System Authority has been cooperative with the village and HOV district and such an arrangement would help all parties, including both FRNSA and the U. S. Coast Guard. He suggested the lock could be drained for access at certain times of the year as it currently is to help Little Chute with Doyle Park swimming pool maintenance.

"There has to be some common sense," Fenlon concluded.

Meanwhile, work on the new Mill

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Street bridge structure is coming closer to reality. Bids are expected to be let as soon as next month and construction may begin by October. The goal for completion of the new bridge now is Memorial Day of 2016.

Fenlon suggested some of the current disagreements between the village and the HOV district may dissolve if the bridge construction crews have a new temporary bridge for their work, for example.

But the work to span the canal and lock area at Little Chute, while a short physical distance, has suddenly grown much wider at the negotiating table.

For its part the village is preparing to continue being a good, collaborating neighbor but also is preparing itself for possible differences with HOV district officials. Undoubtedly, Fenlon and other village officials would not like to see a repeat of 1955 all over again, especially the prolonged legal proceedings that ensued from that episode.