

MINUTES OF REGULAR VILLAGE OF BELLEVILLE BOARD MEETING
HELD MONDAY, JUNE 7, 2010 AT
7:00 P.M. VILLAGE HALL - 24 WEST MAIN STREET

1. Call to order - The meeting was called to order by Village President Terry Kringle at 7: PM.
2. Roll call by Clerk – Trustees present were: Ben O’Brien, Terry Kringle, Jim Schmitz, Gary Ziegler, Deb Kazmar and Bonnie Wilcox. John LaFay arrived at 7:05 p.m. after roll call and expressed apologies.

Also present: Laurine Lusk; Jean Kringle; Rick Francois; G.S. Donovan; Brad Peterson, Belleville Recorder; Jill Wennesheimer and Linda Kahl, ADA Compliance Committee; Jim Mann, Ehlers & Associates; and Jeff Hruby and Jon Lefers, Montgomery Associates.

3. The Clerk stated that the meeting has been noticed as required by law.
4. **Visitors Who Would Like to Speak Now** – Laurine Lusk: Shared photos of Lake Belle View, particularly of the North Channel. She wanted the Village to endorse the expanded plan. She invited persons to come to visit the North Channel. Jean Kringle reiterated here statements and also invited visitors. Kringle and Lusk said they are ready to help with lake project fundraising.
5. Visitors Who Would Like to Speak On an Agenda Item - None
6. **Consent Agenda: Item e. Trustee Kazmar made a motion to approve the consent agenda except item e; seconded by Trustee Wilcox. Item e: Operator’s training certificate box was not checked but it was included. Trustee Ziegler made a motion to approve; seconded by Trustee O'Brien. Motion passed unanimously.**
 - a. Approval of Minutes (May 17, 2010)
 - b. Approval of Bills for May 2010
 - c. Approval of Treasurer’s Report for May 2010 (Non-Utility Funds)
 - d. Approval of Operator License Application for Clinton K. Kelley (Sugar River Lanes)
 - e. Approval of Operator License Application for Ashley A. Wichser (The Nest)
7. Committee Reports – No discussion.
8. President’s Report – No report.
9. Administrator/Clerk/Treasurer’s Report – Computer email and Internet were down and hopefully will be repaired later in the week.

10. **Unfinished Business:**

- a. Discussion and Possible Action on Dane County Emergency Radio Communications Network – No report. Will be removed from agenda for now.
- b. Lake Restoration Project**
 - i. Future Borrowing Options, Presented by Jim Mann, Ehlers & Associates –**

Numbers are very preliminary; awaiting news of lake grant funding, fundraising dollars and bid estimates. Tax rate for debt purposes was 77 cents for 2010; In 2011, if doing nothing further it will rise to \$1.27 and stay there before dropping. Total capital needs are \$2.37 million if financing was at 100 percent worst case scenario (zero lake dollars available). He stated utilities must borrow its own funds in the future for construction projects.

In the expected 2010 borrow, proposed projects were lake base plan plus long-term maintenance costs. It was assumed borrowing would use the Build America (via State Trust Fund) loan over 20 years at 3.41 percent interest. Level principal and interest payments are the State Trust fund standard. Money is “fairly cheap” to borrow now. As a financial advisor, he had serious concerns with borrowing that much money; \$9.5 million is debt limit, and \$6 million is borrowed. As a rule of thumb, the advisors get nervous with debt capacity above 75 percent. There are also some unknowns about the TIF 3 district’s ability to support itself. Borrowing at 75 percent of limit would allow \$1,094,091 to be borrowed. Capital is tied up in the West Side neighborhoods.

An alternative was presented with a different payment structure to reduce the initial impact of the borrowing, but the state would need to approve. Borrowing \$2.37 million would put the Village at 88 percent of debt capacity. The concern is the ability to borrow money in the future; the Village may be prevented from borrowing on the open market (the alternative would be borrowing from the state). The Village Board asked for utility debt projections.

President Kringle said that levying less for capital could be done in 2011 to cover additional debt costs. Best case scenario is a \$200,000 increase. Mann cautioned that it would be difficult to add dollars later because of levy limits. Discussion of operational budget, levy limits and allowed carryover. President Kringle wanted the Village Board to think about the money that would be available for expenditures in 2011. The major decision is what amount at which the Village Board will be comfortable borrowing – the dollar amount not the projects. If funds are borrowed after September the first payment would be due in 2012. Don’t know yet the impact on utilities.

Jim Mann will present borrowing information less lake account funds and \$70,000 debt fund surplus. Little will provide Mann utility debt information. Expanded plan dredging ideally would be decided immediately, or can be done as a change order. Numbers will also be rerun with first payment due in March 2012. The plan is to open lake bids June 14 and update information. Grant status report will be provided as well.

- ii. **Future Maintenance Costs Options** – President Kringle presented an opinion on future lake maintenance costs. If an alternative source of the revenue cannot be found, the maintenance costs would need to be paid by levy. Jeff Hruby: contracts will be split into construction and restoration. In 2014, the big year is when a burn will be conducted then planting. It does not include construction engineering services.
- iii. **Restrictive Covenants Approval for In-Lake Wetlands** – Hruby: as part of the

Army Corp permitting process, they are requiring that a restrictive covenant be applied to 4.555 acres of the newly-created wetland area. The covenant would say the area will essentially be placed into conservancy with no development. It must be entered at the conclusion of the project. Area will be defined after creation. Signing the permit will require the Village to enter into this covenant. Trustee Ziegler made a motion to endorse the deed for restrictive covenants for the in-lake wetlands; seconded by Trustee LaFay. Motion passed unanimously. Trustee Ziegler asked for a project add-on document (park restoration, kayak run, dam, fish ladder etc.).

- iv. **Dam Maintenance / Proposal for Continued Dam Compliance Modification Services** – Hruby and Jon Lefers: dam is technically not in compliance with state regulations but the Village was not informed of this. Lake work cannot be approved without modifications. It was confirmed that the dam was low hazard. The spillway capacity analysis is the 100-year flood flow; before Community Park is breached flooding may happen better than once a year. They feel the numbers in the flood flow study may not be accurate. The Village must prepare an emergency action plan, a section and operation maintenance plan, and spillway capacity and stability/structural analysis. The lake cannot be refilled until this is addressed. A summary of five task orders was presented to assist with these requirements. This work will need to be done regardless of the lake project status. Completion of Task 1 might also help downstream homeowners who have floodplain concerns. Trustee Ziegler made a motion to approve proposal the task orders [totaling \$25,200 with Task 1] presented for professional services with Montgomery Associates; seconded by Trustee LaFay. Motion passed unanimously.
- v. **Construction Operational Hours** – The existing ordinance allows noise from 7 a.m. to 10 p.m.; the question was whether existing limitations on hours of operation could be extended. In the winter, ground may be more stable at night after ground freezing. Restrictions could be placed on road access. Much of the activity will be in lake. President Kringle suggested holding a meeting with nearby owners to discuss. A bid addendum could be worded accordingly.
- vi. **Fundraising Committee Appointments / Process** – President Kringle, April Little, Bob Sorge and Joe Donlin met to discuss names for the fundraising committee members. Ideal candidates would be hard workers, committed donors and have people contacts. Kringle suggested Rosemary Gall and Laurine Lusk. Madison Community Foundation could advise on strategic planning. Other suggestions were Dave Ace, Lena Funseth, Herb Blaser, Dana Anderson, Steve Schlect – Duluth and Nancy Donlin. Trustee Ziegler suggested some clerical support. Will formalize June 21; may set up information-only meeting beforehand. Fundraiser-assistance would also be needed.

c. Recommendations from the ADA Committee

- i. Proposed Ordinance 2010-06-01: An Ordinance Amending Title 2 Chapter 6 – Staff will set up a meeting with Village attorney to discuss their recommendation regarding repealing of the entire chapter.

- ii. Compliance Needs Discussion – Committee will continue to work with setting up a special needs persons list via Dane County; have applied for grant funding for public improvements; will meet with attorney to discuss the ordinance; and emergency management committee will look at generators.

d. **Proposed Ordinance Amendments (Second Reading and Possible Approval)**

- i. **Proposed Ordinance 2010-06-02: An Ordinance Amending Title 6 Chapter 2: Streets & Sidewalks – Snow Removal, Terraces and Street Numbers** – Trustee Ziegler made a motion to adopt Ordinance 2010-06-02; seconded by Trustee Wilcox. Motion passed unanimously.
- ii. **Proposed Ordinance 2010-06-03: An Ordinance Amending Title 6 Chapter 4: Trees & Shrubs** – Trustee Ziegler made a motion to adopt Ordinance 2010-06-03; seconded by Trustee O'Brien. There may be additional in-depth review and amendments later. Motion passed unanimously.
- iii. **Proposed Ordinance 2010-06-04: An Ordinance Amending Title 6 Chapter 5: Parks and Recreation – Park Hours** – Last word changed to “event”; Trustee Ziegler made a motion to adopt Ordinance 2010-06-04 as revised; seconded by Trustee O'Brien. Motion passed unanimously.
- iv. **Proposed Ordinance 2010-06-05: An Ordinance Amending Title 9 Chapter 2: User Charges and Sewer Use – Billing & Definitions** – Trustee LaFay made a motion to adopt Ordinance 2010-06-05; seconded by Trustee Ziegler. Motion passed unanimously.
- v. **Proposed Ordinance 2010-06-06: An Ordinance Amending Title 11 Chapter 4: Offenses Involving Alcoholic Beverages – Outside Consumption** – Trustee LaFay made a motion to adopt Ordinance 2010-06-06; seconded by Trustee Wilcox. Motion passed unanimously.
- vi. **Proposed Ordinance 2010-06-07: An Ordinance Amending Title 11 Chapter 6: Public Nuisances Affecting Health – Outdoor Solid Fuel Fired Heating Devices** – Trustee Ziegler made a motion to adopt Ordinance 2010-06-07; seconded by Trustee LaFay. Motion passed unanimously.
- vii. **Proposed Ordinance 2010-06-08: An Ordinance Amending Sections of Title 10 Chapter 1: Permitted/Conditional/Nonconforming Uses & Complaints; Commercial and Industrial Signs; Pollution; & Swimming Pools** – Trustee Schmitz made a motion to adopt Ordinance 2010-06-08; seconded by Trustee LaFay. Motion passed unanimously.
- viii. **Proposed Ordinance 2010-06-09: An Ordinance Amending 10-6-44 Master Site Grading and Drainage Plan** – Trustee LaFay made a motion to adopt Ordinance 2010-06-09; seconded by Trustee Kazmar. Motion passed unanimously.
- ix. **Proposed Ordinance 2010-06-10: An Ordinance Amending 10-7-2 Building Permits and Inspections** – Trustee Ziegler made a motion to approve Ordinance 2010-06-10; seconded by Trustee Wilcox. Motion passed unanimously.
- x. **Proposed Ordinance 2010-06-11: An Ordinance Creating Title 7 Chapter 2**

Section 19 Relating to Licensing and Regulation of Beer Gardens – President Kringle questioned what “amplified music meant”. It may be preferred to define decibel limits. It seemed like allowable hours should match with sidewalk cafes. Also there is no time to submit site plans for review this year. Needs some clarification. Tabled. Licensing Committee will look at this further.

- xi. **Proposed Ordinance 2010-06-12: An Ordinance Creating Title 7 Chapter 2 Section 20 Relating to Licensing and Regulation of Sidewalk Cafes** – Also decibel limit and site appearance and hours need to be discussed. Tabled. For review at Licensing Committee.
- xii. **Proposed Ordinance 2010-06-13: An Ordinance Amending Title 2 Chapter 2 Relating to President and Trustee Compensation** – Trustee Ziegler made a motion to approve Ordinance 2010-06-13; seconded by Trustee LaFay. Motion passed unanimously.
- xiii. **Proposed Ordinance 2010-06-14: An Ordinance Amending Title 8 Chapter 1 Relating to Noxious Weeds, Natural Lawns and Lawn and Grasses** – Trustee LaFay made a motion to approve Ordinance 2010-06-14 with correction regarding “weed commissioner”; seconded by Trustee Kazmar. Motion passed unanimously.

11. New Business:

- a. **Community Visioning Proposal** – President Kringle said costs for a community survey were \$5000. President Kringle felt it was cost prohibitive at this point.
- b. **Liquor, Cigarette and Amusement License Application Approvals for 2010-11 Licensing Year** – Trustee Wilcox made a motion to accept liquor, cigarette and amusement applications for 2010-11 as per document provided; seconded by Trustee Kazmar. Motion passed unanimously.
- c. **Proposed Change Order 2 for Far West Side Sanitary Sewer Interceptor – Project A (Detour Change and Additional Tree Removal)** – Trustee Ziegler said these were recommended by Public Works Committee. DOT changed the detour route for the project, which required more signs and tree removal. Trustee Ziegler made a motion to approve change order 2 for FWSSI Project A; seconded by Trustee LaFay. Funds are within project contingency range. Motion passed unanimously.
- d. **Proposed Change Order 2 for Far West Side Sanitary Sewer Interceptor – Project B (Entrance Culvert and Ditch Checks)** – Trustee Ziegler made a motion to approve change order 2 for FWSSI Project B, amount of \$2520; seconded by Trustee Wilcox. Motion passed unanimously.
- e. **MSA Task Order 372003 – Phase 1 Task 2 for West Side Well #3 Investigation** – Trustee Ziegler said MSA had done a well site study for #3 in phase 1 to identify a location (south of Hwy 92). In phase 2, the test well must be dug. Task order does not include costs for construction. Trustee Ziegler made a motion to approve the task order 372003 not to exceed \$13,700. Seconded by Trustee Kazmar. This project was listed in the TIF 3 district in a future phase expense. Motion passed unanimously.

- f. **Hiring of Seasonal Public Works Employee** – Trustee Ziegler made a motion to hire Rod Mussel for Public Works seasonal employee; seconded by Trustee O'Brien. Nearly 30 people applied, six people were interviewed. All candidates were great. Motion passed unanimously.
- g. **Federal Industries Effluent Requirement** – Trustee Ziegler said Federal wants to use a new product to clean projects. The chemical they would like to use impacts wastewater discharge. MSA took samples. The MSA letter said that this waste can be brought in the system with a separate meter so it can be charged for impact to wastewater systems. Sampling would be done monthly at Federal's cost. The material raises the ph measure. Trustee Ziegler made a motion to forward the letter dated May 25 to Federal industries; seconded by Trustee LaFay. Motion passed unanimously.
- h. **Legler Concrete Bid for Village Hall Basement** – Trustee Ziegler said in the Village Hall basement, there was a fuel oil tank on a soaked dirt/wood floor both of which have been removed. Legler gave a bid to remove dirt and cover it with four-inch concrete floor and repair block wall. Trustee Ziegler made a motion to approve the estimate for fixing floor with funds from building maintenance fund; seconded by Trustee LaFay. Motion passed unanimously.
- i. **Ordinance Enforcement Priorities** – Trustee Ziegler said we need to come up with a top ten list of properties needing code enforcement attention plus a quadrant split for rotating inspections at large. Little will send a reminder to Village Board members and staff.
- j. **Compliance Annual Maintenance Report Approval** – Tabled.
- k. **Easement Maintenance – Approval of Decision-Making Authority Designations** – In an area in Greenview development, people are impeding stormwater drainage with fences etc. Trustee Kazmar made a motion to appoint Jerry Butts and the building inspector for inspection authority to maintain easement compliance; seconded by Trustee Ziegler. Motion passed unanimously.

12. **ADJOURN TO CLOSED SESSION** for discussion of: a) **Purchase of Cosgrove Wetlands / Stewardship Grant Award** and b) **Sale of Village Property** per Wis. Stats. 19.85(1)(e).

Discussion of item b in open session. Trustee Ziegler made a motion to approve the counter proposal for the sale of a business lot from Dutch/Patchin; seconded by Trustee Wilcox. Motion passed unanimously. This will then be referred to Chalet Ski for its first right of refusal.

13. **Other Business:** Future meeting dates were noted.

14. **Adjournment** – Trustee Kazmar made a motion to adjourn; seconded by Trustee LaFay.

Motion passed unanimously. The meeting was adjourned by President Kringle at @9:40 PM.

By April Little, Administrator/Clerk/Treasurer

These minutes were approved by the Belleville Board of Trustees on June 21, 2010.