

MINUTES OF REGULAR VILLAGE OF BELLEVILLE BOARD MEETING  
HELD MONDAY, AUGUST 2, 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 7:00 PM.
2. Roll call by Clerk – Trustees present were: John LaFay, Ben O'Brien, Terry Kringle, Jim Schmitz, Gary Ziegler, Deb Kazmar and Bonnie Wilcox

Also present: Ted Fahey; Brad Peterson, Recorder; Herb Blaser; Rick Francois; Jean Kringle; Laurine Lusk; Jean Tretow; Roger Hodel; Rosemary Gall; Kerry Van Kleek; Attorney Matt Dregne; Jeff Hruby, Montgomery Associates; and Jim Mann, Ehlers.

3. The Clerk stated that the meeting has been noticed as required by law.
4. **Visitors Who Would Like to Speak Now** – Ted Fahey: Greenview Development has drainage issues. He requested a meeting with the site developer. Rain is coming onto their property. President Kringle recommended meeting first with Public Works Committee.
5. Visitors Who Would Like to Speak on an Agenda Item – no discussion.
6. **Consent Agenda:** Trustee Kazmar made a motion to approve the items as presented; seconded by Trustee Wilcox. Motion carried.
  - a. Approval of Minutes (July 19, 2010)
  - b. Approval of Bills for July 2010
  - c. Approval of Operator's License for Sara C. Kelter (Town Mart)
7. Committee Reports – No discussion.
8. President's Report – No discussion.
9. **Administrator/Clerk/Treasurer's Report** - Public Service Commission (PSC) hearing on water rate increases is September 16; the PSC may propose a rate increase above the \$5 requested by Village Board.

10. **Unfinished Business:**

**a. Lake Restoration Project**

- i. Project Update – No discussion.
- ii. **Fundraising Committee Appointments / Update** – President Kringle recommended Brad Peterson to the Lake Fundraising Committee. Trustee Ziegler made a motion to approve Peterson's appointment; seconded by Trustee Kazmar. Motion carried.
- iii. **Project Change Orders** – President Kringle said that a maximum number of

dollars should be set for expenditures on the additional projects. There is also the matter of application of the approx. \$122,000 in debt service fund balance and how much should be applied toward the lake project. These will be August 16 Village Board items.

1. **Berm Relocation Feasibility Study** – President Kringle said that he did not participate in past lake discussions, but felt he could do so now because major decisions regarding the lake have now been made and future decisions would not affect his property directly. President Kringle and his wife met with Rosemary Gall about a proposal she had presented. She had agreed to the terms that President Kringle presented.

Gall is proposing presenting changing the northern end point for the berm. However, some study is needed to determine feasibility. Kringle walked the property and noted the river did not overflow at the proposed alternative to the west. He is proposing several conditions for the study:

**President Kringle made a motion to have Montgomery Associates (MARS) do a study to determine the feasibility of changing the position of the berm so that it connects with the northern bank of where the Sugar River enters Lake Belle View under the following conditions: 1) a meeting will be set up this week between MARS and representative from the Village to determine the extent, schedule, scope and parameters of the study; 2) MARS will meet with the group established to present its findings; 3) MARS will be present its findings to the Village Board; 4) The feasibility study will not interfere with the present project, and 5) Expense for the feasibility study will be paid for from the \$12,500 to be paid to the Lake Fund from Mrs. Gall. Seconded by Trustee Schmitz. Motion carried.** Members of the study group will be named later, preferably at least one member of the Lake Committee.

**b. Proposed Ordinance Amendments (Fourth Reading and Possible Approval)**

- i. Proposed Ordinance 2010-06-01: An Ordinance Amending Title 2 Chapter 6 (ADA) – Meeting with attorney to discuss scheduled August 16.
- ii. Proposed Ordinance 2010-06-11: An Ordinance Creating Title 7 Chapter 2 Section 19 Relating to Licensing and Regulation of Beer Gardens – Licensing Committee to be scheduled.
- iii. Proposed Ordinance 2010-06-12: An Ordinance Creating Title 7 Chapter 2 Section 20 Relating to Licensing and Regulation of Sidewalk Cafes - Licensing Committee to be scheduled.

**c. Third Reading / Possible Approval of Proposed Ordinances:**

- i. 2010-07-05: Creating Section of Title 2 Chapter 4 - Police Discipline Committee – Discussion of with Village attorney scheduled for August 16 Village Board meeting.

## 11. New Business:

### a. **Concept for Lake Belle View Dam Restoration**

- i. **Proposal for Services from Montgomery Associates – Final Design and Permitting for Increasing the Spillway Capacity of the Dam (Change Order)** – Jeff Hruby gave a presentation. Repair work is necessary because the DNR has determined the dam is out of compliance in terms of spillway capacity. The goal is to increase spillway capacity. Three options were considered. The first one was not acceptable. The second (Option A) was to lower the roadway coming in to Community Park, remove trees, and construct an 6-foot embankment. It would force water flow over the emergency spillway structures and back to the river in eastern section of the park. Fence and tennis courts would be removed. It has been informally submitted to DNR for comment. It would maintain the ability to modify the larger Community Park. The height of this berm would be about the height of the separation berm.

Option B – The question was, would a kayak run help mitigate the spillway issue? The proposal is to jog the dam upstream and to the west about 260 feet – it's 260 feet of weir to flow over. It doubles the weir length of the existing dam. It would create a lower-flow channel that would accommodate a kayak run. It would require a one-foot by 10-foot depth road to the west of the dam, which could be used to view the river. It reduces the visual impact to the park over option A. Option B could be further defined under the existing contract. It may cost more, but it would also help accomplish other priorities like the kayak run.

Herb Blaser: he thought the first option might be less costly and does not hurt park too much. Neither suited him well.

Hruby: Under Option B, you would drive sheet pile as you go to make a vertical wall. The other option is to use more of an earthen structure. The berm under option A would be tapered and maintain the road. Could detail out Option B with remaining \$4-5000 in funds. The agreement as presented is for Option A final engineering. The Option A would still allow for a kayak run, but a fish ladder would be a little difficult. Construction materials required will be a major factor in cost.

Hruby: should they go forward with Option A to final engineering or spend some time detailing option B, look at costs, meet with DNR, then meet again on August 16? **Trustee Ziegler made a motion to have Montgomery continue their work on Option B and bring back to Village Board on August 16; seconded by Trustee Wilcox. Motion carried.**

- b. **Concept for Community Park Restoration** – There could be some dredge material filling in the park to improve drainage. Hruby said the Village would need to consider modification to existing structures, and which recreational/athletic activities to promote. Most grading would be in portion near the ball field. It may require a new

culvert. Ball field would be reoriented slightly under a more aggressive plan. A second concept would do less work on the ball field area. The first option would deposit 5000 cubic yards more of fill than the second option, so is more expensive. Two light poles would need to be moved either way. It is mostly baseball and youth football using this area, not soccer.

Trustee Schmitz suggested in lieu of this work replacing the bathrooms. Discussion of whether to crown the area (1 percent) and whether to reorient the home plate. Trustee Ziegler would like to hear opinions from the sports groups. Importance of uses must be considered in relation to the direction of the drainage. Timeline: will need to decide by December, but need the contractor's exact schedule. It was decided that the ball field was in a good location already. Would like more input from the sporting users. Hruby will provide a third diagram in a week or so for discussion at a future Public Works Committee meeting in late August.

- c. **Proposed Resolution 2010-08-01: Requesting Lake Management Planning Grant Program Funds from WI- DNR (Native Fishery Restoration)** – Trustee Ziegler made a motion to adopt Resolution 2010-08-01; seconded by Trustee Schmitz. Motion carried.
- d. **Proposed Resolution 2010-08-02: Requesting Lake Management Planning Grant Program Funds from WI- DNR (Shoreline Restoration)** – Trustee Ziegler made a motion to adopt Resolution 2010-08-02; seconded by Trustee Wilcox. Motion carried.
- e. **Consideration of 2010 Financing Plan with Jim Mann and Attorney Matt Dregne** – Dregne: because the west side platting process is not proceeding as planned, it is impacting the special assessment process. Bell West final platting is proceeding but is not yet approved. The current bond anticipation note expires November 1. Cosgrove needs notice of what his share would be as he plans to pay in advance. The main problem in moving forward with the special assessments is that the plats are not recorded.

Options: levy against unplatted lands, then after recording plats convert the assessments to amended assessments against platted lots. Bond Counsel is reviewing the statutes regarding feasibility. The concern is that special assessments must be released before levying new assessments; this must satisfy bond holders. If this is an option, levying special assessments either way (plats recorded or not) would work. If not an option, then other options would be to levy against unplatted plats and demand payment upon recording at 100 percent of cost (rather than pay over time). Another option is to levy on platted areas only, and roll over bond anticipation notes on unplatted areas. Direction is needed on feasible options.

Mann: the big question is whether bond counsel is comfortable with converting special assessments upon recording of plats. Also, only phase one of Shamrock is done, which is about 10 percent of the development. Options: 1) roll the bond anticipation note portion not paid by Shamrock phase 1; 2) If Bell West is done, could issue a special assessment b-bond for that area only. Special assessment payments would be deferred; 3) J&J/Baker – come up with payment or roll over bond anticipation note for one year.

Mann said to remember that payments must be covered for the TIF district and wastewater treatment plant as well. Connection fees are needed. There would be some additional interest charged to the developers because of the delay. Risk to developers is that if special assessments are not done, interest rates could go up later when permanent financing is done.

Legal issues must be explored by bond counsel. Decision to sell bonds should be made September 20, or at the very latest, October 4. Francois said CARPC approval is the primary hold up for Bell West. Dregne asked about the other approving authorities, and said development agreement must be signed as well. CARPC could require changes that might change the plat. This is also holding up engineering. President Kringle said that the rollover might be the only option. Mann said the rollover would be one year with a six-month call provision. September 9 is therefore the decision date, and plats be recorded and developer's agreement signed. Village Board will set tentative drop dead date August 31 at 6 PM. **Trustee Ziegler made a motion to authorize legal counsel to give 30-day notice to Cosgrove / Shamrock phase 1 for payment of assessment; seconded by Trustee LaFay. Motion carried.**

[Visitor] Ted Fahey – asked about the plan for use of any land that might be purchased from Don and Betty Fahey. It would need to be rezoned and annexed into the Village. A public hearing would be held as part of the zoning process. He said Roger Hodel was also present for this agenda item. President Kringle suggested they attend the next Village Board meeting.

Mann: he is suggesting looking at refunding the 2004 notes; the 2007-09 notes have 3.6 percent effective interest rate. The 2011 rate at the “do nothing” option goes from 77 cents to 1.26. Refinancing would save \$12,422 by replacing a higher interest rate. Option 1 is financing all at 3.4 percent effective interest. Options a and b use GO bonds at tax exempt rates. Option 1c includes the refinancing but can't use Build America bonds. Option 2 is a Build America bond with a split out for water revenue debt; could use a bond anticipation note.

The cheapest option is using Build America taxable bonds. Option 1a would take the Village to 82.5 percent (including water debt) of debt limit used, which is over the typical recommended amount. After this year, the Village needs to not undertake any more general obligation debt. Cannot sell sewer bonds now because of sewer cash flow; water revenue bonds could be sold and pulled out however. Discussion of how much general obligation versus water revenue debt.

Does the Village want to pull out any lake costs? Mann said it may be better to borrow for the lake now because of favorable interest rates although the project costs may be due a bit later. Debt must be issued for levy worksheets calculations by the beginning of December. Water debt could be paid from the water fund without additional impact, according to the rate case file. State Trust Funds can allow advance payments, but is the second cheapest option. Open market allows more smoothing over the spike years (1b or 2b), but is more expensive in the long run.

Direction to Mann was to carve out the water debt. In terms of shorter term lake debt, most extra funds raised would go to other projects like the bridge.

- f. **Approval of Award for Gazebo Construction** – Two individuals are expected to submit bids, but have not yet.
  - g. **Resolution 2010-08-03: Establishing the Equivalent Runoff Unit (ERU) Rate Charge Method for the Stormwater Utility** – Trustee Ziegler made a motion to adopt; seconded by Trustee O'Brien. Motion carried. It clarifies that charges are billed monthly.
  - h. **Approval of Part-Time Hire for Police Department** – Trustee Kazmar said they are recommending Kristin Mueller to fill a part-time position. Trustee Kazmar so moved; seconded by Trustee Wilcox. It has been difficult to fill open slots. Motion carried.
  - i. **Disposal of Surplus Property: 2004 Police Vehicle** – Roger Hillebrand said that the last cars were disposed of by publication in the newspaper with sealed bids. Trustee Kazmar made a motion to put the 2004 squad out for bids; seconded by Trustee Wilcox. Motion carried.
  - j. **Proposed Dane County Radio Project Alternatives** – President Kringle attended the meeting of DCCVA. Trustee Ziegler said they wanted to convene a subgroup to discuss the Dane County proposals further. It was felt that we might get a watered down version of DaneCom radio system.
12. **ADJOURN TO CLOSED SESSION for discussion of: a) Purchase of Cosgrove Wetlands / Stewardship Grant Award; b) Offer from Don and Betty Fahey for sale of land for a clean fill dump / future Public Works Building site c) Development Agreement for Bell West per Wis. Stats. 19.85(1)(e) - Discussion of item c only, in open session.**

Dregne detailed the current status of Bell West pre-development agreement. Currently we are owed \$87,526, for which J&J/Baker and Francois (Bell West) are jointly and severally liable. Bell West would like the Village in a new phase 1 developer's agreement to release them from this joint obligation. J&J/Baker's share is \$59,800; Bell West wishes to be released from this. Dregne recommends against this. It would also be a question of public purpose doctrine and taxability. Also, the Village has been liable for 25 percent of the costs.

The Village would have to file a lawsuit to recover these funds; it would most likely be on both parties. Francois state they would pay their amount due. Village would want to restructure going forward. Baker and J&J would still be bound under the pre-development agreement. The Village could freeze any other development actions until payment is made.

It was agreed to pursue collection from J&J/Baker after demanding payment by August 31 then commence suit if unpaid. The Village would want to restructure the agreement with Bell West to release them from joint and several obligations beyond their share. There would be a developer's agreement with Bell West that is new going forward and releases them from pre-development agreement. A judgment would be needed to obtain a lien on land owned (anywhere in Dane County).

Bill Fahey (attorney for Bell West) emailed a request regarding expenses for engineering. Is there a way to cap what the Village would be reimbursed for its expenses related to engineering review on Bell West on behalf of the Village? Dregne suggested Bell West reach an agreement with MSA on its own. Village Board was not interested in pursuing a cap.

Park improvement fees - Pay now or as lots develop? President Kringle suggested as phases

develop. First phase would have no park fees as it would not have residential.

Regarding building of the UW clinic, Fahey asked whether there a minimal level of improvements needed before building permits could be issued to the clinic. Francois said they will put in access roads in October; utilities and other roads installed in 2011 when the clinic is ready to open. Village Board suggested allowing permits as soon as possible, with input from Jerry Butts and the Village engineer on specific requirements.

13. **Other Business:** Announcements – PSC Hearing is September 16 at 10 AM.

14. **Adjournment** – Trustee Wilcox made a motion to adjourn; seconded by Trustee Kazmar. Motion passed unanimously. The meeting was adjourned by President Kringle at 10:21 PM.

*By April Little, Administrator/Clerk/Treasurer*

*These minutes were approved by the Belleville Board of Trustees on August 16, 2010.*