

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

Also present: Jim Schenk; Mike Tretow; Karen Meier; Joan Root; Jim Root; Joe Donlin; Laurine Lusk; Bob Street; Don Funseth; Brad Peterson, Recorder; Jill Wennesheimer, ADA Committee.
3. The Clerk stated that the meeting has been noticed as required by law.
4. Visitors Who Would Like to Speak Now - None
5. Visitors Who Would Like to Speak On an Agenda Item – No discussion.
6. **Consent Agenda: Trustee Kazmar made a motion to approve consent agenda as presented; seconded by Trustee Ziegler. Motion carried.**
 - a. Approval of Minutes (August 16, 2010)
 - b. Approval of Bills for August 2010
 - c. Approval of Operator’s License Applications – Michelle L. Walton (The Dam Bar)
 - d. Approval of Application for Street Use for Belleville Parent-Teacher Organization (Vine Street, from Main to Pearl) for September 26, 2010
 - e. Approval of Application for Library Park Use for Belleville Parent-Teacher Organization for September 26, 2010
7. Committee Reports – No discussion.
8. **President’s Report** – President Kringle: is there anyone on Village Board who feels a referendum should be placed on the November election pertaining to the sales tax in Dane County, specifically in regards to funding commuter rail? No interest was expressed in the referendum.
9. Administrator/Clerk/Treasurer’s Report – No report. To item 11a.
10. **Unfinished Business:**
 - a. **Lake Restoration Project**
 - i. **Project Update** – Construction meeting was held. Tentative start is the week of September 13. Mill race and berm will start first. Dredging to start in the colder months.
 - ii. **Project Change Orders** – None.

- iii. **Concept for Dam Restoration.** Jeff Hruby, Montgomery Associates was present – President Kringle: the DNR said that the Village’s dam capacity to handle floodwaters is insufficient. Hruby gave an overview of the repair options. The Public Works Committee is recommending option 1 (berm in Community Park). The Village has no choice of fixing the capacity problem, regardless of the lake project.

Sandy Van Kleek asked about sheet pile. Hruby described it as steel that is in a z-pattern. **Trustee Ziegler made a motion to proceed with option 1 of the dam modifications; seconded by Trustee LaFay.** Trustee Ziegler commented that the Public Works meeting discussion was lengthy; cost was a major factor. **Motion carried.**

- iv. **Berm Feasibility Study Changes** – a privately-funded study was done to determine whether the berm could be adjusted farther west and lowered; whether another canoe path could be installed; and whether there should be additional lake-river connection. Findings: berm cannot be lowered or moved. It is possible to allow an additional passageway on the east side of the north berm, at a cost of about \$40,000. It could be possible to add another river-water connection, but it may not positively impact water quality or circulation. It is very expensive to narrow the berm. The decision items: whether to authorize additional water passage; additional connection for lake-river; and/or narrow the berm with sheet pile (estimated at \$700,000).

Ray Lambole: why install a berm if we put in another connection? President Kringle: there would be a control mechanism.

Dave Ace: would this be an additional canoe path? Yes, but does not change flow or water quality.

Don Funseth: pointed out there would be project delays. Hruby: discussed parameters for consideration – options could not cost delays.

Chuck Talbot: asked whether these options were funded. Not at this time.

Laurine Lusk: thought the option could increase paddling opportunities.

Mike Tretow: rather than “luxury items”, would like improvements on the river side.

Bob Street: asked about sheet pile. It would be located on north side, east and west of the berm. He felt that only 2/3 of issues were being addressed – issues exist on the west of the berm too.

President Kringle said that fundraising priorities were not on the night’s agenda, but can be placed on the September 20 agenda. It was clarified that dredging could not be done on the west side of the berm under the existing permit. It is a minimum 60-day approval process for a permit.

Bill Hosely: he is disappointed that the river side will only see the berm.

Rosemary Gall: spoke to the merits of the ideas. The sheet pile is just too expensive. There is no merit on a second lake-river connection; these should

be off the table. However, a second canoe loop in the western bay area would provide a third route between the lake and North Channel and extend the view. It would be a one-time cost with good value-per-dollar. She added that people donate money to causes they care about and so it should be the best plan.

Joe Donlin: the plan is not perfect but without fundraising dollars additional items will be a negative impact.

Sandy Van Kleek: agreed with Mrs. Gall's comments.

Jerry Butts: would like to see the lake done but is concerned with add-ons being torn out in the future because of natural causes.

Lusk: asked whether if funds could be raised, the project could be done.

President Kringle asked if the Village Board wanted to take action on the feasibility report. Hruby said that additional dredging could be done later (for the loop). **Trustee Ziegler made a motion that the sheet pile and northern lake-river connection be removed from consideration, and that the second canoe loop be discussed at the September 20 Village Board meeting; seconded by Trustee Kazmar. Motion carried.**

b. Proposed Ordinance Amendments:

- i. **Proposed Ordinance 2010-06-01: An Ordinance Amending Title 2 Chapter 6 Grievances Regarding Access to Public Buildings, Programs, Services and Employment (ADA)** – It was revised with the assistance of the attorney and committee chair. Trustee Ziegler made a motion to approve Ordinance 2010-06-01; seconded by Trustee LaFay. Motion carried.
 - ii. **Proposed Ordinance 2010-06-11: An Ordinance Creating Title 7 Chapter 2 Section 19 Relating to Licensing and Regulation of Beer Gardens** – Trustee LaFay: the Licensing Committee met and considered comments received. Trustee LaFay made a motion to adopt Ordinance 2010-06-11 with changes to reference the decibel ordinance 10-1-21 and maintain the exception to allow amplified music on third Saturdays (changed from second Saturdays) during summer; seconded by Trustee Ziegler. Motion carried.
 - iii. **Proposed Ordinance 2010-06-12: An Ordinance Creating Title 7 Chapter 2 Section 20 Relating to Licensing and Regulation of Sidewalk Cafes** – Trustee LaFay made a motion to adopt Ordinance 2010-06-12 with the similar change (as the beer garden ordinance) adding a reference to the decibels ordinance; seconded by Trustee Ziegler. Motion carried.
- c. **Approval of Award for Gazebo Construction** – Attorney Dregne and Little explained how this was a result of a long process to obtain estimates, resulting in a negotiated sale as there was a lack of bidders. A notice of construction will be published. **Trustee Ziegler made a motion to award the contract for**

reconstruction of the gazebo and old library ramp not to exceed \$33,475.38, with funds to come from insurance reimbursement; seconded by Trustee Kazmar. Motion carried.

- d. **Proposed Dane County Radio Project Alternatives** – Trustee Ziegler: progress is being made, and a letter was received from Kathleen Falk. She is proposing to re-bid the project because of substantial cost and design changes from the original design.
- e. **Utility Billing Adjustments for Construction-Impacted West Side Properties (Prisk/Grant)** – Trustee Ziegler made a motion that for the seven construction-affected properties the August bill be based on a 12-month average; seconded by Trustee LaFay. Motion carried.

11. New Business:

- a. **Stormwater Presentation by Eric Thompson, MSA** – The 2010 water quality plan was funded in part by a DNR grant. This is the third version of a plan for the Village; a summary of past plans was discussed. In June 2000, Phase 1 looked at the north half of the Village. Four projects were recommended, one removed (Zweifel/Welch neighborhood) because the area is not yet in the Village. Many projects recommended in the May 2002 plan were completed as part of recent construction. The January 2003 report recommended projects along Evarts and East Streets.

The July 2010 report considered the guidelines for larger communities during the planning. Within Village limits, 88 tons of sediment are generated. The Village has a street sweeping program that removes about 1.6 tons yearly. The DNR would like to see 40 percent of sediment diverted from waterways; the Village is at 11 percent diverted. Some recommendations to improve water quality include more frequent street sweeping and/or a higher efficiency sweeper; convert dry stormwater ponds to wet ponds; and optimize use of Federal's pond. The reasons for these improvements are to help the quality of the Sugar River watershed and it is the right thing to do (the watershed is not classified as impaired at this time). The stormwater utility was set up in part to do capital projects such as those recommended.

Thompson also presented plans for the northeastern part of the Village. Very little of this area is wetlands. However, several landlocked areas are within the 100-year floodplain. Development would create runoff concerns. In the future, developers would not be allowed to discharge stormwater. Thompson also presented a conceptual development plan to address the water concerns (including deepening wet areas). The drainage infrastructure would need to be connected to a much larger area; this should be considered if small developments would be proposed. About 30 total projects were listed for consideration with the stormwater utility.

- b. **Proposed Resolution No. 2010-09-01: Resolution Conditionally Approving The Final Plat of Bell West** – The conditions of the Plan resolution included: proper zoning will be done; developer's agreement signed; personal agreements and mortgage acceptable for security (this was worked out during the previous agreement process); and parkland dedication fees. No dedication fees are required, but a park improvement fees will be paid in future phases. This is covered in developer's

agreement. A \$174,000 letter of credit due before signing. Covenants and restrictions must be executed to prohibit disturbance of any kind within the 30 feet closest to any wetland delineated on the plat.

Kamren Mesbah comments: the stormwater plan allows for infiltration measures; these are required within the 75-foot delineation. The Village may need to maintain these areas. Easement areas show where these infiltration areas are required. Dedication within the 30 feet is not actually required. Covenants would give the Village the right to prohibit disturbance. The concern is that people have the tendency to expand their lot by using these areas. President Kringle feels that dedication is the best way to prevent this. The Francois' had argued against this at the last Plan Commission.

A proposal was given to install signage at the 30 foot markers, every 200 feet. President Kringle had some concerns with implementation; he suggested signs at closest and furthest parts of lot line in the residential areas (as the line meanders). There would be not many lots affected. This would be expected of future developers as well. The signage could be covered then under the covenants, and apply to residential and commercial areas.

Other comments/revisions included:

Lots 4 and 5 are waiting for easement delineation; Mesbah requested notation after stormwater plans are approved for those lots.

Easements were previously granted for construction; there is a need to record a new easement along with the plat and maintain temporary construction easements.

Beneficiary of easement was not listed; Dregne will record an easement document explaining rights.

Mesbah would like a notation of the area stating that environmental corridors are included in the Dane County Areawide Water Quality Plan and are subject to applicable state or local regulations.

In lot 9, the 75-foot set aside was widened for park access. It will be clarified in the final version. It should actually be a 95-foot access way to the park for pedestrians and mowers.

Trustee Ziegler made a motion to approve Resolution 2010-09-01 as revised; seconded by Trustee O'Brien. Motion carried.

- c. Approval of Development Agreement with Bell West** – This agreement applies to the first phase, which is lots 1-6 and 23-36. Attorney Dregne reviewed the provisions of the agreement, which included financial guarantees, requires prevailing wage rates, and allowing for building permits for the UW-Clinic. It releases Bell West from future obligations from the pre-development agreement after their share due is paid. Site plans will be cover tree planting for commercial areas. **Trustee Ziegler made a motion to approve the agreement for land division improvements for Bell West phase 1 as revised during discussion, and with the direction given to the Village attorney that technical non-substantive changes to the personal guarantee and**

- mortgage deemed acceptable to the Village Attorney may be made without further Village Board action; seconded by Trustee O'Brien. Motion carried.**
- d. **Approval of Ordinance 2010-09-01: An Ordinance to Rezone all the Lands within the Plat of Bell West** – Trustee Kazmar made a motion to approve Ordinance 2010-09-01 to rezone all lands within Bell West as shown in Resolution 2010-09-01; seconded by Trustee LaFay. Motion carried.
 - e. **Proposal for New Web Site Provider** – Trustee LaFay made a motion to adopt the contract with GovOffice; seconded by Trustee Kazmar. Other companies were researched through WCMA's web site, and a quote also obtained from the current vendor. Proposed implementation cost was \$2675, but future maintenance would be similarly priced and the company is backed by the League of Wisconsin Municipalities. Motion carried.
 - f. **Discussion of 2011 Budget / Targets** – Discussion of projected figures; it was decided to run projections at 1 percent.
 - g. **Proposed Budget Amendment Resolution** – Checking with auditor; item should be ready for next agenda.
 - h. **Recommendations from Police Committee for Disposal of 2004 Police Squad / Camera Purchase** – Trustee Kazmar said six bids had come in; \$3779.69 was the high bid. The Department would like to use that money to purchase a camera for the Expedition. Can't remount previously used camera (from the Crown Vic). Trustee Kazmar made a motion to sell the 2004 police vehicle for \$3779.69 to Eugene Hruby; seconded by Trustee LaFay. Motion carried.
 - i. **Proposed Ordinance for Neighborhood Electric Vehicles** – Hillebrand said the issue is that different vehicle models can do different things; there was confusion on whether they could be operated on state highways. Will submit for legal review.
12. **Other Business:** Future meeting dates were noted.
13. **Adjournment** – Trustee Kazmar made a motion to adjourn; seconded by Trustee LaFay. Motion passed unanimously. The meeting was adjourned by President Kringle at 10:18 PM.

By April Little, Administrator/Clerk/Treasurer

These minutes were approved by the Belleville Board of Trustees on September 20, 2010.