

MINUTES OF SPECIAL VILLAGE OF BELLEVILLE BOARD MEETING
HELD MONDAY, **APRIL 19, 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: Teresa, Carl and Melissa Messer; Karen Stremikis; Steve Gochenauer; Don Cosgrove; Greg Paradise; Katie Varney; Rick Francois; G.S. Donovan; Brad Peterson, Recorder; and Jerry Butts, Roger Hillebrand and April Little, staff.

3. The Clerk stated that the meeting has been noticed as required by law.

4. Visitors Who Would Like to Speak Now

- a. **Senior Citizen Program Presentation (Karen Stremikis)** – Stremikis: the case manager has been transferred from Verona to Belleville. Ninety percent of funding comes from Dane County. The person also serves Town of Verona and City of Verona, which withdrew from county funding. The Verona Senior Center will finance case management from their city budget. People can use either program. The funding split is the same but Belleville will get \$20,000 extra for this program. If the position is not used by City of Verona residents, the county funding may be cut in 2011. The new case worker’s name is Peg McNeil. Funding is only secured through this year. It will not affect the running of the senior program, but the program funding will look different. The senior center is celebrating its 35th anniversary.
- b. **Breakfast on the Farm (Dane County Promotion Committee)** – Katie Varney: Doug and Lori Brown will be hosting the 2010 breakfast on June 12 in Belleville. Varney inviting everyone to attend and offered to answer any questions. The community has been very supportive so far.

5. Visitors Who Would Like to Speak on an Agenda Item – No discussion.

6. Consent Agenda: Trustee Wilcox made a motion to approve the consent agenda items as follows; seconded by Trustee Kazmar. Motion passed unanimously.

- a. Approval of Minutes (April 5, 2010)
- b. Approval of First Quarter Financial Report 2010
- c. Approval of Treasurer’s Reports – March 2010
- d. Approval of Community Park Reservation Request for Softball League, April 28 – August 11, from Belleville Community Club.
- e. Approval of Community & Library Parks Reservation Requests for Community Picnic, from Belleville Community Club, for August 5 - 10.
- f. Approval of Sugar & Blaser Parks Reservation Requests for Bulldogs Soccer Club, March 31 – November 1.

- g. Approval of Sugar & Community Parks Reservation Requests for Youth Baseball, April 19 – August 20 (various).
 - h. Approval of Application for Temporary Class “B” Retailer’s License for Community Club for Wednesday Night Softball (April 28 – August 11)
 - i. Approval of Application for Temporary Class “B” Retailer’s License for Community Club for Community Picnic (August 5-10)
7. Committee Reports – No discussion.
8. **President’s Report** – A tentative committee appointment list was provided; a few spots remain open. Some committees perhaps should be changed to two-year terms (i.e. ADA and Economic Development). He asked Finance and Personnel Committee to investigate. [Trustee Wilcox left briefly at 7:09 p.m.]. President Kringle also provided a strategic plan update for information. [Proceeded to item 11a then 12c.]
9. **Administrator/Clerk/Treasurer’s Report** – The Chapter 30 DNR permits for the lake restoration project have been received. Butts said Highway 92 and Main Street construction may begin mid-May.

10. **Unfinished Business:**

- a. **Dane County Emergency Radio Communications Network** – no news.
- b. **Proposal for Establishment of Belleville-Area Community Fund / Lake Pass-Through Fund with Madison Community Foundation** – Little reported that Fund representatives appeared to have a great deal of fund-raising knowledge that should greatly help the lake project. Trustee LaFay made a motion to enter an agreement for a pass-through fund for the lake with the Madison Community Foundation. Seconded by Trustee O'Brien. The understanding is that it could lead to other funds in the future.
- c. **2010 Project Priorities / Village Board Goals** – moved to end of agenda.

11. **New Business:**

- a. **Presentation of Emerald Ash Borer Readiness Plan and Tree Management Plan and Inventory by Kelli Tuttle of Bluestem Forestry Consulting** – Tuttle: All terrace and park trees in the Village were inventoried. Almost 75 percent of trees are in decent condition; about 8 percent of trees need removal because of severe condition (127 trees). For a six-year cycle, it would require \$27,000 for maintenance such as pruning (much contract work). The Village has about \$1 million worth of appraised values in trees. The biggest issue is that 56 percent of species are ash or maple, which is not uncommon. Tuttle recommended one staff member become a certified arborist, to help make decisions about removals, etc. The average tree diameter is just less than 17 inches, which is actually larger than typical. Maintenance helps trees last perhaps decades longer. [Trustee Wilcox returned.]

Emerald Ash Borer – The Village has 259 ash trees. The borer is from China and completely kills an ash tree within a few years. Closest confirmed sitings are within 100 miles. Village ash trees are fairly large. Most communities start by tackling dead or very poor ash trees, of which Belleville has 52, or during street construction

projects. Next, look at 6 inch and less ash – remove and replant them. Belleville has 20 of these trees. Chemical treatment is an option, but it is costly. Treatment would need to be continuous. She would focus on the large trees in good to excellent condition. To remove and replant all ash in the Village is about \$150,000. An ash disposal site will also be an issue; it will need to be stored for two years. Spreading the work over several years is an option; it takes 2-3 years for the tree to be killed. To remove all trees on the general list is about \$40,000 (includes the dead ash).

Public Works Committee will come up with recommendations to deal with this. Tuttle said that ordinances were also reviewed. The proposed revision gives more authority to the Village to deal with terrace trees. A permitting process would be established. Tree planting in new developments would be paid for by new developers and it lays out their responsibilities. Trustee Ziegler said Public Works Committee suggested one tree per lot or two on a corner lot, and \$300 per tree escrowed. Village will pick species and plant. DNR recommends no more than 5 percent of one species; 10 percent of a family.

b. Proposed Ordinance Amendments to Title 2 (First Reading):

- i. Ordinance 2010-05-01: An Ordinance Amending Title 2 Chapter 3 Government and Administration Relating to Municipal Officers and Employees – No discussion.
 - ii. Ordinance 2010-05-02: An Ordinance Amending Title 2 Chapter 4 Government and Administration Relating to Boards, Commissions and Committees – Trustee Ziegler suggested making language consistent with committee responsibility language regarding due dates of minutes.
- c. **Proposed Ordinance 2010-04-02: Creating a Stormwater Management Utility Code** – Trustee Ziegler made a motion to adopt Ordinance 2010-04-02; seconded by Trustee O'Brien. Motion carried 6-1 with Trustee LaFay opposing.
- d. **Proposed Stormwater Utility Credit and Adjustment Process** – Trustee Ziegler made a motion to adopt the handbook for stormwater utility credits; seconded by Trustee O'Brien. President Kringle said that information should be sent ASAP to the businesses so they can prepare any credits requests. Anticipated start date is July 1. Motion passed unanimously.
- e. **Resolution 2010-04-02: Resolution Requesting Lake Management Protection Grant Program Funds from the Wis. Department of Natural Resources** – Little reported that the three resolutions authorize application for lake restoration money from the DNR. Trustee Ziegler made a motion to adopt Resolution 2010-04-02; seconded by Trustee LaFay. Motion passed unanimously.
- f. **Resolution 2010-04-03: Resolution Requesting River Protection Management Grant Program Funds from the Wis. Department of Natural Resources** – Trustee O'Brien made a motion to adopt Resolution 2010-04-03; seconded by Trustee LaFay. Motion passed unanimously.
- g. **Resolution 2010-04-04: Resolution Requesting Outdoor Recreation [Stewardship] Grant Program Funds from the Wis. Department of Natural Resources** – Trustee Schmitz made a motion to adopt Resolution 2010-04-04;

seconded by Trustee LaFay. Motion passed unanimously.

- h. **MSA Change Order Request #1 for Far West Side Sewer Interceptor Project** – Trustee Ziegler said that the change request is for different bolts. Trustee Ziegler made a motion to approve change order #1 in the amount of \$2,908.72; seconded by Trustee Kazmar. Motion passed unanimously.
- i. **Proposal Regarding Ramp Construction at Old Library** – A letter was received from the Historic Preservation Commission regarding options for ramp construction at the old library. Hillebrand said there was concern with the location of the ramp and with a possible estimated 16-inch drop off from the ramp to the south. Marge Dresen of MSA will get better survey data. Trustee Ziegler suggested having a joint meeting with Historic Commission to hammer the issue out after May 3 and bring back to Village Board.

12. ADJOURN TO CLOSED SESSION for discussion of: a) **Purchase of Cosgrove Wetlands / Stewardship Grant Award** and b) **Sale of Village Property** and c) **Negotiation of Development Agreement for Shamrock Hills Phase 1** per Wis. Stats. 19.85(1)(e); and d) **Annual Performance Evaluation of Administrator/Clerk/Treasurer** per 19.85(1)(c)

Item 12c was discussed in open session. Greg Paradise, attorney for Cosgrove, and Village Attorney Matt Dregne were present. Dregne said the purpose of the agreement is to ensure the developer will provide public improvements and to provide security for such. Discussion of prevailing wage rates; rules on this are uncertain. The developer would indemnify the Village in case that it is litigated that prevailing wage rates do in fact apply. Village would be a party to any legal proceeding. The attorney asked to pick out the Village's attorney if litigation should occur. Effective January 1, prevailing wage rates changed; Cosgrove entered contracts in 2009.

Greg Paradise had three concerns: A developer's agreement was signed in May 2007 (but expired); this draft does not mention previous agreements. They feel that a paragraph should be added that this agreement supersedes the May 2007 agreement. Dregne did not have an issue with that;

Second, the draft agreement said the developer will indemnify the Village concerning work done by Village. Paradise said if it was a simple negligence issue that does not concern subdivision work, he would like to add a phrase regarding negligence on the Village's part.

Third, Paradise was concerned that future impact fees be applied fairly. They would like to add language that promotes fairness; i.e. the Village must assess area-wide to fairly determine the area of the Village that also benefits from the improvement. Dregne said that the Village must follow statutory process which states the process must be reasonable. He is concerned that the language would limit the Village's authority. President Kringle and Trustee Ziegler were concerned the added language would supersede state law.

Dregne presented some concerns about the letter of credit; the law refers to New York and it must be drawn in Chicago. It also needs to refer to the current agreement. He asked the board to consider whether they would allow the developers to proceed with construction while the letter of credit is sorted out.

Dregne asked for direction. Trustee Wilcox felt the impact fee should be left as by permitted by law; no changes needed. She felt that the letter of credit issues should not hold up construction. **Trustee Ziegler made a motion to use impact fee language as drafted by the Village attorney; seconded Trustee Kazmar. Motion passed unanimously.**

Trustee Ziegler made a motion to amend the letter of credit to refer to Wisconsin law, to refer to the development agreement and to make presentation in Wisconsin; seconded by Trustee Wilcox. Motion passed unanimously.

Trustee Ziegler made a motion to approve the developer's agreement with Cosgrove Construction, with the two changes as suggested by Attorney Paradise and the two changes as suggested by the Village Board; seconded by Trustee Wilcox. Motion passed unanimously.

Trustee Ziegler made a motion to adjourn to closed session for discussion of item 12d; seconded by Trustee Wilcox. Motion passed unanimously on a roll call vote. [Items 12a and b not discussed.]

Trustee Kazmar made a motion to seconded by Trustee LaFay to go back into open session. Motion passed unanimously.

13. RECONVENE TO OPEN SESSION for possible action on items discussed in closed session – Discussion of Administrator/Clerk/Treasurer evaluation.
14. **Adjournment** – Trustee made a motion to adjourn Trustee LaFay; seconded by Trustee Kazmar. Motion passed unanimously. The meeting was adjourned by President Kringle at 10:25 PM.

By April Little, Administrator/Clerk/Treasurer

These minutes were approved by the Belleville Board of Trustees on May 3, 2010.