

VILLAGE OF BELLEVILLE  
PUBLIC HEARINGS & SPECIAL MEETING of the VILLAGE BOARD  
**Monday, November 21, 2011 at 7:00 P.M.**  
Village Hall - 24 West Main Street

**AGENDA**

**PUBLIC HEARING #1**

1. Call Public Hearing to Order
2. Roll call by Clerk
3. Public Hearing on Proposed Budget 2012
4. Adjourn Public Hearing

**PUBLIC HEARING #2**

1. Call Public Hearing to Order
2. Roll call by Clerk
3. Public Hearing on Proposed Ordinance 2011-09-01: Creating Sections of the Belleville Municipal Code Relating to Lake Belle View Boating Regulations
4. Adjourn Public Hearing

**REGULAR MEETING OF THE BOARD (Immediately Following Hearings)**

1. Call Meeting to Order
2. Roll call by Clerk
3. Posting of Open Meeting Notice
4. Visitors Who Would Like to Speak Now
5. Visitors Who Would Like to Speak On an Agenda Item
6. **Consent Agenda:**
  - a. Approval of Minutes - November 7 & 14, 2011
  - b. Approval of Bills for November 2011 to Date
  - c. Approval of Editorial Analysis Review for Codification Chapters – 74, 187, 218, 231, 237, 248, 272, 276, 289, 297, 304, 320, 372, 390, 403, 455, 468, 480, 505, 538, 554, 563, 569
7. Committee Reports
8. President's Report –
9. Administrator/Clerk/Treasurer's Report –

**ACTION REQUIRING A VOTE MAY BE TAKEN ON  
ANY OF THE FOLLOWING ITEMS**

**10. Unfinished Business:**

- a. Lake Restoration / West Lake Dredging Projects Update
  - i. Disposal of Dredging Materials
  - ii. Restoration Project: NES Contract Change Order / Advance
- b. Proposed Pedestrian Bridge over Sugar River / Location
- c. Proposed Budget 2012
  - i. Approval of Special Charges on Tax Bills
  - ii. Discussion of 2% Fire Dues Usage
- d. Stormwater Utilities Update
- e. Proposed Intergovernmental Agreement Between Dane County and Other Municipalities within Dane County Creating a County-Wide Interoperable VHF-Based Emergency Radio System Known as "DaneCom" (Introduction)
- f. Approval of Editorial Analysis for Codification Chapters – 160 - Village Board; 584 – Impact Fees; 525 – Cable; 615 – Zoning; 39 – Court (Revisited)

**11. New Business:**

- a. Approval of Temporary Limited Easement Agreement with Michael and Jean Tretow for Dredging Project
  - b. Approval of Lake Planning Grant Agreement #LPL-1448-12 with WI-DNR for Restoration Monitoring
  - c. Approval of Proposed Ordinance 2011-11-02: Regulation of Nonmetallic Mining (ch. 352 Codification Review)
  - d. Appoint of Chairperson and Member to Community Development Authority
  - e. Appointment of Plan Commissioner
  - f. Discussion of Purchase of 2011 Squad Car
12. ADJOURN TO CLOSED SESSION: For Discussion of Option to Purchase Former Belleville Clinic Property per WI Stats 19.85(1)(e) – Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session.
13. RECONVENE TO OPEN SESSION for possible action on items discussed in closed session

**14. Other Business:**

- a. Correspondence –
- b. Announcements –
- c. Future Meeting Dates
- d. Questions and Items for Referral

15. Adjournment

*-By Howard Ward, Village President*

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**The Village of Belleville complies with the Americans with Disabilities Act (ADA):**

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please contact the person below at least two business days prior to the meeting.

Si necesita un interprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuniquese al numero de telefono que figura a continuacion dos dias habiles como minimo antes de la reunion.

**Contact:** April Little, Village Administrator, 24 W. Main Street  
608.424.3341  
alittle@villageofbelleville.com

**Final agenda will be posted by 4 p.m. Friday preceding the meeting at these locations:**  
Union Bank & Trust Co (UB&T), Sugar River Bank, Village Hall, Library, Village of Belleville Web site.

## 2011 Special Charges on Tax Bills

### Garbage/Recycling Charges

Dane County	\$ 127,091.26
Green County	<u>\$ 35,162.13</u>

**Total on Tax Bills**    \$ 162,253.39

Separate Billings	<u>\$ 761.47</u>
2011 Grand Total	\$ 163,014.86

### Delinquent Water/Sewer Charges

Green County	\$ 719.25
Dane County	<u>\$ 5,071.76</u>

**Total on Tax Bills**    \$ 5,791.01

### Miscellaneous Special Charges

Dane County	\$ 67.97
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**Total on Tax Bills**    \$ 67.97

**DNR draft 9/8/11**

**VILLAGE OF BELLEVILLE ORDINANCE 2011-09-01:**

**An Ordinance Creating Sections of the Belleville Municipal Code  
Relating to Lake Belle View Boating Regulations**

The Village Board of the Village of Belleville, Dane County and Green County, Wisconsin,  
do ordain as follows:

**The following sections of the Belleville Municipal Code relating to Boating  
Regulations on Lake Belle View are hereby created to read as follows:**

**Section 1: Applicability and Enforcement**

The provisions of the Ordinance shall apply to the waters of Lake Belle View beginning at Community Park in the south, Hwy 69/92 to the east and the lake/Sugar River separation berm on the west.

This chapter shall be enforced by the officers of the Village of Belleville.

**Section 2: Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of water resources.

**Section 3: State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

**Section 4: Definitions**

- a) Slow-no-wake means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

**Section 5: Controlled Area**

No person shall operate a boat faster than slow-no-wake in the waters of Lake Belle View.

**Section 6: Gas-Powered Motorboat Prohibited Area**

No person shall operate a motorboat, as defined in 30.50 (6), Wis. Stats., that is propelled by

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internal combustion engine or engines on the waters of Lake Belle View Electric motors only are permitted on said waters.

**Section 7: Posting Requirements**

The Village of Belleville shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the Village of Belleville pursuant to the requirements of NR 5.15 Wis. Admin. Code.

**Section 8: Penalties**

Wisconsin state boating penalties as found ins Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

**Section 9: Severability**

The provision of this Ordinance shall be deemed severable and it is expressly declared that the Village Board would have passed other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application of any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person or circumstances shall not be affected.

**Section 10: Effective Date**

This ordinance shall take effect and be in force upon passage and publication as provided by law.

Adopted at a regular meeting of the Village Board this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
By Howard Ward, Village President

ATTEST:

\_\_\_\_\_  
April Little, Village Administrator/Clerk/Treasurer

*Vote: Yes - No - Publication: //2011*

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DRAFT*

Sign Posting:

BOATING REGULATIONS  
Slow-no-wake speed at all times  
Electric motors only  
Police Department: 608-424-3129  
*Ordinance # Adopted on*

MINUTES OF REGULAR VILLAGE OF BELLEVILLE BOARD MEETING  
HELD MONDAY, NOVEMBER 7, 2011 AT  
7:00 P.M. VILLAGE HALL - 24 WEST MAIN STREET

1. Call to order - The meeting was called to order by Village President Howard Ward at 7:00 PM.
2. Roll call by Clerk – Trustees present were: Tyler Kattre, Ben O'Brien, Howard Ward, Jim Schmitz, Gary Ziegler, Deb Kazmar and Bonnie Wilcox
3. Visitors: Tim Sager, Jean Christensen-Library, Jean Tretow, Jim Root, Brad Peterson-Recorder, Linda K. Kahl-ADA, Debbie Bongard-ADA, and Jill Wennesheimer-ADA
4. The Clerk stated that the meeting has been noticed as required by law.
5. Visitors Who Would Like to Speak Now – Tim Sager: his group applied for use of old library to collect signatures. It was approved.
6. Visitors Who Would Like to Speak On an Agenda Item
7. **Consent Agenda:** *Trustee Kazmar made a motion to approve the consent agenda minus item f; seconded by Trustee Wilcox. Motion carried.*
  - a. Approval of Minutes - October 17, 2011
  - b. Approval of Bills for October 2011
  - c. Approval of Treasurer's Report for October 2011
  - d. Approval of Operator's License Application for Becky M. Daniels (Town Mart)
  - e. Approval of Operator's License Application for Stephanie M. Sommers (Town Mart)
  - f. *Codification – Editorial Analysis Committee Recommendations*
8. Committee Reports - No discussion.
9. President's Report – Engineer said the river side dredging will begin soon.
10. Administrator/Clerk/Treasurer's Report – No discussion.

11. **Unfinished Business:**

**a. Lake Restoration / West Lake Dredging Projects Update**

- i. **Disposal of Dredging Materials** – President Ward suggested going directly to the contractor to work out who should receive dredged materials from the river dredging project. Village might be interested in obtaining some materials.
- ii. **Restoration Project: NES Contract Change Order / Advance** – Advance Construction was to do final grading and restoration work. However, Advance is having some difficulties with its subcontractor. It was proposed that the long-term restoration contractor, NES Ecological Services, pick up this part of

the contract as a change order and Advance's contract will close out. It may produce a savings of about \$2058. However, some unexpectedly wet conditions were encountered on the site. Therefore, MARS will adjust the numbers and the timetable for this work and bring it back before the Village Board.

- iii. **Other** – Dredging on the river side should begin in November. A meeting was held with DNR and ACOE to explore location of the pedestrian bridge. More information will be forthcoming for the next Village Board.
- b. **Stormwater Utilities Update** – Hoping for November or December implementation.
- c. **Proposed Budget 2012** – Little said that dental numbers were updated to actual increases (budgeted at 5 percent increase; actual will be 6.5 percent. Other changes to the draft included: 1) Village's senior program portion of the budget dropped by \$2664; 2) addition of \$756 to police and Public Works for DaneCom radio operations and maintenance; and 3) reduction in capital for police car funding [see 12d].
- d. **Proposed Pedestrian Bridge over Sugar River / Location** – The board will further consider bridge location on November 21.

## 12. **New Business:**

- a. **Recommendations from ADA Committee** - Jill Wennesheimer had three recommendations from the Committee : 1) Post an ADA notice in blue paper in all facilities including park entrances or shelters in blue paper, laminated. President Ward suggested putting in a more permanent facility for this and other notices. 2) The committee is recommending standardized language on the bottom of all committee meeting notices. Trustee Wilcox suggested increasing the font and dropping the italics.

The committee agreed with ordinance changes. However, they propose that they continue to consider the Village in "transition," and leave the transition plan as a working document. 3) The committee recommends adding appendix A and B as updates rather than completely dispose of the original transition plan document.

*Trustee O'Brien made a motion to adopt the three recommendations [listed above] from the ADA Committee; seconded by Trustee Wilcox. Motion carried.*

Wennesheimer: Regarding the recommended projects for the Dane County CDBG facilities grant, a few projects like the library staircase railing and exterior ramps could be done as community service projects. She had suggested installing Braille on the elevator buttons. The handrail in the elevator may possibly be not compliant. President Ward suggested including an alternate bid to lower the rail and buttons. Exterior ramps could be set aside as alternate bid or alternate time. Could consider removing the paper towel holder and recessing the fountain a bit. Possibly have Public Works install locks to save labor costs. Library could cover costs for book drop location (about \$1500). Put in hand rail and ramps as alternates to the bid. The suggestions will be forwarded to Dane County for final approval.

The committee also wishes to continue distributing information at EMS open houses

in the future.

- b. **Approval of Agreement with John Baker to Provide Reserve Funds for B-Bonds** – *Trustee Kattre made a motion to approve the agreement with John Baker; seconded by Trustee Ziegler. Motion carried with Trustee Wilcox abstaining.* Little noted that Baker has agreed to the document and has made the required payment.
- c. **Proposed Ordinance 2011-11-01: Ordinance Creating the Position, Duties, and Responsibilities of the “Office of the Village Administrator” as Title 2 Chapter 3 Section 21 of the Municipal Code of the Village of Belleville** – *Trustee Wilcox made a motion to adopt Ordinance 2011-11-01; seconded by Trustee Ziegler. Motion carried.* The ordinance formally incorporates the Administrator part of the Administrator/Clerk/Treasurer position.
- d. **Recommendation from Police Committee to Purchase Squad Car** – Roger Hillenbrand: a new squad car is budgeted in 2011 and 2012. The new 2012 models are being built differently. Kaiser has old 2011 models available. The new model would require purchasing expensive new equipment. A 2011 model would save these costs. The bid is \$23,299. The 2011 budget contains \$13,500; fund balance would finance the remainder until January 2012, when the budget would be reimbursed. *Trustee Ziegler made a motion to approve the purchase of the squad car with fund balance to be reimbursed for 2013; seconded by Trustee Kazmar. Motion carried.* The 2012 proposed capital budget for a police car was then reduced by \$1400.
- e. **Proposed Intergovernmental Agreement between Dane County and Other Municipalities within Dane County Creating a County-Wide Interoperable VHF-Based Emergency Radio System Known as “DaneCom” (Introduction)** – Dane County is requesting communities sign an intergovernmental agreement regarding the radios. However, Dane County Cities and Villages Association had some concerns about the agreement language. Trustee Ziegler thought a few more communities may sign on in the future. The board requested clarification of suggested changes.
- f. **Approval of Resolution 2011-11-01: Resolution Authorizing Appointment of School Crossing Guards (Requested by Belleville School District)** – Hillenbrand said that the crossing guards have no legal authority to stop traffic. The school board asked for this from all nearby communities so that the school can appoint their guards with authority. Then, if a person does not yield to their request to stop, the information can be given to police to issue a citation. *Trustee Ziegler made a motion to approve Resolution 2011-11-01; seconded by Trustee O'Brien. Motion carried.*

- 13. **ADJOURN TO CLOSED SESSION: For Discussion of Police Union Contract Negotiation Strategy and Discussion of Option to Purchase Former Belleville Clinic Property per WI Stats 19.85(1)(e)** – *Trustee Ziegler made a motion to enter into closed session; seconded by Trustee Wilcox. Motion passed unanimously on a roll call vote.*
- 14. **RECONVENE TO OPEN SESSION for possible action on items discussed in closed session** – *Trustee O'Brien made a motion to go into open session; seconded by Trustee Kattre. Motion carried.*

*Trustee Ziegler made a motion to accept the police contract agreement with the WPPA for 2012; seconded by Trustee Wilcox. Motion carried.*

No formal action on whether to purchase the clinic building and house. A phone call will be made to the president of the Madison Family Medicine Residency Corporation for further discussion.

**15. Other Business:**

- a. Announcements – Offices closed November 24 & 25. There will be different hours for the library.
- b. Future meeting dates were noted.

**16. Adjournment** – *Trustee Kazmar made a motion to adjourn; seconded by Trustee Wilcox. Motion passed unanimously.* The meeting was adjourned by President Ward at 9:28 PM.

*By April Little, Administrator/Clerk/Treasurer  
These minutes are not official until approved by the Belleville Board of Trustees.*

MINUTES OF SPECIAL VILLAGE OF BELLEVILLE BOARD MEETING  
HELD MONDAY, NOVEMBER 14, 2011 AT  
6:00 P.M. VILLAGE HALL - 24 WEST MAIN STREET

1. Call to order - The meeting was called to order by Village President Howard Ward at 6:00 PM.
2. Roll call by Clerk – Trustees present were: Tyler Kattre, Ben O'Brien, Howard Ward, Jim Schmitz, Gary Ziegler, Deb Kazmar and Bonnie Wilcox. Also present: Municipal Judge Jerry Ziegler.
3. The Clerk stated that the meeting has been noticed as required by law.

**4. Consent Agenda:**

- a. **Codification** – Editorial Analysis Committee Recommendations for Approval.  
Chapters as follows:

- |  |  |
|--|--|
| ii. Chapter 1 Art. I - General Provisions    | iii. Chapter 237 – Cigarettes & Tobacco      |
| iv. Chapter 32 – Citations*                  | v. Chapter 320 Art. II – Outside Consumption |
| vi. Chapter 39 – Court**                     | vii. Chapter 331 – Juveniles                 |
| viii. Chapter 54 – Elections                 | ix. Chapter 372 – Nuisances                  |
| x. Chapter 57 – Emergency Manage.            | xi. Chapter 395 – Peace and Good Order       |
| xii. Chapter 63 – Ethics **                  | xiii. Chapter 425 – Sexually Oriented Bus.** |
| xiv. Chapter 70 – Finance                    | xv. Chapter 437 – Snowmobiles                |
| xvi. Chapter 113 – Newspaper, Official       | xvii. Chapter 489 – Vehicles, Abandoned      |
| xviii. Chapter 145 – Records                 | xix. Chapter 493 – Vehicles & Traffic        |
| xx. Chapter 183 – Alarm Systems              | xxi. Chapter 600 – Subdivision of Land*      |
| xxii. Chapter 191 – Animals                  | xxiii. Chapter 615 – Zoning*                 |
| xxiv. Chapter 203 – Bicycles & Play Vehicles |  |
| xxv. Chapter 231 - Cemeteries                |  |

\* = Sections missing comment / question

\*\* = Sections also reviewed by Village Board

*Trustee O'Brien made a motion to accept the consent agenda, minus chapters 32, 39, 63, 245, 600 & 615; seconded by Trustee Wilcox. Motion carried. Discussion of chapters 32, 600 and 615. Trustee O'Brien made a motion to approve suggestions for chapters 32 and 600; seconded by Trustee Ziegler. Motion carried.*

1. **New Business: Review of Codification Draft /Comments.** Suggested responses to the editorial analyses for the following chapters were discussed. All changes were agreed to, with the exceptions as noted below.

- i. Chapter 160 – Suggestion: Village Board – hold meeting on third Tuesday unless voted on by Village Board.
- ii. Chapter 121 – Officers & Employees -
- iii. Chapter 39 – Court
- iv. Chapter 20 – Boards, Comm. & Committees – Make approval by majority; delete 20-3(B)3. Change “presiding officer” to “chairperson.”
- v. Chapter 63 – Ethics
- vi. Chapter 352 – Mining, Non-Metallic; repeal and recreate entire ordinance
- vii. Chapter 358 – Mobile Homes -
- viii. Chapter 209 – Blasting & Rock Crushing -
- ix. Chapter 452 – Sexually Oriented Bus.
- x. Chapter 580 – Floodplain Zoning
- xi. Chapter 584 – Impact Fees – One provision being reviewed by Village Attorney
- xii. Chapter 592 – Shoreland – Wetland Zoning
- xiii. Chapter 442 Solar Energy Systems

Will review Chapters 352, 160 and 584 again. Also had Chapter 450 review from General Engineering – no comments on suggestions.

5. **Adjournment** – Trustee made a motion to adjourn Trustee O'Brien; seconded by Trustee Schmitz. Motion passed unanimously. President Ward adjourned the meeting at 7:45 PM.

*By April Little, Administrator/Clerk/Treasurer  
These minutes are not official until approved by the Belleville Board of Trustees.*

## GENERAL FUND CHECKING

ALL Checks

Posted From: 11/01/2011 From Account:  
Thru: 11/17/2011 Thru Account:

Check Nbr	Check Date	Payee	Amount
V494	11/01/2011	BEIERSDORF, VICTORIA L.	1,331.18
	Manual Check	Pay period 10/17/2011 to 10/30/2011	
V495	11/01/2011	EICHELKRAUT, WILLIAM B.	1,640.86
	Manual Check	Pay period 10/17/2011 to 10/30/2011	
V496	11/01/2011	FREEMAN, DEBRA	509.13
	Manual Check	Pay period 10/17/2011 to 10/30/2011	
V497	11/01/2011	HENDRICKSON, DARLENE M.	876.61
	Manual Check	Pay period 10/17/2011 to 10/30/2011	
V498	11/01/2011	HILLEBRAND, ROGER J.	1,406.63
	Manual Check	Pay period 10/17/2011 to 10/30/2011	
V499	11/01/2011	LEHMANN, BRONNA B.	476.39
	Manual Check	Pay period 10/17/2011 to 10/30/2011	
V500	11/01/2011	LIEN, TRACY	380.28
	Manual Check	Pay period 10/17/2011 to 10/30/2011	
V501	11/01/2011	LITTLE, APRIL A. W.	1,662.39
	Manual Check	Pay period 10/17/2011 to 10/30/2011	
V502	11/01/2011	MARTIN, JEREMY A	1,009.82
	Manual Check	Pay period 10/17/2011 to 10/30/2011	
V503	11/15/2011	BEIERSDORF, VICTORIA L.	1,069.50
	Manual Check	Pay period 10/31/2011 to 11/13/2011	
V504	11/15/2011	EICHELKRAUT, WILLIAM B.	1,487.50
	Manual Check	Pay period 10/31/2011 to 11/13/2011	
V505	11/15/2011	FREEMAN, DEBRA	526.53
	Manual Check	Pay period 10/31/2011 to 11/13/2011	
V506	11/15/2011	HENDRICKSON, DARLENE M.	871.71
	Manual Check	Pay period 10/31/2011 to 11/13/2011	
V507	11/15/2011	HILLEBRAND, ROGER J.	1,406.63
	Manual Check	Pay period 10/31/2011 to 11/13/2011	
V508	11/15/2011	LEHMANN, BRONNA B.	612.44
	Manual Check	Pay period 10/31/2011 to 11/13/2011	
V509	11/15/2011	LIEN, TRACY	392.08
	Manual Check	Pay period 10/31/2011 to 11/13/2011	
V510	11/15/2011	LITTLE, APRIL A. W.	1,662.39
	Manual Check	Pay period 10/31/2011 to 11/13/2011	
V511	11/15/2011	MARTIN, JEREMY A	1,122.35
	Manual Check	Pay period 10/31/2011 to 11/13/2011	
V512	11/15/2011	SKOGEN, ROBERT M.	125.37
	Manual Check	Pay period 10/17/2011 to 11/13/2011	

## GENERAL FUND CHECKING

## ALL Checks

Posted From: 11/01/2011 From Account:  
Thru: 11/17/2011 Thru Account:

Check Nbr	Check Date	Payee	Amount
14806	11/01/2011	*** Test Check *** Test Check *** VOID *** VOID *** VOID *** VOID ***	0.00
14807	11/01/2011	AUSTIN, MARY H. Manual Check Pay period 10/17/2011 to 10/30/2011	846.96
14808	11/01/2011	BIGLER, JULIE L. Manual Check Pay period 10/17/2011 to 10/30/2011	244.07
14809	11/01/2011	BUTTS, JERRY D. Manual Check Pay period 10/17/2011 to 10/30/2011	1,309.23
14810	11/01/2011	CHRISTENSEN, JEAN M. Manual Check Pay period 10/17/2011 to 10/30/2011	1,026.15
14811	11/01/2011	DIEDERICH, FREDERICK H. Manual Check Pay period 10/17/2011 to 10/30/2011	1,140.58
14812	11/01/2011	FURMAN, RACHEL M. Manual Check Pay period 10/17/2011 to 10/30/2011	1,066.90
14813	11/01/2011	HELLER, MOLLY K Manual Check Pay period 10/17/2011 to 10/30/2011	165.71
14814	11/01/2011	HULTINE, MOLLY M. Manual Check Pay period 10/17/2011 to 10/30/2011	1,507.78
14815	11/01/2011	JOSEPH, MICHELE M. Manual Check Pay period 10/17/2011 to 10/30/2011	341.66
14816	11/01/2011	O'CONNOR, THOMAS P. Manual Check Pay period 10/17/2011 to 10/30/2011	1,207.59
14817	11/01/2011	PACE, JACK Manual Check Pay period 09/19/2011 to 10/30/2011	109.70
14818	11/01/2011	PAULI, DAVID J. Manual Check Pay period 10/17/2011 to 10/30/2011	1,002.03
14819	11/01/2011	PELTON, TERESA A. Manual Check Pay period 10/17/2011 to 10/30/2011	669.78
14820	11/01/2011	SOLBERG, SHEREE Manual Check Pay period 10/17/2011 to 10/30/2011	71.49
14821	11/01/2011	YOUNG, TERESA M Manual Check Pay period 10/17/2011 to 10/30/2011	136.85
14822	11/15/2011	*** Test Check *** Test Check *** VOID *** VOID *** VOID *** VOID ***	0.00
14823	11/15/2011	AUSTIN, MARY H. Manual Check Pay period 10/31/2011 to 11/13/2011	841.19
14824	11/15/2011	BIGLER, JULIE L. Manual Check Pay period 10/31/2011 to 11/13/2011	209.19

## GENERAL FUND CHECKING

ALL Checks

Posted From: 11/01/2011 From Account:  
Thru: 11/17/2011 Thru Account:

Check Nbr	Check Date	Payee	Amount
14825	11/15/2011	BUTTS, JERRY D. Manual Check Pay period 10/31/2011 to 11/13/2011	1,309.23
14826	11/15/2011	CHRISTENSEN, JEAN M. Manual Check Pay period 10/31/2011 to 11/13/2011	1,026.15
14827	11/15/2011	DIEDERICH, FREDERICK H. Manual Check Pay period 10/31/2011 to 11/13/2011	970.49
14828	11/15/2011	FURMAN, RACHEL M. Manual Check Pay period 10/31/2011 to 11/13/2011	1,158.82
14829	11/15/2011	HELLER, MOLLY K Manual Check Pay period 10/31/2011 to 11/13/2011	161.72
14830	11/15/2011	HULTINE, MOLLY M. Manual Check Pay period 10/31/2011 to 11/13/2011	1,724.94
14831	11/15/2011	JOSEPH, MICHELE M. Manual Check Pay period 10/31/2011 to 11/13/2011	385.19
14832	11/15/2011	O'CONNOR, THOMAS P. Manual Check Pay period 10/31/2011 to 11/13/2011	1,330.31
14833	11/15/2011	PAULI, DAVID J. Manual Check Pay period 10/31/2011 to 11/13/2011	1,018.74
14834	11/15/2011	PELTON, TERESA A. Manual Check Pay period 10/31/2011 to 11/13/2011	614.62
14835	11/15/2011	SOLBERG, SHEREE Manual Check Pay period 10/31/2011 to 11/13/2011	98.29
14836	11/15/2011	YOUNG, TERESA M Manual Check Pay period 10/31/2011 to 11/13/2011	124.40
17098	11/15/2011	DEAR READER.COM Manual Check VOID LOST CK # 17098	-325.00
17526	11/15/2011	DELUXE DISTRIBUTORS Manual Check VOID LOST CK # 17526	-132.11
17830	11/01/2011	*** Test Check *** Test Check *** VOID *** VOID *** VOID *** VOID ***	0.00
17831	11/01/2011	AFLAC INV # 772112 OCT 20TH - NOV 16TH	528.00
17832	11/01/2011	ALLIANT ENERGY/WP&L ACCT # 366426-010	4,204.86
17833	11/01/2011	ALLIANT ENERGY/WP&L (2) ACCT # 393374-010	441.19
17834	11/01/2011	APRIL LITTLE MILEAGE REIMBURSEMENT	55.08

## GENERAL FUND CHECKING

ALL Checks

Posted From: 11/01/2011 From Account:  
Thru: 11/17/2011 Thru Account:

Check Nbr	Check Date	Payee	Amount
17835	11/01/2011	ASSOCIATED APPRAISAL CONSULTANTS, INC. INV # 11878	954.31
17836	11/01/2011	AT&T ACCT # 030 491 1230 001	33.83
17837	11/01/2011	BAKER & TAYLOR INV # 2026203624	1,758.49
17838	11/01/2011	BELLEVILLE MUNICIPAL WATER DEPT ACCT # 049-0105-00	398.19
17839	11/01/2011	BEN MEADOWS COMPANY INV # SC08894336	1,050.93
17840	11/01/2011	BERNTSEN INTERNATIONAL, INC. CUSTOMER # 44123	2,488.63
17841	11/01/2011	BLACKHAWK TECHNICAL COLLEGE SWLETC IN SERVICE (7) PARTICIPANTS	245.00
17842	11/01/2011	BUCKY'S PORTABLE TOILETS, INC. INV # 34614 COMM PK THRU 11-17-11	170.00
17843	11/01/2011	BUSINESS CARD ACCT # 5472 0690 0015 2275 (UPS)	1,973.84
17844	11/01/2011	BUSINESS CARD (2) ACCT # 5472-0681-5737-1969 BARNES&NOBLE	489.22
17845	11/01/2011	BWI INV # 205787D	7.78
17846	11/01/2011	CHARTER COMMUNICATIONS ACCT # 8245 11 719 0001982	271.10
17847	11/01/2011	CITGO FLEET # 131801342	969.05
17848	11/01/2011	CITGO (2) FLEET # 132004243	1,220.43
17849	11/01/2011	CITY TREASURER CUSTOMER # 10622	28.52
17850	11/01/2011	DANE COUNTY TREASURER OCTOBER REPORT	339.00
17851	11/01/2011	DARLENE HENDRICKSON MILEAGE - DODGEVILLE WORKHORSE TRAINING	45.14
17852	11/01/2011	DEAN CLINIC ACCT # 100988220	313.00
17853	11/01/2011	DELL MARKETING L.P. CUSTOMER # 026185716	1,329.94

## GENERAL FUND CHECKING

ALL Checks

Posted From: 11/01/2011 From Account:  
 Thru: 11/17/2011 Thru Account:

Check Nbr	Check Date	Payee	Amount
17854	11/01/2011	DEMCO BILLING CUSTOMER 710093232	50.75
17855	11/01/2011	FAMILY CIRCLE FC Q&E VOL 4	28.91
17856	11/01/2011	FASTENAL COMPANY CUSTOMER # WIMA20154	77.80
17857	11/01/2011	GENERAL ENGINEERING COMPANY SEPT BUILDING PERMITS	385.00
17858	11/01/2011	GORDON FLESCH CO., INC. INV # 1DA220	119.31
17859	11/01/2011	GORDON FLESCH COMPANY, INC. INV # 1D2738 BASE CHARGE/COPIES	162.74
17860	11/01/2011	GRAINGER ACCT # 837616846	161.25
17861	11/01/2011	HAWKINS , INC. INV # 3272858 FERRULE/TUBES/NUT	141.52
17862	11/01/2011	JEAN CHRISTENSEN OCT 20TH AC MTG IN SUN PRAIRIE	30.60
17863	11/01/2011	JEFFERSON FIRE & SAFETY, INC. INV # 181672 ANNUAL MAINTENANCE	335.60
17864	11/01/2011	JERRY BUTTS SHOE REIMBURSEMENT	145.59
17865	11/01/2011	LOIS LOSENEGGER CPR TRAINING (5)	150.00
17866	11/01/2011	MIDWEST TAPE INV # 2640562	795.43
17867	11/01/2011	MONTGOMERY ASSOCIATES -RESOURCE SOLUTIONS LLC INV # 3600 LONG TERM RESTORATION - CRS	4,280.10
17868	11/01/2011	MSA PROFESSIONAL SERVICES, INC. R00372008.0 FWSSSI CRS PROJ A VIL COSTS	10,653.45
17869	11/01/2011	NORTH SHORE BANK,FSB NOVEMBER 1ST PAYROLL	280.00
17870	11/01/2011	NORTHERN LAKE SERVICE, INC. INV # 206243	250.20
17871	11/01/2011	OTIS ELEVATOR COMPANY INV # CMM65044B11	216.87
17872	11/01/2011	PITNEY BOWES LEASE ACCT # 1281536	76.71

## GENERAL FUND CHECKING

## ALL Checks

Posted From: 11/01/2011 From Account:  
Thru: 11/17/2011 Thru Account:

Check Nbr	Check Date	Payee	Amount
17873	11/01/2011	PITNEY BOWES INC INV # 330346 ACCT # 1535-1916-87-7	122.38
17874	11/01/2011	PURCHASE POWER ACCT # 8000-9090-0547-6721	107.99
17875	11/01/2011	PURPLE COW ORGANICS INV # 10/18/11 - 10/24/11	60.78
17876	11/01/2011	RIVERSIDE MANUFACTURING COMPANY ACCT # 208065	54.01
17877	11/01/2011	ROBERT FLANAGAN FOOD PANTRY SUPPLIES - KWIK-TRIP	158.13
17878	11/01/2011	ROD & SANDY RINDY REFUND CREDIT BALANCE ACCT # 043-0127-00	135.88
17879	11/01/2011	SCHWAAB, INC. INV # B60284 REPLACEMENT PADS	19.74
17880	11/01/2011	SGTS, INC. INV # CT 110520 SURVEILLANCE CAMERAS	4,768.00
17881	11/01/2011	SHORT ELECTRIC INC INV # 17613 REPAIR POWER AT WWTP	199.32
17882	11/01/2011	STAFFORD ROSENBAUM LLP ORDINANCE ENFORCEMENT	16,125.84
17883	11/01/2011	STATE OF WISCONSIN OCTOBER REPORT	564.80
17884	11/01/2011	SUGAR RIVER BANK BUTTS	200.00
17885	11/01/2011	TASTE OF HOME BOOKS NO TAX ACCT # 22995302	30.98
17886	11/01/2011	THE MONROE TIMES SUBSCRIPTION RENEWAL	90.00
17887	11/01/2011	WE ENERGIES ACCT # 4623-106-234	103.02
17888	11/01/2011	WI STATE LABORATORY OF HYGIENE INV # 4973807	20.00
17889	11/01/2011	WILLIAM B. EICHELKRAUT MILEAGE - WI DELLS OCT 18TH	81.60
17890	11/01/2011	WISCONSIN DEPT. OF TRANSPORTATION (2) C S. TRAILER LICENSE PLATE RENEWAL	53.00
17891	11/01/2011	WISCONSIN PROFESSIONAL POLICE ASSOCIATION, INC NOVEMBER DUES # 243	151.00

## GENERAL FUND CHECKING

## ALL Checks

Posted From: 11/01/2011 From Account:  
 Thru: 11/17/2011 Thru Account:

ACCT

Check Nbr	Check Date	Payee	Amount
17892	11/01/2011	WJZ CLEANING, LLC INV # 5679 OCTOBER CLEANINGS	511.03
17893	11/01/2011	ZARNOTH BRUSH WORKS, INC. INV # 0136177-IN GUTTER BROOM	102.00
17894	11/09/2011	KAYSER AUTOMOTIVE GROUP 2011 FORD CROWN VICTORIA	23,369.50
17895	11/15/2011	*** Test Check *** Test Check *** VOID *** VOID *** VOID *** VOID ***	0.00
17896	11/15/2011	ALLIANT ENERGY/WP&L (4) ACCT # 171516-011	2,452.83
17897	11/15/2011	BAKER TILLY VIRCHOW KRAUSE LLP INV # BT553579 TIF 3	527.00
17898	11/15/2011	BELLEVILLE MUNICIPAL WATER DEPT (2)	98.32
17899	11/15/2011	BOOK PAGE INV # S2759 SUBSCRIPTION RENEWAL	282.00
17900	11/15/2011	BRONNA LEHMANN MILEAGE REIMBURSEMENT	172.38
17901	11/15/2011	BURRESON'S FOODS FOOD PANTRY MILK VOUCHERS	965.47
17902	11/15/2011	BURRESON'S FOODS (2) ACCT # 047900500038 (LIBRARY ACCT)	37.53
17903	11/15/2011	CATE MACHINE AND WELDING, INC. INV # 33896	130.74
17904	11/15/2011	CHARTER COMMUNICATIONS ACCT # 8245 11 719 0015586	107.87
17905	11/15/2011	CHARTER COMMUNICATIONS ACCT # 8245 11 719 0015420	281.96
17906	11/15/2011	CINTAS CORPORATION ACCT # 446-32222	310.60
17907	11/15/2011	CODE 3 TACTICAL SUPPLY	274.80
17908	11/15/2011	COMMAND CENTRAL INV # 9439 - 2012 MAINTENANCE CONTRACT	285.00
17909	11/15/2011	CONNEY SAFETY PRODUCTS CUSTOMER # 67500	231.10
17910	11/15/2011	DANE COUNTY HIGHWAY & TRANS. ACCOUNT # 60000	82,828.76

## GENERAL FUND CHECKING

## ALL Checks

Posted From: 11/01/2011 From Account:  
Thru: 11/17/2011 Thru Account:

Check Nbr	Check Date	Payee	Amount
17911	11/15/2011	DANE COUNTY TREASURER (2) INV # 11112011 LANDSCAPING PUBLICATIONS	6.50
17912	11/15/2011	DEAR READER.COM REPLACES LOST CK# 17098	325.00
17913	11/15/2011	DELUXE DISTRIBUTORS REPLACES LOST CK # 17526	132.11
17914	11/15/2011	DEMCO INV # 4398874	108.84
17915	11/15/2011	FRANCOIS SALES & SERVICE, INC. ACCT # 3481	66.25
17916	11/15/2011	FRONTIER (2) 608-424-3545	217.87
17917	11/15/2011	GALLS, AN ARAMARK COMPANY ACCT # 4238944	89.99
17918	11/15/2011	GREEN COUNTY SOLID WASTE OCTOBER	371.53
17919	11/15/2011	HAROLD'S EXCAVATING CO. BERNICE WILLIAMS FUNERAL	400.00
17920	11/15/2011	JERRY BUTTS REIMBURSE MILEAGE - WASTEWATER LAB 201	185.89
17921	11/15/2011	L.W. ALLEN, INC. INV # 091496	369.05
17922	11/15/2011	LANDMARK SERVICES COOPERATIVE INV # 74-14599 LAWN FOOD	467.40
17923	11/15/2011	LATHROP & CLARK LLC HANDBOOK REVIEW	1,447.50
17924	11/15/2011	LIBRARY JOURNAL SUBSCRIPTION RENEWAL	101.99
17925	11/15/2011	MCGUIRE INC PAYMENT #3	18,697.90
17926	11/15/2011	MILPORT ENTERPRISES, INC. INV # 214726 ALUM SULFATE	3,821.26
17927	11/15/2011	MONTGOMERY ASSOCIATES -RESOURCE SOLUTIONS LLC INV# 3658 LAKE BELLE VIEW DAM COMPLIANCE	1,115.00
17928	11/15/2011	MOVIE LICENSING USA ANNUAL COPYRIGHT COMPLIANCE SITE LICENSE	49.30
17929	11/15/2011	NEWS PUBLISHING COMPANY, INC. LANDMARK CUP HEARING	947.15

## GENERAL FUND CHECKING

## ALL Checks

Posted From: 11/01/2011 From Account:  
 Thru: 11/17/2011 Thru Account:

Check Nbr	Check Date	Payee	Amount
17930	11/15/2011	NORTH SHORE BANK,FSB NOVEMBER 15thT PAYROLL	280.00
17931	11/15/2011	NORTHERN LAKE SERVICE, INC. INV # 206998	83.40
17932	11/15/2011	PURE WATERS, LLC INV # 85279	22.00
17933	11/15/2011	PURPLE COW ORGANICS INV # 10/25/11 - 10/31/11	509.30
17934	11/15/2011	QUILL CORPORATION ACCT # C264557	34.13
17935	11/15/2011	RAINBOW BOOK COMPANY INV # 0096001	2,140.78
17936	11/15/2011	RICHARD HENDRICKSON REIMBURSE FOR VAC. BAGS (3 PK)	8.43
17937	11/15/2011	SUGAR RIVER BANK BUTTS	200.00
17938	11/15/2011	THE MINNESOTA LIFE INSURANCE COMPANY DECEMBER 2011 PREMIUM	529.58
17939	11/15/2011	THE PENWORTHY COMPANY INV # 514762	961.80
17940	11/15/2011	TOM O'CONNOR SHOE REIMBURSEMENT	125.79
17941	11/15/2011	U.S. CELLULAR ACCT # 335032686	32.79
17942	11/15/2011	VILLAGE OF BELLEVILLE 2011 WATER TAXES/2011 EQUIP. RENTAL	68,000.00
17943	11/15/2011	WASTE MANAGEMENT OF WI-MN NOVEMBER CHARGES	12,809.12
17944	11/15/2011	WEAVER AUTO PARTS - NEW GLARUS ACCOUNT # 90444	6.88
17945	11/15/2011	WISCONSIN RURAL WATER ASSOCIATION INV # 1749	1,706.25
17946	11/15/2011	WJZ CLEANING, LLC (2) INV # 5680 OCT CLEANINGS/SUPPLIES	321.03
ACHNOVDENT	11/01/2011	DENTAL INSURANCE	1,467.83
	Manual Check	ACH DENTAL INS NOV PREMIUM	
Grand Total			331,764.80

GENERAL FUND CHECKING

ALL Checks

Posted From: 11/01/2011 From Account:  
Thru: 11/17/2011 Thru Account:

	Amount
Total Expenditure from Fund # 100 - GENERAL FUND	55,408.45
Total Expenditure from Fund # 500 - CAPITAL PROJECT FUND	117,967.70
Total Expenditure from Fund # 510 - TIF 3 / FAR WEST SIDE DEV	24,443.60
Total Expenditure from Fund # 550 - WASTE MANAGEMENT	14,077.68
Total Expenditure from Fund # 600 - WATER & SEWER	89,801.19
Total Expenditure from Fund # 650 - STORM WATER UTILITY	21.55
Total Expenditure from Fund # 800 - LAKE RESTORATION	6,551.94
Total Expenditure from Fund # 900 - LIBRARY	22,772.20
Total Expenditure from Fund # 950 - CEMETERY FUND	720.49
Total Expenditure from all Funds	331,764.80

Consent - 60

**Ch. 187, Amusement Parlors and Devices**

OK

*Title 7, Ch. 9, of the 1994 Code*

This chapter appears satisfactory as written.

**Ch. 191, Animals**

*Title 7, Ch. 1, of the 1994 Code*

A. We question whether § 191-1A, License required, could be deleted in light of § 191-3A(1) and (2). Note that § 191-3A(2) refers to a dog more than five months of age on January 1, which is consistent with § 174.05(1), Wis. Stats., while § 191-1A refers to a dog more than five months of age after January 31.

**Decision:**

- Delete § 191-1A
- Revise as follows:
- Make no change

B. Section 191-2A requires dogs to be vaccinated against rabies at four months of age. Section 95.21, Wis. Stats., requires vaccination of dogs at five months of age. Should this subsection be revised to match the statute? Note that the Village is authorized to impose stricter conditions by § 95.21(9), Wis. Stats.

**Decision:**

- Change "within 30 days after the dog or cat reaches four months of age" to "at no later than five months of age" and change "after the dog or cat has reached four months of age" to "after the dog or cat has reached five months of age"
- Revise as follows:
- Make no change

Village of Belleville, WI

- G. In § 218-12C the wording "report that fact to the Building Inspector, inspect the streets" apparently should read "report that fact to the Building Inspector, who shall inspect the streets." We will make this correction
- H. The wording of § 218-15A requires revision in the second sentence, where the subject of "may also be subject to a penalty" is currently the Village Attorney. We will revise this wording to read "and such violation may also be subject to a penalty."

**Ch. 231, Cemeteries**

*Title 6, Ch. 6, and Sec. 11-3-3 of the 1994 Code*

- A. Section 231-8D, which applies to Belleville Cemetery, provides that "Dogs will only be allowed in the Cemetery when confined in a vehicle." Section 231-15G, which applies to public and private cemeteries in the Village, provides that "Pets, including animals of any species, and horses are prohibited in any cemetery." Should these provisions be made consistent?

**Decision:**

- Revise as follows:
- Make no change

- B. The Village might want to add an exception in both §§ 231-8G and 231-15G for guide dogs as follows: "This subsection shall not apply to seeing eye dogs or other service dogs."

**Decision:**

- Add wording as indicated
- Revise as follows:
- Make no change

**Ch. 237, Cigarettes and Tobacco Products**

**Art. I, Cigarette Licenses**

*Title 7, Ch. 3, of the 1994 Code*

In § 237-3 we question whether the words "any cigarette" should be added as follows: "Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of any cigarette."

Village of Belleville, WI

- G. In § 218-12C the wording "report that fact to the Building Inspector, inspect the streets" apparently should read "report that fact to the Building Inspector, who shall inspect the streets." We will make this correction
- H. The wording of § 218-15A requires revision in the second sentence, where the subject of "may also be subject to a penalty" is currently the Village Attorney. We will revise this wording to read "and such violation may also be subject to a penalty."



**Ch. 231, Cemeteries**

Title 6, Ch. 6, and Sec. 11-3-5 of the 1994 Code

- A. Section 231-8D, which applies to Belleville Cemetery, provides that "Dogs will only be allowed in the Cemetery when confined in a vehicle." Section 231-15G, which applies to public and private cemeteries in the Village, provides that "Pets, including animals of any species, and horses are prohibited in any cemetery." Should these provisions be made consistent?

**Decision:**

- Revise as follows:
- Make no change

*Done 2/3/87*      *New 231-15 G-4*  
*No animals were allowed in the cemetery, unless being utilized as per*  
*of the burial service*

- B. The Village might want to add an exception in both §§ 231-8G and 231-15G for guide dogs as follows: "This subsection shall not apply to seeing eye dogs or other service ~~dogs~~." *animals*

**Decision:**

- Add wording as indicated
- Revise as follows:
- Make no change



**Ch. 237, Cigarettes and Tobacco Products**

**Art. I, Cigarette Licenses**

Title 7, Ch. 3, of the 1994 Code

In § 237-3 we question whether the words "any cigarette" should be added as follows: "Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of any cigarette,"

cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk-Treasurer." See similar wording in § 237-1.

**Decision:**

- Revise as indicated
- Revise as follows:
- Make no change

**Art. II, Smoking**

*Sec. 11-3-10 of the 1994 Code*

This article appears satisfactory as written.

**Ch. 248, Driveways**

*Title 10, Ch. 9, of the 1994 Code*

This chapter appears satisfactory as written, provided that it reflects current construction standards.

OK

**Ch. 272, Fires and Fire Prevention**

*Secs. 5-2-2 to 5-2-9 and 5-3-1 of the 1994 Code*

- A. We will update the references in this chapter to the Department of Industry, Labor and Human Relations to the Department of Commerce.
- B. In § 272-2B(4) we question whether the sentence "A copy of such reports shall be filed with the Fire Chief" should be deleted, as this subsection already provides that the reports shall be "kept on file in the office of the Chief of the Fire Department."

**Decision:**

- Delete last sentence of § 272-2B(4)
- Revise as follows:
- Make no change

- C. With respect to § 272-8, Open burning, the Village might want to have this section reviewed by the Fire Chief as to whether it reflects current standards. The State Department of Natural Resources has promulgated a Model Ordinance for Outdoor Burning, Open

Ch. 237

cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk-Treasurer." See similar wording in § 237-1.

**Decision:**

- Revise as indicated
- Revise as follows:
- Make no change

**Art. II, Smoking**

*Sec. 11-3-10 of the 1994 Code*

This article appears satisfactory as written.

**Ch. 248, Driveways**

*Title 10, Ch. 9, of the 1994 Code*

This chapter appears satisfactory as written, provided that it reflects current construction standards.

**Ch. 272, Fires and Fire Prevention**

*Secs. 5-2-2 to 5-2-9 and 5-3-1 of the 1994 Code*

- A. We will update the references in this chapter to the Department of Industry, Labor and Human Relations to the Department of Commerce.
- B. In § 272-2B(4) we question whether the sentence "A copy of such reports shall be filed with the Fire Chief" should be deleted, as this subsection already provides that the reports shall be "kept on file in the office of the Chief of the Fire Department."

**Decision:**

- Delete last sentence of § 272-2B(4)
- Revise as follows:
- Make no change

- C. With respect to § 272-8, Open burning, the Village might want to have this section reviewed by the Fire Chief as to whether it reflects current standards. The State Department of Natural Resources has promulgated a Model Ordinance for Outdoor Burning, Open

- B. Section 304-8 provides for a fine of \$50 for violations of this chapter. Is this penalty still satisfactory?

**Decision:**

- Revise to refer to the general penalty in § 1-4
- Revise as follows:
- Make no change

**Ch. 320, Intoxicating Liquor and Fermented Malt Beverages**

**Art. I, Licensing**

*Title 7, Ch. 2, of the 1994 Code*

- A. Section 320-2, Definitions.

- (1) This section refers to the definition of "alcoholic beverages" in Ch. 125, Wis. Stats. The term defined and used in that chapter is "alcohol beverages." See § 125.02(1). We will make this correction. The terms "alcoholic beverages" and "alcohol beverages" are both used in this chapter. The Village might want to make this terminology consistent.

**Decision:**

- Use "alcohol beverages"
- Use "alcoholic beverages"
- Retain both terms

- (2) This section lists the definition of "retailer" twice. We will delete "retailers" following "wholesalers." This section also states that the term "nonintoxicating beverages" shall have the meaning given by Ch. 125, Wis. Stats. That term does not appear in Ch. 125. The only reference to nonintoxicating beverages in the statutes is in § 66.0433.

**Decision:**

- Delete "nonintoxicating beverages"
- Make no change

- E. In § 276-3E should the wording "shall be filed in the office of the Village" read "shall be filed in the office of the Village Clerk-Treasurer"?

**Decision:**

- Revise as indicated
- Revise as follows:
- Make no change

- F. Section 276-4D and E establish storage distances for fireworks of 500 feet from a dwelling or place of assemblage. In § 167.10(6)(d) and (e), Wis. Stats., this distance is 50 feet. Is any revision needed? Note that § 167.10(5)(b), Wis. Stats., provides that a local ordinance may be more restrictive than the statute.

**Decision:**

- Change 500 feet to 50 feet
- Revise as follows:
- Make no change

- G. Section 167.10(9)(b), Wis. Stats., provides that a person violating an ordinance adopted under § 167.10(5) shall forfeit not more than \$1,000. Should this penalty be added to this chapter?

**Decision:**

- Add penalty of up to \$1,000 for violations of this chapter
- Add reference to the general penalty in § 1-4
- Make no change

**Ch. 289, Grading**

*Title 10, Ch. 13, of the 1994 Code*

This chapter appears satisfactory as written.

OK

**Ch. 297, Hazardous Materials and Pollutants**

*Secs. 5-3-2 and 5-3-3 and Title 8, Ch. 2, of the 1994 Code*

- A. We question whether the word "storing" should be added in § 297-1A(1) as follows: "All persons, firms or organizations using, researching, [or] producing or storing hazardous materials and/or infectious agents shall notify the Fire Department as prescribed by this section." Similar wording elsewhere in this section includes "storing." See § 297-1A(2) for example.

**Decision:**

- Revise as indicated  
 Revise as follows:  
 Make no change

- B. In § 297-2A we have updated the reference to Chapter ILHR 8 of the Administrative Code to Chapter Comm 10, Flammable, Combustible and Hazardous Liquids. Chapter Comm 8 is titled "Mines, Pits and Quarries."

- C. Section 297-6 refers to the "Head of Emergency Government Services" and "Emergency Government Services officers and staff." Are these references up-to-date? We note that Section 2-3-15, Head of Emergency Government Services, of the old Village Code was repealed in 2005. See also Chapter 57, Emergency Management.

**Decision:**

- Revise as follows:  
 Make no change

NO NEED TO REVISE

**Ch. 304, Historic Preservation**

*Title 10, Ch. 11, of the 1994 Code*

- A. The following underlined wording in § 304-6B(2)(a) does not make sense: "Notice of the time, place, and purpose of the public hearing shall be sent by the Village to the Village Board and the owners of record."

**Decision:**

- Delete "by the Village"  
 Revise as follows:

Ch. 320 Continued

- (3) This section also refers to the definition of "operators." This term is not actually defined in § 125.02, Wis. Stats.

Decision:

- Delete "operators"  
 Make no change

- B. Section 320-4E(2) and F(2) provide for a forfeiture of \$200 for a person fronting for any group other than the one applied for with regard to a temporary license. Is this penalty still satisfactory?

Decision:

- Revise to refer to the penalty in § 320-22 of this article  
 Revise as follows:  
 Make no change

Should be in the schedule

- C. Section 320-4F(1) provides for the issuance of a temporary "Class B" license authorizing the sale of wine containing not more than 6% alcohol by volume. The text of this subsection appears to be based on § 125.51(10), Wis. Stats. We note that the statute does not include the wording "containing not more than 6% alcohol by volume." It provides:

Notwithstanding s. 125.68(3), temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application and to posts of veterans' organizations authorizing the sale of wine in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society.

Decision:

- Delete "containing not more than 6% alcohol by volume"  
 Revise as follows:  
 Make no change

- D. Section 320-4H(3), regarding a "Class C" license, differs from the current wording of § 125.51(3m)(c), Wis. Stats., which provides as follows:

A "Class C" license may be issued to a person qualified under s. 125.04(5) for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which has a barroom in which wine is the

only intoxicating liquor sold. A "Class C" license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as agent for or in the employ of another.

**Decision:**

- Revise § 320-4H(3) to match § 125.51(3m)(c), Wis. Stats.
- Revise as follows:
- Make no change

See what counter  
reference is  
made 953

E. Section 320-51 provides for an initial fee of \$10,000 for a reserve "Class B" intoxicating liquor license and an economic development grant program to offset this fee. We would like to confirm that this fee amount should be retained in the Code. It is prescribed by § 125.51(3)(e)2, Wis. Stats.

**Decision:**

- Retain fee
- Revise as follows:

F. In § 320-51(2)(b) the reference to § 453.04 of the statutes seems to be incorrect. Chapter 453 deals with the Veterinary Examining Board.

**Decision:**

- Delete "pursuant to § 453.04, Wis. Stats."
- Revise as follows:

G. In § 320-6A we have revised the reference to §§ 887.01 to 887.04, Wis. Stats., to refer to §§ 887.01 to 887.03. Section 887.04 was repealed by court order in 1973.

H. Section 320-9B refers to "regulations of the State Board of Health and local Board of Health applicable to restaurants." A similar reference appears in § 320-14E. As far as we can determine, the State Board of Health was abolished in 1969. Section 125.68(5), Wis. Stats., refers to "the rules promulgated by the Department of Health Services governing sanitation in restaurants."

**Decision:**

- Revise to read "regulations of the State Department of Health Services applicable to restaurants"
- Revise as follows:

- I. In § 320-10A the last sentence reads "The full license fee shall be charged for the whole or fraction of any year." However, fees for "Class A," "Class B" and "Class C" licenses are required to be prorated by §§ 125.25(4), 125.26(4) and 125.51(9)(a), Wis. Stats. Section 320-4 of this article also provides for certain fees to be prorated.

Decision:

- Delete the last sentence of § 320-10  
 Revise as follows:  
 Make no change

- J. Section 320-11A provides for a license transfer fee of \$10. Should this fee amount be removed from the Code?

Decision:

- Replace fee with reference to Village Fee Schedule  
 Revise as follows:  
 Make no change

- K. The last sentence of § 320-12 requires the Clerk-Treasurer to affix his or her affidavit to the license "as provided by § 125.04(4), Wis. Stats." Said § 125.04(4) requires the Clerk to submit a list of license holders to the state. It does not require the Clerk to affix his affidavit to the license. We could find no such requirement in the statutes.

Decision:

- Delete the last sentence of § 320-12  
 Revise as follows:  
 Make no change

- L. Section 320-14B prohibits the employment of underage persons, except in hotels and restaurants. Pursuant to §§ 125.32(2) and 125.68(2), a person at least 18 years of age may sell, serve or dispense alcohol beverages if he or she is the holder of an operator's license or is under the immediate supervision of a licensee, approved agent for a corporation, someone with an operator's license, a licensed operator or the holder of a manager's license.

Decision:

- Add "except as otherwise provided in §§ 125.32(2) and 125.68(2), Wis. Stats."  
 Revise as follows:  
 Make no change

Village of Belleville, WI

- M. Section 320-15 provides for closing hours to be in conformance with § 125.32(3), Wis. Stats. The Village might also want to reference § 125.68(4), Wis. Stats., which prescribes the closing hours for intoxicating liquor licenses. Section 125.32 applies to fermented malt beverage licenses.

Decision:

- Add reference to § 125.68(4)
- Revise as follows:
- Make no change

- N. In § 320-16, regarding temporary licenses, Subsection D provides as follows: "No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale." Should an exception be added for a person who has obtained an operator's license? Note that while the legal drinking age in Wisconsin is 21, an operator's license can be issued to a person who is 18 or older. See § 125.04(5)(d)2.

Decision:

- Add "unless such person has an operator's license"
- Revise as follows:
- Make no change

- O. Section 320-19, Beer garden permit.

- (1) In Subsection B(1) we question whether the following wording is correct: "The gate(s) or exit(s) shall be a minimum of three feet wide and meet required width by exit code, and be the same height as that required of the beer garden fence, shall swing to egress, and shall swing free and clear of public sidewalks." In similar ordinances this sentence reads as follows: "The gate(s) or exit(s) shall be three feet wide and the same height as that required of the beer garden fence, shall swing to egress, and shall swing free and clear of public sidewalks."

(30) ACAD

Decision:

- Delete "and meet required width by exit code"
- Revise as follows:

- (2) Subsection E provides for a permit fee of \$25. Should this fee be removed from the Code?

**Decision:**

- Replace fee with reference to Village Fee Schedule  
 Revise as follows:  
 Make no change

*Review Fee Schedule*

- (3) Subsection I provides that "The Village may also impose a forfeiture not to exceed \$200 per violation of this section." Is this penalty still satisfactory?

**Decision:**

- Revise to refer to the penalty in § 320-22 of this article  
 Revise as follows:  
 Make no change

P. Section 320-20, Sidewalk cafes.

- (1) Subsection B(3) provides for a permit fee of \$25. Should this fee be removed from the Code?

**Decision:**

- Replace fee with reference to Village Fee Schedule  
 Revise as follows:  
 Make no change

- (2) Subsection B(4) provides that "Sidewalk cafes shall be open during regular operation hours, but no earlier than 6:00 a.m. and no later than 11:00 p.m." It also prohibits the sale of food or alcohol after 10:00 p.m. However, Subsection B(1)(i) indicates that the café can be open until midnight on the third Saturday in June, July and August.

**Decision:**

- Add to Subsection B(4): "This subsection shall not apply on the third Saturday in June, July and August, when the café may be open and food and alcohol beverages may be served until 12:00 midnight."  
 Delete "with the exception of the third Saturday in June, July and August until midnight" from Subsection B(1)(i)  
 Other:

Village of Belleville, WI

VW/TK  
Local use (conditional)  
use license

- (3) Subsection B(4) also includes the following: "more restrictive hours of operation may be established by the Plan Commission as part of the conditional use approval process, if applicable." Does a sidewalk café require a conditional use permit in addition to the permit provided for in this section? There is no other mention of a conditional use permit requirement in this section or in Chapter 615, Zoning.

Decision:

- Delete "as part of the conditional use approval process, if applicable"
- Revise as follows:
- Make no change

TK/TK  
Local use (conditional)  
title vs. permit

- (4) Subsection B(5) refers to the Building/Zoning Inspector. This title is not used anywhere else in the Village Code.

Decision:

- Revise to Building Inspector
- Revise to Zoning Administrator
- Other:

- (5) Subsection B(9) provides that "The Village may also impose a forfeiture not to exceed \$200 per violation of this section." Is this penalty still satisfactory?

Decision:

- Revise to refer to the penalty in § 320-22 of this article
- Revise as follows:
- Make no change

Q. Section 320-21, Operator's license.

- (1) Subsection A(1) is missing wording. Pursuant to § 125.32(2), Wis. Stats., on which this subsection is based, we will add the following underlined wording:

For the purpose of this section, any person holding a manager's license under § 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve fermented malt beverages in any place operated under a Class "A," Class "B" or "Class C" license or permit unless he or she has an operator's license or is at least 18 years of age and is

under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.

- (2) In Subsection D(2) the reference to "an Alcohol Awareness Training Program" apparently is meant to refer to the responsible beverage server training course required by § 125.17(6)(a), Wis. Stats., and Subsection F of this section. We will update this reference accordingly.
- (3) The description of the responsible beverage server training course in Subsection F(1) could be revised to conform to the current wording of § 125.17(6)(a), Wis. Stats., which reads as follows:

a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the department or the educational approval board

**Decision:**

- Revise to match statute as set forth above
- Revise as follows:
- Make no change

- (4) In Subsection G the wording "or carry a license card" is incomplete. Should this wording read "or the licensee shall carry a license card"?

**Decision:**

- Revise to read "or the licensee shall carry a license card"
- Revise as follows:
- Make no change

- R. In § 320-22A we have revised the reference to § 125.07(1) to (5) to refer to § 125.07(1) to (4). Section 125.07 does not contain a Subsection (5).

**Art. II, Outside Consumption**

*Sec. 11-4-1 of the 1994 Code*

In § 320-24C(2) we will add "This section shall not apply to" at the beginning of the subsection in order to create a complete sentence. Otherwise this article appears satisfactory as written.

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2 1/2 inches high on a background of not less than three inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For building abutting on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.

§ 455-15C: Street number to be displayed. The owner, occupant or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him/her the official street number assigned to that building as provided in Subsection A hereof. The physical numbers provided herein shall be not less than 2 1/2 inches high on a background of not less than three inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.

Decision:

- Delete indicated wording from § 455-15A
- Delete § 455-15C

G. In § 455-15B(4)(b) we will revise "Superintendent of Public Works" to "Director of Public Works" for consistency with the rest of the Code.

H. In § 455-16, Damage to streets, curb and gutter, the second sentence deals with the display of street numbers, not damage to streets. We will move this sentence to § 455-15, Street numbers.

**Ch. 468, Transient Merchants**

*Title 7, Ch. 4, of the 1994 Code*

Provided that it reflects current practice, this chapter appears satisfactory as written.

**Ch. 480, Urban Forests**

*Title 6, Ch. 4, of the 1994 Code*

This chapter appears satisfactory as written.

Village of Belleville, WI

"monthly permit fee" for consistency with § 66.0435(3), Wis. Stats.

**Decision:**

- Revise as indicated
- Revise as follows:
- Make no change

- B. Pursuant to § 66.0435(3)(h), Wis. Stats., the Village is authorized to impose a penalty of not more than \$25 for failure to comply with the reporting requirements of § 358-1A. Perhaps the following wording could be added to § 358-1A: "Failure to comply with this subsection shall be subject to a forfeiture of not more than \$25. Each failure to report is a separate offense."

**Decision:**

- Add wording as indicated
- Make no change



**Ch. 372, Nuisances**

*Secs. 8-1-1 and 8-1-2 and Title 11, Ch. 6, of the 1994 Code*

- A. Section 372-3A deals with the Village Board acting as Board of Health. According to Chapter 20, § 20-5, the Village has elected to have the County Board of Health serve as the Board of Health for the Village.

**Decision:**

- Delete § 372-3A
- Revise as follows:
- Make no change

- B. In § 372-3B(12), Air pollution, is the wording "within the limits" supposed to read "within the Village limits"?

**Decision:**

- Revise to read "within the Village limits"
- Revise as follows:
- Make no change

**Ch. 380, Official Map**

*Title 10, Ch. 5, of the 1994 Code*

This chapter appears satisfactory as written.

**Ch. 390, Parks and Recreation**

*Title 6, Ch. 5, of the 1994 Code*

Provided that it reflects current regulations with respect to Village parks, this chapter appears satisfactory as written.

OK

**Ch. 395, Peace and Good Order**

*Title 11, Chs. 1, 2 and 3, and of the 1994 Code*

- A. The list of sections of the Wisconsin Statutes in § 395-1 has been updated to reflect the current section numbers and titles. We have also deleted the following: § 29.288, repealed by 1989 Act 335; § 943.23(4), repealed by 1993 Act 92; and § 947.047, repealed by 1989 Act 335.
- B. Section 395-1 provides for the adoption by reference of §§ 134.66 and 254.92, Wis. Stats. These sections are also adopted by reference in Chapter 331, §§ 331-9 and 331-10.

**Decision:**

- Delete §§ 134.66 and 254.92, Wis. Stats., from § 395-1
- Revise as follows:
- Make no change
- C. Ordinance No. 2010-01-03 provided for certain sections in Title 11, Chapter 2 (now Article II of this chapter) to be renumbered or reordered but did not indicate how they should be renumbered or reordered. We were unsure of the intent of the amendments listed below. If any changes are needed to these sections we will need clearer direction. Ordinance No. 2010-01-03 provided:
  - (1) "Section 11-2-1 is renumbered." See now § 395-3.



**Ch. 403, Property Maintenance**

**Art. I, General Standards**

*Title 10, Ch. 10, of the 1994 Code*

This article appears satisfactory as written.

**Art. II, Brush, Grass and Weeds**

*Secs. 8-1-4, 8-1-5 and 8-16 of the 1994 Code*

- A. Section 403-15B was amended in 2010 to add the following sentence: "Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than 24 hours or greater than seven days and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be."

The addition of this wording does not make sense in the context of the rest of this subsection. Subsection B already provides for delivery of a notice, requires action within five days of the notice, and provides for the expense of removal by the Village to be charged to the property. We question whether this new wording was meant to be added to a different subsection. If it is retained, the Village will need to resolve the conflicting time frames for action (five days or seven days).

**Decision:**

- Delete last sentence of § 403-15B  
 Revise as follows:

- B. Section 403-16, Regulation of natural lawns.

- (1) Please clarify the correct title of the permit issued under this section, as it is given three different names in this section: natural lawn management permit, natural lawn permit and natural lawn management plan permit. To avoid confusion with the natural lawn management plan, which is also required by this section, it would seem that the designation "natural lawn permit" would work best.

**Decision:**

- Use "natural lawn permit"  
 Use the following:

- (2) Subsection C(1) provides for a filing fee of \$25. Should this fee be replaced with a reference to the Village Fee Schedule?

**Decision:**

- Replace fee with reference to Fee Schedule  
 Revise as follows:  
 Make no change

- C. In § 403-17, Regulation of length of lawn and grasses, Subsection E(2) provides that a notice to have the lawn or grass cut will be served "at least five days before the grass or lawn will be cut" but then provides that the notice will give the property owner up to seven days to correct the violation. If the property owner is to be given seven days to comply, it would seem that the notice would have to be served at least seven days before the Village takes action, not five.

**Decision:**

- Change "at least five days before the grass or lawn will be cut" to "at least seven days before the grass or lawn will be cut"  
 Revise as follows:

**Art. III, Junk and Unsightly Materials**

*Title 11, Ch. 8, of the 1994 Code*

This article appears satisfactory as written.

**Ch. 425, Sexually Oriented Businesses**

*Title 7, Ch. 12, of the 1994 Code*

- A. In the definition of "public place" in § 425-2, the last sentence refers to a "family-oriented clothing optional facility." Is this wording correct?

**Decision:**

- Delete "family-oriented"  
 Revise as follows:  
 Make no change

**Ch. 455, Streets and Sidewalks**

Title 6, Chs. 1 and 2, and Title 7, Ch. 7, of the 1994 Code

A. There are four references in this chapter to § 66.60(16), Wis. Stats., as noted below. Section 66.60(16) was repealed by 1999 Act 150. Please indicate whether the sections below should be updated to refer to § 66.0627, Special charges for current services, or § 66.0703, Special assessments.

(1) Section 455-3, Removal of rubbish and dirt from sidewalks.

**Decision:**

- Revise to § 66.0627 (special charge)
- Revise to § 66.0703 (special assessment)

→ assessments are for infrastructure

ASK ARA  
How this looks  
TERRIBLE  
YES

(2) Section 455-16, Damage to streets, curbs and gutter.

**Decision:**

- Revise to § 66.0627 (special charge)
- Revise to § 66.0703 (special assessment)

(3) Section 455-17A(3) and C, repair of curb and gutter (the term "special charge" is used in these subsections).

**Decision:**

- Revise to § 66.0627 (special charge)
- Revise to § 66.0703 (special assessment)

B. Section 455-6B(1) requires that "Sufficient warning lights shall be kept on from sunrise to sunset." Should this wording read "from sunset to sunrise"?

**Decision:**

- Change "from sunrise to sunset" to "from sunset to sunrise"
- Revise as follows:
- Make no change

C. In § 455-8, Street privilege permit, we question whether the references to moving buildings should be deleted in light of Chapter 218, Building Construction, § 218-12, Regulations for moving buildings. Section 455-8 requires a person moving a building to obtain a street

privilege permit from the Clerk-Treasurer while § 218-12 requires a permit from the Building Inspector.

Decision:

- Revise § 455-8 to delete all wording related to moving buildings
- Revise as follows:
- Make no change

- D. Section 455-10B was amended in 2010 to add the words "and those plants that are not a nuisance, hazard or obstruction" after "shall not be paved, surfaced or covered with any material which shall prevent the growth of plants." This wording is awkward and unclear; it does not really follow the wording which comes before it. The Village might want to clarify this subsection. Perhaps the following revision could be made:

All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants, and those plants that are not a nuisance, hazard or obstruction may be placed in the terrace area.

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

- E. In § 455-10C the last sentence currently provides that "Every owner...shall be located behind the face of the curb." We believe the intent of this provision is as follows: "Every owner shall keep mailboxes located on the terrace free and clear of snow, and mailboxes shall be located behind the face of the curb."

Decision:

- Revise as indicated
- Revise as follows:

- F. Section 455-15A, Buildings to have street numbers, as amended in 2010, now includes wording that is also included in § 455-15C. Was it the Village's intent for § 455-15C to be deleted? See below. This duplication should be eliminated.

§ 455-15A: House numbers shall be displayed. The owner, occupant or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him/her the official street number assigned to that building as provided in this subsection. The physical numbers provided herein shall be not less than

2 1/2 inches high on a background of not less than three inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For building abutting on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.

§ 455-15C: Street number to be displayed. The owner, occupant or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him/her the official street number assigned to that building as provided in Subsection A hereof. The physical numbers provided herein shall be not less than 2 1/2 inches high on a background of not less than three inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.

ROUND

**Decision:**

- Delete indicated wording from § 455-15A
- Delete § 455-15C

- G. In § 455-15B(4)(b) we will revise "Superintendent of Public Works" to "Director of Public Works" for consistency with the rest of the Code.
- H. In § 455-16, Damage to streets, curb and gutter, the second sentence deals with the display of street numbers, not damage to streets. We will move this sentence to § 455-15, Street numbers.

**Ch. 468, Transient Merchants**

*Title 7, Ch. 4, of the 1994 Code*

Provided that it reflects current practice, this chapter appears satisfactory as written.

**Ch. 480, Urban Forests**

*Title 6, Ch. 4, of the 1994 Code*

This chapter appears satisfactory as written.

2 1/2 inches high on a background of not less than three inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For building abutting on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.

§ 455-15C: Street number to be displayed. The owner, occupant or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him/her the official street number assigned to that building as provided in Subsection A hereof. The physical numbers provided herein shall be not less than 2 1/2 inches high on a background of not less than three inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.

**Decision:**

- Delete indicated wording from § 455-15A
- Delete § 455-15C

- G. In § 455-15B(4)(b) we will revise "Superintendent of Public Works" to "Director of Public Works" for consistency with the rest of the Code.
- H. In § 455-16, Damage to streets, curb and gutter, the second sentence deals with the display of street numbers, not damage to streets. We will move this sentence to § 455-15, Street numbers.

**Ch. 468, Transient Merchants**

*Title 7, Ch. 4, of the 1994 Code*

Provided that it reflects current practice, this chapter appears satisfactory as written.

**Ch. 480, Urban Forests**

*Title 6, Ch. 4, of the 1994 Code*

This chapter appears satisfactory as written.

OK

~~D. Removal by private service. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer which performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.~~

Decision:

- Revise § 493-20C and D as set forth above
- Revise as follows:
- Make no change

~~E. In § 493-35, regarding low-speed vehicles, we have revised "See the penalty section of the ordinances" to "See Chapter 1, General Provisions, § 1-4." Is this change acceptable?~~

Decision:

- Change is acceptable
- Revise as follows:

**Ch. 505, Waste Management**

*Title 8, Ch. 3, and Sec. 8-1-3 of the 1994 Code*

A. The definition of "hazardous waste or hazardous substance" in § 505-3 contains outdated references to § 144.62, Wis. Stats., which was repealed in part and renumbered in part by 1995 Act 227, and Chapter NR 181 of the Administrative Code, which no longer exists. We were unable to determine exactly how these references should be updated. Hazardous waste management is now governed in the Administrative Code in Chapters NR 660 through 679 and in the statutes in Chapter 291, Hazardous Waste Management. The definition of "hazardous waste" in § 291.01(7), Wis. Stats., currently reads as follows:

"Hazardous waste" or "waste" means any solid waste identified by the department as hazardous under s. 291.05(1), (2) or (4).

Decision:

- Replace definition with: "Hazardous waste or hazardous substance -- As defined in § 291.01(7), Wis. Stats."
- See revisions on enclosed copy

B. The definition of "postconsumer waste" in § 505-3 appears to be missing wording. This definition usually reads as follows:

**Sec. 8-3-20 Other Prohibited Practices in Collection and Handling of Recyclables.**

No person, persons or other entity generating waste within the Village shall do any of the following:

- a) Deposit or cause to be deposited any recyclable material at any authorized collection point when the site is closed or not operating;
- b) Deposit or cause to be deposited any waste material, whether recyclable or not, in or upon any public street, public waters, or public grounds in the Village except at authorized locations within appropriate packaging or placed into appropriate containers during specifically authorized collections if any are provided;
- c) Deposit or cause to be deposited any recyclable materials in any container not specifically intended for the collection of that type or group of recyclable material;
- d) Deposit or cause to be deposited any non-recyclable material in any container specifically intended for the collection or deposit of recyclable material;
- e) Mix or permit intermixing of recyclable and non-recyclable materials intended for collection by a collector/hauler or intended to be processed at a material recycling facility.

**Sec. 8-3-21 Contracting with Collector/Hauler.**

- a) The Village may find that the purposes of this Chapter will be better served by limiting collection of waste activities to a minimum and to that end the Village will contract with an independent contractor to provide waste collection services in accordance with this Chapter. If any person needs a service in excess of that provided by such collector/hauler pursuant to the collection contract with the Village, such person is free to contract, at such person's cost, for such additional services as may be required or desired.
- b) The Village Board shall be authorized, if it so determines, to place the pro-rata cost of such collector/hauler's fee for such services on the tax bill for the real property from which such waste is generated. Said amount so placed on the tax bill for each year in advance of such services and when so placed shall have the same force and effect as real estate taxes and shall be paid as in the same manner as real estate taxes.
- c) The Village and the collector/hauler shall establish pickup times for the collection of collectible wastes.

**Sec. 8-3-22 Condominiums.**

Each condominium association in the Village shall be responsible for establishing compliance with this Chapter by the owner of each condominium unit, and shall submit its plan for compliance to the Village for approval and shall submit for approval of the Village any changes in such plan. Such plan may provide for the purposes of this Chapter. Each condominium unit shall be treated the same as a single residential dwelling or the entire condominium shall be treated for such purposes as a

*To correct - paid in arrears*

Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.

Decision:

- Revise definition as set forth above
- Revise as follows:
- Make no change

- C. The terms "multifamily dwelling" and "multiple-family dwelling" are both used in this chapter. We recommend making these references consistent.

Decision:

- Use "multifamily dwelling"
- Use "multiple-family dwelling"
- Retain both terms

- D. Please note that we have incorporated the wording of Section 8-1-3, Deposit of deleterious substances, of the old Village Code into this chapter as Subsection B of § 505-18, Improper placement.

- E. Section 505-28 contains an incorrect cross-reference to "Sections 8-4-10 and 8-4-13(a)." There were no such sections in the old Village Code. Should this reference be updated to §§ 505-4 and 505-5 of this chapter?

Decision:

- Update reference to §§ 505-4 and 505-5
- Revise as follows:

- F. Section 505-29 repeats wording already included in § 505-16:

§ 505-16: It shall be a violation of this chapter for any person unauthorized by the Village to collect or pick up, or cause to be collected or picked up, any recyclable materials that are placed for disposal by the Village or by any authorized agent.

§ 505-29: It shall be unlawful for any person, unless under contract with or licensed by the Village of Belleville, to collect or remove any recyclable material that has been deposited or placed at the curb for the purposes of collection for recycling.

**Decision:**

- Delete § 505-29
- Revise as follows:
- Make no change

- G. There are two different sections in this chapter titled "Nondisposable materials." See §§ 505-10 and 505-30. There are conflicts between these sections. Section 505-10 prohibits disposal of "large quantities of paint" while § 505-30 prohibits the disposal of any paint.

**Decision:**

- Delete § 505-30
- Revise as follows:
- Make no change

- H. Section 505-31 is essentially a duplication of § 505-15:

§ 505-15: It shall be unlawful to bring refuse from outside the Village of Belleville limits into the Village limits for disposal unless specifically authorized by written agreement with the Village.

§ 505-31: It shall be unlawful to bring refuse for disposal (and recyclables) from outside the corporate limits into the Village unless authorized by agreement with the Village Board.

**Decision:**

- Delete § 505-31
- Delete § 505-15
- Make no change

- I. Section 505-33 refers to "billing plus \$50" when a special collection is made due to a violation of this chapter. Is this amount current?

**Decision:**

- Revise as follows:
- Make no change

505-33  
Special meter  
Special Fee Pl. NS  
Fee services

505-33 line 4 s/b amend, not add

Village of Belleville, WI

- D. Section 525-21C sets the penalty for unauthorized connections to or modifications of the cable television system at not less than \$100 nor more than \$500. Is this penalty still satisfactory?

**Decision:**

- Revise as follows:
- Make no change
- Not applicable; chapter omitted

- E. Section 525-27B sets the penalty for violations of this chapter by the grantee at a maximum of \$500. Is any revision desired?

**Decision:**

- Revise as follows:
- Make no change
- Not applicable; chapter omitted

**Ch. 538, Sewer**

**Art. I, Connection to Public Sewer**

*Sec. 8-1-7 of the 1994 Code*

Section 538-1 requires connection to the public sewer within 10 days of notice. This section conflicts with §§ 538-19G and 538-22B in Article II of this chapter which require connection within 90 days.

**Decision:**

- Change 10 days to 90 days in § 538-1
- Change 90 days to 10 days in §§ 538-19G and 538-22B
- Other:

**Art. II, Sewer Use**

*Title 9, Ch. 2, of the 1994 Code*

- A. In the definition of "Standard Methods" in § 538-11 we will update the reference to the Water Pollution Control Federation to the Water Environment Federation.

- B. The following portion of § 538-19E appears to be missing wording and does not make sense: "treatment of such wastes which will render the content of such waste's discharge with applicable Village, state and federal laws, ordinances and regulations." Perhaps the following revision could be made: "treatment of such wastes which will render such wastes acceptable for discharge in accordance with applicable Village, state and federal laws, ordinances and regulations."

**Decision:**

- Revise as indicated  
 Revise as follows:

- C. In § 538-20B(2) we would like to confirm that the inclusion of the word "mat" is correct: "Any water or wastes which may contain more than 100 milligrams per liter of mat, oil, grease or hexane extractable material."

**Decision:**

- Delete "mat"  
 Revise as follows:  
 Make no change

✓ water permit?

- D. Section 538-24D provides as follows: "Twenty-five dollars shall be charged for a discharge application or permit." Should this fee be removed? Is the fee for the actual permit, the application for a permit, or both?

**Decision:**

- Revise to read "A fee as set by resolution of the Village Board shall be charged for issuance of a discharge permit"  
 Revise to read "A fee as set by resolution of the Village Board shall be charged at the time of application for a discharge permit"  
 Other:

✓ loss of revenue  
Application

- E. Section 538-25D is an exact duplicate of § 538-17. We will delete § 538-25D to eliminate this duplication.

- F. Section 538-30 sets the penalty for violation of this article at \$200 per day. Is this amount still satisfactory?

**Decision:**

- Revise to refer to the general penalty in § 1-4  
 Revise as follows:  
 Make no change

Section 538-30  
to be removed  
to be replaced

**Ch. 554, Stormwater Utility**

*Title 9, Ch. 5, of the 1994 Code*

This chapter appears satisfactory as written.

**Ch. 563, Underground Utilities**

*Title 6, Ch. 3, of the 1994 Code*

This chapter appears satisfactory as written.

**Ch. 569, Water**

*Title 9, Chs. 1 and 4, of the 1994 Code*

- A. In § 569-4, Private well abandonment, Subsection D provides for a penalty of not less than \$5 nor more than \$100 for violations of this section. Is this penalty still satisfactory?

**Decision:**

- Revise to refer to the general penalty in § 1-4  
 Revise as follows:  
 Make no change

- B. In § 569-5D we will update the reference to the "Public Works Superintendent" to the Public Works Director for consistency with the rest of this Code.

**Editorial Analysis**

Village of Belleville, WI

- F. Section 538-30 sets the penalty for violation of this article at \$200 per day. Is this amount still satisfactory?

**Decision:**

- Revise to refer to the general penalty in § 1-4
- Revise as follows:
- Make no change

**Ch. 554, Stormwater Utility**

*Title 9, Ch. 5, of the 1994 Code*

This chapter appears satisfactory as written.

OK

**Ch. 563, Underground Utilities**

*Title 6, Ch. 3, of the 1994 Code*

This chapter appears satisfactory as written.

**Ch. 569, Water**

*Title 9, Chs. 1 and 4, of the 1994 Code*

- A. In § 569-4, Private well abandonment, Subsection D provides for a penalty of not less than \$5 nor more than \$100 for violations of this section. Is this penalty still satisfactory?

**Decision:**

- Revise to refer to the general penalty in § 1-4
- Revise as follows:
- Make no change

- B. In § 569-5D we will update the reference to the "Public Works Superintendent" to the Public Works Director for consistency with the rest of this Code.

Village of Belleville, WI

F. Section 538-30 sets the penalty for violation of this article at \$200 per day. Is this amount still satisfactory?

**Decision:**

- Revise to refer to the general penalty in § 1-4
- Revise as follows:
- Make no change

**Ch. 554, Stormwater Utility**

*Title 9, Ch. 5, of the 1994 Code*

This chapter appears satisfactory as written.

**Ch. 563, Underground Utilities**

*Title 6, Ch. 3, of the 1994 Code*

This chapter appears satisfactory as written.

**Ch. 569, Water**

*Title 9, Chs. 1 and 4, of the 1994 Code*

A. In § 569-4, Private well abandonment, Subsection D provides for a penalty of not less than \$5 nor more than \$100 for violations of this section. Is this penalty still satisfactory?

**Decision:**

- Revise to refer to the general penalty in § 1-4
- Revise as follows:
- Make no change

*Verify Penalties for the 1-4 Abandonment*

B. In § 569-5D we will update the reference to the "Public Works Superintendent" to the Public Works Director for consistency with the rest of this Code.

F. Section 538-30 sets the penalty for violation of this article at \$200 per day. Is this amount still satisfactory?

**Decision:**

- Revise to refer to the general penalty in § 1-4
- Revise as follows:
- Make no change

**Ch. 554, Stormwater Utility**

*Title 9, Ch. 5, of the 1994 Code*

This chapter appears satisfactory as written.

**Ch. 563, Underground Utilities**

*Title 6, Ch. 3, of the 1994 Code*

This chapter appears satisfactory as written.

OK

**Ch. 569, Water**

*Title 9, Chs. 1 and 4, of the 1994 Code*

A. In § 569-4, Private well abandonment, Subsection D provides for a penalty of not less than \$5 nor more than \$100 for violations of this section. Is this penalty still satisfactory?

**Decision:**

- Revise to refer to the general penalty in § 1-4
- Revise as follows:
- Make no change

B. In § 569-5D we will update the reference to the "Public Works Superintendent" to the Public Works Director for consistency with the rest of this Code.

# PLANNING COMMISSION REPORT

November 9, 2011

## NEW BUSINESS

1. CSM to establish Lot 1 and Ingress/Egress Easement for John Baker in Baker's Wood's Subdivision – PC approved the new CSM
2. CSM to establish 4 lots in place of a single lot in Baker's Wood's Subdivision – PC approved the new CSM contingent on the change not having a negative effect on any agreements between the Village and the developers.

## OLD BUSINESS

1. Proposal for Intergovernmental Agreement between the Village of Belleville and the Town of Montrose – The committee will be meeting with Montrose November 15 to go over the Village's proposal.
2. Proposal for 10-6-4 – Unincorporated Areas within Extraterritorial Plat Approval Jurisdiction – No action. Waiting until Intergovernmental Agreement is done.

Terry Kringle  
PC Chairperson

**Village of Belleville**  
**Intergovernmental Subcommittee**  
**Of the**  
**Planning Commission**  
**Joint Meeting with Montrose**  
**Minutes**

Tuesday, November 15, 2010, 7:00 p.m.

Present for Montrose: Bill Warner, Randy Francois and Tim Schmitt  
Present for Belleville: Terry Kringle, Gary Ziegler and Howard Ward

- 1) The meeting was called to order by Terry Kringle at 7:00
- 2) Old Business - None
  - a) Intergovernmental Agreement Document draft – We discussed Belleville’s draft of the agreement going over the main points that had been changed. Montrose will be taking it back to their Board and discussing it with appropriate parties. We will wait to hear from them about the next step. This will likely happen some time after the 1<sup>st</sup> of the year.
- 3) New Business: None
- 4) The meeting was adjourned at 8:00 pm

Submitted by  
Terry Kringle

Senior Citizen's Program of Belleville, Exeter and Montrose  
Board of Director's Meeting  
October 18, 2011

Members Present: Stremikis, Olson, Kazmar, Hoffman, Sullivan, Blaser, Butts

Members Absent: Hoenisch, Francois, Kittleson

Call to Order: At 6:33 PM by President Sullivan

Minutes: One correction – Judy Moe's hours were increased – not Judy Hoenisch. Motion to approve as corrected made by Hoffman, seconded by Butts, approved.

Treasurer and Financial Reports: Copies distributed. Two additions reported by Stremikis – report on Fall Festival activities and the additional unemployment tax owed. Motion to accept by Olson, seconded by Blaser, approved.

Old Business:

- A. Committee Reports:
  - a. Personnel – Stremikis reported no new personnel issues.
  - b. Finance – Budget to follow.
  - c. Advocacy – Olson reported on advocacy activities on Voter ID, County Budget and with Senator Ron Johnson's office.
- B. Space Rental:
  - a. St. Francis has indicated that they will keep the rent at \$5,000 per year for the 2012 year. Agreement will contain a 30 day notice clause. After short discussion, decision was postponed until November meeting.
- C. Budget: Stremikis presented the budget – little change. After a short discussion, it was approved. Motion to approve by Olson, seconded by Kazmar. Stremikis to submit to the municipalities.
- D. Other:
  - a. Future Discussions - By-Laws

New Business: Advisory Board December Breakfast will be December 14<sup>th</sup> at 8:00 AM at Borlands.

Next Meeting: Tuesday, November 15, 2011 @ 6:30 at Village Hall.  
Agenda items: Rental Space and Budget.

Adjourned: Motion by Blaser, Seconded by Kazmar, motion carried. Meeting adjourned at 7:29 PM.

Village of Belleville  
Community Economic and Development Committee  
Minutes  
October 13, 2011  
Village Hall

Present: Howard Ward, Jim Schmitz, Herb Blaser, Jerry Jansen, Rick Francois, Mike O'Connor and Diane O'Connor.

Excused Absence: Johan Veeneman, and Scott Hayes

Absent: Randi MacLeod

Meeting called to order by Chair, Judy Bacha, at 6:59 AM.

Rick Francois moved to approve the September 8, 2011 minutes as written. Mike O'Connor seconds the motion.

Rick Francois and Howard Ward provided an update on the open house on the location and construction of the pedestrian bridge for the general public. The Harrison Street location would cost anywhere from \$325,000 to \$500,000. That location would provide the Village with the opportunity to write and submit the "Safe School" grant which could possibly pay for the total construction. The construction of the bridge over the dam would run anywhere from \$610,000 to \$710,000. Construction of the bridge at the old location would run anywhere from \$285,000 to \$310,000. Rick pointed out the fact the majority of the costs of construction goes towards professional fees.

The "In Business" supplement has been postponed until next year. The committee is looking at March or April.

Closed discussions with Landmark are proceeding along. Duluth Trading is in the process of purchasing the old hardware store on Highway 69. Rick Francois is in discussions with the pharmacy to make the move to Belle West. A short discussion ensued on the possible uses of the old clinic on Vine Street.

Two recommendations were made as to the issue of community needs; an eatery and a hardware store. Discussions around community needs will continue in the upcoming months.

Herb Blaser moved to adjourn. Jerry Jansen seconds the motion.

Meeting adjourned at 8 AM.

Respectfully submitted,

Judy Bacha, Chair

## Memorandum

**To:** April Little, Village of Belleville Administrator/Clerk/Treasurer  
**From:** Siggi Sigmarsson  
**Date:** November 16, 2011  
**cc:** Jerry Broekman, Advance Construction Inc.  
James Havel, NES Ecological Services  
**Re:** Lake Belle View – Restoration work changes in contract

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The last remaining task on the Lake Belle View Restoration Project contract is the final grading and restoration of the new habitat areas and implementing maintenance activities in these areas next spring and summer to meet the requirements in the project specifications. Advance Construction has already completed the grading portion of this task and had planned to implement the seeding portion in the next two weeks. Unfortunately, Advance Construction has encountered some difficulties working with the restoration subcontractor that they hired to do the restoration portion of this task and they decided to look for another contractor. Montgomery Associates agreed and suggested Advance contact NES Ecological Services given their knowledge of the project as the long-term restoration contractor for the Village.

In conversations between NES, Advance, and Montgomery Associates (MARS), it was determined that the most beneficial arrangement for the Village was to have NES perform the work as a change order to their existing Long-Term Restoration contract. NES Ecological Services has agreed to do this restoration and maintenance work according to the same specifications as outlined in Advance's contract terms at net cost benefit to the Village. Additionally, Advance has agreed that this work can be removed from their contract.

NES Ecological Services provided the Village with a quote to implement the restoration and maintenance activities on November 3, 2011. After some revisions in area calculations following a site visit with MARS, NES proposed to do the work for a total cost of **\$24,551.58**. Please note that a portion of this total cost includes a unit price for the application of polymer for side slope stabilization that may or may not be used on the project. The total cost for implementing the work under Advances contract is estimated to be **\$26,635.50**. This would amount to a savings to the Village of an estimated **\$2,083.92**.

If the Village Board approves this change order request, the contract with Advance would be complete and final payment implemented as soon as final punch list items had been taken care of. The estimated project cost for the Lake Belle View Restoration Project would be a total of \$2,293,287.72 which is \$60,347.00 less than already authorized by the Village Board.

**Recommendation**

Montgomery Associates recommends the Village of Belleville authorize a change order in the amount of **\$24,551.58** on the Long Term Restoration contract with NES Ecological Services for a total contract price of **\$186,551.58**. The contract amount for Advance Construction would subsequently be reduced at a net cost benefit to the Village at the final payment request.

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**Attachments:**      **November 3, 2011 Change Order Request from Montgomery Associates**  
                             **November 3, 2011 Change Order Proposal from NES Ecological Services**  
                             **November 7, 2011 Letter from Advance Construction, Inc.**  
                             **November 14, 2011 Revised Change Order Proposal**  
                             **Change Order Form 1**

November 3, 2011

Mr. James Havel  
Division Manager  
NES Ecological Services  
4664 Golden Pond Park Court  
Hobart, WI 54155

Re: Lake Belle View – Long Term Restoration Project  
Contract Number: 1428-06

VIA: E-MAIL

Dear James,

The Village of Belleville would like to request a change order proposal for additional work on the Lake Belle View – Long Term Restoration Project. Per our discussion, Advance Construction has requested that NES Ecological Services implement the remaining initial restoration work included in the Lake Belle View Restoration Project. Since NES Ecological Services already has a contract with the Village for the Lake Belle View - Long Term Restoration work associated with the Lake Belle View project, Montgomery Associated has proposed that the remaining initial restoration work from the Advance's contract be incorporated into your existing contract with the Village to facilitate a continuum in the management of the project. The key tasks included in this additional work are:

1. Initial restoration of the New Habitat Areas which includes purchase and installation of dormant seeding this fall/early winter as outlined in Section 32 92 21 - Seeding and Plug Plant Installation of the Technical Specifications of the Lake Belle View Restoration Project included in the Available Project Information of the Contract Documents for the Lake Belle View – Long Term Restoration Project.
2. Initial Growing Season Vegetation Maintenance of the New Habitat Areas and Berm as outlined in Section 32 92 21 - Seeding and Plug Plant Installation of the Technical Specifications of the Lake Belle View Restoration Project included in the Available Project Information of the Contract Documents for the Lake Belle View – Long Term Restoration Project.

Please note that no mulch will be required in the initial restoration work in the New Habitat Areas but PAM application might be requested for stabilization of key areas prone to erosion.

Attached is a Change Order Proposal form for your convenience. Please provide us with a quote to implement these tasks as well as a description of seeding methods for both areas accessible for vehicles and where vehicles are more restrictive due to ground conditions as soon as possible so that we can move forward and implement the restoration activities this fall. Please note that the Village has yet to approve this change to the scope but have requested a change order proposal for Village Board consideration. Please include the completed attached Change Order Proposal form in your response. We would prefer

November 3, 2011  
Page 2

**Montgomery Associates**   
Resource Solutions, LLC

to present this proposal to the Village Board at the November 7 meeting so please return the proposal to my attention by November 4.

Please contact me at 608-839-4422 if you have any questions.

Sincerely,

Montgomery Associates: Resource Solutions, LLC



Sigurdur G. Sigmarsson, P.E.  
Water Resources Engineer

Enclosures: Change Order Proposal Form

Cc: April Little, Village Treasurer/Administrator/Clerk

**Change Order Proposal**

ITEM NO	ITEM DESCRIPTION	EST. QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
<b>C.O. 1-1</b>	<b>Initial Restoration of New Habitat Areas accessible via motorized vehicles (18.5 Acres)</b>				
	Purchase and installation of seed according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	1	LS	\$ _____	\$ _____
<b>C.O. 1-2</b>	<b>Initial Restoration of New Habitat Areas where vehicle access is limited due to soft ground conditions (1 Acre)</b>				
	Purchase and installation of seed according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	1	LS	\$ _____	\$ _____
<b>C.O. 1-3</b>	<b>Initial Growing Season Vegetation Maintenance on New Habitat Areas and Berm</b>				
	Vegetation maintenance on the New Habitat Areas and Berm during the Spring and Summer of 2012 according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	1	LS	\$ _____	\$ _____
<b>C.O. 1-4</b>	<b>Polymer Application as determined by Engineer (estimated quantity = 3 acres)</b>				
	Purchase and installation of PAM according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	3	AC	\$ _____	\$ _____

P:\1428 Lake Belle View Restoration Planning Assistance\1428-10 Long Term Restoration Construction Related Services\Payments\Change Orders\0011-11-03 NES Initial Restoration Quote.doc



## NES Ecological Services

A Division of Robert E. Lee & Associates, Inc.

November 3, 2011

Green Bay Office  
4664 Golden Pond Park Ct.  
Oneida, WI 54155  
920-499-5789  
FAX 920-662-9141

Sigurdur Sigmarsson, P.E.  
MONTGOMERY ASSOCIATES  
119 South Main Street  
Cottage Grove, WI 53527

RE: Lake Belle View – Long Term Restoration Project  
Change Order

Dear Siggi:

NES Ecological Services is providing the following change order proposal to implement:

- 1) Initial restoration of the New Habitat Areas which includes purchasing and installing native seed during the fall of 2011 per Section 32 92 21 – Seeding and Plug Installation of the Technical Specifications of the Lake Belle View Restoration Project. Based on a recent site visit by Adam Ingwell of our company, Advance Construction did a good job grading the site so little to no additional site preparation is anticipated except for the occasional removal of rocks and woody debris. Although the site may not have a uniform loose and friable ground surface, we should be able to effectively seed the site through the use of a no-till drill. This seeder cuts shallow slits in the soil, drops the seed into or very close to these openings and lightly compacts it to provide good seed to soil contact.

It is our understanding that an area or two may be difficult to seed with equipment due to wet conditions. It is also our understanding that these areas may already be dominated by native species and will require little or no seeding. NES will work with the Village and their representatives to assess these areas to determine seeding requirements. If seeding is determined to be necessary this fall, NES will seed the area by mixing the native species with a carrier such as moist sand and hand seed the site. The freeze-thaw cycle during the winter and spring will allow the seed to naturally work its way into the soil. If a decision is delayed until next spring and supplemental seeding is deemed necessary, we will hand seed the site in a similar fashion. If additional site preparation including hand raking or rolling is necessary to establish good seed to soil contact, we will need to discuss options as these activities are outside the scope of this change order.

- 2) Initial Growing Season Vegetation Maintenance of the New Habitat Areas and Berm which includes activities such as mowing and herbicide applications per Section 32 92 21 - Seeding and Plug Installation of the Technical Specifications of the Lake Belle View Restoration Project.

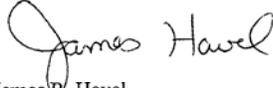
- 3) We are also providing a cost to apply polymer as an aid to control site erosion, if deemed necessary. NES will conduct this activity by broadcast spreading a mix of TriPAM and lime over the areas of concern.

Attached is a cost breakdown to complete the above activities as described and per the specifications outlined in Section 32 92 21 discussed above.

If you have any questions or comments regarding our methods or the contract price, please contact me. Thank you and we look forward to working on this exciting project.

Sincerely,

NES ECOLOGICAL SERVICES



James R. Havel  
Division Manager  
Senior Ecologist  
jhavel@releeinc.com

JRH/jrh

ENC.

**Change Order Proposal**

ITEM NO	ITEM DESCRIPTION	EST. QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
C.O. 1-1	<b>Initial Restoration of New Habitat Areas accessible via motorized vehicles (18.5 Acres)</b>  Purchase and installation of seed according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	1	LS	\$ -	\$ <u>9,200</u>
C.O. 1-2	<b>Initial Restoration of New Habitat Areas where vehicle access is limited due to soft ground conditions (1 Acre)</b>  Purchase and installation of seed according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	1	LS	\$ -	\$ <u>500</u>
C.O. 1-3	<b>Initial Growing Season Vegetation Maintenance on New Habitat Areas and Berm</b>  Vegetation maintenance on the New Habitat Areas and Berm during the Spring and Summer of 2012 according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	1	LS	\$ -	\$ <u>12,975</u>
C.O. 1-4	<b>Polymer Application as determined by Engineer (estimated quantity = 3 acres)</b>  Purchase and installation of PAM according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	3	AC	\$ <u>633.86</u>	\$ <u>1,901.58</u>

**Change Order Proposal – Revised Quantities 11-14-2011**

ITEM NO	ITEM DESCRIPTION	EST. QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
C.O. 1-1	Initial Restoration of New Habitat Areas accessible via motorized vehicles (15.1 Acres)  Purchase and installation of seed according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	1	LS	\$ -	\$ 7,875
C.O. 1-2	Initial Restoration of New Habitat Areas where vehicle access is limited due to soft ground conditions (3 Acre)  Purchase and installation of seed according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	1	LS	\$ -	\$ 1,800
C.O. 1-3	Initial Growing Season Vegetation Maintenance on New Habitat Areas and Berm  Vegetation maintenance on the New Habitat Areas and Berm during the Spring and Summer of 2012 according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	1	LS	\$ -	\$ 12,975
C.O. 1-4	Polymer Application as determined by Engineer (estimated quantity = 3 acres)  Purchase and installation of PAM according to Section 32 92 21 of the Technical Specification of the Lake Belle View Restoration Project included in the available Project Information of the Contract Documents.	3	AC	\$ 633.86	\$ 1,901.58

Advance Construction, Inc.  
2141 Wooddale Ave.  
Green Bay, WI 54313  
Phone (920)434-3978 Fax (920)434-6228  
An Equal Opportunity Employer

November 7, 2011

Montgomery Associates Resource Solutions, LLC  
Attn: Siggý Sigmarsson  
119 South Main St.  
Cottage Grove, WI 53527

RE: Lake Belle View  
Restoration Project

Dear Mr. Sigmarsson:

We have completed the final grading of the fill areas on the project, all that remains is the seeding of the same areas. We have the same belief as Montgomery that it would make sense to have the same landscaper complete this work along with the Village's Long Term Restoration Project.

Advance Construction, Inc. agrees to have the remaining restoration removed from our contract and added to NES Ecological Services contract. With the numbers presented I believe it may even be cost beneficial for the Village.

Please call if you have any questions.

Sincerely,



Glenn Joski, President

Change Order

No. 1

Date of Issuance: November 15, 2011 Effective Date: November 22, 2011

Table with 3 columns: Project, Owner, Owner's Contract No., Contract, Date of Contract, Contractor, Engineer's Project No.

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

- 1. The scope of work is modified to include restoration and vegetation maintenance activities in the New Habitat Areas and Berm... C.O.1-1 Initial Restoration of New Habitat Areas accessible via motorized vehicles (15.1-Acres) - Lump Sum

This work was previously included in Contract 1428-02 - Lake Belle View Restoration Project. The contractor, Advance Construction has requested that this work be removed from their contract and that this work be implemented by NES Ecological Services under the Lake Belle View - Long Term Restoration Project Contract.

The substantial completion date for the Work included in this Change Order shall be July 31, 2012.

Attachments (list documents supporting change):

Attachment 1 - Change Order Proposal from NES Ecological Services on Line Items C.O.1-1 through 4 from November 3, 2011 and a revised proposal with revised quantities from November 14, 2011.

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price: \$ 162,000.00

Original Contract Times: [ ] Working days [X] Calendar days
Substantial completion (days or date): November 15, 2014
Ready for final payment (days or date): December 15, 2014

Increase from previously approved Change Orders No. NA to No. NA: \$ NA

Increase from previously approved Change Orders No. NA to No. NA: Substantial completion (days): NA
Ready for final payment (days): NA

Contract Price prior to this Change Order: \$ 162,000.00

Contract Times prior to this Change Order: Substantial completion (days or date): Change Order Line Items Only - July 31, 2012
Ready for final payment (days or date): September 1, 2012

Increase of this Change Order: \$ 24,551.58

Increase of this Change Order: Substantial completion (days or date): Change Order Line Items Only - July 31, 2012
Ready for final payment (days or date): September 1, 2012

Contract Price incorporating this Change Order:

\$ 186,551.58

Contract Times with all approved Change Orders:

Substantial completion (days or date): Change Order Line Items Only - July 31, 2012

Ready for final payment (days or date): September 1, 2012

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RECOMMENDED:

By:   
Engineer (Authorized Signature)

Date: November 15, 2011 \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_

Owner (Authorized Signature)

Date: \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_

Contractor (Authorized)

Date: \_\_\_\_\_

10 c i

April Little

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**From:** Nolen, Terry L - DSPS [Terry.Nolen@Wisconsin.gov]  
**Sent:** Monday, November 07, 2011 11:53 AM  
**To:** April Little; Robb, Luann - DSPS  
**Subject:** 2% fire dues fund guide

April,

1. The key to determining whether a contract situation exists is whether any type of contract for services exists between any of the municipalities the fire department serves.
2. I previously stated - if the municipality intends to change from either past practice and/or contractual language then proper notice and due process should be given. The terms of the contract normally provides the language for any changes or termination by the parties to it.
3. If you are not working from a contract perspective, there is no statute or requirement to do so directly. It would simply be a common communication and operational courtesy for the municipality to inform the fire department that changes to future funding sources are being contemplated so they can be adjust their budget and services appropriately. It could be as simple as a letter to the fire department. However, the fire department should be given an opportunity to provide input and feedback before the final decision is made. Those 2% monies may have already been factored into the fire department budget and losing them may translate into a loss of fire inspection services or specific fire protection equipment purchases.

---

**From:** April Little [mailto:alittle@villageofbelleville.com]  
**Sent:** Monday, November 07, 2011 9:34 AM  
**To:** firecoord5@aol.com; Robb, Luann - DSPS  
**Cc:** Nolen, Terry L - DSPS  
**Subject:** RE: fund guide

I sincerely appreciate everyone's help on this. As we are a multi-jurisdictional fire department, I do not believe that it would be considered as "contracted." I did have one question: you said that due process should be given if the Village decides to retain the funds – is there a specific statute or requirement on this, or could it be as simple as a letter to the department? Thanks again.

April Little, Village of Belleville

---

**From:** firecoord5@aol.com [mailto:firecoord5@aol.com]  
**Sent:** Tuesday, October 18, 2011 2:43 PM  
**To:** Luann.Robb@Wisconsin.gov; April Little  
**Cc:** Terry.Nolen@Wisconsin.gov  
**Subject:** Re: fund guide

April,

Here is an electronic copy of the old outdated guide. Please remember that many of the statute and Adm. Code references are now incorrect. Please see page eight (8) concerning fire dues permitted uses.

By law, Commerce is required to pay the 2% monies directly to the municipality [the parent]. There is a mistaken assumption that since the program is called the Fire Department Dues Fund, the municipal fire department must receive and spend the

11/7/2011

money. If the municipality contracts for fire protection services, then the municipality must give the fire dues received to the contracted fire department, as required in 101.575(6)(b), Stats. This is the only reference made in the statutes that the money must be given directly to the fire department.

Under 101.575 (6) (b) Any city, village or town that contracts for fire protection service shall give dues received under s. 101.573 and this section to the fire department providing the fire protection service. That fire department shall use those dues for any of the purposes specified in par. (a).

The contracted fire department must use the fire dues for only the purposes specified in the statutes. The statutes specify that fire dues may not be used for any other purpose except the direct provision of the four choices listed above.

101.575 (6)

(a) No city, village or town maintaining a fire department under this section may use any dues received under s. 101.573 and this section for any purpose except the direct provision of the following:

1. The purchase of fire protection equipment.
2. Fire inspection and public education.
3. Training of fire fighters and fire inspectors performing duties under s. 101.14.
4. To fund wholly or partially fire fighters' pension funds or other special funds for the benefit of disabled or superannuated fire fighters.

(b) Any city, village or town that contracts for fire protection service shall give dues received under s. 101.573 and this section to the fire department providing the fire protection service. That fire department shall use those dues for any of the purposes specified in par. (a).

The key is whoever controls the spending must have documentation which clearly indicates how all money received from the fire dues fund was spent for the four (4) permitted categories. Fire dues spending authority and control are generally based on contractual language and past practice between the parties.

1. What has the past practice been for payment of 2% monies by the municipality to the fire department?
2. Do you contract with the municipality?
3. What does the contract require?
4. If the contract is silent on the 2% distribution issue then it needs to be addressed and included in the next contract update.

If the municipality intend to change from either past practice and/or contractual language then proper notice and due process should be given.

-----Original Message-----

From: Robb, Luann - DSPS <Luann.Robb@Wisconsin.gov>  
To: April Little <alittle@villageofbelleville.com>  
Cc: Nolen, Terry L - DSPS <Terry.Nolen@Wisconsin.gov>

11/7/2011

Sent: Tue, Oct 18, 2011 2:18 pm  
Subject: RE: fund guide

Hi April,

I know that setting aside 2% Fire Dues money for something like a fire truck is acceptable. How you do it, is not something I have knowledge of. Terry Nolen who is the Fire Prevention Coordinator in Southwest Wisconsin would be able to help you. I have "cc-ed" him on our e-mail.

The Fire Department Dues Fund Guide is no longer available. However, the Wisconsin Fire Service Guidebook is available. You may download it from our website: <http://dsps.wi.gov/sb/docs/SB-FirePrevOfficerGuidebook10.pdf>

*Luann C Robb*  
Fire Information Coordinator  
608-266-5824  
[luann.robb@wi.gov](mailto:luann.robb@wi.gov)

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**From:** April Little [<mailto:alittle@villageofbelleville.com>]  
**Sent:** Tuesday, October 18, 2011 12:13 PM  
**To:** Robb, Luann - DSPS  
**Subject:** fund guide

Hello – do you know how I could receive a copy of the Fire Department Dues Fund Guide? I'm looking for information on whether our municipality (we have a joint fire department) could retain that dues payment to set aside for future capital equipment payments and what steps we would need to take. Thank you!

April Little  
Village Administrator/Clerk/Treasurer  
Village of Belleville  
24 W. Main Street, PO Box 79  
Belleville, WI 53508  
(608) 424-1655  
FAX (608) 424-3423  
Email: [alittle@villageofbelleville.com](mailto:alittle@villageofbelleville.com)

11/7/2011

3. Levy taxes on the entire town to pay for fire protection; and/or
4. Levy taxes on individual properties served by a particular source of fire protection, to support the source of that protection.

## 2% Fire Dues

The history of the 2% Fire Dues distribution goes back to 1870, when the Wisconsin Statutes required that all insurers contribute a percentage of their fire insurance premium to the local municipality to support the purchase of fire equipment. This concept continued with periodic modifications of the program. Today, the 2% Dues Program is supported by 2% of all premiums for fire insurance written on Wisconsin commercial and residential properties. Each year, insurers are required to report and pay the dues to the Office of the Commissioner of Insurance (OCI). In the mid 1970s fire department inspection programs became part of the 2% Dues qualifications. (ss. 60.55 (2), Wis. Stats.)

### Distribution of the Funds

- About \$650,000 annually is distributed to the Department of Commerce Fire Prevention Section to administer the Fire Dues Program. Commerce 2% activities include fire inspector training and other support to fire departments across the state.
- About \$784,000 annually is distributed to the Wisconsin Technical College System Board for firefighter training.
- The rest of the money is distributed to municipalities based on the ranking of the municipality's "equal value of improvements" in relation to that of the other qualifying municipalities.
- Funds available for distribution in August 2003 were approximately \$13.5 million. Of that amount more than \$12 million was distributed to municipalities for fire prevention and protection

### Municipal Distribution Equation

If the subject municipality's equal value of improvements is equal to .5% of the total of all qualifying municipalities, the subject municipality will receive .5% of the total amount of money available for distribution. The distribution is also related to growth. Municipalities experiencing growth, especially in the commercial sector, will continue to increase their share of the distribution. A municipality must maintain a growth rate equal to that of the growth rate of the state to maintain the same amount that was received the previous year. If the state experiences a growth rate of 10% from the previous year, the municipality must also experience a 10% rate of growth to the adjusted valuation of real estate improvements in their communities.

### 2% Dues Fire Department Audits

Prior to 2002, fire departments also had to prove eligibility for these funds through self and on-site audits of their fire programs. Audits were suspended in 2002 in accordance with 2001 Act 16 (state budget) and were reinstated in a revised format in January 2006. For questions on the audit process contact your local State of Wisconsin Department of Commerce Fire Prevention Coordinator.

### Use of the 2% Dues Distribution

Municipalities are required to use the funds provided for from the 2% Fire Dues in a prescribed manner. Only four categories of expenditures are allowable.

1. Direct purchase of fire protection equipment Although 2% funds can be used to purchase fire protection equipment, the use of these funds to support equipment maintenance, vehicle fuel or vehicle insurance is not allowed.
2. Fire inspection, prevention and public education Municipalities may use the 2% funds for salary, benefits, travel expenses, reference books and support material incurred in the process of conducting occupancy inspections and public fire prevention education activities. 2% dues funds are not to be used for fire suppression wages, building maintenance or building and personal property insurance.
3. Fire inspection-related training (ss. 101.14, Wis. Stats.)
4. Fund firefighter's pension programs. 2% Dues funds may be used to fund firefighter's pension programs, but the municipality must provide for continuation pension fund if the 2% distribution is interrupted or reduced. Deferred income or insurance programs are not acceptable substitutes and may not be paid from 2% funds.

## WI Department of Natural Resources Assistance Program

### Forest Fire Protection (FFP)

This grant program is also available to Wisconsin Fire Organizations who have an executed fire suppression agreement with the DNR to fight fires on DNR lands and to Wisconsin County/Area Fire Organizations if a majority of the fire department members serve organized forest fire control areas designated by the Department. The number one priority funding category of the FFP program is the funding of Personal Protective Equipment followed by forest fire training, forest fire prevention, fire suppression tools/dry hydrants, communications equipment, mapping, and last, vehicles. The code that governs this program is NR 47, Wis. Admin. Code, subchapters I and VIII.

The FFP program provides grant funding for the purchase of the following categories:  
[www.dnr.wi.gov/org/caer/cfa/LR/ffp/grants.html](http://www.dnr.wi.gov/org/caer/cfa/LR/ffp/grants.html)

- Personal Protective Equipment, must meet NFPA 1977 Standards (Structural gear (e.g., SCBA) is ineligible)
- Forest Fire Training
- Forest Fire Prevention Materials
- Forest fire suppression tools, equipment, supplies and materials; and dry hydrants;
- Communication equipment for forest fire suppression or protection;
- Mapping, rural numbering systems or direction/location devices such as GPS
- Off-road all-wheel drive vehicles of ½ to 5 ton capacity, excluding ATVs. The purchase of vehicles **IS** eligible under this grant program for **individual fire departments only**.

Applications for this program are mailed in April to fire departments that have executed fire suppression agreements with the DNR and to county/area fire organizations statewide. The application deadline for this program is July 1 of each year. The maximum grant award for the FFP program for individual fire departments is \$10,000, which means a fire department's project would total at least \$20,000 in grant-eligible project costs. The minimum grant award for the FFP program for individual fire departments is \$750, which means a fire department's project would total at least \$1,500 in grant-eligible project costs. For county/area fire organizations, the maximum grant award is \$25,000; the minimum grant award is \$5,000.

April Little

**From:** Forbes McIntosh [forbes@wis-gps.com]  
**Sent:** Tuesday, November 15, 2011 1:57 PM  
**To:** Jeffrey Schoenfeldt; Patrick Vander Sanden; Todd Schmidt; Lisa Veldran; Peggy Keach; Village of Mount Horeb; Matt Giese; Bill Burns; Ramona Flanigan; Norma DeHaven; Janet Klock; Anne Monks; Nancy Parsley; Michael Davis; Nicholas Zavos; Donna Olson; Susan Dietzen; Kathy Hagen; Donald Peterson; Steve Fahlgren; Dave Ross; Marc Dennison; speck@marshall-wi.com; April Little; Forbes McIntosh; Andrew Disch; Patrick Marsh; Lisa Moen; Sarah Danz; Thomas Wilson, Esq.; Becky Simpson; Mike Gracz; Clerk Strause; Tony Roach; Karl Frantz; Cheryl Sutter; Debra Winter; Tim Krueger; Patrick Cannon  
**Subject:** Fwd: Revised DaneCom IGA  
**Attachments:** DaneCom IGA Final Compare Draft.docx; ATT00001..htm; INTERGOVERNMENTAL AGREEMENT nov. 15th final!.doc; ATT00002..htm

Begin forwarded message:

**From:** "Allen D. Reuter" <areuter@rwc-law.com>  
**Subject:** Revised DaneCom IGA  
**Date:** November 15, 2011 1:43:50 PM CST  
**To:** Forbes McIntosh <forbes@wis-gps.com>  
**Cc:** Mark Sewell <Mark.Sewell@city.fitchburg.wi.us>

Forbes: Beginning late yesterday afternoon, Mark Sewell and I have been dealing with some substantive changes to the DaneCom IGA proposed by the Dane County Towns Association. In the end, Mark and I (along with the County) agreed to one modification, along with a couple of minor changes for clarification only.

The only change of substance is the addition of a requirement that 80% of all towns in Dane County approve the agreement before it becomes effective. ~~Since the only downside to a failure of that condition is that the agreement does not take effect, Neither Mark nor I see it as a significant concern for cities and villages.~~

Attached is a revised agreement along with a redlined version showing the changes since the last one I sent you. Note that I corrected the typographical error in the deadline for approval that was pointed out by one of the members. My cover email correctly noted the deadline as 2011, but the draft had a 2012 date, which was in error. Please circulate these drafts to your mailing list.

Since Mark Hazelbaker is recommending this to the towns, the County is satisfied, and Mark and I see no significant issues from the village and city perspective, it is very likely that this will be the final draft. That being said, Mark and I realize we cannot speak for all cities and villages, so if any municipality has concerns, please advise us as soon as possible.

Allen D. Reuter  
Reuter, Whitish & Cole, S.C.  
44 E. Mifflin Street  
Suite 306  
Madison, WI 53703  
(T) (608) 250-9053  
(F) (608) 250-9054

11/15/2011

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
DANE COUNTY AND OTHER MUNICIPALITIES WITHIN DANE COUNTY CREATING A COUNTY-WIDE  
INTEROPERABLE VHF-BASED EMERGENCY RADIO SYSTEM KNOWN AS "DANECOM"**

This Intergovernmental Agreement ("Agreement") is made by and between Dane County ("County"), and the municipalities located within Dane County who are signatories to this Agreement, pursuant to § 66.0301, Wis. Stats.

**WHEREAS**, the Dane County Board has adopted Resolution 88, 2010-2011, endorsing an implementation of a trunked, digital, standards-based simulcast emergency radio system that features narrow-banding of the county's VHF system ("system"); that will include modernization of the microwave backbone of the system; and

**WHEREAS**, County has agreed to make an investment in the system infrastructure, not to exceed \$18 million; and

**WHEREAS**, the Governing Board established by Dane County Board of Supervisors Resolution 88, 2010-2011 has the authority delineated therein; and

**WHEREAS**, the County and participating municipalities have agreed to pay a proportionate share of the costs of the operating and maintenance costs of the system, with the annual total cost to municipalities other than the County not to exceed \$825,000.

**NOW, THEREFORE, LET IT BE RESOLVED** that the parties do mutually agree as follows:

1. **PURPOSE.** The parties find that it is in the interest of the residents of the County and of their respective municipalities to create an improved, narrow-banded VHF system. The intent of the parties is to provide fair use and adequate protection to their citizens through use of the DaneCom system.
2. **AUTHORITY.** This Agreement is entered into by the parties pursuant to Wis. Stats. §66.0301.
3. **EFFECTIVE DATE.** This Agreement shall commence upon the execution by all parties, which must include execution by Dane County's cities, towns, and villages, not including the City of Madison, that comprise 70% (seventy percent) of the combined population of all Dane County cities, towns, and villages, excluding the City of Madison; and upon execution by 80% (eighty percent, or 28) of the County's 34 towns. In the event this Agreement is not executed by the required number of municipalities or towns on or before December 22, 2011, it shall be void and no party shall have any obligation hereunder.
4. **RESPONSIBILITIES OF THE COUNTY.** The County shall:
  - A. Enter into a contract for design, construction and implementation of the infrastructure of the system, at a cost not to exceed \$18 million (\$18,000,000).

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Deleted: municipal entities  
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- B. Provide or secure needed facilities and own the system infrastructure, except for additions to the basic infrastructure constructed or installed in Fitchburg and any future additions by any party pursuant to separate agreements.
  - C. Obtain and maintain all FCC licensing required for the system, provided, however, that if the County is unable to secure all necessary FCC licensing, the County may terminate this Agreement without implementing the system.
  - D. Manage, administer, and control the system, including the additions in Fitchburg and in accordance with Public Safety Communications Center Board authority over telecommunications matters, except that the DaneCom Governing Board (hereinafter "Governing Board") will continue to oversee the cost-sharing model for recurring operations and maintenance expenses and related matters as set forth in this agreement.
  - E. Bill municipal parties for their respective share of operating and maintenance costs as determined by the Governing Board established by County Resolution 88, 2010-2011 and the provisions of this Agreement. Attachment A is an estimate of anticipated charges. Exact charges will be determined and billed by the County no later than January 15<sup>th</sup> (for the February 15<sup>th</sup> payment) and July 15<sup>th</sup> (for the August 15<sup>th</sup> payment) each year. The County shall only bill for services after the County receives an invoice.
  - F. If any municipality chooses not to join and pay its respective share of operating and maintenance costs, those costs will be re-distributed as follows:
    - a. If the municipality is a city or village, 70% of that municipality's costs will be re-distributed to the remaining cities and villages using the 50/50 formula described in section 6.b. herein. The County will pay 30% of ~~the non-participating municipality's costs.~~
    - b. If the municipality is a town, and if 80% (eighty percent, or 28) of the County's 34 towns have executed this agreement, 70% of that non-participating town's costs will be re-distributed to the remaining towns using the 50/50 formula described in section 6.b. herein. The County will pay 30% of ~~the non-participating town's costs.~~
  - G. Allow eligible users in accordance with 47 C.F.R. §90.421.
  - H. To the extent practicable, provide full access to, and allocate capacity of, the system to all parties to this Agreement for all communications needs of that party, without providing any special consideration to County agencies. Nothing herein is intended to prohibit the allocation of resources based on a reasonable prioritization based on a case-by-case evaluation of the level of public safety risk, or similar factors.
5. **RESPONSIBILITIES OF MUNICIPAL PARTIES.** The municipal parties shall:

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- A. Cooperate with County efforts to license and use frequencies suitable for DaneCom and already authorized for use by municipalities. A municipal party will not, however, be required to cancel a current FCC license or sign a letter of concurrence for County use of any frequency.
  - B. Connect no local additions to the system by wire without a separate written Intergovernmental Agreement ("IGA") with the County. County shall not unreasonably withhold its approval of such additions. Examples of additions include, but are not limited to, transmitter or receiver sites, dispatch consoles or interoperability gateways.
  - D. Operate only authorized equipment on the system in accordance with reasonably established protocols and standard operating procedures.
  - E. Pay operating and maintenance costs on a semi-annual basis payable on February 15 and August 15 of each year.
6. **RESPONSIBILITIES OF ALL PARTIES.** All parties to the Agreement shall:
- A. Pay their proportionate share of the operating and maintenance cost of the system as determined by the Governing Board on a semi-annual basis. All capital, operational and maintenance costs related to any additions by Fitchburg or other municipalities will be paid solely by that municipality.
  - B. Follow all operating and technical requirements established by the County.
  - C. Execute an amended agreement to reflect cost-sharing model changes reasonably based on equalized value, population, actual or estimated usage and/or other relevant and customary factors as established by the Governing Board if and when they are made.
7. **OPERATIONS AND MAINTENANCE COST ALLOCATION.**
- A. It is understood that annual operating and maintenance costs for municipalities will be apportioned using a 50/50 (half equalized value, half per capita, adjusted annually per Wisconsin Department of Revenue and Department of Administration websites) through the year 2015.
  - B. The formula for allocating operation and maintenance costs will be reevaluated by the Governing Board and may be changed by the Governing Board for the years following 2015 to provide a more equitable allocation using the factors described in Section 6C.
  - C. The annual total contribution by parties other than the County will not exceed \$825,000.
  - D. Thirty percent (30%) of the total operating and maintenance expenses shall be allocated to the County each year through 2015 except as noted in Sections 4F (a)

and 4F (b). Thereafter, any reallocation to the County shall not exceed 50% of the total operating cost.

**8. GOVERNANCE.**

- A. Except as provided in sub. B, the Governing Board shall, throughout the term of this Agreement, consist of three members appointed jointly by the Dane County Executive and County Board Chair, three members appointed by the Dane County Cities and Villages Association, two members appointed by the Dane County Towns Association, and one member each from the Dane County EMS Association, the Dane County Fire Chiefs Association, and the Dane County Chiefs of Police Association. Appointees must reside in entities that are participants in the interoperable radio communications system.
- B. In the event the percentage of the total contribution to operation and maintenance cost to be made by any of the three municipal groups having the right to appoint members to the Governing Board increases above its initial contribution percentage by fifteen (15) or more as a result of modifications to the contribution formula approved by the Governing Board, the appointing authority for that group shall have the right to appoint one additional member to the Governing Board for each 15% increase over the number of appointments provided in sub. A. If the contribution percentage of any group shall decrease by 10 or more, the appointing authority for that group shall have one fewer appointment for each 10% decrease from the number provided in sub. A. The number of appointments made by the Dane County EMS Association, the Dane County Fire Chiefs Association, and the Dane County Chiefs of Police Association shall remain unchanged. Appointments shall take effect on January 1 in the year the revised compensation formula takes effect.
- C. For the initial capital investment, if the cost of the system is less than \$18 million, the Governing Board shall make binding decisions regarding whether to allocate savings to purchase additional system elements or to expenditures designed to keep the cost of the system as low as possible so that the cost to local users for operating and maintenance would also be as low as possible. Further, the Governing Board has the authority to make decisions defining the initial and ongoing operating and maintenance cost sharing methodology and payment structure. Final approval of all capital improvements in excess of \$18 million in total capital costs shall remain with the County Board and County Executive.
- D. The County will use operating, technical and equipment requirements established by the existing Wisconsin System for Interoperable Communications (WISCOM) wherever appropriate and possible.

**9. WITHDRAWAL.** A party may withdraw from this Agreement upon 18 months notice prior to the beginning of the calendar year in which withdrawal takes place, except that:

- A. The County may not withdraw from this Agreement; and
- B. No party may give notice to withdraw until after December 1, 2015.

**10. LIABILITY.** All parties, each and for itself, shall be responsible for any injuries, claims or losses arising from or caused by the acts or omissions of its agents or employees acting within the scope of their employment, in accordance with Wis. Stats. §§ 893.80 and 895.46(1).

**11. DUTY TO COOPERATE.** Each party hereto shall commence, carry on and complete its obligations under this Agreement with all deliberate speed and in a sound, economical and efficient manner, in accordance with this Agreement and all applicable laws.

**12. NO WAIVER.** In no event shall the making of any payment or acceptance of any service required by this Agreement constitute or be construed as a waiver by either party of any breach of the covenants of this Agreement or a waiver of any default of the other party and the making of any such payment or acceptance of any such service by the conforming party while any such default or breach on the part of the other party shall exist, shall in no way impair or prejudice the right of the conforming party with respect to recovery of damages or other remedy as a result of such breach or default.

**13. ENTIRE AGREEMENT and AMENDMENTS.** The entire Agreement of the parties is contained herein and this Agreement supersedes any and all oral agreements and negotiations between the parties relating to the subject matter hereof. The parties expressly agree that this Agreement shall not be amended by any fashion except in writing, executed by the parties. This section does not apply to separate IGAs entered into between the County and any other party with respect to additions made to the system by or for that party.

**14. SEVERABILITY.** The various provisions of this Agreement are declared to be severable and the findings of any court that any particular clause or clauses is or are unlawful or unenforceable shall not operate to invalidate the remainder of this Agreement and the same shall continue in effect unless modified by the parties.

**15. NO THIRD PARTY RIGHTS.** This is an Agreement between the parties, and nothing herein creates any rights in any third person.

DANE COUNTY

\_\_\_\_\_( )  
Joseph Parisi Date  
County Executive

\_\_\_\_\_( )  
Karen Peters Date  
County Clerk

\_\_\_\_\_( ) \_\_\_\_\_ OF \_\_\_\_\_  
(Name/Title) (Date) (Type of muni) OF (name of municipality)

(and for co-signer from same municipality)

\_\_\_\_\_( ) \_\_\_\_\_ OF \_\_\_\_\_  
(Name/Title) (Date) (Type of muni) OF (name of municipality)

Re: Organizational  
meetings  
Ch. 160

§ 160-9

BELLEVILLE CODE

§ 160-11



- (
- B. Annual organizational meeting. The Village Board shall hold an annual organizational meeting no sooner than the third Tuesday of April or no later than the first Monday of May following the spring election for the purpose of organization.
  - C. Village Board minutes. The Village Clerk-Treasurer shall keep a record of all Village Board proceedings and cause the proceedings to be published.

**§ 160-10. Special meetings.**

- A. Special meetings of the Village Board may be called by the Village President, or by two Trustees filing a request with the Village Clerk-Treasurer at least 48 hours prior to the time specified for such meeting. The Village Clerk-Treasurer shall select the day for the special meeting and immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his or her usual place of abode, or the Trustee shall be notified by telephone to obtain a copy of the meeting notice from the Village office, a minimum of 24 hours prior to the meeting time. However, an emergency meeting, as defined in Ch. 19, Wis. Stats., may be held upon two hours' legal notice. The Village Clerk-Treasurer shall cause a record of such notice to be filed in his or her office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of § 61.32 and Ch. 19, Subch. V, Wis. Stats. The Village Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him or her.
- B. The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called.

**§ 160-11. Open meetings; adjournment of meetings.**

- A. Open Meeting Law compliance. All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meeting Law.<sup>1</sup>
- B. Adjournment of meetings. An adjournment to a closed session may be only for a permitted purpose as enumerated in § 19.85, Wis. Stats., and must meet the other requirements of said § 19.85, Wis. Stats.
- C. Meetings to be open. During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- D. Closed meetings. The provisions of this Code do not prohibit the Village Board or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the Village.

1. Editor's Note: See §§ 19.81 to 19.98, Wis. Stats.

- B. Appointment as President. A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

**§ 160-4. Village President.**

- A. Election. The Village President shall be elected at the annual spring election in odd-numbered years for a term of two years, commencing on the third Tuesday of April in the year of his or her election.
- B. Duties. The Village President shall by virtue of his or her office be a Trustee and preside at all meetings of the Village Board, have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Village Board and all orders drawn on the treasury. He or she shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he or she shall deem necessary, who for the time being shall possess all the powers and rights of constables.

**§ 160-5. Standing committees.**

- A. Standing committee appointments. The following standing committees of the Village Board shall be appointed by the Village President, subject to confirmation by the Village Board. The appointments to each committee shall be made at the annual organizational meeting of the Village Board. Standing committees shall review such matters as may be referred to them by the Village Board and shall submit recommendations for Village Board action. Three Trustees shall be appointed to each standing committee: **[Amended 4-6-2009 by Ord. No. 2009-04-01]**
- (1) Public Works and Parks Committee.
  - (2) Finance and Personnel Committee.
  - (3) Police Committee.
- B. Chairpersons; committee of the whole; special committees, task forces and commissions. **[Amended by Ord. No. 2007-04-01; 4-6-2009 by Ord. No. 2009-04-01]**
- (1) The chairpersons of standing committees and all committee appointments shall be subject to confirmation by a majority vote of the Village Board.
  - (2) All Trustees shall serve on at least one standing committee. The Village President shall be an ex officio member of each standing committee.
  - (3) The Village President may declare the entire Village Board a committee of the whole for informal discussion at any meeting or for any other purpose. Under these circumstances, the Village Board shall elect a chairperson of the committee of the whole via roll call, simple majority vote.
  - (4) The Village President may, from time to time, appoint such special committee or committees, commission or commissions or task force or task forces, subject to confirmation by the Village Board, as he or she deems advisable or as provided for

League of Wisconsin Municipalities - Legal Opinions

Before 1st Tues. in April, 2008		vacancy. Successor elected for new term regular spring election on 1st Tuesday of 2009.
January 1, 2008 May 31, 2008 (option added by Legislature)	Special Election Nov. 2008	Council appoints person to temporarily fill vacancy. Council may order special election to be held concurrent with November election to elect successor for residue of unexpired term.
June 1, 2008 April 2009		Council appoints person to fill vacancy residue of unexpired term. Successor elected for new term at regular April 2009 election.
	Regular Election April 2009	Official elected to office for two-year term.

**Governing Bodies / Governing Bodies # 369R2 Post Election Issues: Oaths, Bonds, and Organizational Meetings February 28, 2007 / ORGANIZATIONAL MEETING**

**ORGANIZATIONAL MEETING**



Under Wis. Stat. 62.11(2), the new common council first meets on the third Tuesday in April. A village board may meet on this date or may wait until the next regularly scheduled meeting.<sup>27</sup> The first meeting is an organizational meeting. Practice varies among municipalities, but this meeting generally has a ceremonial aspect as the new body takes over from the old and may be a time when procedural matters, such as bylaws, are dealt with.

The organizational meeting is generally the time when officers such as the council president are chosen,<sup>28</sup> committee assignments are made, and appointments are made to offices whose terms start on May 1. Secret ballots may not be used to vote except for the limited purpose of electing the officers of a governmental body.<sup>29</sup> This provision has caused some confusion. It does not authorize the filling of vacancies on a governmental body by secret ballot or the selection, by secret ballot, of committee members or officers of the municipality.<sup>30</sup> It merely authorizes the use of secret ballots to choose officers of the body where the body has the power to fill such office.

It is useful in understanding this provision to distinguish between officers of the body and

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officers of the municipality in general. This section is very narrow and would allow a common council to choose a council president by secret ballot because the council president is an officer of the body.<sup>31</sup> Likewise, if any municipalities provide that a committee chooses its own chair, then this provision would allow the chair to be chosen by secret ballot.

Council confirmations of mayoral appointees require a majority vote of the entire council, and the mayor may break a tie.<sup>32</sup> A proposed appointee who is rejected by the council is ineligible for appointment to the same office for a period of one year.<sup>33</sup> There are no similar provisions governing villages in chapter 61.

Another question which we are often asked is whether business other than these organizational matters may be conducted at the first meeting. Unless there is something in the community's ordinances, resolutions or bylaws that prohibits this, there is no reason why other business may not be conducted at this meeting.

**Governing Bodies / Governing Bodies # 369R2 Post Election Issues: Oaths, Bonds, and Organizational Meetings February 28, 2007 / LAME DUCK ISSUES**

**LAME DUCK ISSUES**

Sometimes the outgoing governing body passes legislation or exercises its authority on matters that the new body would have preferred to act upon. A new or existing governing body may repeal or amend legislation.<sup>34</sup> However, if executive or administrative actions, such as the approval of a contract or the appointment of an officer or employee are involved, there may be problems if the new body attempts to adopt legislation repealing the action of the prior body. Governing bodies should therefore seek legal advice before seeking to nullify such actions.

In addition, there may be powers that can arguably be exercised by either the old or new body. For example, the alderperson and citizen members of the plan commission are to be appointed in April of each year for terms beginning May 1.<sup>35</sup> I think it is probable that it is supposed to be the new officers who make these choices and therefore restraint on the part of the existing body may be in order.

In some cases ambiguities such as this may be resolved by the municipality's ordinances, and it is therefore important to be aware of local provisions.

**Governing Bodies / Governing Bodies # 369R2 Post Election Issues: Oaths, Bonds, and Organizational Meetings February 28, 2007 / CONCLUSION**

Re : Impact Fees  
Ch. 584

§ 584-2

BELLEVILLE CODE

§ 584-5

**PUBLIC FACILITIES** — Highways, as defined in § 340.01(22), Wis. Stats., and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and other recreational facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. "Public facilities" does not include facilities owned by a school district.

**SERVICE AREA** — A geographic area delineated by ordinance within which there are public facilities.

**SERVICE STANDARD** — A certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by ordinance.

**§ 584-3. Public facilities needs assessment.**

The new public facilities, or improvements or expansion of existing public facilities, that are required because of land development for which impact fees will be imposed are those which are identified in this chapter and in the applicable provisions of Chapter 450, Stormwater Management and Erosion Control, Chapter 455, Streets and Sidewalks, Article II, Chapter 538, Sewer, Article II, Chapter 569, Water, Chapter 600, Subdivision of Land, and Chapter 615, Zoning, Code of the Village of Belleville, and the adopted Master Plan and Official Map of the Village of Belleville. The service areas and service standards are identified therein. The Public Facilities Needs Assessment Report prepared prior to the adoption of this chapter, and any addendum or amendment thereto, shall be kept on file in the office of the Village Clerk.

**§ 584-4. Sanitary sewer/wastewater treatment impact fee.**

- A. Establishment. An impact fee is hereby established to collect capital costs for public facilities used for collecting and treating sewage. The fee established below was done so based on the Public Facilities Needs Assessment prepared for the Village, and approved by the Village Board following the procedures of § 66.0617, Wis. Stats., and as may be amended from time to time. That fee shall be established by resolution of the Village Board based on the approved Public Facilities Needs Assessment.
- B. Payment. Payment of the fees referred to above shall be made prior to or at the time an application for a building permit for the property on which the development takes place. No building permit application shall be deemed acceptable by the Village, nor shall any such permit be granted, until the appropriate fee is paid.

**§ 584-5. Impact fee revenue administration.**

- A. Separate accounts. Revenues from development impact fees shall be placed in one or more segregated, interest-bearing accounts and shall be accounted for separately from other Village funds. Impact fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed.

**Ch. 584, Impact Fees**

*Title 10, Ch. 12, of the 1994 Code*

- A. The definition of "public facilities" in § 584-2 refers to "parks, playgrounds and other recreational facilities." The corresponding definition in § 66.0617, Wis. Stats., now reads "parks, playgrounds and land for athletic fields." The statute provides that "with regard to impact fees that were first imposed before June 14, 2006, 'public facilities' includes other recreational facilities that were substantially completed by June 14, 2006."

**Decision:**

- Change "and other recreational facilities" to "and land for athletic fields"
- Revise as follows:
- Make no change

- B. Section 584-4A provides for the actual amount of the impact fee to be set by the Village Board by resolution. The Village might want to consult with the Village Attorney and review the current provisions of § 66.0617, Wis. Stats., as to whether impact fee amounts can be set by resolution or if an ordinance is required. The statute requires public hearing and notice before establishing or amending impact fees:

Before enacting an ordinance that imposes impact fees, or amending an existing ordinance that imposes impact fees, a municipality shall hold a public hearing on the proposed ordinance or amendment. Notice of the public hearing shall be published as a class 1 notice under ch. 985, and shall specify where a copy of the proposed ordinance or amendment and the public facilities needs assessment may be obtained.

**Decision:**

- Revise as follows:
- Make no change

- C. Section 584-4B requires the impact fee to be paid "prior to or at the time an application for a building permit." Section 66.0617(6)(g), Wis. Stats., provides that impact fees "Shall be payable by the developer or the property owner to the municipality in full upon the issuance of a building permit by the municipality." Perhaps § 584-4B could be revised as follows:

Current Code 1-3

SCHEDULE OF FEES

10-7-13(a)	Building Inspection Rates	As Approved by Board
10-7-13(b)	Water Shutoff Valve Deposit (Created 2006-12-03)	200.00
10-8-18(a)	Erosion Control Permit (Created Res. 03-6-03)	\$50.00
10-8-18(a)	Stormwater Permit (Created Res. 03-6-03)	\$50.00
10-8-18(b)	Deposit for Erosion Control Permit (Created Res. 03-6-03)	\$500.00
10-8-18(b)	Deposit for Stormwater Permit (Created Res. 03-6-03)	\$500.00
10-12-4	<u>Impact Fee—Sanitary Sewer</u>	Per Board <u>Resolution</u>
10-12-6(d)	Impact Fee Appeal	\$50.00
	Warrant Processing Fee (Created Res 2005-3-01)	\$40.00
	Paper Service Fee by Police Department (Created Res 2005-3-01)	\$20.00 Within Village Limits \$20.00 Plus Mileage Outside Village Limits
	Collection of Outside Agency's Bond (Created Res 2005-3-01)	\$10.00



**Sec. 1-3-2 Publication Costs.**

Any costs incurred by the Village for publication of any public notice shall be paid for by the Village of Belleville. The party initiating any request, application, proposal or other activity which has caused or resulted in the publication of the public notice, shall not be granted a license, permit, privilege or other benefit until all other costs or fees required are paid to the Village Clerk-Treasurer under the terms of this Code of Ordinances or under the terms of any statute governing the operation of the Village.

**Sec. 1-3-3 Return Check Charge.**

If a personal check tendered to make payment to the Village is not paid by the bank on which it is drawn, the person by whom the check has been tendered shall remain liable for the payment of the amount for which the check was tendered and for a twenty-five dollar (\$25.00) charge intended to reimburse the Village for its reasonable costs and expenses incurred. In addition, the officer to

SPECIAL BOARD MEETING

minutes  
DECEMBER 18, 2006

Meeting was called to order by President Paul Ziehli at 7:00 P.M. in the Village Hall. Trustees present were: Gary Ziegler, Bonnie Wilcox, Deb Kazmar, and Janet Hardyman. Josh Graves was absent.

The Clerk stated for the record that the meeting had been posted according to the Wisconsin Open Meeting Laws.

Visitors: Tami Duerst, Terry Kringle, Rick Francois, Geoff Wilbourn, Stu Shapiro, Sarah Schleede, Mindy Mulryan-Gehin and Craig Campbell

Approval of Minutes Motion made by Gary Ziegler, seconded by Deb Kazmar to dispense with the reading of the Minutes for November 6, 2006 and approve as presented. Motion carried.

Treasurers Report Motion by Bonnie Wilcox, second by Deb Kazmar to dispense with the reading of the Treasurer's Report for November, 2006 and accept as presented: General Fund = \$387,928.06; TIF = \$421,547.98; Debt Service Fund = \$2,023.01; Capital Project Fund = \$1,366.63; Waste Management Fund = \$(63,992.48); Lake Restoration Fund = \$878,257.36; Library Fund = \$27,326.43; Cemetery Fund = \$71,260.99; Water = \$219,003.62 and Sewer = \$875,179.52. Motion carried.

Committee Reports: Minutes were presented from the Emergency Management Committee (11/27) and the Public Works Committee (12/13). The Public Works Committee took the following recommendations to the Village Board: 1) To accept the bid from C.D. Smith Construction in the amount of \$5,497,000.00 for the Wastewater Treatment Plant Upgrade; 2) To enter into an agreement with MSA Engineering for construction administration and observation of the Wastewater Treatment Plant in the amount of \$453,000; 3) To revise the sixty foot easement between village owned Lots 2 and 3 on Green Way Cross to a 40 foot utility easement with the additional 20 feet being added to Lot 3; 4) Resubmitting to WDNR the Urban Non-Point Source and Planning Grant in 2007; 5) Approval of the MSA Task Order for HWY 92 utility construction; 6) Approval of designating Remy Road as a detour during the HWY 92 reconstruction. Public Works will be asking for bids for a brush chipper since they will not be able to burn brush as previously.

President's Report: None

Clerk's Updated Task List: None

Sewer Rate/Impact Fee: Sarah Schleede from Virchow Krause was present to explain the sewer rate increase. The Board had the option of either a one phase increase on January 1<sup>st</sup> or the increase in two phases in January and July. Although the increase is very high, the Board thought that by having the one phase increase in January users would get used to the rate one time instead of a raise in January and then again in July. The other choice the Board had was to use sewer funds on hand to lower the amount needed from the Clean Water Fund to lower the rate increase or to borrow the entire amount from the Clean Water Fund. \$150,000 has been designated so that the projected



connection fees for new buildings in 2007 and 2008 is available in case new building does not occur and we do not collect the connection fees needed to make the debt service payment in 2008. After review of the sewer funds and designating some funds for capital projects, \$179,000 in the Repair and Replacement Fund (R&R) was the amount remaining, and can only be used for the treatment plant. The Board can wait until the last draw requested from the Clean Water loan and decide at that time whether or not they will use the R&R funds to lower the loan. The rates could then be recalculated in 2008 to reflect the final amount borrowed.

\* **Motion by Gary Ziegler, second by Bonnie Wilcox to adopt the sewer rate increase as proposed by Virchow Krause with a one phase increase to be effective January 1, 2007 along with a sewer connection fee in 2007 of \$2,889, contingent upon review of the sewer undesignated funds and the repair and replacement fund prior to the last draw from the Clean Water Fund Loan for a possible reduction in the final loan amount and preparation of a annual increase schedule for the connection fee. Motion carried unanimously.**

<u>Meter Size</u>	<u>Sewer Service Charge</u>	<u>Volume Charge</u>
5/8"	\$12.20	\$11.85 per 1,000 gallons
3/4"	\$12.20	
1"	\$25.70	
1 1/4"	\$38.40	
1 1/2"	\$48.10	
2"	\$75.10	
2 1/2"	\$115.40	
3"	\$137.90	
No Meter	\$65.00	<u>Rural</u>
Rural 5/8"	\$15.00	\$14.81 per 1,000 gallons
Deduct Meter	\$3.27	

Award Wastewater Treatment Plant Construction Contract: Bids were received from C.D.Smith Construction - \$5,497,000; Miron Construction Co - \$5,714,585; and Staab Construction Corp - \$6,087,000 for the wastewater treatment plant. **Motion made by Gary Ziegler, seconded by Deb Kazmar to award Wastewater Treatment Plant construction contract to C.D. Smith Construction in the amount of \$5,497,000. Motion carried.**

Operator Licenses: **Motion made by Bonnie Wilcox, seconded by Gary Ziegler to approve an Operator License for Traci Herfel effective December 19, 2006 to June 30, 2007. Motion carried.**

Express Fitness – Recreation Program: Mindy Mulryan-Gehin and Craig Campbell from Express Fitness were present to describe their preliminary plan for a youth summer fitness program in Community Park every day from June 18<sup>th</sup> to August 17<sup>th</sup>. Right now they are in the planning stages, but would like permission to use the park for the program.

## BELLEVILLE SEWER UTILITY

### CONNECTION FEES

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#### INTRODUCTION

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As part of the scope of the long range financial strategy, we calculated a connection fee using estimated treatment plant project costs.

The basic concept of a connection fee is a rational relationship between growth and capital improvements. Capital improvements necessary to provide treatment plant capacity for future users are a significant component of the utility's current and future costs of providing services.

Development in and around the village is placing new demands on the existing plant. The village is concerned about the impact of the cost of expansion on existing residents. Management has indicated a desire to review the current fee in order for future residents to pay their proportionate share of the cost of expanding the treatment plant. The cost of the expansion required by growth may be recovered through this connection fee, rather than requiring existing residents to fund the entire cost of these projects.

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#### HISTORY OF CONNECTION FEES

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Currently the Sewer utility is charging an impact fee. Belleville began charging an impact fee in 1996 as a result of a waste water treatment plant upgrade due to large growth in Belleville. The utility then revised the impact fee once the project was complete in 2003. The fees collected have been used to pay the debt issued for the upgrades done in 1996. Belleville has continued to experience rapid growth in their community and ten years later are forced to do another treatment plant upgrade.

★ ( Since the sewer utility is not regulated, the utility can choose to charge an impact fee or a connection fee. A connection fee is similar to an impact fee. Both charges must be reflective of a relationship between growth and capital improvement. This study gives three options of connection fee computation and resulting charge.

## BELLEVILLE SEWER UTILITY

### CONNECTION FEES (cont.)

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#### CONNECTION FEE CALCULATION METHOD

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Currently, the utility charges a fee to all new customers which increases each year based on the amount of debt already paid by the utility. The basis of this fee is the portion of the estimated capital costs received from the facility attributed to future expected growth. This fee is then charged per residential equivalent unit (REU). The new calculated fee for a single REU is \$2,889. The REUs is based on the following with the charge being adjusted depending on the type of housing.

##### Single Family Residential

$$2.8 \text{ persons per unit} \times 85 \text{ gpd} = 238 \text{ gpd per REU} = 1 \text{ REU per unit}$$

##### Two Family Residential

$$2.3 \text{ persons per unit} \times 85 \text{ gpd} = 196 \text{ gpd}/238 \text{ gpd per REU} = .85 \text{ REU per unit}$$

##### Multi-family Residential (4 units and up)

$$2.1 \text{ persons per unit} \times 85 \text{ gpd} = 178.5 \text{ gpd}/238 \text{ gpd per REU} = .75 \text{ REU per unit}$$

##### Elderly Housing

$$1.4 \text{ persons per unit} \times 85 \text{ gpd} = 119 \text{ gpd}/238 \text{ gpd per REU} = .5 \text{ REU per unit}$$

All new commercial, industrial and public authority customers REU calculation should be based on estimated flows provided by the customer compared to 238 gpd for 1 REU. The customer should pay an estimated connection fee based on the estimated REU's. After the customer has established a pattern of usage the calculation should be reviewed and the customer should receive a refund or additional charge. The use pattern should consider a full year of operation.

**Belleville Sewer Utility Long Term Forecast  
Connection Fee Calculation**

**RECOVERABLE TREATMENT PLANT COSTS**

	<u>Costs</u>	<u>Allocated to Current System Deficiency</u>	<u>Amount Allocated to Future Growth</u>
Total Recoverable Costs	<u>\$ 5,654,000</u>	<u>\$ 2,957,728</u>	<u>\$ 2,696,272</u>

**CUSTOMER INFORMATION**

Design REU's	<u>1,454</u>		
Design Gallons per Day (GPD)	<u>346,000</u>		
Existing Customer Use (GPD)	<u>147,000</u>		
Average Gallons per Customer per Day (A)	<u>238</u>		
Current REU's	<u>761</u>	<u>52.31%</u>	
Growth in REU's	<u>693</u>		<u>47.69%</u>

**CALCULATION OF CONNECTION FEE**

Future Growth Cost Allocation	\$ 2,696,272
Growth in REU's	<u>693</u>
Connection Fee before Credits	3,889
Less: Discount	<u>(1,000)</u>
 Connection Fee per REU	<u>\$ 2,889</u>

(A) - Average 2.8 persons per residence  
(B) - Per discretion of Village Board

## BELLEVILLE SEWER UTILITY

### PROJECT OVERVIEW

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#### **PURPOSE AND SCOPE**

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The Belleville Sewer Utility (utility) engaged Virchow, Krause & Company, LLP to prepare a multi-year financial study which would quantify the financial impact of costs associated with wastewater treatment plant upgrades and expansion on sewer user rates and connection fees. The purpose of this study is to give the board, management and customers preliminary indication of the impact of the proposed upgrade of the treatment facility on connection fees.

The village board and members of the staff should be commended for their proactive approach in undertaking this project. The tools are now in place for the utility to move forward and make decisions regarding the treatment plant upgrade and expansion, approve the necessary rate and connection fee adjustments.

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#### **NATURE OF PROJECTION**

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This projection presents, to the best of management's knowledge and belief, the expected results of operations of the facility for the forecast period. Accordingly, the forecast reflects its judgment as of December 20, 2006, the date of this forecast, of the expected conditions and its expected course of action. The assumptions disclosed herein are those that management believes are significant to the projection. There will usually be differences between the projected and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material.

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#### **APPROACH**

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An interactive approach was followed in completing the study, which included drawing upon input from staff and management at the utility and village. The steps followed in completing the study include:

- Obtain historical revenues, expenses and plant information.
- Develop a template to forecast through the year of 2009.
- Discussions with village personnel regarding issues surrounding treatment plant upgrades and expansion.
- Complete capital projects listing and replacement fund requirement for all forecast years.
- Review historical growth and forecast growth under two scenarios based on discussions with management.
- Determine appropriate timing and use of investment balances.
- Calculate a connection fee based on three various methodologies.
- Calculate customer bill impacts under both separate scenarios and offer alternatives to facility management regarding timing of proposed rate increases.
- Preparation of a formal report outlining the significant assumptions and the results.

This collaborative effort has resulted in a meaningful forecast that all involved can understand and use to guide the financial future of the utility.

(New Code)

§ 538-15

BELLEVILLE CODE

§ 538-17

services shall be dated, shall clearly reflect the amount due, and shall be sent to the owner at the property address. [Amended 6-7-2010 by Ord. No. 2010-06-05]

B. Delinquent bills.

- (1) All wastewater treatment charges shall be payable within 20 days following the date of the wastewater treatment bill. A late payment charge of 3% but not less than \$0.50 will be added to bills not paid within 20 days of issuance. This one-time three-percent late payment charge will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected.
- (2) The Village Clerk-Treasurer shall collect delinquent wastewater treatment user bills and late charges in the same manner as collection of general Village taxes. Delinquent bills and all late charges and penalties shall be a lien on the real estate to which the wastewater treatment services were furnished. All delinquent bills and charges that have accrued during the preceding year and are not paid by the first of November in any year shall be placed, including all delinquent bills, charges and penalties, on the tax roll as a delinquent tax against the property served; statutory penalties shall be included in such amount. All proceedings in relation to the collection, return and sale of property for delinquent Village taxes shall apply to said assessment.
- (3) Non-receipt of any bill described in this section shall not release the owner of the property from liability for any of those charges. In any case where the owner of the property is responsible for the non-receipt of the bill, the provisions herein described for late charges, penalties and disconnection shall apply. In those cases where the Village is responsible for the non-receipt of the bill, the Village may, in its discretion, grant the owner an extension of the payment period and may waive the late payment charges.

§ 538-16. Debt service.

Revenues to pay for debt service shall be collected as required for revenue bond amortization. (See § 538-18.)



§ 538-17. Connection charge.

- A. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- B. The owner of each lot or parcel of land not having an existing connection to the sewer system, and the owner of each lot or parcel of land having an existing connection to the

sewer system but increasing the volume of sewage discharge into the system due to improvements to the property, shall pay a "connection charge," for improvements to the property. The connection charge shall be paid before a building permit is issued. For residential users, the connection charge shall be based on the number of units for which a building permit is sought. For commercial, industrial, or any other public or private entity users, the connection charge shall be based on the meter size needed to serve the improvement for which the building permit is issued.

- C. The Village Board shall by resolution determine the connection charges upon recommendation of the Public Works Committee. The connection charges shall remain in effect until so changed by resolution.
- D. All revenues generated through the collection of the connection charge shall be deposited in a special segregated account. These funds shall only be used for the expansion or major renovation to the wastewater plant or any interceptor sewer improvements as determined to be necessary by the Village Board.

**§ 538-18. User charges.**

- A. Money. All user charge payments shall be placed in the utility's general fund. Such money shall be used only to cover the costs of operation and maintenance, replacement, toxics, handling and sampling, and other costs as outlined in § 538-13 of this article.
- B. Expenditures. Expenditures shall be made from the user charge monies by the Village in accordance with the detailed annual budget and resolution authorized by the Village Board.
- C. Replacement reserve expenditures. Expenditures from the accrued replacement reserve on facilities shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life of the present plant and not for plant expansion or additions.
- D. Renewals. Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from replacement to be evaluated in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.
- E. Audit. An audit shall be performed annually at the same time that the other books of account of the Village are audited and in the same manner.
- F. Excess revenues. The Village will apply excess revenues collected from a user class to OMR costs attributable to that class for the next year.
- G. User notification. The users will be notified annually of the portion of their wastewater treatment charges attributable to operation, maintenance and replacement costs.

April Little

Re: Wall Signs  
Zoning Ch 615

**From:** William Preboski [bill.preboski@gmail.com]  
**Sent:** Tuesday, November 15, 2011 1:08 PM  
**To:** April Little  
**Subject:** Re: wall sign

Hi April,

Sec. 10-1-101 Sign Definitions y) Wall Sign states " not more than 16 inches from such wall.  
Sec. 10-1-104 Permitted Commercial Signs a) Permitted Signs 1) Wall Signs states "shall not more than 6 inches from a wall's surface". I would go with the definition's section standard of 16 inches, because it allows more space for electronics between the face of the wall sign and the surface of the building. Also, if a business wanted to mount a projecting sign against the building's facade (turn it into a wall sign), it would be too thick to meet the six-inch standard.

Thanks,

Bill Preboski

On Tue, Nov 15, 2011 at 12:33 PM, April Little <[alittle@villageofbelleville.com](mailto:alittle@villageofbelleville.com)> wrote:

Hi – we were working on the codification stuff at Village Board last night, and Bill you left blank an indication regarding the language conflict for wall signs. Are they six inches or sixteen? Suggestions on how we can figure out an answer for the editorial analysis?

PS – Terry; did you want us to send out a packet for Christian Brothers? We chatted a bit but was unsure of our marching orders on this. Thanks!

April Little

Village Administrator/Clerk/Treasurer  
Village of Belleville  
24 W. Main Street, PO Box 79  
Belleville, WI 53508  
(608) 424-1655  
FAX (608) 424-3423

Email: [alittle@villageofbelleville.com](mailto:alittle@villageofbelleville.com)

11/16/2011

OFF-PREMISES SIGN — Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.

POLITICAL SIGN — Any sign displaying a candidate for an election, or a current election's subject matter.

PORTABLE SIGN/MESSAGE BOARD — Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.

PROJECTING SIGN — Any sign extending more than 18 inches but less than four feet from the face of a wall or building; such sign may not extend more than three feet into the right-of-way.

REAL ESTATE SIGN — Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

ROOF SIGN — Any sign erected upon or over the roof or parapet of any building.

SIGN — A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.

TEMPORARY SIGN — Any sign which is erected or displayed for a limited period of time not to exceed 28 consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this chapter, a portable sign is not a temporary sign.



~~WALL SIGN~~ — Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than 16 inches from such wall.

WINDOW SIGN — Any sign located completely within an enclosed building and visible from a public way.

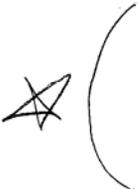
**§ 615-43. Required permits for signs, canopies, awnings and billboards.**

- A. Application. Except those specified in § 615-44, no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this article. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Village of Belleville, including, as necessary and without limitation by enumeration, building permit and inspection requirements, site plan approval requirements and all applicable yard setback requirements. Signs shall not be erected or altered until a permit has been issued by the Building Inspector. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. **[Amended by Ord. No. 1998-10-04]**
- B. Required information. Application for a sign permit shall be made in writing upon forms furnished by the Building Inspector which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above

- (9) An approved professional sign shall be a sign not exceeding eight square feet in area, stating only the name and business or profession of the home occupant or the character or the use of the premises on which the sign is maintained. It shall not be illuminated and shall not move.
- (10) Political signs may be posted 60 days before an election and must be removed within 10 days after said election. Said sign shall be a maximum of eight square feet.
- (11) Rummage or garage sale signs not to exceed eight square feet in area, but use of this type of sign shall be limited to 72 hours per sale.

**§ 615-45. Permitted commercial and industrial signs.**

A. Permitted signs. The following signs shall require a permit to be issued by the Village of Belleville. Signs may be permitted in all commercial, planned unit development (commercial/industrial) and industrial districts, subject to the following restrictions:

- 
- (1) Wall signs placed against the exterior walls of buildings shall not extend more than six inches out from a building's wall surface, shall not exceed 250 square feet in area or 20% of the wall surface (whichever is smaller) per wall for any one premises, and shall not exceed the height of the wall for which it is displayed, depending upon the height of the wall. Said wall signs shall not exceed 45 feet in height in districts fronting Federal Aid Primary (FAP) Highways, and shall not exceed 30 feet in height in other commercial and industrial districts if the walls in question are greater than the 45 feet and 30 feet respectively. Wall signs shall exclusively advertise on-premises businesses, or public service organizations or causes.
  - (2) Projecting signs fastened to, suspended from or supported by structures shall not exceed 32 square feet in area for any one business, shall not extend more than six feet into any required yard, shall not extend beyond the curb line, shall not be less than 10 feet from all side lot lines, shall not be less than a height of 10 feet above the mean center-line street grade and shall not be less than 15 feet above a driveway or an alley and not be more than 20 feet above a driveway or alley.
  - (3) Freestanding signs in commercial and industrial districts shall not exceed 20 feet in height above the center line of the grade of the street from which access to the premises is obtained, and shall not exceed 120 square feet on all sides for any one premises and shall not project into the right-of-way. **[Amended 6-7-2010 by Ord. No. 2010-06-08]**
  - (4) Roof signs are prohibited in the Village.
  - (5) Off-premises signs, displays and devices (collectively "off-premises signs") shall not be permitted within 300 feet of a residential district and shall comply with the following restrictions: **[Amended by Ord. No. 1998-10-04]**
    - (a) The off-premises signs shall not exceed 20 feet in height above the center line of the grade of the street from which access to the property is obtained.

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**PART III: UTILITIES**

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**Ch. 525, Cable Television**

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*Title 9, Ch. 3, of the 1994 Code*

*Talk to Matt.  
Find out if we  
will have an agreement.*

A. This chapter establishes the procedure for granting cable television franchises. Pursuant to 2007 Act 42 (see § 66.0420, Wis. Stats.), the State Department of Financial Institutions is now the exclusive franchising authority for video services in Wisconsin. Existing municipal franchise agreements remain in effect but cannot be renewed. Incumbent cable operators can choose either to continue to operate under the existing municipal franchise until it expires or to terminate the franchise and apply for a state franchise. The Village Attorney should be consulted regarding this chapter in light of these changes to the state law. If the Village does not have any active cable television franchise agreements this chapter may no longer be needed.

**Decision:**

- Retain this chapter
- Omit this chapter

B. The definition of "cable communications system" in § 525-3 requires revision, as the following wording does not make sense in the context of this chapter: "A facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of this Act, except that such facility shall be considered a Cable System [other than for purposes of Section 621(c)]." Perhaps the following revision could be made: "A facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Federal Cable Communications Policy Act, except that such facility shall be considered a cable system [other than for purposes of Section 621(c) of said Act]."

**Decision:**

- Revise wording as indicated
- Revise as follows:
- Not applicable; chapter omitted

C. In § 525-4D(5) the wording "If the Village finds the Grantee's performance satisfactory, and finds the Village's technical, legal, and financial abilities acceptable" apparently should read ""If the Village finds the Grantee's performance satisfactory, and finds the Grantee's technical, legal, and financial abilities acceptable." See § 525-4D(2)(c). We will make this correction.

Village of Belleville, WI

- D. Section 525-21C sets the penalty for unauthorized connections to or modifications of the cable television system at not less than \$100 nor more than \$500. Is this penalty still satisfactory?

**Decision:**

- Revise as follows:
- Make no change
- Not applicable; chapter omitted

- E. Section 525-27B sets the penalty for violations of this chapter by the grantee at a maximum of \$500. Is any revision desired?

**Decision:**

- Revise as follows:
- Make no change
- Not applicable; chapter omitted

**Ch. 538, Sewer**

**Art. I, Connection to Public Sewer**

*Sec. 8-1-7 of the 1994 Code*

Section 538-1 requires connection to the public sewer within 10 days of notice. This section conflicts with §§ 538-19G and 538-22B in Article II of this chapter which require connection within 90 days.

**Decision:**

- Change 10 days to 90 days in § 538-1
- Change 90 days to 10 days in §§ 538-19G and 538-22B
- Other:

**Art. II, Sewer Use**

*Title 9, Ch. 2, of the 1994 Code*

- A. In the definition of "Standard Methods" in § 538-11 we will update the reference to the Water Pollution Control Federation to the Water Environment Federation.

# WISCONSIN'S

## State Video Franchises Replace

By Curt Witynski, Assistant Director

Wisconsin's new cable deregulation law, 2007 Wisconsin Act 42, took effect January 9, 2008. It dramatically changes the cable franchising process in this state. Act 42 replaces municipal franchising with a state franchising process for wireline-based video services provided by cable companies, like Charter or Time Warner, and telecommunication companies like AT&T.

Major provisions of the Act that affect municipalities are described below. With a few exceptions, I've not included statutory references in this article. Most of the items discussed below are located in Wis. Stat. sec. 66.0420, a new statute regulating video service in this state created by Act 42.

Much of the material for this article is taken from a Wisconsin Legislative Council memo describing Act 42 written by David L. Lovell and John Stolzen-

berg. A copy of their memo is posted on the Legislative Council's Web site: <[http://www.legis.state.wi.us/lc/publications/im/im\\_2008\\_01.pdf](http://www.legis.state.wi.us/lc/publications/im/im_2008_01.pdf)>.

### STATE FRANCHISING

Act 42 makes the state the exclusive franchising authority under federal cable law for video service providers in Wisconsin. It phases out existing municipal franchise agreements by prohibiting their renewal.

An incumbent cable operator may either choose to continue operating under an existing municipal franchise for the remainder of the agreement or terminate the franchise prior to its expiration.

When a municipal franchise expires or the cable provider terminates the franchise, the video service provider must apply to the state Department of Financial Institutions (DFI) for a single state franchise that applies in the communities in the state specified in the franchise application.

Incumbent cable providers remain subject to their existing local franchise requirements until they are issued a new state franchise from DFI.

Any company intending to provide video service for the first time at any location in this state must apply to the DFI for a franchise. DFI must determine whether the applicant is legally, financially, and technically qualified to provide the service.

The agency is in the process of promulgating rules regarding the franchise application process. The rules are not complete. In the meantime, DFI is accepting applications for state issued franchises prior to completion of the rules, and will grant a conditional franchise if appropriate. DFI has posted franchise application forms and other information on its Website <<http://www.wdfi.org/corporations/VideoFranchise.htm>>. As of early February, no company has yet applied with DFI for a state franchise.

### VIDEO PROVIDER NOTICES TO MUNICIPALITIES

An applicant for a state franchise must provide a copy of its application to each municipality in its video franchise area at the time that it files an application with the DFI. Similarly, a video service provider must provide copies of any application information updates, such as expansions of its service area, to the municipalities. Also, a provider must give a municipality notice ten days prior to beginning service in the municipality.

### NOTICES BY MUNICIPALITIES TO VIDEO PROVIDERS

When a municipality with a cable franchise agreement in effect when Act 42 took effect receives notice that a video service provider will begin providing service within its borders, it must provide

# NEW CABLE LAW

## *Municipal Cable Franchises*

a written notice to the video service provider within 10 business days of receiving the notice, which states the following:

- 1) the number of PEG channels the incumbent cable operator is required to provide in the municipality,
- 2) the amount and type of monetary support required of incumbent cable operators for access facilities for PEG channels required of incumbent cable providers, and
- 3) the "percentage of revenues" that the incumbent cable operator is required to pay the municipality as franchise fees.

The same notice must be provided when a municipality is informed that a video service provider has expanded its service area to include the municipality.



### VIDEO PROVIDERS CONTINUE TO PAY FRANCHISE FEES TO MUNICIPALITIES

The Act requires that video service providers pay a "video service provider fee" to the municipalities in which they provide service. The amount of the fee is a percentage of the provider's gross receipts generated in the municipality. The percentage is the least of the following:

- ◆ 5 percent
- ◆ If no incumbent cable operator was required to pay a franchise fee to the municipality immediately before the effective date of the Act, a percentage specified by the municipality, but no more than 5 percent.
- ◆ If an incumbent cable operator was required to pay a franchise fee, the percentage of gross revenues it was required to pay.
- ◆ If more than one incumbent cable operator was required to pay a franchise fee, the lowest percentage of gross revenue between the two.

"Gross receipts" is defined by the Act fairly broadly but slightly narrower than the way it is in many municipal franchise agreements. Hence, municipalities may receive smaller franchise fee payments.

### DEDUCTION OF PERMIT FEES FROM FRANCHISE FEE

While ambiguity was created by the governor's line item vetoes, it appears Act 42 allows a video service provider to deduct from its franchise fee payment, the amount of certain right-of-way permit fees it has paid to the municipality in conjunction with placing its facilities in the right-of-way. This is new. No right to

deduct permit fees from the franchise fee existed under previous law.

### TIMING OF FRANCHISE FEE PAYMENTS

Video service providers must pay the video service provider fee directly to the municipality no later than 45 days after the close of a calendar quarter. Generally, the provider's obligation to pay the fee commences in the quarter in which it begins service within a community. If a municipality fails to notify the video service provider of the percentage of gross receipts and number of PEG channels required under prior cable franchise agreements within the ten-day deadline set by the Act, the provider's obligation to pay the fee begins in the quarter that includes the 45th day after the municipality provides the necessary notice.

### AUDITING AND ENFORCEMENT OF FRANCHISE FEE

Act 42 allows a municipality to review a video service provider's records to ensure proper and accurate payment of the video service provider fee. When there is a dispute over the amount of a fee, the Act requires that the municipality and the video provider complete good-faith settlement discussions before bringing an action regarding the disputed fee.

*see New Cable Law continued on page 73*

A municipality must bring an action to recover an underpayment of the franchise fee within four years of the quarter to which the disputed amount pertains. Neither the municipality nor the provider may recover the legal costs it incurs in the course of such litigation.

The Act provides that all calculations regarding the video service provider fees must be made using generally accepted accounting practices. Also, the Act specifically allows video service providers to itemize on customers' bills the amount billed to recover the fee.

**PEG CHANNELS**

Under Act 42, video service providers must make channels for public, educational and government (PEG) programming available to the municipality in which it provides service. If an incumbent cable operator is providing channel capacity for PEG channels under a cable franchise immediately before Act 42 took effect, each interim cable operator or video service provider that provides service to the municipality must provide channel capacity for the same number of PEG channels.

If no incumbent cable operator provided PEG channel capacity immediately before Act 42 took effect, a municipality with a population of 50,000 or more may require each provider to provide up to three PEG channels. Municipalities with populations under 50,000 may require each provider to provide two PEG channels.

**TIMING OF PEG CHANNEL AVAILABILITY**

In a municipality with no incumbent cable operator, a video service provider must make the PEG channels available beginning on the date on which it starts service in the municipality. If there is an incumbent cable operator, and the municipality is therefore required to notify the provider of the number of PEG chan-

nels the incumbent provides to it, the video service provider must make the PEG channels available on the date it begins service in the municipality or the 90th day after it receives the notice, whichever is later.

**Unused PEG Channels**

If a municipality does not substantially use a PEG channel, the interim cable operator or video service provider may reprogram that channel. Under the Act, a municipality is "substantially" using a channel if it provides 40 or more hours of programming on the channel each week, at least 60 percent of which is locally produced programming. A municipality may regain use of a dormant or reprogrammed PEG channel if it certifies to the video service provider that it will substantially use the channel.

**SERVICE TIER FOR PEG CHANNELS**

Video service providers must make PEG channels available on any service tier that is viewed by more than 50 percent of its customers. If a PEG channel was reprogrammed due to failure of the municipality to substantially use the channel and later restored to a PEG function, the provider may locate the restored channel on any service tier.

**PEG CHANNEL MONETARY SUPPORT**

The Act prohibits municipalities from requiring a video service provider to provide any funds, services, programming, facilities, or equipment related to PEG channel operation. It is the municipality's responsibility to:

- ◆ Operate the channel and produce or obtain programming.
- ◆ Submit programming to the provider in a form the provider can broadcast

*see New Cable Law  
continued on page 74*

VIDEO SERVICE

PROVIDERS MUST

MAKE PEG

CHANNELS

AVAILABLE ON ANY

SERVICE TIER THAT

IS VIEWED BY

MORE THAN 50%

OF ITS

CUSTOMERS

*see New Cable Law  
from page 73*

with no manipulation or modification.

- ◆ Make all PEG channel programming available to all providers operating in the municipality in a nondiscriminatory manner.

However, the Act requires that an incumbent cable operator continue to provide any monetary support for PEG programming that it was required to provide on the effective date of Act 42. This obligation continues for three years from the effective date of Act 42. The requirement applies regardless of whether the incumbent terminates the municipal franchise or whether the municipal franchise expires.

Also, any new video service provider must provide monetary support for PEG programming proportional to the monetary support that the incumbent cable operator in the same municipality with the most subscribers was required to provide on the effective date of Act 42. This obligation likewise extends for three years from the effective date of Act 42.

The effect of this is that any preexisting monetary support for PEG programming will continue for three years. Under the Act, PEG support will discontinue on February 1, 2011.

**TRANSMISSION OF PEG PROGRAMMING TO PROVIDER'S NETWORK**

Under Act 42 video service providers must transmit PEG programming from a PEG access channel's origination point to the provider's headend or video hub office, and municipalities must share in the costs of construction of transmission facilities pursuant to the following provisions:

- ◆ For an origination point existing on the Act's effective date, the operator or provider is required to provide transmission capacity sufficient to make these connections. A municipality must permit the operator or provider to determine the most economically and technologically efficient means of providing this transmission capacity.
- ◆ If a municipality requests that such a pre-existing PEG access channel origination point be relocated, the operator or provider is required to provide the first 200 feet of transmission line necessary to connect its headend or video hub office to the origination point, and the municipality is required to pay for the costs of construction of the relocated transmission line beyond the first 200 feet, other than the costs associated with the transmission of PEG programming over the line.
- ◆ A municipality is liable for any construction costs associated with additional origination points, other than the costs associated with the transmission of PEG programming "over such line."
- ◆ An operator or provider may recover its costs to provide transmission capacity under the above provisions by identifying and collecting a "PEG transport fee" as a separate line item on customer bills.
- ◆ If there is more than one interim cable operator or video service provider in a municipality and the interconnection of their networks "is technically necessary and feasible for the transmission of programming of any PEG channel," the providers must negotiate in good faith for interconnection on mutually acceptable terms and conditions.

**MUNICIPAL MANAGEMENT OF RIGHT OF WAY**

In general, under Act 42 municipalities remain able to impose reasonable regulations on cable operators and video service providers' use of the right-of-way. The Act treats video service providers like public utilities in many respects. The providers may place their facilities in the rights of way, subject to reasonable health, safety and general welfare regulations of the municipality.

The Act provides that "a municipality may require the video service provider to pay any compensation under sec. 66.0425, or, except as provided in a regulation under sec. 182.017, any permit fee, encroachment fee, degradation fee, or any other fee, for the occupation of or work within public rights of way." Wis. Stat. sec. 66.0425(7)(g). Most municipalities have adopted ordinances under sec. 66.0425 governing the excavation of streets which require persons to obtain a street opening permit. Typically, such ordinances require persons to pay a permit fee and to file a bond and certificate of insurance with the municipality. The Act makes clear that these ordinances continue to apply to cable operators and video service providers.

However, as mentioned above under the discussion of franchise fees, the providers may deduct from the video service provider fee the amount of any cost-based right-of-way permit fees paid to the municipality.

**GUIDANCE ON REASONABLE AND UNREASONABLE MUNICIPAL RIGHT OF WAY REGULATIONS**

Under the Act, a video service provider may file a complaint with the Public Service Commission (PSC) to challenge the reasonableness of any municipal regulation governing its use and occupation of the right-of-way. The PSC may void the

regulation if it, after a hearing, determines that the regulation is unreasonable.

The Act gives guidance to the PSC, and indirectly municipalities, by specifying that certain regulations are deemed reasonable or unreasonable. These standards are nearly identical to criteria listed in sec. PSC 130.05, Wis. Adm. Code, which the PSC has been using since 2003 to determine whether a complained of municipal right of way regulation is reasonable.

Specifically, Act 42 provides that a municipal regulation is **unreasonable** if:

- ◆ The regulation has the effect of creating a moratorium on the placement of company lines or systems or on the entrance into the municipality of a video service provider.
- ◆ The regulation is inconsistent with the purposes of the statewide video franchise statute.
- ◆ The regulation requires a company to pay: (1) the municipality's member fees assessed under the "Diggers Hotline" system; or (2) more than the actual cost of functions undertaken by the municipality to manage company access to and use of municipal rights-of-way.

The Act creates a rebuttable presumption that a municipal regulation is **reasonable** if the PSC determines that a pre-existing municipal regulation or community standard is substantially the same as the municipal regulation complained of. The pre-existing regulation or community standard must have been in effect on January 1, 2007, and immediately prior to the date Act 42 took effect. Such a community standard may be demonstrated through "consistent practice and custom" in the municipality. This language was added to the Act by an amendment authored by Rep. Jeff Stone at the request of the Village of

Greendale. The village sought reassurance that its long standing community standards regarding landscaping around telecommunication facilities and undergrounding of electric and telecommunication lines would be upheld as reasonable if challenged by a video service provider.

**60-DAY TIME LIMIT ON APPROVING PERMITS**

The Act adds language to sec. 182.017, which provides that "if a municipality establishes a permit process under [sec. 182.017(1r)]," the municipality must approve or deny the permit within 60 days of receipt of the application. If the municipality fails to act within 60 days, the permit is deemed to be approved by the municipality. If the municipality denies the permit, it must provide the applicant with a written explanation for the reasons for the denial.

While the reference to 182.017(1r) is problematic because it is not a source of authority that municipalities rely on to adopt regulations requiring a permit for occupation of the right of way, municipal staff and officials should nevertheless be careful to comply with the 60-day time limit for acting on applications for street opening and other right-of-way permits.

**ACCESS TO SERVICE AND DISCRIMINATION ("BUILD-OUT")**

The Act's requirements relating to ensuring that as many areas of a community as possible are eligible for service applies only to AT&T Wisconsin. The Act requires AT&T to provide access to its video service to the following percentages of households within its residential local exchange service area:

- ◆ At least 35 percent no later than three years after the company begins pro-

*see New Cable Law continued on page 77*

“UNDER THE ACT, A

VIDEO SERVICE

PROVIDER MAY FILE A

COMPLAINT WITH THE

PUBLIC SERVICE

COMMISSION TO

CHALLENGE THE

REASONABLENESS OF ANY

MUNICIPAL REGULATION

GOVERNING ITS USE AND

OCCUPATION OF THE

RIGHT-OF-WAY.”

viding video service under its state franchise.

- ◆ At least 50 percent no later than five years after the date on which the company began providing video service under its state franchise, or no later than two years after at least 30 percent of households with access to AT&T's video service subscribe to the service for six consecutive months, whichever occurs later.

The Act expressly prohibits any video service provider from denying services to any group of potential residential customers in the provider's video franchise area because of the race or income of the residents.

**REGULATION OF CABLE RATES**

Act 42 provides that neither DFI nor a municipality may regulate the rates of a video service provider under a state franchise or an interim cable operator, if at least two unaffiliated providers offer service in a municipality. The Act is silent on rate regulation where there is only one interim cable operator or video service provider in the community.

**INSTITUTIONAL NETWORK REQUIREMENTS PROHIBITED**

The Act provides that notwithstanding any ordinance or franchise agreement in effect on the effective date of the Act, no state agency or municipality may require an interim cable operator or video service provider to provide any institutional network on its network. An institutional network is a network that connects municipal, school district and community institutions.

**ENFORCEMENT**

The Act allows a municipality or video service provider that is affected by a failure to comply with the statewide video

franchising statute created by the Act to bring an action in circuit court. The court is directed to order compliance with the law, but the Act is silent regarding the recovery of damages. No party to a suit may recover its costs of prosecuting or defending the suit.

DFI is authorized to enforce most of the provisions of the new law with the exception that the department of agriculture, trade and consumer protection is to enforce the provisions relating to discrimination and access to service. However, the Act does not specify penalties for violations of the new law. In the absence of any specified penalty, the general rule is that civil violations are punishable by a forfeiture of not more than \$200. See sec. 939.61(1), Stats.

**CONCLUSION** 

Act 42 removes municipalities from the cable franchise business. Instead, the state will be issuing statewide video franchises. The good news is that municipalities will no longer need to spend money and resources renegotiating cable franchises every decade or so. Also, municipalities will continue to receive an up-to 5 percent franchise fee from video service providers operating in the community. In addition, municipalities remain able to reasonably regulate video service providers' use of the right-of-way.

The down side is that municipalities lose the ability to negotiate PEG support, institutional networks, free cable drops and other public benefits as part of the municipal cable franchise renewal process. Also, and perhaps most problematic for the two dozen or so communities that were collecting a PEG fee under their franchise agreement, any cable company financial support for PEG ends after three years under Act 42.

Licensing and Regulation 388 

 THE GOOD NEWS

IS THAT

MUNICIPALITIES

WILL NO LONGER

NEED TO SPEND

MONEY AND

RESOURCES

RENEGOTIATING

CABLE FRANCHISES

EVERY DECADE OR

SO. 

Re: Court: Judge  
Terms ch 39

April Little

**From:** dadzig [dadzig@charter.net] (Judge Ziegler)  
**Sent:** Thursday, November 17, 2011 10:56 AM  
**To:** April Little  
**Subject:** RE: terms

April:  
I have no issue with this.

**From:** April Little [mailto:alittle@villageofbelleville.com]  
**Sent:** Thursday, November 17, 2011 10:12 AM  
**To:** 'Jerry Ziegler'; Howard Ward  
**Subject:** terms

In the course of writing up my notices for elections, I was reminded of the legal changes in Act 402. Therefore, I gave a jingle to the attorney at Judicial Education. She said it is **mandatory** we have a **4-year** term for the incoming judge. Unless we want to do a charter ordinance. Anyone want to do a charter ordinance? Not me!

So I'm going to proceed with 4 years and change the code accordingly. We would not have time to change it before the next election notice any way so I am at least going to have to write up the notice at 4 years. Let me know if any thoughts, comments. Etc.

April Little  
Village Administrator/Clerk/Treasurer  
Village of Belleville  
24 W. Main Street, PO Box 79  
Belleville, WI 53508  
(608) 424-1655  
FAX (608) 424-3423  
Email: [alittle@villageofbelleville.com](mailto:alittle@villageofbelleville.com)

11/17/2011

SECTION 20. 755.02 of the statutes is amended to read:

**755.02 Term.** The judges shall be elected at large for a term of ~~2 4~~ years unless a longer different term, not exceeding 4 years nor less than 2 years, is provided by charter ordinance or bylaw enacted under s. 66.0101. The term shall commence on May 1 of the year of the judge's election.

SECTION 21. 755.03 (1) of the statutes is amended to read:

755.03 (1) The judge shall, after election, ~~designa- tion~~ or appointment, take and file the official oath as prescribed in s. 757.02 (1) and at the same time execute and file an official bond in an amount to be fixed by the governing body. The governing body shall pay the costs of the bond. No judge may act as such until ~~his or her oath and bond have been filed as required by s. 19.01 (4) (e) and he or she has complied with~~ the requirements of sub. (2) have been complied with.

SECTION 22. 755.03 (2) of the statutes is amended to read:

755.03 (2) ~~The clerk of the circuit court shall, within 10 days after a municipal judge files takes the oath and bond, execute and mail to, the judge shall file the oath and bond with~~ the clerk of the city, town or village, where the judge was elected; ~~a certified copy of the bond, which shall be filed and preserved in the office by the city, town or village clerk. The certified copy is presumptive evidence of its execution by the judge and sureties or appointed.~~ If the municipal judge is elected under s. 755.01 (4), the clerk of circuit court judge shall file copies of the oath and bond with each applicable municipal clerk. ~~The clerk of the circuit court judge shall file a certified copy of the oath with the office of director of state courts within the 10-day time period after the judge takes the oath.~~

SECTION 23. 755.04 of the statutes is amended to read:

**755.04 Salary and fees.** The governing body shall fix a salary for the judge ~~which shall be in lieu of fees and costs. Fees and taxable costs shall be paid into the municipal treasury as the governing body directs.~~ The salary may be increased by the governing body before the start of the 2nd or a subsequent year of service of the term of the judge, but shall not be decreased during a term. The salary of a municipal judge who is designated or appointed under s. 8.50 (4) (fm) or 800.06 shall be determined by contract between the municipality and the judge. The judge may not serve until the contract is entered into. Salaries may be paid annually or in equal installments as determined by the governing body, but no judge may be paid a salary for any time during the term during which the judge has not executed and filed his or her official bond or official oath, as required by s. 755.03, ~~and filed under s. 19.01 (4) (e).~~

SECTION 24. 755.045 (1) (a) of the statutes is amended to read:

755.045 (1) (a) If the action is transferred under s. 800.04 (1) 800.035 (5) (c) or 800.05 (3) to a court of record.

SECTION 25. 755.045 (2) of the statutes is amended to read:

755.045 (2) A municipal judge may issue civil warrants to enforce matters which are under the jurisdiction of the municipal court, as provided in ch. 800. Municipal judges are also authorized to issue inspection warrants under s. 66.0119.

SECTION 26. 755.05 of the statutes is amended to read:

**755.05 Territorial jurisdiction.** Every judge has countywide ~~statewide~~ jurisdiction. ~~If elected in a city or village lying in more than one county, the judge shall qualify and have jurisdiction in each county, the same as though the municipality lay wholly therein, and may hold court in one county while exercising jurisdiction in the other. If elected under s. 755.01 (4) and the contracting municipalities lie in more than one county, the judge shall qualify and have jurisdiction in each county and may hold court in one county while exercising jurisdiction in another county as authorized by this chapter and ch. 800.~~

SECTION 27. 755.06 of the statutes is amended to read:

**755.06 Sessions of court.** The municipal court shall be open daily or as ~~directed~~ determined by the judge and approved by the governing body, ~~but the governing body may by ordinance or bylaw allow the judge to determine when the court shall be open.~~

SECTION 28. 755.09 (1) of the statutes is amended to read:

755.09 (1) ~~Every judge shall keep his or her office and hold court in any adequate facility provided by the~~ The governing body of the city, village, or town, shall provide the judge with an office or appropriate work space other than at a place prohibited under sub. (2). ~~The judge may issue process or perform ministerial functions at any place in the county.~~

SECTION 29. 755.09 (2) of the statutes is amended to read:

755.09 (2) No judge may keep his or her office or hold court in any tavern, or in any room in which intoxicating liquors are sold, or in any room connecting ~~there- with. For any violation of this section the judge shall forfeit \$25 but the violation of the subsection does not make any order or judgment void with a tavern or room in which intoxicating liquors are sold.~~

SECTION 30. 755.09 (3) of the statutes is repealed.

SECTION 31g. 755.10 of the statutes is renumbered 755.10 (1) and amended to read:

755.10 (1) ~~The~~ Except as provided in sub. (2), the judge shall in writing appoint such clerks and deputy

**TEMPORARY LIMITED EASEMENT AND  
AGREEMENT**

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Jean A. Tretow and Michael E. Tretow (“Owners”), and the Village of Belleville, a Wisconsin municipal corporation (the “Village”) agree as follows:

1. *The Property.* Owners are the owners of the following real property (the “Property”):

Part of the Northwest 1/4 of the Southwest 1/4 of Section 34, Township 5 North, Range 8 East, in the Village of Belleville, Dane County, Wisconsin, more particularly described as follows: Commencing at the Northwest corner of Lot 1, Prisk Addition to the Village of Belleville; thence North on an extension of the West line of said Lot 1, 28.0 feet to an iron stake at the point of beginning of this description; thence West along the North line of a proposed street, 198.0 feet to an iron stake; thence North at right angles 99.0 feet to an iron stake; thence East 197.0 feet to an iron stake; thence South 29°08' East, 113.13 feet to an iron stake; thence West 54.0 feet to the point of beginning.

2. *The Easement Area.* For purposes of this Temporary Limited Easement and Agreement, the “Easement Area” shall mean an area within the Property, bounded by the South property line of the Property, the East property line of the Property, a line parallel to the West property line and 100 feet west of the East property line of the Property, and a line running parallel to and 15 feet north of the South property line of the Property.

3. *Temporary Construction Easement.* Owners hereby grant, convey, transfer, and assign to the Village and its employees, contractors and agents a temporary right of way and easement over and across the Easement Area for the purposes of ingress and egress to and from Lake Belle View, to facilitate work relating to the restoration of Lake Belle View. The rights granted to the Village by this Temporary Limited Easement and Agreement shall expire on July 1, 2012.

4. *Removal of Tree.* The Village shall, at no cost to Owners, cut down and remove the silver maple tree located in the Southeast corner of the Property. The Village shall grub the tree stump, remove all debris, and grade the area where the tree was located to match the adjacent ground area. The Village shall restore any disturbed areas on the

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:

Matthew P. Dregne  
Stafford Rosenbaum LLP  
P.O. Box 1784  
Madison, WI 53701-1784

P.I.N.

105/0508-343-8785-6

Property resulting from the removal of the tree. Restoration includes, but is not limited to, replacing topsoil and vegetation disturbed during construction.

5. *Restrictions on Owners.* Owners shall not take any action or permit others to take any action that interferes with or is inconsistent with the Village's rights under this Temporary Limited Easement and Agreement.

6. *Restoration.* The Village shall restore the Easement Area, as best as practicable, to the condition existing prior to the use of the Easement Area by the Village. Restoration includes but is not necessarily limited to replacing topsoil and vegetation disturbed during construction.

7. *Ownership Warranty.* Owners warrant that they own the Property.

8. *Binding Effect.* The rights granted to the Village by this document shall run with the land, and are binding upon Owners' successors and assigns.

IN WITNESS WHEREOF, the parties have executed this instrument as of the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**OWNERS:**

By \_\_\_\_\_  
Jean A. Tretow

By \_\_\_\_\_  
Michael E. Tretow

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, the above-named Jean A. Tretow and Michael E. Tretow, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Name: \_\_\_\_\_ (Please print)

Notary Public, State of Wisconsin  
My Commission Expires: \_\_\_\_\_

VILLAGE OF BELLEVILLE

By \_\_\_\_\_  
Howard Ward, Village President

By \_\_\_\_\_  
April Little, Village Clerk

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, the above-named Howard Ward and April Little, to me known to be the persons who executed the foregoing instrument and acknowledged the same on behalf of the Village of Belleville.

\_\_\_\_\_  
Name: \_\_\_\_\_ (Please print)  
Notary Public, State of Wisconsin  
My Commission Expires: \_\_\_\_\_

*This instrument drafted by:*  
Matthew P. Dregne  
Stafford Rosenbaum LLP  
222 West Washington Avenue, Suite 900  
P.O. Box 1784  
Madison, WI 53701-1784  
608.256.0226

Summary of Project Costs  
Village of Belleville Lake Projects  
Updated November 10, 2011

Year	Total Authorized	Total	Remaining
2010-2011	\$2,193,148.72	\$2,140,578.72	\$58,024.11
Construction Contract			(Includes Changes Orders 1&3)
Community Park Grading	\$29,265.00	\$29,265.00	Change Order 2
Dam Spillway Construction	\$112,400.00	\$105,890.00	Change Order 4
Sanitary Sewer	\$17,935.00	\$16,668.00	Change Order 5
Temporary Boat Access	\$885.00	\$885.00	Change Order 6
<b>Total Advance Contract</b>	<b>\$2,353,634.72</b>	<b>\$2,293,287.72</b>	<b>\$65,659.51</b>
*Total* is the estimated final contract price including all pay requests. *Remaining* is the retainage that will be paid at final payment and is included in the "Total" contract.			
MARS Construction Services	\$147,200.00	\$141,312.00	\$5,888.00
FEMA LOMR-F Submittal Fee	\$5,000.00	\$5,000.00	Project closeout and FEMA Submittal remaining
<b>Dam Spillway Engineering</b>	<b>\$80,410.50</b>	<b>\$86,218.95</b>	<b>\$4,192</b>
Includes Construction Related Services			

Year	Total	Long Term Restoration Contract + CRS <sup>1</sup>	Additional Restoration Work previously on construction contract (Proposed)	Monitoring <sup>2</sup>	Lake Monitoring DNR coverage and Lake Planning Grant	Fistery <sup>3</sup>	Aquatic Vegetation <sup>4</sup>	Berm/Structure Maintenance	Habitat Maintenance	Wet: Lake Dredging + CRS
2011	\$147,024	\$20,540	\$11,602	\$14,600	-\$500	\$3,875	\$11,055	\$0*	\$0*	\$85,852
2012	\$138,280	\$22,822	\$12,975	\$28,000	-\$12,500	\$0	\$6,000	\$0*	\$0*	\$79,983
2013	\$112,187	\$98,787		\$32,900	-\$12,500	\$0	\$3,000	\$0*	\$0*	\$0*
2014	\$64,671	\$46,671		\$15,000		\$0	\$3,000	\$0*	\$0*	\$0*
2015	\$35,980	\$0		\$21,800		\$0	\$3,000	\$2,180	\$9,000	\$0
2016	\$8,670	\$0		\$1,000		\$0	\$3,000	\$2,180	\$2,480	\$0
2017	\$9,170	\$0		\$1,000		\$0	\$3,000	\$2,180	\$2,980	\$0
2018	\$21,804	\$0		\$1,000		\$0	\$3,000	\$2,180	\$2,980	\$0
2019	\$8,320	\$0		\$1,000		\$0	\$3,000	\$2,180	\$2,980	\$0
2020	\$16,670	\$0		\$4,000		\$0	\$3,000	\$2,180	\$2,480	\$0
2021	\$18,320	\$0		\$10,000		\$5,000	\$3,000	\$2,180	\$2,480	\$0
2022	\$8,670	\$0		\$1,000		\$10,000	\$3,000	\$2,180	\$2,480	\$0
2023	\$13,420	\$0		\$1,000		\$0	\$3,000	\$2,180	\$2,480	\$0
2024	\$8,670	\$0		\$1,000		\$0	\$3,000	\$2,180	\$2,480	\$0
2025	\$8,320	\$0		\$1,000		\$0	\$3,000	\$2,180	\$2,480	\$0
<b>TOTAL</b>	<b>\$620,176</b>	<b>\$176,820</b>	<b>\$24,577</b>	<b>\$126,300</b>	<b>-\$5,500</b>	<b>\$16,875</b>	<b>\$56,055</b>	<b>\$23,980</b>	<b>\$51,234</b>	<b>\$166,835</b>

\* Included in proposed long term restoration contract cost  
Notes: Maintenance costs will extend beyond 2025 and will consist of minimal monitoring, spot removal of invasive species, and berm/structure  
1. Includes MARS CRS contract for \$16,620.  
2. 2011 - 2015 includes monitoring contract & additional Lake Planning Grant monitoring activities w/ grant offsets. See Grant reimbursement next column.  
3. Includes fish stocking from Gollum (\$2,000) approved and incurred and 2 fish transfers this fall (\$1675), incurred but not approved.  
4. Year 2011 includes incurred cost for emergent seeding (\$6,800) and aquatic vegetation (\$2,000). Also includes incurred work for installing aquatic vegetation (\$2,255) which hasn't been approved. Year 2012 \$4000 additional vegetation + 2x \$1000 weed harvesting. Year 2013-2025 \$1000 misc. expenses and 2x \$1000 weed harvesting.  
5. Includes MARS Construction Related Services of \$19,500. Cost split between years is an estimate. Sewer pipe installation cost NOT INCLUDED

## Memorandum

**To:** April Little, Village of Belleville Administrator/Clerk/Treasurer  
**From:** Siggi Sigmarsson  
**Date:** November 16, 2011  
**Re:** Lake Belle View Monitoring – Lake Planning Grant and Change in Contract Price

---

The Village of Belleville has received a Lake Planning Grant from the Wisconsin Department of Natural Resources (WDNR) to implement monitoring activities on Lake Belle View during 2012 and 2013. This grant, in the amount of \$25,000.00, includes a portion of the monitoring activities that are required by the U.S. Army Corps of Engineers (USACE) and the WDNR and are being implemented by the MARS/Agrecol team as described in our proposal to the Village on July 28, 2011 and approved by the Village Board on August 1, 2011. This will result in substantial cost savings to the Village and will also result in valuable scientific data to use to evaluate the success of the in-lake restoration efforts.

We propose that the MARS/Agrecol team will oversee/perform the additional monitoring activities proposed in the Lake Grant Proposal and that the additional monitoring work be added on to the existing Lake Belle View Monitoring contract.

The following describes the proposed changed in the contract:

Currently approved budget for monitoring activities from 2011 to 2015:	\$97,700.00
<u>Additional monitoring work in the Lake Planning Grant Proposal for 2012 - 2013:</u>	<u>\$15,600.00</u>
Proposed new budget for monitoring activities:	\$113,300.00
<b>Lake Planning Grant:</b>	<b>\$25,000.00</b>
Total cost for the Village of Belleville:	\$88,300.00
<b>Total saving for the Village of Belleville:</b>	<b>(\$9,400.00)</b>

Additionally, the WDNR covered the laboratory fees for 2011 monitoring activities that had already been included in the authorized budget. This results in an **additional savings of \$500.00** to the Village. The MARS/Agrecol team will continue to work with the WDNR and other entities to help offset some of the monitoring costs and we'll update the Village as the work progresses.

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**Attachments:** November 10, 2011 Letter of Award – WDNR Lake Planning Grant

P:\1428 Lake Belle View Restoration Planning Assistance\1428-11 Lake Belle View Monitoring\Admin\2011-11-16 Little Memo Grant - Contract Change\_JMH.doc

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
101 S. Webster Street  
Box 7921  
Madison, Wisconsin 53707-7921

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY Access via relay - 711



November 10, 2011

► REQUIRES IMMEDIATE ACTION ◀  
Lake Planning  
Grant# LPL-1448-12  
Grant Amount: \$24,799.53

April Little, Administrator/Clerk/Treasurer  
Village of Belleville  
P.O. Box 79, 24 W. Main St.  
Belleville, WI 53508

Dear Ms. Little:

Congratulations! On behalf of the Governor, we are pleased to announce the following project is approved for funding under Wisconsin's Lake Planning Grant Program: *Lake Belle View Restoration Monitoring*

Please review the agreement including the list of conditions and return the original signed by the authorized individual within 30 days of this letter's date to Sandy Chancellor, your regional Environmental Grant Specialist, at 3911 Fish Hatchery Rd, Fitchburg, WI 53711. The second copy is for your file. Funds will be encumbered when the signed agreement is returned.

The period covered by the agreement is from October 1, 2011 through December 31, 2013. If you can't complete your project within this time period, please request an extension from Susan Graham, your Regional Lake Coordinator at 608-275-3329, or Sandy Chancellor at 608-275-7760. You must submit your request for your final payment within six (6) months after all work activity is complete or your grant may be terminated. Should you have any questions about the project, please contact your regional Lake Coordinator. If you have any financial questions, please contact your regional Environmental Grant Specialist above.

Under this grant program, you are entitled to a project advance payment. This advance payment is made available to you to cover costs you may incur in the initial stages of the grant process. The advance payment is equal to 75% of the State grant amount minus any State Lab of Hygiene costs. If you wish to request the advance payment, please check the blank provided before the signature block on the last page of the project agreement.

Please note that this grant program is a reimbursement program. This means that the sponsor must pay all expenses incurred before the last 25% of the state cost share assistance is paid to the sponsor. Instructions and forms for the financial administration of the project are enclosed. Please submit your final report and final billing to Susan Graham at 3911 Fish Hatchery Rd, Fitchburg, WI 53711. Please write the project number (LPL-1448-12) on all billing material submitted.

**Advance or Reimbursement Check:** Your advance or reimbursement check will be mailed to Village of Belleville, April Little, P.O. Box 79, 24 W. Main St., Belleville, WI 53508. This is the check recipient that appears in our records.

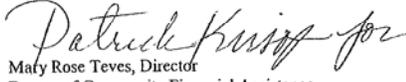
Your project includes the analysis of water samples by the State Lab of Hygiene. Your consultant has received the labels to be used when samples are collected. Please be advised that if samples in addition to those specified in your grant agreement are sent to the lab, they may be analyzed and billed to your account. In the event this occurs, the cost overrun will be deducted from our final grant payment or you may be required to reimburse the DNR from your own funds. If you have questions regarding this aspect of your grant, please contact your Lake Coordinator above.

Your project includes the use of donated labor as part of your local share. As your project progresses you must document all volunteer labor and/or professional labor by keeping a log of the person's name, the date the work is performed, a description of the work performed, the number of hours and rate of pay per hour (including benefits for professional hours). Enclosed are sample worksheets and summary sheets for your use. Please make, as many copies from these blank sheets as you think will need for the project. Tracking hours by computer is accepted.

- Your project includes the use of donated materials or equipment as part of your local share. You must carefully track all donations with documentation that is equal to an invoice in their normal business dealings but clearly marked as donations. All donations shall conform to market rates. This documentation must be included with the payment request form.
- If your project includes GIS data, it should be in a format fully compatible with ARC/INFO<sup>®</sup> and ArcView<sup>®</sup>. If you have any questions about this format or the standards please request more information from Susan Graham or Sandy Chancellor.

You may be contacted by the Office of the Governor or your state Legislator concerning the issuance of a press release to publicize the grant award. The Department of Natural Resources is pleased to have the opportunity to participate with you in this grant project.

Sincerely,



Mary Rose Teves, Director  
Bureau of Community Financial Assistance

C: Susan Graham – SCR  
Sandy Chancellor – SCR

State of Wisconsin Department of Natural Resources P.O. Box 7921 Madison, WI 53707		LAKE PLANNING GRANT AGREEMENT Form 8700-209 Rev. 9-03	
Sponsor Village of Belleville		Project Number LPL-1448-12	
Project Title Lake Belle View Restoration Monitoring			
Period Covered By This Agreement October 1, 2011 through December 31, 2013		Name of Program Lake Planning	
Project Scope and Description of Deliverables <p>The Village of Belleville plans to conduct extensive resource monitoring to track the results of the recent lake restoration project, where the Sugar River was separated from Lake Belle View, by an earthen berm, and shoreline and wetland restoration work was done. Biological, chemical, TSI and watershed data will be collected over two years to enhance the management of the project. A comprehensive lake management plan will be developed, including identifying long-range goals, lake use controls, and establishing a network of volunteers who will assist with monitoring. Study results will be published in local newspapers, shared in public meetings, and results in a final report to be shared with the project partners, including Dane County Dept. of Land and Water Resources, Dane County Lakes and Watershed Commission, USRWA, USFWS, WWA, and NRCS.</p> <p>If consultant is to provide final report, it is recommended that Grantee provide DNR Lake Coordinator with a draft for comment on report adequacy prior to making final payment to the consultant. DNR to receive both paper and electronic .pdf copies of the final report along with, or prior to submission of grantee's final payment request.</p>			
<b>Final Report Obligation:</b> Final report deliverables help us ensure that the grant has been satisfactorily completed, and that state dollars are being spent wisely. Every deliverable, no matter how minor, must be completed in order to receive full reimbursement for the state share of costs. Ranking questions used to obtain this award, and specific deliverables mentioned in your grant description, constitute final report deliverables. If any deliverable is not adequately provided in the final report, only partial reimbursement, at the department's discretion, will be made. The only exception will be if there is a well-justified and department-approved scope amendment. If you have any question about what a specific ranking question or other deliverable means, please contact your lake coordinator BEFORE you sign this agreement.			
The Following documents are incorporated into and made a part of this agreement: 1. Chapter NR 190, Wis. Adm. Code. 2. Lake Management Grant Application (Form 8700-283) and attachments.			
<b>GRANT AWARD DATA</b>			
1. PROJECT COSTS			
a. State Laboratory of Hygiene Analysis		\$399.53	
b. Other Laboratory Analysis		\$0.00	
c. Other Services (e.g., consulting, surveying services)		\$37,800.00	
d. Printing and Disseminating Final Report		\$0.00	
e. Other/Miscellaneous		\$1,300.00	
2. TOTAL PROJECT COSTS			\$39,499.53
3. GRANT AMOUNT			\$24,799.53
4. LOCAL SHARE (line 2 minus line 3)			\$14,700.00
5. ADVANCE PAYMENT CALCULATION			
a. Grant Amount (Line 3) X 75%		\$18,599.65	
b. Minus State Laboratory of Hygiene Analysis Cost (line 1a) <i>The Department directly pays this cost.</i>		\$ 399.53	
6. ADVANCE PAYMENT AMOUNT			\$18,200.12

#### GENERAL PROVISIONS

1. The State of Wisconsin Department of Natural Resources (Department) and the Sponsor mutually agree to perform this agreement in accordance with the project proposal, application, terms, promises, conditions, plans, specifications estimates, procedures, maps, and assurances attached hereto and made a part hereof.
2. The Sponsor agrees to comply with all applicable Wisconsin Statutes and Wisconsin Administrative Codes in fulfilling terms of this agreement.
3. The Sponsor agrees to save, hold harmless, defend, and indemnify the State of Wisconsin, the Department and all its officers, employees and agents, against any and all liability, claims and costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring in connection with or in any way incident to or arising out of the occupancy, use, service, operation or performance of work in connection with this agreement or omissions of Sponsor's employees, agents or representatives.
4. In connection with the performance of work under this agreement, the Sponsor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, disability, handicap, sex, physical condition, developmental disability as defined in s. 51.01(5), Wis. Status, sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the Sponsor further agrees to take affirmative action to ensure equal employment opportunities, as required by law. The Sponsor agrees to post in conspicuous places available, for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

#### PROJECT ACTIVITIES

5. The Department agrees that the Sponsor shall have sole control of the method, hours worked, and time and manner of any performance under this agreement other than as specifically provided herein. The Department reserves the right to inspect the job site or premises for the sole purpose of insuring that the performance is progressing or has been completed in compliance with the agreement. The Department takes no responsibility for supervision or direction of the performance of the agreement by the Sponsor or the Sponsor's employees or agents. The Sponsor is an independent Contractor for all purposes, not an employee or agent of the Department. The Department further agrees that it will exercise no control over the selection or dismissal of the Sponsor's employees or agents.
6. Except for planning projects conducted by the U.S. Geological Survey, all water chemistry analyses which are part of the planning project shall be analyzed by the State Laboratory of Hygiene, payments for which will be withheld from the state share and made directly by the Department.
7. Data and information acquired as part of the planning project shall be reported to the Department in the format specified by the Department's regional contact.
8. All the information (data) gathered by the Sponsor under the grant and the final report products shall be provided in electronic format, on a 3.5" computer disk or CD, and shall be submitted to your Lake Coordinator as part of the final report.

#### CHANGES TO THIS AGREEMENT

9. The Sponsor may rescind this agreement in writing at any time prior to the starting of the project and before expending any funds. After the project has been started or funds expended, this agreement may be rescinded, modified, or amended only by mutual agreement in writing.
10. This agreement, together with any referenced parts and attachments, shall constitute the entire agreement and previous communications or agreements pertaining to the subject matter of this agreement are hereby superseded. Any revisions, including cost adjustments, must be made by an amendment to this agreement or other written documentation, signed by both parties, prior to the termination date of the agreement. Time extensions to the agreement may be granted to the Sponsor by the Department in writing without the requirement of the Sponsor's signature.

#### NON-COMPLIANCE WITH THIS AGREEMENT

11. Failure by the Sponsor to comply with the terms of this agreement shall not cause the suspension of all obligations of the Department hereunder if, in the judgment of the Secretary of the Department, such failure was due to no fault of the Sponsor. In such case, any amount required to settle at minimum costs any irrevocable obligations properly incurred shall be eligible for assistance under this agreement, at the Department's discretion.
12. The Sponsor agrees to reimburse the Department for any and all funds the Department deems appropriate in the event the Sponsor fails to comply with the conditions of this agreement or project proposal as described or fails to provide public

benefits as indicated in the project application, proposal description or this agreement. In addition, should the Sponsor fail to comply with the conditions of this agreement, fail to progress due to nonappropriation of funds, or fail to progress with or complete the project to the satisfaction of the Department, all obligations of the Department under this agreement may be terminated, including further project cost payment.

**FINANCIAL ADMINISTRATION**

13. The Department hereby promises, in consideration of the covenants and agreements made by the Sponsor herein, to obligate to the Sponsor the amount of \$24,799.53, and to tender to the Sponsor that portion of the obligation which is required to pay the Department's share of the costs based upon the state providing 67 percent of the eligible project costs not to exceed \$25,000. The Sponsor hereby promises, in consideration of the promises made by the Department herein, to execute the project described herein in accordance with this agreement.
14. The Department will withhold 25% of the state share for final payment, subject to a determination that the planning project, final report, and any required audits have been completed satisfactorily.
15. The local share is the portion of the project costs to be paid by the Sponsor. State funds may not be considered part of the local share. Interest earned on fund advances under this grant cannot be considered part of the local share.
16. Accounting for planning project funds shall conform to generally accepted accounting principles and practices, and shall be recorded by the Sponsor in a separate account.
17. The Sponsor shall submit to the department a claim for payment on forms provided by the department within 6 months after the planning project end date.
18. All financial records, including invoices and canceled checks, that support all planning project costs claimed by the Sponsor, shall be kept and made available for inspection for 3 years after final payment.
19. The Sponsor must comply with all applicable local and state contract and bidding requirements.

**OTHER CONDITIONS**

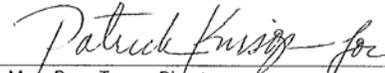
20. Return original agreement signed by the authorized official within 30 days of the date signed by the DNR representative below.

Check here if you request the advance payment of \$24,400.00 for LPL-1448-12.

The persons signing for the Sponsor represents both personally and as an agent of his or her Sponsor that he or she is authorized to execute this agreement and bind his or her Sponsor, either by a duly adopted resolution or otherwise.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
FOR THE SECRETARY

By:

  
Mary Rose Teves, Director  
Bureau of Community Financial Assistance

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date Signed)



\_\_\_\_\_  
(Date Signed)

ORDINANCE 2011-11-02: FOR NON-METALLIC MINING RECLAMATION

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**Nonmetallic Mining Reclamation Ordinance**

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**Nonmetallic Mining Reclamation Ordinance**

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## Nonmetallic Mining Reclamation Ordinance

### MODEL ORDINANCE FOR NON-METALLIC MINING RECLAMATION

- NOTES:
1. All **underlined, bracketed bold** sections require filling in a name, address, governmental body, amount of fee or other information.
  2. Shaded text shows comments or explanations.
  3. The 2006 amendments are reflected in this Model Ordinance. These are primarily to correspond to revisions to ch. NR 135, Wis. Adm. Code effective December 1, 2006. A few changes have also been made to correct typos or remove duplicate language in the previous Model Ordinance.
  4. This Model Ordinance is provided as a tool for NR 135 regulatory authorities to use or consider, but its use is **not mandatory**. Regulatory authorities are free to use other forms of nonmetallic mining reclamation ordinances, so long as they comply with the requirements of amended ch. NR 135, Wis. Adm. Code.

#### PART I - GENERAL

- SECTION 1            **1.00 Title.** Nonmetallic mining reclamation ordinance for the Village of Belleville.
- SECTION 2            **2.00 Purpose.** The purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Belleville after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.
- SECTION 3            **3.00 Statutory Authority.** This chapter is adopted under authority of Section 295.14(1), Wisconsin Statutes, Section NR 135.32, Wisconsin Administrative Code, and Section 61.34(1).
- SECTION 4            **4.00 Restrictions Adopted Under Other Authority.** The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining required by Section 295.12(1)(a), Stats. and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.
- SECTION 5            **5.00 Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.

*Explanatory Note to authors of ordinances regarding Sections 4 and 5: Consistent with s. 295.12(1)(a), Stats, a county or municipal ordinance enacted pursuant to Ch. NR 135, Wis. Adm. Code is the method of putting in place uniform statewide standards for nonmetallic mining reclamation. Now that reclamation programs are set up, reclamation should not be required or otherwise regulated under zoning or other controls. This chapter pre-empts future zoning approvals or conditional use permits as a means to establish reclamation requirements. Zoning or other approvals finalized before NR 135-authorized reclamation programs (like ones using this model ordinance as a guide) can continue, and are contemplated by s. NR 135.21(1)(d), Wis. Adm. Code. Future zoning approvals or conditional use permits may be used to regulate other aspects of nonmetallic mining such as siting or operations.*

## Nonmetallic Mining Reclamation Ordinance

- SECTION 6           **6.00 Severability.** Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.
- SECTION 7           **7.00 Applicability.**
- 7.10 Overall Applicability.** The requirements of this chapter apply to all operators of nonmetallic mining sites within the Village of Belleville and as provided in Sections NR 135.02(1) and (2), Wisconsin Administrative Code except where exempted in sub. 7.20.
- 7.20 Exemptions.** This chapter does not apply to the exempt activities listed in Section NR 135.02(3), Wisconsin Administrative Code.
- SECTION 8           **8.00 Administration.** The provisions of this chapter shall be administered by the Village Administrator
- SECTION 9           **9.00 Effective Date.** The provisions of this chapter shall take effect upon adoption.
- SECTION 10          **10.00 Definitions.** All definitions for the purposes of this chapter are those contained in Section NR 135.03, Wisconsin Administrative Code.

### PART II - STANDARDS

- SECTION 11          **11.00 Standards.** All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained in Subchapter II of Chapter NR 135, Wisconsin Administrative Code.

### PART III - PERMITTING

- SECTION 12          **12.00 Nonmetallic Mining Reclamation Permit Application Required.** No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to the applicable reclamation ordinance unless the activity is specifically exempted in subs. 7.10, 7.20 or 10(16)(b).
- 12.10 Required Submittal.** The operator of all nonmetallic mining sites shall apply for a reclamation permit from Village of Belleville. All reclamation permit applications under this section shall be accompanied by the information required by Section NR 135.18(1), Wisconsin Administrative Code.
- 12.20 Reclamation Permit Application Contents.** The operator of any nonmetallic mine site shall submit an application that meets the requirements of Sections NR 135.18(2), Wisconsin Administrative Code and the submittals required under sub. 12.10 to the Village Administrator prior to beginning operations.
- SECTION 13          **13.00 Reclamation Plan.**
- 13.10 Reclamation Plan Requirements.** All operators of nonmetallic mining sites subject to this chapter shall prepare and submit a reclamation plan that meets the requirements of Section NR 135.19, Wisconsin Administrative Code.
- 13.20 Existing Plans and Approvals.** To avoid duplication of effort, the reclamation plan required by sub. 13.10 may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.
- 13.30 Approval of Reclamation Plan.** Village of Belleville shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing as part of permit issuance pursuant to sub. 16.20. Conditional approvals of reclamation plans shall be made according to sub. 16.50, and

## Nonmetallic Mining Reclamation Ordinance

denials of reclamation plans made according to s. 17. The operator shall keep a copy of the reclamation plan required by this section, once approved by the Village under this chapter, at the mine site or, if not practicable, at the operator's nearest office or place of business.

### SECTION 14            **14.00 Financial Assurance.**

**14.10 Financial Assurance Requirements.** All operators of nonmetallic mining sites in Village of Belleville shall prepare and submit a proof of financial assurance of successful reclamation that meets the requirements of Section 135.40, Wisconsin Administrative Code.

**14.20 Private Nonmetallic Mines.** The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with s. 12 shall submit the proof of financial assurance required by sub. 14.10 as specified in the reclamation permit issued to it under this chapter.

**14.30 Public Nonmetallic Mining.** The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

### SECTION 15            **15.00 Public Notice and Right of Hearing.**

**15.10 Reclamation Plan Hearing.** The Village Board shall provide public notice and the opportunity for a public informational hearing as set forth in Sections NR 135.20(1) and (2), Wisconsin Administrative Code for any nonmetallic mining site for which a complete reclamation permit application that satisfies s. 12. is received.

**15.20 Local Transportation-Related Mines.** No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to sub. 16.30.

### SECTION 16            **16.00 Issuance of a Nonmetallic Mining Reclamation Permit.**

**16.10 Permit Required.** No person may engage in nonmetallic mining or nonmetallic mining reclamation in Village of Belleville, without obtaining a reclamation permit issued under this section, except nonmetallic mining sites exempt from this chapter as provided in sub 7.20.

**16.20 Permit Issuance.** Applications for reclamation permits for nonmetallic mining sites that satisfy s. 12. shall be issued a reclamation permit or otherwise acted on as provided in Section NR 135.21(2), Wisconsin Administrative Code. The permit shall require compliance with a reclamation plan submitted by the applicant that conforms with sub. 13.10, and provision by the applicant of financial assurance that conforms with s. 14 payable to Village of Belleville, prior to beginning mining.

**16.30 Automatic Permit for Local Transportation-Related Mines.** Belleville shall issue an automatic permit under this subsection for any borrow site operated to provide material for a locally-administered transportation project that meets the criteria in Section NR 135.23(1)(a), Wisconsin Administrative Code. This automatic permit shall be issued according to the provisions of Sections NR 135.23(1)(b) through (j), Wisconsin Administrative Code.

*Note: A reclamation permit is not required under this subsection for nonmetallic mine sites that are operated to provide materials for construction, maintenance and repair of transportation facilities that are subject to the Wisconsin Department of Transportation concerning restoration of the nonmetallic mining site, as provided by s. 295.16(1)(c), Stats. Plan review fees may not be assessed for local transportation-related mines permitted under this subsection, and the county or municipality may not assess them an annual fee under s. 27 that is greater than allowed by s. NR 135.23(1)fg), Wis. Adm. Code.*

**16.40 Expedited Review.** Any operator of a nonmetallic mining site may obtain an expedited review of a reclamation permit application by paying the expedited review fee specified in s. 25.20. The expedited review shall be carried out according to the provisions of Section NR 135.23(2), Wisconsin

## Nonmetallic Mining Reclamation Ordinance

Administrative Code. Such expedited review shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to s. 15.

**16.50 Permit Conditions.** Permits issued under this section may include conditions as provided in Section NR 135.21(2), Wisconsin Administrative Code. One required condition shall be that new mines shall obtain financial assurance prior to beginning mining pursuant to Section NR 135.40, Wisconsin Administrative Code.

SECTION 17      **17.00 Permit Denial.** An application for a nonmetallic mining reclamation permit shall be denied if any of the factors specified in Section NR 135.22, Wisconsin Administrative Code exist.

SECTION 18      **18.00 Alternative Requirements.**

**18.10 Scope of Alternative Requirements Approvable.** An operator of a nonmetallic mining site may request an alternative requirement to any reclamation standard established in s. 11.00. Such a request may be made only on the basis of the criteria set forth in Section NR 135.26(1), Wisconsin Administrative Code.

**18.20 Procedures.** The operator of a nonmetallic mining site requesting an alternate requirement in sub. 18.10 shall demonstrate all the criteria in Section NR 135.26(1), Wisconsin Administrative Code. This shall be submitted in writing to the Village Board.

*Note: Procedures that a county or municipality may wish to consider for review of alternate requirements include a municipal zoning Board of Appeals appointed under s. 62.23(7)(e), Stats. for cities, a village equivalent body constituted under s. 61.35, Stats., a county Board of Adjustment appointed pursuant to s. 59.694, Stats, or a town Board of Adjustment appointed pursuant to s. 60.65, Stats.. The county or municipality should, however, check with its legal counsel to make sure the body so designated has the necessary legal authority to make this review. Examples also exist in ss. 7.3 and 7.4 of the DNR's 1991 Model Floodplain Zoning Ordinance and ss. 6.6 and 6.665 of the DNR's 1994 Model Floodplain and Shoreland-Wetland Zoning Ordinance for Cities or Villages. Other bodies and procedures may, however, be selected by the regulatory authority, so long as they can carry out the functions specified in s. NR 135.26, Wis. Adm. Code and have authority for this review under Wisconsin law.*

**18.30 Transmittal of Decision on Request for Alternate Requirements.** The decision on a request for alternative reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternative requirement was or was not approved.

**18.40 Notice to Wisconsin Department of Natural Resources.** Village of Belleville shall provide notice to the Wisconsin Department of Natural Resources as provided in Section NR 135.26(3)(a), Wisconsin Administrative Code

SECTION 19      **19.00 Permit Duration.** A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to sub. 32.20, or as limited under Section NR 135.27, Wisconsin Administrative Code where the mine operator is not the landowner.

SECTION 20      **20.00 Permit Transfer.** A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the conditions in Section NR 135.28, Wisconsin Administrative Code.

SECTION 21

SECTION 22      **22.00 Review.** Any permitting decision or action made by Village Board under this chapter may be reviewed as set forth in Section NR 135.30, Wisconsin Administrative Code.

**Nonmetallic Mining Reclamation Ordinance**

**PART IV – ADMINISTRATION**

- SECTION 23      **23.00 Permit Modification.**
- 23.10 By Village of Belleville.** A nonmetallic mining reclamation permit issued under this chapter may be modified by Board of Trustees if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with this chapter. Such modification shall be by an order conforming with the procedures in s. 32 and as provided in Section NR 135.24(1), Wisconsin Administrative Code.
- 23.20 At the Operator's Option.** If the operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to Village Administrator. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.
- 23.30 Required by the Operator.** The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if required under the circumstances set out in Section NR 135.27, Wisconsin Administrative Code. Such application for permit modification shall be acted on using the standards and procedures of this chapter.
- 23.40 Review.** All actions on permit modifications requested or initiated under this section are subject to review under s. 22.
- SECTION 24      **24.00 Permit Suspension or Revocation**
- 24.10 Grounds.** Belleville may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds any of the grounds listed in Section NR 135.25(1), Wisconsin Administrative Code.
- 24.20 Procedures.** If the Board of Trustees finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in sub. 25.10, it may issue a special order suspending or revoking such permit as set forth in sub. 32.20.
- 24.30 Consequences.** The consequences of a reclamation permit suspension or revocation order under sub. 24.20 shall be as set forth in Sections NR 135.25(2) and (3), Wisconsin Administrative Code.
- SECTION 25      **25.00 Annual Operator Reporting.**
- 25.10 Contents and Deadline.** Annual reports shall be submitted by the operators of nonmetallic mining sites that satisfy the requirements of Section 135.36, Wisconsin Administrative Code. These reports shall be for reclamation during a calendar year, and submitted in writing within 60 days of the end of each calendar year. Annual reports shall be submitted until reclamation at each nonmetallic mining site is certified as complete under sub. 29.30.
- 25.20 Inspection in Lieu of Report.** The Board of Trustees may, at its discretion, obtain the information required in sub. 25.10 by written documentation of an inspection it completes during a calendar year, as set forth in Section NR 135.36(4), Wisconsin Administrative Code.
- 25.30 Retention of Annual Reports.** Annual reports submitted under this section or inspection records that replace them shall be retained by Village of Belleville for at least 10 years after the calendar year to which they apply. These records, or accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.
- SECTION 26      **26.00 Plan Review Fees.**
- 26.10 Amount and Applicability.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under s. 12. shall submit a non-refundable plan review

## Nonmetallic Mining Reclamation Ordinance

fee as set in the fee schedule. No plan review fee may be assessed under this section any local transportation-related mine issued an automatic permit under sub. 16.30. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to s. 23.

*Note: The prohibition on plan review fees for existing and local transportation-related mines is required under ss. NR 135.23(1)(g), Wis. Adm. Code.*

**26.20 Expedited Plan Review Fee.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under s. 12. may obtain expedited reclamation plan review by paying a fee as determined the Village's fee schedule. Such fee shall be in addition to that required in sub. 26.10.

**26.30 Relation to Annual Fee.** Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under s. 27.

*Note: Plan review fees collected under this section are required under s. 295.12(3)(e)1.a. to equal as closely as possible the cost of examination and approval of such plans. Section 295.15, Stats. requires the regulatory authority to use its fees only for the administration of its reclamation ordinance. Section NR 135.39(4)(b)1., Wis. Adm. Code requires that fees collected by the regulatory authority be used only for reasonable expenses associated with administration of its reclamation program.*

## SECTION 27

### 27.00 Annual Fees.

**27.10 Areas Subject to Fees, Procedures, Deadline and Amount.** Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter to Village of Belleville. These fees shall be calculated based on amount of unreclaimed acres of each site, as defined in Section NR 135.39(1)(a), Wisconsin Administrative Code and according to its provisions. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under s. 29. Fees shall be paid no later than January 31 for the previous year.

**27.20 Wisconsin Department of Natural Resources Share of Fee.** Fees paid under this section shall include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Section NR 135.39(3), Wisconsin Administrative Code. For sites on which no nonmetallic mining has taken place during a calendar year, fees to be paid under this section for the following year shall be \$15.00. Village of Belleville shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31.

**27.30 Belleville's Share of Fee.** (1) Fees paid under this section shall also include an annual fee due to Village of Belleville which shall be on an unreclaimed-acre basis, and listed in the schedule of fees.

Note: Section NR 135.39(4)(b)preamble1, Wis. Adm. Code further requires that annual fees must equal as closely as possible the county or municipality's expenses to administer the program, including but not limited to the examination and approval of plans, cost to ensure compliance, inspecting nonmetallic mining sites and administering the reclamation program set up under this ordinance. Section NR 135.39(4)(b)1., Wis. Adm. Code also provides the county or municipality may use these fees only for reasonable expenses associated with administration of a nonmetallic mining reclamation program.) [Comment – the previous language on the basis of fees reflects 2006 revisions to NR 135. Regulatory authorities may want to repeat this as a Note to this subsection.]

(2) The annual fee collected by Village of Belleville under this subsection for local transportation-related mines issued permits under sub. 16.30 may not exceed the amounts set forth in Table 2 of Section NR 135.39 and shall include both a share for the Wisconsin Department of Natural Resources and Belleville.

*Note: This is required by s. NR 135.23(1)(g), Wis. Adm. Code.*

**27.40 Reduced Fee for Inactive Mines.** Any site on which no nonmetallic mining activity has taken place in a calendar year shall be assessed a fee for the following calendar year on a per-acre basis as listed in the fee schedule.

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- SECTION 28            **28.00 Regulatory Reporting and Documentation.**
- 28.10 Reporting.** Village of Belleville shall send an annual report to the Wisconsin Department of Natural Resources including the information required by Section NR 135.37, Wisconsin Administrative Code by March 31 for the previous calendar year.
- 28.20 Documentation.** Village of Belleville shall, to the best of its ability, maintain the information set forth in Section NR 135.47(3), Wisconsin Administrative Code, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Belleville's reclamation program pursuant to Section NR 135.47, Wisconsin Administrative Code.
- SECTION 29            **29.00 Completed Reclamation - Reporting, Certification and Effect**
- 29.10 Reporting.** The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code.
- 29.20 Reporting of Interim Reclamation.** The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in sub. 29.10.
- 29.30 Certification of Completed Reclamation.** Village of Belleville shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with Section NR 135.40(7)(c), Wisconsin Administrative Code. If it is determined that interim or final reclamation is complete, including revegetation as specified in a plan that conforms with s. 13, the Village of Belleville shall issue the mine operator a written certificate of completion.
- 29.40 Effect of Completed Reclamation.** If reclamation is certified by Village of Belleville as complete under sub. 29.30 for part or all of a nonmetallic mining site, then:
- (1) No fee shall be assessed under s. 27 for the area so certified.
- (2) The financial assurance required by s. 14 shall be released.
- 29.50 Effect of Inaction Following Report of Completed Reclamation.** If no written response as required by sub. 29.30 for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to Village of Belleville for it under s. 27 shall be refunded.
- SECTION 30            **30.00 Permit Termination.** When all final reclamation required by a reclamation plan conforming to s. 13 and required by this chapter is certified as complete pursuant to sub. 29.30, Village of Belleville shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

**PART V - ENFORCEMENT**

- SECTION 31            **31.00 Right of Entry and Inspection.** For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this chapter, any authorized officer, agent, employee or representative of Village of Belleville may inspect any nonmetallic mining site subject to this chapter as provided in Section 295.17(1), Wisconsin Statutes and Section NR 135.42, Wisconsin Administrative Code.

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*Note: Under section NR 135.42(1), Wisconsin Administrative Code, persons entering nonmetallic mine sites under this right of inspection shall obtain training and provide their own safety equipment as needed to comply with applicable federal, state and local laws or regulations.*

SECTION 32

**32.00 Orders and Citations.**

**32.10 Enforcement Orders.** Village of Belleville may issue orders as set forth in Section 295.19(1)(a), Wisconsin Statutes to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter. A violation of this chapter, an order or permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.

**32.20 Special Orders.** Village of Belleville may issue a special order as set forth in Sections 295.19(1)(b) and (c), Wisconsin Statutes suspending or revoking a nonmetallic mining reclamation permit pursuant to s. 24, or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code or this chapter until the necessary plan approval is obtained.

**32.30 Review of Orders.** An order issued under sub. 32.10 or sub. 32.20 may be reviewed as provided in Section NR 135.43(2), Wisconsin Administrative Code.

**32.40 Citations.** Village of Belleville may issue a citation under s. 66.119, Stats. and the general penalty ordinance to collect forfeitures or require any action needed to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

**32.50 Enforcement.** Village of Belleville may submit any order issued under s. 32 to the district attorney, the municipal attorney or the attorney general for enforcement for enforcement as provided in Section 295.19(1)(d), Wisconsin Statutes.

SECTION 33

**33.00 Penalties.** Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter may result in forfeitures as provided in Section 295.19(3), Wisconsin Statutes.

# FOCUS

**brief** 10.31.2011 • No. 21

Cold weather will soon bring December property tax bills. While property taxes always lead to some taxpayer confusion, this summer's "Madison talk" of a tax "freeze" has some taxpayers expecting that bills will be unchanged. Provisions in the 2011-13 state budget will result in below-average increases in property taxes statewide, but taxpayers anticipating an unchanged tax bill will likely be disappointed.

## Capitol notes

■ The U.S. Census Bureau released its 2009 state-local government finance report recently. Wisconsin's tax rank rose from 11th to ninth highest in the latest rankings. See upcoming Focus newsletters for detailed tax and spending information.

■ The Wisconsin Department of Revenue (DOR) is discontinuing its annual mailing of income tax forms. Forms and instructions for 2011 will be available online at the DOR website and at participating libraries.

■ Gov. Walker has appointed Tim Higgins (Appleton), Gary Roberts (Onalaska), and Gerald Whitburn (Wausau) to the 18-member University of Wisconsin System Board of Regents. Each is subject to state senate confirmation and, if confirmed, would serve a seven-year term.

■ In a recent opinion, state Attorney General J.B. Van Hollen (R) has found that recall efforts and any subsequent balloting for governor and lieutenant governor must treat the two as individual candidates—and not as a party "ticket," as is the norm in fall general elections.

## When a tax freeze is not a freeze

It's property tax time again in Wisconsin. Local governments are busy passing 2012 budgets and setting tax levies. Tax bills will arrive in December, triggering another round of that cold-weather malady: property tax confusion.

This year's case of confusion could be worse than usual. This is due to a so-called "tax freeze" included in last summer's state budget, casual remarks from state lawmakers in the months that followed, and the inherently confusing nature of local government in a state with almost 3,000 governmental units. Regardless, taxpayers expecting a freeze in December tax bills are likely to be disappointed.

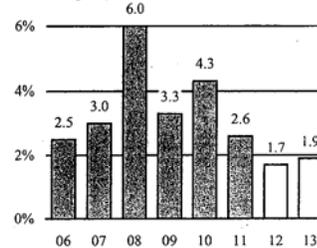
### 2011-13 budget changes

The 2011-13 state budget included provisions to slow property tax growth. Some of these changes were characterized as a property tax freeze. But it would be more accurate to describe them as a tightening of existing property tax limits.

□ **Schools.** Since 1993-94, school district revenue limits have tied allowable school tax increases to inflation, enrollment, and state aid. Revenue caps restrict the total amount of revenue a district can collect from a combination of general state aid and property taxes. The more state aid increases, the less districts can increase taxes and vice versa. The 2011-13 state budget added a new wrinkle, cutting—for the first time—the allowable amount of revenue districts could collect.

□ **Other Locals.** Municipalities and counties have also been subject to property tax limits ("levy limits") since 2006. These restrict county and municipal tax increases to the greater of the percentage change in net new construction or a

**Tax Increases Expected to Slow**  
Net Property Tax Levy Changes, 2006-13



Note: 2012 and 2013 are July 2011 LFB estimates.

specified statewide percentage. The state budget reduced the latter from 3.0% in 2010-11 to 0.0% in 2011-12 and after, but it kept the allowance for new construction. The budget also limited technical college taxes to last year's tax levy or tax rate.

When state leaders talked of a tax freeze this summer, some were referring solely to a reduction in county and municipal levy limits from 3% to 0%. However, many citizens took those comments to mean that (1) tax levies for all local taxing units (municipal, county, school, etc.) would be unchanged; (2) individual property tax bills would be frozen; or (3) the total tax levy statewide would be unchanged. The new state-imposed limits do not necessarily ensure any of these. Part of the reason is that property tax bills combine levies from schools, municipalities, counties, technical colleges, and other small taxing units.

### Local limits tightened

Reducing the allowable increase in county and municipal taxes from 3% last year to 0% this year might lead some taxpayers to expect their property taxes would be frozen. But history shows that annual municipal and county levy increases generally exceed the state-imposed limit.

The table (right) shows actual municipal and county tax levy increases since 2006, the statewide net new construction percentage, and the levy limit percentage for each year (shaded columns).

As shown, tax increases have exceeded the levy limit percentage set by the state annually, except in 2011. This is partly due to new construction rates exceeding the state-specified percentage. For example, if a community last year had new construction equal to 4% of its value, its tax levy was allowed to increase 4%. On the other hand, if the community had no new construction, it could still raise taxes by last year's state-specified percentage of 3%.

The table also shows years when tax increases have exceeded new construction rates and the state-imposed percentage. This mostly reflects a rarely mentioned exception to levy limits that allows taxing to raise money for general obligation (GO) debt. In other words, debt service is not subject to the state's levy limit law.

For 2012, net new construction is 0.7% and the levy limit exception for debt service remains. In July, the Legislative Fiscal Bureau (LFB) estimated statewide municipal and county tax levies would each rise 2.0% in 2011-12 (taxes levied in December 2011). However,

**Tax Levies Exceed Levy Limit**  
Muni. and Cty. Tax Levies (Millions), 2006-2013

Year	Municipal		County		New Const.	Levy Limit
	Levy	Chg.	Levy	Chg.		
2006	\$2,028.6	4.1%	\$1,671.1	3.5%	2.8%	2.0%
2007	2,099.9	3.5	1,723.9	3.2	2.9	2.0
2008	2,201.7	4.8	1,800.8	4.5	2.4	3.9
2009	2,299.0	4.4	1,856.1	3.1	1.9	2.0
2010	2,372.5	3.2	1,914.6	3.2	1.3	3.0
2011	2,422.2	2.1	1,951.4	1.9	0.8	3.0
2012	2,471.6	2.0	1,990.5	2.0	0.7	0.0
2013	2,528.4	2.3	2,036.6	2.3	na	0.0

Note: 2012 and 2013 are LFB estimates.

increases will vary by community depending on new construction rates and debt issued.

**School limits reduced**

As mentioned, school revenue limits differ from county and municipal limits. By cutting the per student revenue ceiling by 5.5% this year, the amount of money districts can collect from state aid and property taxes was reduced.

Although the lower revenue limit will result in school taxes rising less than they would have in prior years, property tax changes will vary by district because of how the state school aid formula works. Statewide, school property taxes are estimated to rise just 0.6% in 2011-12 and 1.2% in 2012-13, according to the LFB.

When all local levies are combined, net property tax increases are expected

to be 1.7% in 2011-12 and 1.9% in 2012-13. Although the increases are below-average, they do not represent a freeze: Levies do not remain unchanged from one year to the next.

**Individual tax bills**

Even if municipal, county, technical college, and school levies did not change from last year, individual tax bills could still rise or fall. This is because relative change in property values can result in tax shifting among individual properties.

To illustrate: If the value of one property rises more than others in a community, that property accounts for a new, larger share of community property value and has to pay a larger share of total property taxes. This kind of tax shifting due to property value change occurs not only among properties in a single community, but also among municipalities in a county or school district.

**Bottom line**

In the face of stubbornly high unemployment and a soft housing market, state budget changes that limited property tax growth to below-average levels should be welcome news for homeowners. Calling these changes a tax freeze, however, confuses taxpayers expecting no tax increase in December.

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