

VILLAGE OF BELLEVILLE
SPECIAL MEETING of the VILLAGE BOARD – NOTE DATE & TIME
Wednesday, September 28, 2011 at 5:30 P.M.
Village Hall - 24 West Main Street

AGENDA

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

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

6. **Unfinished Business:**
 - a. Proposed Budget 2012 Introduction
7. **New Business:**
 - a. Resolution 2011-09-07 Authorizing The Borrowing Of Not To Exceed \$650,000; And Providing For The Issuance And Sale Of Special Assessment B Bonds Therefor (Refinancing of Bond Anticipation Notes for Baker's Woods Non-TID Area)
 - b. Proposed Resolution 2011-09-06: Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers
 - c. Approval of Assignment of Verizon Wireless Land Lease Agreement
8. ADJOURN TO CLOSED SESSION for Discussion with Village attorney of options for working with the Baker's Woods developers to address unpaid fees and possible development assistance per 19.85(1)(g) and 19.85(1)(e) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
9. RECONVENE TO OPEN SESSION for possible action on items discussed in closed session
10. Adjournment

-By Howard Ward, Village President

*THE VILLAGE IS IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT.
Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services.
To request this service, contact Village Hall at 24 W. Main Street, Belleville, WI 53508 by 2:00 p.m. the Friday
prior to the meeting so that necessary arrangements can be made to accommodate each request.*

***Final agenda will be posted by 4 p.m. Friday preceding the meeting at these locations:
Bank of Belleville, Sugar River Bank, Village Hall, Library, Village of Belleville Web site.***

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RESOLUTION 2011-09-07 AUTHORIZING THE BORROWING
OF NOT TO EXCEED \$650,000; AND
PROVIDING FOR THE ISSUANCE AND SALE OF
SPECIAL ASSESSMENT B BONDS THEREFOR

WHEREAS, on October 26, 2010 the Village of Belleville, Dane and Green Counties, Wisconsin (the "Village") issued its \$600,000 Bond Anticipation Notes (the "2010 Notes") for the purpose of providing interim financing to pay a portion of the costs of constructing a sewer interceptor, capitalized interest and bond issuance costs (the "Project");

WHEREAS, the Village has levied special assessments, pursuant to Section 66.0703 of the Wisconsin Statutes, against properties within certain areas benefited by the Project;

WHEREAS, Section 66.0713 of the Wisconsin Statutes permits the issuance of area grouped special assessment B bonds to anticipate the collection of special assessment installments; and

WHEREAS, the Village deems it desirable and in its best interest to issue special assessment B bonds to finance the cost of refinancing the 2010 Notes.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village that:

Section 1. Authorization of the Bonds. For the purpose of providing permanent financing for a portion of the cost of the Project by refinancing the 2010 Notes, there shall be borrowed pursuant to Section 66.0713 of the Wisconsin Statutes, the principal sum of not to exceed SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000) from a purchaser to be determined by subsequent resolution of this Village Board (the "Purchaser").

Section 2. Sale of the Bonds. To evidence such indebtedness, the Village President and Village Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the Village, special assessment B bonds aggregating the principal amount of not to exceed SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000) (the "Bonds").

Section 3. Award of the Bonds. The Village Administrator (in consultation with the Village's financial advisor, Ehlers & Associates, Inc.) shall prepare or cause to be prepared offering materials for the Bonds, solicit bids or proposals for the purchase of the Bonds and take other actions necessary for the sale and award of the Bonds on or October 10, 2011.

Section 4. Prior Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Village or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 28th day of September, 2011.

Howard Ward
Village President

(SEAL)

ATTEST:

April Little
Village Clerk

6854398_1

VILLAGE OF BELLEVILLE RESOLUTION 2011-09-06:

**PRELIMINARY RESOLUTION DECLARING INTENT
TO EXERCISE SPECIAL ASSESSMENT POWERS**

BE IT RESOLVED, by the Village Board of the Village of Belleville, Dane and Green Counties, Wisconsin, that:

1. The Village of Belleville, by its Village Board, hereby declares its intention to exercise its police power pursuant to Wis. Stat. § 66.0703, and Title 2, Chapter 3 of the Village of Belleville Code of Ordinances (the "Code"), to levy special assessments against some or all of the property described in Attachment A, for benefits accruing to such property by the construction public improvements, including the Westside Sanitary Sewer Interceptor, lift station, and associated utilities; water main extension; a traffic impact analysis; and highway improvements to CTH PB and STH 69 (the "Public Improvements"). The special assessments may include the direct and indirect cost of the Public Improvements, the resulting damages, the interest on bonds or notes, charges for the administrative staff of the Village, and the cost of any engineering and legal services, and any other item of direct or indirect cost that may reasonably be attributed to the Public Improvements.
2. On September 20, 2010, the Village Board of the Village of Belleville levied special assessments to pay for some of the Public Improvements. As a result of differences between estimated and actual project costs, and change to the scope of the Public Improvements actually constructed, the Village Board intends to reopen those previously levied special assessments, and to levy new special assessments for the Public Improvements.
3. Whether the assessments will be deferred or not and whether the assessments will be payable in installments will be determined following the completion of a final special assessment report and following the public hearing required by Section 3-2-5 of the Code.
4. The Village Engineer is directed to prepare a final report consisting of:
 - a. Plans and specifications for said Public Improvements;

- b. Final costs of the Public Improvements where available, and an estimate of the entire cost of the Public Improvements;
 - c. A schedule of the proposed assessments;
 - d. A statement that the property against which the assessments are proposed is benefited.
5. Upon completion of such report, the Village Engineer is directed to file copies thereof in the office of the Village Clerk for public inspection.

The above and foregoing Preliminary Resolution was duly adopted at a meeting of the Village Board on the ____ day of _____, 2011.

VILLAGE OF BELLEVILLE

By: _____
Howard Ward, Village President

ATTEST

By: _____
April Little, Village Clerk

ATTACHMENT A
PROPERTY SUBJECT TO SPECIAL ASSESSMENT

Baker's Woods TID Area

Lot 1, Certified Survey Map No. 12757, recorded in the Dane County, Wisconsin Register of Deeds office in Volume 80 of Certified Survey Maps, pages 292-294, as Document No. 4592120, located in the Village of Belleville, Dane County, Wisconsin.

Baker's Woods Non-TID Area

Part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), Part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4), Part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) Part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) Part of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) and Part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 33, Township Five North (T5N), Range Eight East (R8E), Village of Belleville, Dane County, Wisconsin. More particularly described as follows:

Commencing at the Northeast 1/4 Corner of Said Section 33; Thence N89°37'48"W along the North line of the Northeast Quarter (NE 1/4) of said Section 33, 1314.56 feet to the Northwest Corner of the Northeast Quarter of the Northeast Quarter; Thence S00°43'00"W along the west line of the said Northeast Quarter, 849.11 feet to the point of beginning; Thence continuing along said west line, S00°43'00"E, 1380.99 feet; Thence N89°41'06"W, 458.59 feet; Thence N00°01'48"E, 5.00 feet; N89°41'06"W, 852.22 feet; Thence S00°34'12"W, 193.79 feet; Thence S25°01'06"E, 311.62 feet; Thence S55°25'46"E, 247.93 feet; Thence S00°05'46"W, 560.71 feet; S89°44'30"E, 58.09 feet; Thence S00°07'24"W, 343.19 feet; Thence N26°22'05"W, 183.57 feet; Thence N89°41'28"W, 639.59 feet; Thence N00°18'27"E, 2877.24 feet to a meander point; Thence along said meander line, N81°19'39"E, 191.77 feet; Thence continuing along said meander, S67°10'53"E, 287.82 feet; Thence continuing along said meander, N80°36'22"E, 451.86 feet; Thence continuing along said meander, S63°45'50"E, 382.98 feet; Thence continuing along said meander, N82°37'36"E, 355.48 feet; Thence continuing along said meander, S83°13'00"E, 204.15 feet to the point of beginning.

Parcel within the limits of the meander line contains 3,602,246.82 Square Feet or 82.696 Acres. Parcel including lands north of the meander line contains 3,759,231.90 Square Feet or 86.300 Acres.

Bell West TID Area

Lots 5, 6, 7, 8, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 in the Plat of Bell West, Village of Belleville, Dane County, Wisconsin.

Bell West Non TID Area

Lots 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 in the Plat of Bell West, Village of Belleville, Dane County, Wisconsin.

Shamrock Hills Property

All lots within the Plat of Phase 1 of Shamrock Hills, Village of Belleville, Dane County, Wisconsin, and

All lots within the Plat of Phase 1 of Shamrock Hills, Village of Belleville, Dane County, Wisconsin.



Mark A. Biesiada
Direct: 312.660-9619
MBIESIADA@GINSBERGJACOBS.COM

September 15, 2011

Via Fed Ex

Village of Belleville
24 West Main Street
Belleville, WI 53508
Attention: April Little

Re: Land Lease Agreement dated June 6, 2011 between Village of Belleville and Verizon Wireless Personal Communications LP, d/b/a Verizon Wireless ("Lease")
602 West Church Street, Belleville, WI ("Property")
Site Name: Belleville

Dear April:

This letter shall provide information to you regarding the proposed transfer of Lease interest from Verizon Wireless to Central States Tower II, LLC ("CST"). Verizon Wireless intends to transfer its interest in the Lease to CST in order for CST to install and manage the communications tower and the existing lease area. The proposed transfer is necessary in order to have the tower installed and communications service on air soon. As you are aware, the commencement of construction shall trigger the "Commencement Date" under the Lease and your right to receive the monthly rent payments.

Upon the transfer of the lease interest to CST, Verizon Wireless would in turn sublease space back from CST within the designated 40' by 41' lease area, as it is referenced in the Lease, for the installation of its equipment shelter as well as the space on the tower and use of the easements as designed in Exhibit A and depicted in Exhibit B to the Lease. Section 23 of the Lease requires that Verizon Wireless obtain the consent of the Lessor for transfers of the Lease to unrelated business entities. CST is not an affiliate of Verizon Wireless, but is a national tower owner and management company that partners with Verizon Wireless with respect to the development of some communications sites. CST is not a wireless carrier but is a tower ownership and management company. Verizon Wireless shall make the installation of its equipment shelter, antennas and necessary utilities per the plans previously approved by the Village of Belleville and pursuant to the building permit and zoning approval granted by Dane County. Upon commencement of construction, the Commencement Date in the Lease would be set and you would be entitled to receive rent payments directly from CST. Verizon Wireless would not be required to lease additional space (aside from what it shall sublease from CST) and shall not be required to enter into a separate agreement with you. In the event that CST obtains a commitment from additional wireless carriers to sublease space and collocate on the tower, such transactions would be subject to Section 23 of the Lease.

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I have enclosed the Consent document for your review and signature. The document is required by Verizon Wireless and CST in order to evidence the transfer of the Lease interest. If the proposed Consent document is acceptable to you, please execute three copies of each where indicated and return the executed documents in the enclosed envelope with prepaid postage. Any help in expediting the review and approval would be greatly appreciated as Verizon Wireless and CST intend to perform the installation of the tower soon. If you have any questions regarding the enclosed, please do not hesitate to contact me. Thank you for your attention to this request.

Very truly yours,



Mark A. Biesiada

Enclosures