

MINUTES OF REGULAR VILLAGE OF BELLEVILLE BOARD MEETING
HELD TUESDAY, **SEPTEMBER 6, 2011** AT
7:00 P.M. VILLAGE HALL - 24 WEST MAIN STREET

REGULAR MEETING OF THE BOARD

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: Ed Short-EDI, Lance Williston-CDA & PC, Jim Root, Rick Francois, Mike Tretow, Herb Blaser, Jill Wennesheimer-ADA, Village Attorney Matt Dregne, Carolyn Hegge Madison Family Medicine Residency Corp. (MFMRC), and Linda Haskins- MFMRC
4. Posting of Open Meeting Notice - The Clerk stated that the meeting has been noticed as required by law.
5. Visitors Who Would Like to Speak Now – None.
6. Visitors Who Would Like to Speak on an Agenda Item – No discussion.
7. **Consent Agenda:** *Trustee Kazmar made a motion to approve; seconded by Trustee Wilcox. Motion carried.*
 - a. Approval of Minutes (August 15, 2011)
 - b. Approval of Bills for August 2011
8. Committee Reports – Lance Williston: Liaise Committee is moving forward with its work.
9. **President’s Report** – President Ward said a local Eagle Scout candidate is interested in working to build a nature trail back by Village-owned land near the northwest side of the lake; there is some DNR interest in assisting. A tour will be held in October.
10. **Administrator/Clerk/Treasurer’s Report** – Budget schedule is ready; note two special meeting dates with Ehlers on September 21 and October 10. Budget issues could also be reviewed at those times.
11. **Unfinished Business:**
 - a. **Lake Restoration / West Lake Dredging Projects Update** – Siggi Sigmarsson from Montgomery Associates presented an update. Most construction work is complete and grass is coming up well. Habitat restoration work will occur in fall. River dredging project is out to bid and coming before Village Board October 3.

However, purple loosestrife is growing in the river near Community Park, which is an invasive species. DNR has requested the Village look at addressing the situation. It can be a threat to downstream wetlands and possibly the lake area if it jumps the

berm. A few options were presented: 1) Have the contractor, NES, remove the plants and herbicide them. They propose doing this for \$6700. A grant could cover 67 percent of the costs. This would be the best control option, but highest cost. 2) Recruit volunteers to cut the loosestrife; costs are lower but needs coordination. 3) Village staff could cut seed heads but this is also limited in effectiveness. 4) Do nothing.

Village is not technically obligated to eradicate purple loose strife in the river, but it is shallow enough the plants could survive. It is not part of NES' restoration contract currently. There is also beetle control, but that would be a long-term solution. Trustee *Kazmar made a motion to go with NES for control for \$6700 and apply for DNR grant to manage the purple loosestrife; seconded by Trustee Ziegler. Water levels rising will discourage germination. Motion carried.*

River dredging must be done by March 1. After the work is done, the lake can be filled, which will help discourage undesirable plants. The low spots will be filled in at the park in late September.

12. **ADJOURN TO CLOSED SECTION** for discussion with Village Attorney, pursuant to Wis. Stat. sections 19.85(1)(g) and 19.85 (1)(e), to discuss options for working with the Baker's Woods developers to address the collection of unpaid fees and possible development assistance in platting the Baker's Woods development, and to discuss possible negotiations with the Bell West developers regarding amending the Agreement to Undertake Development in Tax Increment District No. 3. – *Trustee Ziegler made a motion to go into closed session; seconded by Trustee Kazmar. Motion passed unanimously on a roll call vote.*
13. **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 Wilcox. Motion carried. Resumed open session 9:31 PM.*

PUBLIC HEARING

1. Call Public Hearing to Order - The hearing was called to order by Village President Howard Ward at 9:38 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. **Public Hearing on Consideration of Amending the Special Assessments Levied and Installment Payment Schedules incorporated in Resolution Nos. 2010-09-04, 2010-09-05, 2010-09-06(A), and 2010-09-06(B), adopted September 20, 2010, relating to the Bell West Development (THEA Group LLC) and Baker's Woods Development (John D. Baker and James R. Olson)** – Matt Dregne said that some cost issues were subsequently identified and special assessment report must be updated. It needs to reflect actual costs subsequent to the original report. The Village Board will adjourn the hearing to October 17 to update these reports. No one in the audience spoke.
4. Adjourn Public Hearing – *Trustee Ziegler made a motion to adjourn the hearing to October*

17; seconded by Trustee Kazmar. Motion carried.

RESUMPTION OF REGULAR MEETING OF THE BOARD (Immediately Followed Hearing)

14. Unfinished Business:

- B. First Amendment to Agreement to Undertake Development In Tax Increment District No. 3 (Bell West Development – West Side Neighborhood) – Tabled.** Must be consistent with final report as mentioned.
- c. Future Use of UW Clinic Building at 21 S. Vine Street / Appraisal –** Carolyn Hegge of Madison Family Medicine Residency Corp: the Village has an option to purchase the former clinic outstanding since 1993 and has 90 days from vacation to exercise its option. Village would have to purchase the clinic and house property. Price would need to be determined by two appraisals. They will check further into the lease agreement about the current tenant situation. Village Board asked the clinic to bring back their appraisal. The Village could waive its right to obtain its own appraisal and had no objections to their request regarding their appraisal qualifications.
- d. Major Elevator Repair at Belleville Library –** President Ward had prepared some new bid estimates for elevator repair. Will bring a proposal regarding use of grant funds to Dane County CDBG committee for consideration of use of awarded grant funds.
- e. Proposed Budget Resolution 2011-1 –** Trustee Ziegler made a motion to approve the budget resolution 2011-1; seconded by Trustee O'Brien. Motion carried.
- f. Stormwater Utilities Update –** Will target next month's billing to implement.

15. New Business:

- a. Consideration of Resolution 2011-09-01 – Amended Final Resolution Levying Special Assessment against Benefited Property – Bell West TIF Area; Resolution 2011-09-02 – Amended Final Resolution Levying Special Assessment against Benefited Property – Bell West Non-TIF Area; Resolution 2011-09-03 – Amended Final Resolution Levying Special Assessment against Benefited Property – Baker's Woods TIF Area; Resolution 2011-09-04 – Amended Final Resolution Levying Special Assessment against Benefited Property – Baker's Woods Non-TIF Area – Tabled.**
- b. Consideration of Tax Agreement Amendment Request from Madison Family Medical Residency Corp. (MFMRC) –** [considered after lake update]. Present were Carolyn Hegge and Linda Haskins, MFMRC – They are representing the developers for the new clinic project. All lots in Bell West are subject to a tax agreement. They are requesting an amendment to paragraph 4 in order to apply for a real property tax exemption. Village and THEA group must agree, and THEA is willing to agree. Dregne said there is a method for calculating payments. When the TIF no longer exists, it requires them to pay Village portion of taxes only. He is recommending the Village not do this when TIF is operational because Village is relying on tax

increment. After TIF expires, this could be revisited, and then the lesser amount could be allowed. It would otherwise require a very complicated calculation methodology. He is leery of amending the agreement for only one parcel. It may need to apply to all afterward. It would be better to wait to the TIF is closed.

Hegge – the board is volunteer; they would like it in place if possible now for tracking purposes. The agreement now says they will not apply for exempt status. If this was amended with a deferred date, the practical effect is that the Village's share only would be paid. Only the Village would collect taxes at that point.

When the TIF expires, anyone would be allowed to apply for exempt status. The agreement is designed to last after the district is closed. During TIF, all revenue goes to the TIF. The intent is to removing prohibition on **application** for tax-exempt status. Agreeing would set a precedent. Once the TIF expires, the property owner could apply for exempt status – it would be submitted to the assessor for decision. Payment would be made to the Village for services based on the mil rate.

The policy decision is the impact on taxing jurisdictions after closure. Other jurisdictions would not receive revenue; but they have no ramifications to come after the Village. The Village's rationale was that it protected the other jurisdictions. An amendment approved 18 years from now will not change; they will have right to go to assessor without need for an amendment. It will not be a direct fiscal impact on Village; Village would receive same amount of revenues whether it approved the request or not.

Dregne recommended delaying effective date until after TIF expires at least. The agreement would require them to pay an amount to the Village. The Village Board could make a decision that allows MFMRC to apply to the assessor for tax-exempt status now. Village would not lose money either way. Question about transferability. Dregne said it should apply to property; it runs with the land. The tax agreement applies to all of the lots. What applies is whether they have the right to apply for exempt status. Hegge said an affirmative decision would provide a level of certainty. *Trustee Kazmar made a motion to not consider the tax agreement request from MFMRC; seconded by Trustee Kattre. Motion carried with Trustee Ziegler voting no.*

- c. **Far West Side Development STH 69/92 / CTH PB Improvement Funding Issues / Options** – Tabled to later meeting.
- d. **Introduction of Intergovernmental Agreement with Town of Montrose** – A map was presented indicating joint planning areas and rural planning areas where the Village agrees that we will not pursue development. In joint planning areas, there would be a town-Village planning area to address any development. The town's taxes paid would be twice as under the state law. The rural planning area would not have annexations. The joint planning areas say it should be planned for future Village's annexation and development. Outside of it, the Village will not annex the territory. The joint planning committee would need to make recommendations back to other bodies before town could approve a new subdivision. If approved by Village and town, then they would come to agreement on the joint planning area within a year. Both Village and town comprehensive plans would be jointly negotiated. If either does not adopt a plan, the agreement goes away. Village representatives will meet

with town on their input. The map would be an attachment to the agreement.

- e. **Introduction: Proposed Ordinance 2011-09-01: Creating Sections of the Belleville Municipal Code Relating to Lake Belle View Boating Regulations** – Before passage by Village, 60 days notice must be given to DNR for their review as it involves state laws and regulations. The current ordinance as drafted institutes slow-no-wake and electric motors only.

16. Other Business:

- a. Future meeting dates were noted.
- b. Questions and Items for Referral – Downtown Flags – comments were received from the public - referred to committee for discussion. Jerry Judd wished to come to Village Board to comment on past utilities expenditures issues.

17. Adjournment – *Trustee O'Brien made a motion to adjourn; seconded by Trustee Wilcox. Motion passed unanimously. The meeting was adjourned by President Ward at 10:25 PM.*

By April Little, Administrator/Clerk/Treasurer

These minutes were approved by the Belleville Board of Trustees on September 19, 2011.