

VILLAGE OF BROOKLYN
NOVEMBER 9, 2009

The Village Board meeting was called to order by President Nadine Walsten on November 9, 2009, at 6:35 p.m. in the lower level of the Brooklyn Community Building. Trustees present: Todd Klahn, Helen McCord, Mark Bruner, Tim Belter, and Wendy Layton. Others present: Carol Strause, Clerk, Public Works Director, Bob Anderson, Tony and Dorothy Kremm, Dorothy Frandy, Belinda McKee, Gary & Linda Tofte, Dennis Johnson, Rodney Wille, Sandra Mortensen, Audrey Holland, David Natzke, Ben Hazen, Mark Stephan, Lilly Irwin-Vitela, George & Stephanie Bindl, Jim Miller, Cindy Andres, Doug VanFossen, Susan McCallum, Cindy and Jim Jazdewski.

Brooklyn-Oregon Cub Scouts and leaders presented colors and lead the Pledge of Allegiance. The Cub Scouts are currently doing a unit on government.

At 6:35 p.m., President Walsten opened **Public Hearings for 2010 BUDGETS**: General Fund, Special Revenue Fund, Cemetery Fund, Debt Service Fund, Capital Project Fund, Water Utility, Sewer Utility and **Sewer Rates for 2010 and 2011**. President Walsten summarized the current proposed budget for 2010 and process has resulted in a "bare bones" budget which cannot be cut further. Walsten also gave a synopsis of how no economic growth has resulted in current loan payment schedule being underfunded, therefore, leading to the lack of funding for the sewer utility and the need to increase sewer rates to pay for debt service. Several residents were present voicing concerns about the proposed increase in sewer rates. Various **public questions/comments** were made as follows: Why the proposed base fee is so high at \$39.30 for a 5/8" meter (currently \$16.70), felt saving on water usage was penalizing lower users?; Is there a connection fee set up to create more revenue?; What information was used to make these decisions and how will decisions be made moving forward? While small municipalities are under pressure to make decisions, long term goals will make the Village a livable community for residents; Moving here in 1988, was told the high utility rates were because of recent infrastructure improvements designed for twenty year growth; twenty years later, it is the same situation.; What justifies the plant in the first place, why not repair the old plant rather than replace as the old plant was oversized for the population; Is the plant sufficient to handle future growth expected in the area? Can the debt be paid off over more than twenty years? Will there be any stimulus funds to help the Village? What is in place in the next two years to alleviate future increases? How are you going to collect from those that can't pay? We can hope that we will have a broader user base to help pay for the new plant. Maybe others have access to other resources that could assist with funding. Request to delay decision to be able to reach out for other resources that are out there. What is the tax rate going to be? Those on fixed income cannot afford to live here. High rates are not encouraging other businesses to come here. Tired of inept government, get information out and respect the public's thoughts. Former trustee McCallum stated old plant could have been refurbished; Strand engineer made a mistake and that doubled cost of plant; Board doesn't listen, doesn't care; and she tried to tell Board but they didn't listen.

Board comments/answers to resident concerns: Members stated there were three options that were calculated by Ehlers (financial advisor) with option #2 chosen having a higher base fee guaranteeing the income needed to pay for debt/underfunded amount in 2011 and 2012 vs. other options with a lower base fee and higher per cu. ft. rate but have unpredictable income and underfunded amount continuing into 2010 requiring higher rates set again in 2011. Current underfunded amount results as 2009 projected rates were calculated with a 3% growth factor but there has been zero growth in 2008 and 2009. Department of Administration allowed the village an unprecedented financing plan splitting the financing between Clean Water Fund and a bond anticipation note (BAN). This split allowed the

Village to set a step increase plan in place vs. 100% increase in sewer rates beginning 7/1/2008. The \$2,015,000 BAN allowed the rate structure to be lower paying only interest for five years. The BAN needs to be refinanced in 2012 with Clean Water Fund money. (Clean Water Fund is a loan from the DNR to municipalities building new Wastewater Treatment Plants at 2.5% interest but must be paid back in 20 years.) If there would be growth in the Village in the next 2 years, the costs could be spread over more entities, and therefore, sewer rates could go down. There was little surplus built in the sewer utility budget. There is no intent to burden everyone. The effect the rate increase will have on business park development is a serious concern. Aside from the economic downturn, there were historical factors which added to the debt initially: Gradual rate increases recommended to be at 8%/year in 2002 were voted down which would have created a 46% increase in 2008, not 100%; Money that was to be deposited in the replacement fund was not done since 2000 for lack of funds; Debt would have been much lower if the replacement fund had been managed properly. The only way to not have this situation occur again is to start building in gradual increases each year. History of the old plant was given regarding long term, chronic ammonia level problem resulting in DNR giving a conditional use until the issue could be resolved. The Board looked at all options including connecting to Oregon which would have been the highest cost; and Evansville which was not interested in this plan. One option was to rebuild the old plant to today's standards which had a price difference of about \$100,000 less than a new plant, stripping out all old equipment and building new aeration tank, adding clarifier, etc. Rebuilding the old plant could also uncover unknown costs that would be >\$100,000 plus it would have been very costly to continue to run the old plant during construction until change over. The third option was to build a new plant. The Board determined it was in the Village's best interest to build a new wastewater treatment facility to handle a twenty year growth pattern. CWF loan obligation dictates the rate that needs to be charged in order to make debt payments. Because the plant was under construction in 2008, the Village does not qualify for stimulus funds. Alternative funding has been researched without success. The Village budget was also discussed and the gross tax rate is up \$.43 per \$1,000 of assessed value which would increase a home valued at \$200,000 by \$86.00.

There being no other comments on budgets or sewer rates, Trustee Klahn moved, second Bruner to close the public hearings at 7:45 p.m.

Board discussion followed on options of lowering the base fee and raising the per 100 c.f. rate. Clerk Strause stated the sewer budget does not need to be adopted tonight giving more time to review funding sources. Trustee Klahn stated he would vote for the higher base rate and lower c.f. rate based on the Village's need at this time. Trustee Klahn moved, second Layton, carried to approve the 2010 Water Utility budget. Trustee Klahn moved, second Layton, carried to **postpone the sewer rate increase** until the Dec meeting pending more research on grants and other options. If no new information is presented at the Dec meeting, the vote will be on proposed offer. PW Director Anderson stated that Strand looked at stimulus funds for the Village. The only hope for a miracle would come from all those attending making phone calls to legislators. Trustee Layton said she would be interested in doing a letter writing campaign some Saturday with a packet of support letters to be sent to the legislators.

Resolution #2009-10 adopting 2010 budgets for the General Fund, Cemetery Fund, Debt Service Fund, Capital Project Fund, and Special Revenue Fund and establishing the levy at \$622,806.00 less exempt computer aid was motioned for approval by Trustee Klahn, second by Bruner, carried. Trustee Layton voted NAY.

PUBLIC COMMENTS: Susan McCallum stated she wanted it in newsletter so every citizen knows that they will be paying for recreation programs next year while there is money in the budget for Bluegrass Festival. She further stated with regards to Village policy working with private businesses to

address the public purpose doctrine which was in the May 2003 League magazine. Music paid by public funds in a private venue is unlawful. There are plenty of grants out there to get money for these programs. The recreation committee needs to abide by the laws of the public doctrine. President Walsten read a letter from 210 Church St. regarding removal of ash trees.

Trustee Bruner moved, second McCord, carried to approve the minutes of Oct 12. Trustee Layton abstained. Trustee McCord moved, second Klahn, carried to approve the minutes of Oct 14. Trustee Bruner abstained. Trustee Bruner moved, second Belter, carried to approve the minutes of Oct 19th. Trustees Klahn and Layton abstained.

President Walsten attended a Community Development and Site Selection workshop discussing the need to look at quality of life issues as well as what incentives need to be provided to bring business to the community. Attended a Recapturing Your Downtown Conference in Wausau in October, workshops focused on rehabilitation of downtown to make it viable. Walsten will be attending a Basic Economic Development Course this week sponsored by the UW Madison and recommended by the consultant working on the Village's business park. Walsten presented her goals for 2009-2011 based on her campaign platform while going door to door. Support from residents was in the area of renewable energy and environment sustainability.

Clerk Strause reported on Wisconsin's Energy Assistance and Weatherization Services, forms of which can be picked up in the Clerk's Office. Crisis assistance is also available for those in need. More information can be obtained by contacting the local county health department. Department of Commerce has announced \$75,000,000 in additional funds for 2008 flooding victims. Individuals should contact their local county emergency government for an application. Village will be applying for financial assistance for a pump through this program. Nomination forms can be picked up in the Clerk's Office with the first day to circulate the forms on Dec 1, 2009, with the filing date of Jan 5, 2010. Three trustee positions will be on the ballot for the spring election.

Unfinished Business: Emerald Ash Borer: Trustee Bruner read a letter from the Public Works Committee as follows:

Subject: Removal of ash trees due to Emerald Ash Borer. There has been some misinformation distributed throughout the Village, so the Committee would like to clear this matter up. As most of you know, the Emerald Ash Borer has been identified in several counties within the state. The EAB has been identified in Walworth County, which is less than 50 miles from the Village. It's not a matter of **IF** the borer will be here, it's a matter of **WHEN**. Once the borer has been identified within the Village, the consequences will be numerous and expensive. We have identified approximately 36 ash trees that are on Village property. Several options have been discussed at great length by the Committee. The least intrusive, and the option we would have preferred, was to spray all of the ash trees that are on Village property, including the terraces along Church St. The cost would be between \$85 and \$170 per tree per year, and would be a maximum of 70-85% effective. This figure presumes that the ash trees that are on private property are sprayed by their owners as well. This is a presumption that we cannot make at Committee level, since we have no ordinance to force property owners to do so. The cost, as well as the fact that this will not guarantee the borers will not come to Brooklyn, make this option impractical. The annual budget for tree care is \$3000, and this option would cost in the neighborhood of \$4500 annually. This exceeds the budget by 50%, and leaves no money for removal of other dead trees elsewhere in the Village.

The option that was decided by the Committee is the systematic removal of the ash trees from Village property. This was a difficult decision to make, since many of the ash trees, especially those in Smithfield Park, are well established and at the moment healthy. None of us likes the idea of removing healthy trees, but by approaching this in an orderly fashion, we can minimize the impact on the Village and the park. Our plan includes removing the 8 ash trees that were planted along Church St. and replacing them with a different species from our approved tree list. These trees are relatively young, and the new trees will develop quickly.

The trees in Smithfield Park are a different story. They form the boundary of the eastern edge of the park. Removing these at one time would result in a void that the committee feels is unacceptable. Our plan is for Public Works to remove 1-2 trees each year, during the winter when they have spare time. These trees would be replaced in the spring with new trees, a combination of fast growing trees, possibly pines, along with hardier, slower growing trees, such as hard maples. We understand that these new trees will not be the same as the mature trees that are there now, but in time, they will fill in nicely.

A third option is to do nothing. The problems with this plan are several. The trees along Church St. will have had the chance to establish roots more than they have already. This may result in damage to the sidewalks when the trees are removed. The mature trees will all have to be taken down. Current projections do not indicate that the Public Works Department will have been expanded to the point that personnel can be diverted from other tasks to remove these trees. This means we will have to hire a tree service to remove them, assuming that they will be available. If we have ash borers, so will Oregon, Belleville, Verona, and all other communities around us. This opens us to the risk that a falling tree or limbs could injure or kill someone. The costs for removing these trees could run into the tens of thousands of dollars. As a Board, we have tried to keep the levy to a minimum, so we don't have a large amount of cash on hand that we could use for this purpose. This is far from the primary reason for rejecting this option, but it definitely must be considered.

Once the borer has been positively identified in Dane or Green County, the infected county will be quarantined. For a village like Brooklyn, this poses a problem that has not been addressed. It becomes illegal to transport trees or wood across county lines. Trees that the Village cuts in Green must remain in Green County, and the same for Dane. This creates a huge problem for disposal of the cut trees.

We hope this clears the reasoning behind our decision. We have spoken with tree companies, foresters and arborists, the DNR, and entomologists from UW prior to making our recommendation. This has been a lengthy process, but we feel that the second option is best for the Village. Signed by: Brooklyn Public Works Committee, Mark Bruner-Chair, Helen McCord, and Todd Klahn

Trustee Bruner call for a vote to remove four trees on Hwy 92 and replace with four Japanese lilacs at \$169 @.explaining it is more advantageous to plant before winter to have success of the tree planting. Given the lateness of the hour, President Walsten asked what needed to be decided tonight. Bruner wanted written proposal approved completely. President Walsten stated her conversation with Jeff Roe, DNR Forester, was compatible with statements made at an August conference namely that there needs to be community involvement and inventory. The Village has already done an inventory of ash trees in public areas with thirty-six trees being identified. Eight ash trees are on Hwy 92 in the terrace area.

Walsten stated the Village needs to determine what resources we have and what impact this will have on the community in terms of cost. Another option Roe discussed was communities need to decide which trees they want to spray and save and which ones should be cut down. Because this is a community wide problem, a community education program should be held. Individual owners need to make their own decision re: cut vs. treat on ash trees on private property. Trustee Bruner stated this is not a knee jerk reaction as the committee has done much research. Walsten asked why insecticide was automatically rejected. It would cost approximately \$1500 a year to save 15 of the trees. Trustee Klahn stated the intent was to remove four trees on Church St this year and then to cut one to two of the least desirable trees a year with the program taking several years to complete. If **EAB** reaches here in five years and kills all the ash trees, the Village will already have some of the work started. Anderson reported there are more insecticides coming out with no community in Wis. using insecticide at the present. If the county is quarantined, it would be illegal to transport firewood across county lines. Walsten reported that Roe said compliance agreements between counties can be obtained for communities in more than one county like Brooklyn. Removal of small trees will be more cost effective done by the Public Works employees using the loader. Sidewalks also will not be broken when removing smaller trees. Walsten requested a public information session with Jeff Roe so residents have an opportunity for input. A letter submitted by Sandy Mortensen requesting more research was discussed. Trustee Bruner stated there is misinformation in Mortensen's letter. The committee has been dealing with this issue for eight months and is looking at liability of a tree falling. Removal of four trees on Hwy 92 was decided last month and reaffirmed. Jeff Roe will be contacted to have a public informational meeting held by the Public Works committee and a final plan regarding mature ash trees will be approved.

Hwy MM paving and jurisdictional transfer was discussed. Trustee Bruner reported on a conference call on 10-28-09 with Pam Dunphy, Asst. Commissioner, Highway and Transportation Division, Dane County, Bob Anderson, PW Director, Topf Wells, Chief of Staff to Dane County Executive Kathleen Falk, and Trustee Bruner regarding jurisdictional transfer of Hwy MM. The total cost of the paving project is \$80,000. CHIP money will pay for half of the cost with the other half shared by the county and the Village. The Village's share will be \$17,500-\$20,000 to mill and overlay. When the project is done, ownership will be transferred to the Village from Dane County. Downfall will be in 15-20 years when the Village will have to pay 100% of any reconstruction. If the Village refuses the transfer of ownership, the project will not be done. Dunphy explained that some other communities had mitigating circumstances and the county did not transfer jurisdiction; however, all future projects require transfer. Committee's plan is to recommend to go forward with jurisdictional transfer.

Budget mission and goals statement for 2010 was read. Trustee Bruner moved, second Belter, carried to adopt.

Business park development update: Report is not completed from Vierbicher on feasibility study results. Cost per acre and potential revenue to be generated is still being investigated. EDC will be meeting on Thurs and Vierbicher may have feed back ready then.

Update on Village and private business collaboration was read as drafted by EDC. Trustee McCord reported that Nissin Rodriguez should be recognized for donating the movies for movie night. Music series will continue in the park next summer. More advertising will need to be done to get people to the park. Anyone sponsoring a band will have a sign stating so at the event. If taxpayer money is spent, the event needs to be on village property. Trustee Layton stated the Village cannot promote anything in competition to local business as written in the Public Purpose Doctrine. This issue was postponed until the Dec meeting.

Trustee Bruner moved, second Layton, carried to **pay invoices** as submitted.

New Business: Trustee McCord moved, second Klahn, carried to approve the appointment of Cindy Andres as the Village's representative to the **Oregon Area Senior Center Board**. Cindy stated she will be attending her first meeting on Wed.

Resolution 2009-09 Village of Brooklyn **Annex to the Dane County Natural Hazard Mitigation Plan** was presented. Village had previously approved this plan and then sent off to Dane County for approval. It now is returned and in need of a final resolution. Trustee Klahn moved, second Bruner, carried to approve the resolution. Trustee Layton abstained.

Youth Center payment for 2010 was further discussed. During the budget sessions, lack of input from the center was a concern. Holding half the annual payment until attendance and program information is received was suggested. If the center is not accountable, Village funds could go to the recreation committee to support local youth programs. Trustee Klahn moved, second Belter, carried to make split payments in 2010 with the second half held until data is received. A note will be sent with the first payment.

Trustee Belter moved, second Klahn, carried to approve the 2009 **audit contract with Johnson Block** in the amount of \$16,015.

Conditional use request for Parcel #509-364-6650-1, 217-233 Douglas Drive, **owned by JJ Development Group**, allowing for Drive Up Services for a Financial Institution including modifications to existing parking and traffic flow as presented. A Public Hearing was conducted on 11/5/09 by the Plan Commission with their recommendation for approval with the following conditions: 1) Proper signage shall be placed to adequately and safely direct new traffic flow pattern, 2) The "island" in front of Bleoni's shall be removed to make handicapped parking more accessible, 3) An awning for the drive-up shall be constructed to accommodate weather conditions, 4) Adequate lighting shall be installed, 5) Snow removal arrangements shall be made as to not interfere with parking, traffic, etc., and 6) the conditional use permit shall be reviewed in approximately one year. Trustee Bruner moved, second Belter, carried to approve the conditional use as written with conditions.

Committee Reports: Public Works- Anderson reported on a problem with the biosolids tank mixer that subcontractor, Rawson, purchased from a company in Germany. When the mixer arrived it had a hole in the casting and was sent to Chicago for repairs. Rawson told Anderson that a new mixer had been ordered seven months ago but last week he found out the mixer was not ordered at all. Now Rawson wants to know what it would take to accept the repaired mixer that has been totally refurbished and installed. A new mixer has a two year warranty. Rawson has offered a four year unlimited parts, labor, and travel warranty on the installed mixer. It would take another six to eight months to order a new mixer. Anderson was told to request a four year warranty and deduct funds to accept the rebuilt mixer. Punch list items are narrowing down and hopefully completed soon.

Focus on Energy report is completed. Anderson is getting pricing on some recommendations. An application for stimulus funds will be made for some items. Anderson and Bruner met with representative from Alliant re: alternative energy options and the conclusion was that a wind generator or solar applications not feasible because of length of turn around on investment. It is recommended to replace bulbs, furnaces, hot water heaters, which are all more cost effective.

Public Works committee is recommending **increasing the sewer connection fee** as suggested by Strand Engineering. Village Ordinance states the committee shall review the fee structure on an annual basis. President Walsten suggested the committee reconsider this increase and revisit the issue next month. Connection fee is used to pay for increased capacity at the plant. Trustee Klahn, second McCord to approve the increase in connection fees as presented. Motion died with voting as follows: AYE: Klahn, McCord, Bruner. NAY: Walsten, Belter, Layton.

Anderson reported on a Nov 2 Green County **LRIP** meeting he attended. Funds will be shared between Brooklyn, Monticello, and Browntown. Village will be receiving \$22,689 for the Hotel-Smithfield project. PW mission statement was approved at the July meeting and budget goals are separate and also approved.

Walsten moved, second Bruner, carried to approve Planning and Zoning's recommendation to hire **General Engineering to update the Village's land use and economic development chapters** of the Comprehensive Plan, not to exceed \$2500.

Ordinance: No meeting. **Safety:** Chief Barger was not present. New light bar has arrived and was purchased at the old price. Monthly report was handed out. **Fire-EMS:** No report. **Personnel:** Committee has approved closing the **Clerk's Office on Nov 27th**. Vacation time will be used for time off. As PW Director Anderson has been appointed as a **Wisconsin representative on the National Rural Water Board**, he will be attending out of state seminars approximately four days a week for two weeks each year. Committee recommends paying Anderson his wage while he is representing Wisconsin at these conferences. Trustee McCord moved, second Bruner, carried to pay regular eight hour a day wage while gone not to exceed 10 days in a calendar year. Pay would start with next year's conferences. Anderson needs to give advance notice and get approval before leaving and confirm that the other two PW employees are on duty. Anderson used vacation time while gone in 2009.

EDC: President Walsten wrote two letters thanking Jay Gould, Winterland Nursery for donated plants and to Messners for donated labor for the cement border and creating the landscaping around the Village's new signs. The Village Board is very appreciative of their donated services. **Recreation:-** Craft show will be on Nov 21 with set up on Thurs night. Signs for the show need to go up this week. Trustee McCord, in addressing McCallum's earlier statement, stated charging for the summer youth recreation program has been discussed for many years to help subsidize the program. The program is now ten weeks with many activities for all ages. Charges have not been set but \$25 for one child and \$5 for every child after that in the family has been discussed. Also there will be a provision for hardship with the committee to decide on a case by case basis.

Trustee Bruner moved, second Klahn, carried to appoint Marty Pullin, Scott Meier, and Bruce Stein to the **Bluegrass Committee**. **July 4th:** No meeting. **Recycling:** No meeting. **Website:** Trustee Layton moved, second Bruner, carried to appoint Steve Wagner as a new committee member.

Finance: As recommended by the committee, Trustee McCord moved, second Bruner, carried to charge \$25 for a park shelter fee starting in 2010. Trustee Layton voted NAY. Collateral coverage was discussed. Union Bank & Trust asked about the Village's policy to reduce collateral. Finance committee felt it should remain a Board decision rather than the Clerk or committee to approve.

Trustee Bruner moved, second Klahn, carried to adjourn at 10:15 pm.

Carol A. Strause,
MMC, WCMC, CMTW