

November 18, 2009

Town Board

Call meeting to order.

The meeting was called to order at 5:30 p.m.

Present: Randy Leiker, Andy Peters, Mike Woods, Tom Becher and Dan Garber.
Rich Carlson, Dave Tebo, Dean Schiller, Larry Miller, Jeff Welhouse.

Meeting with Town Attorney Rich Carlson to discuss the Crestview Plat and possible Board actions and agreements.

Rich Carlson stated these documents implement the suggestions from the last time. It redoes the developer's agreement including the special assessment agreement and the amended road paving and lien agreement.

Amended development agreement - the original called for \$1.4 million in improvements. Much of that work has been completed. Since that time Rich stated he took what had been completed out of the list of improvements and only included improvements that still need to be done along with the estimated cost at \$255,000. This says they have 4 years to complete the improvements or after 6 homes are built whichever comes first and a letter of credit is needed. These are improvements that will someday be owned by the Town. We are asking the bank for \$255,000 in the letter of credit. This gives them 4 years from date of final plat approval. Randy Leiker stated these costs are at today's dollars. What about inflation? Rich stated we would not have the financial guarantee in that amount but they are still obligated to put the pump house in. If owner gets the grant that they applied for, we will agree to reduce the letter of credit for that amount.

This is not the entire cost of the improvements that need to be done. They are included in the second document. That includes grading, graveling, utility work and fees that are due to us. They have been put in the form of a special assessment. It amounts to \$149,800 which comes out to \$4,161.11 for each of the 36 lots. Trico gave Jeff Welhouse this number. Jeff will have him break it down for doing some work now and some in the spring. The special assessment agreement is set up to waive the public hearing. The developer's agreement gets signed prior to the plat being signed. The special assessment agreement would be that once we approve the plat and it is recorded, we then have the legal existence of the lots. A lien will then attach to each lot. It is set up for 5 annual installments or 1/5 of the principal at the end of every year. If a lot is sold, it must be paid in full at time of the sale. There will be no principal due until the end of next year.

Amended road pavement and lien agreement - The original developer's agreement had one of these. The original has \$36,000 for the final pavement. It is now estimated at \$40,000. Rich increased the amount per lot to \$2,225 per lot for the first 18 lots. That money should then be available. It works like a special assessment. Any time a lot is sold there is an amount of \$2,225 from the proceeds of the sale which goes toward the escrow account. When the sum of \$40,000 is reached we tell them they have to do the final paving. Overall we will be taking about \$6,386 for the paving and the other specials per lot. Each lien will be released as the lot is sold.

This is basically like the agreement for Air North and Beacon Hills.

Jeff Welhouse's concern was that he has been using Trico for all the work. The weather is getting cold and it may not get done this year. Jeff feels it would look nice if the work could get done this year so it looks good in spring. Otherwise, if it is done in spring it would not look good until May. Rich said to be on the safe side we should bid the work out. The road work at least needs to be bid. We do not have to take the low bid. Jeff would like to finish the pond, grade the ditches and get the dirt out of there and finish the retention pond and do the final graveling. That could possibly be done this year. Trico thought he could still mulch the ditches down now. In winter you won't see much of the lots with the snow but it would look better in the spring if more work is done now. The final grading/graveling is estimated at \$36,000. If we could get this under \$25,000 we could just get quotes. It would not have to be bid. This could be attained if the graveling was put off until spring and Jeff just does the ditches and gets rid of the dirt piles for now. It would be better to do the binder in spring. Jeff would like to at least get the dirt work done.

From the original agreement to now 5 houses has been increased to 6. The street light plan was deleted because the street lights are already in. The interest rate has to be confirmed yet.

Larry Miller stated he heard from the ARRA about the grant. The project can qualify. There are all different kinds of parts to this. The ground the public improvements sit on must be publicly owned. That will happen when the plat is signed. If the grant is received, the money would go to the Town. The average income that would qualify for a non-payment grant is \$46,000. In Greenville we are at \$61,000 so there would be no grant but funding could be available over a 40 year payback. Larry has calls into other people. Greenville will probably not qualify for a grant but Larry is still working on other possibilities. Right now there is no definite no or no definite yes. We are going forward as if there is no grant. That is the way Rich has things set up.

Rich stated we are not bound to do this anytime in the future. This is a legislative decision. This is not precedent setting. Steve Ettough stated that all the bank's money is junior to the Town. The Town will get its money first.

The consensus of the Board was to put this on an agenda for a vote.

Motion to go into closed session as per 19.85 (1) (c) to discuss the employment, promotion, and compensation or performance evaluation of Town Employees.

Dan Garber made a motion to go into closed session. Tom Becher seconded the motion with all members voting aye.

Motion to return to open session.

A motion was made and seconded to go back into open session with all members voting aye.

Adjourn meeting.

A motion was made and seconded to adjourn the meeting and it was carried.

Deborah Wagner,
Town Clerk