

Village Board Publication – Campbellsport Village Board - July 31, 2006
Special Village Board Meeting which was held at the Campbellsport Village Council Room,
177 E. Main St., Campbellsport

Item#1 – Meeting called to order at 7:00 P.M. by Pres.Uelmen

Item#2 – Meeting notice was given to the Campbellsport News, National Exchange, Post Office, Library and posted at the Village Hall and in compliance with the open meeting law.

Item#3 – Roll Call: Tr.Boldt, Tr.Schwartz, Tr.Twohig, Tr.Stoffel, Tr.Volz Daniels, Tr.Yahr, Pres.Uelmen

Item #4 & 5 - Pres. Uelmen announced that both items are related to each other and concern the request of occupancy permits for parcels that have building permits and consider request by 4-Seasons to reduce the amount of their Letter of Credit.

Meeting started out by Pres.Uelmen reading the July 27, 2006 letter from Jerry Groth-engineer of Strand Engineering regarding Theisen Trails Occupancy Permit Requirements and the letter Jerry Groth wrote to Mary regarding occupancy and the reduction in the letter of credit.

Atty. Carole Knuppel explained her letter dated July 31, 2006 responding to the three (3) incomplete items noted by Jerry Groth of Strand. 1)Manhole repair/replacement – 4-Seasons proposes to contribute \$1435.00 toward replacement 2)By-Pass Lane(CTH “W”) Waiting for requirements from FDL County Hwy Dept., trying to obtain easements from four(4) property owners to move existing sidewalk(approx. 8 ft.) 3) Curb & Gutter Encroachment – no agreement reached According to Atty. Knuppel, she and 4-Seasons do not feel items 2 or 3 are in default of any aspect of DA and should not be considered under the requirements for occupancy permits.

Item#1 – Manhole repair/replacement on corner of N. Helena & E. Sheboygan St. discussed at length by Village Board Members, Jerry Groth-Village Engineer, 4-Seasons and Atty.Knuppel. The price quote from Kip Gulseth letter to Atty.Knuppel was discussed as well as the previous quote from Kip Gulseth dated July 15, 2006.

Motion by Tr.Volz Daniels, seconded by Tr.Schwartz that 4-Seasons Developers pay \$3,250 to the Village of Campbellsport, payable upon the receipt of the invoice from Kip Gulseth for the replacement of the manhole on the corner of N.Helena/E.Sheboygan St. and that the Village will be responsible for the remaining \$4,250.00 Ayes-7, Noes-0

Curb & Gutter Encroachment - Pres.Uelmen stated that since 4 Seasons do not have clear title to property on which the developer’s have placed improvements, 4-Seasons is in default of this requirement of the DA. Road right-of-way is encroaching on private property currently and must have easement granted or ROW acquisition must be prepared to correct this situation per Matt Stephan of Excel for both corners on Hwy W and Knights Ct. Stephan stated he did try negotiating an agreement with Aurora and 4-Seasons (encroachment easement plus \$2500.00 exchanged for curb cut onto Knights Court) and 4-Seasons were not in favor of agreement. Stephan read a letter he sent to 4-Seasons explaining the agreement which 4-Seasons had turned down. Stephan also explained that Aurora (Hammes Corp.) had agreed not to bring construction equipment on Knights Ct and would work strictly off Hwy W access.

Tr.Stoffel stated the problem is between 4-Seasons, Excel and Aurora

Rick Heisler suggested the village conditionally accept a portion of Knights Ct. up to the proposed curb cut to the East and then the village could exchange easement for the encroachment on Aurora corner for curb cut for driveway onto Knights Ct.

Bill Grede stated he works in and for 4-Seasons development and see no reason why occupancy permits are being withheld and if village continues such procedures, builders may not want to build in the community.

Tr.Yahr asked if this is why Atty. Macy suggested not issuing building permits or occupancy permits until all items in DA are satisfied. Pres. Uelmen said Yes and stated Atty. Macy has pointed this out many times.

Pres. Uelmen said an option could be to approve occupancy permits for all the building permits taken out to date (07/31/2006) and no more building permits will be issued until all DA issues are taken care of. This would require an amendment to DA.

Motion by Tr.Volz Daniels, seconded by Tr.Twohig to conditionally accept Knights Court up to the East side of ROW curb cut with 4-Seasons still responsible to put the final lift of asphalt on Knights Court and actually opens up the opportunity for negotiations between 4-Seasons and Aurora to have this matter settled. Ayes-3(Twohig, Volz Daniels, Schwartz)
Noes-4(Stoffel,Yahr, Boldt, Uelmen) Motion failed

Motion by Tr.Volz Daniels, seconded by Tr.Schwartz to request that Pres.Uelmen speak with Attorney Macy to see if he would be supportive of the previous suggestion to conditionally accept a portion of Knights Court. Ayes-5(Volz Daniels,Yahr,Schwartz,Twohig,Uelmen) Noes-2 (Stoffel, Boldt)

Tr.Volz Daniels requested that direction from Attorney Macy to be placed on the Aug. 14th meeting agenda or a Special Meeting could be requested by 4-Seasons if response is received earlier.

Motion by Tr.Twohig to grant occupancy because the encroachment issue is beyond the control of the developers. Twohig felt there are extenuating circumstances that 4 Seasons have little control over or can't resolve it in a timely manner. He wanted things to proceed so that more property could get on our tax rolls. Twohig felt resolving the encroachment issue should not be a requirement for occupancy permits. Motion failed for lack of a second.

Volz Daniels suggested granting occupancy permits for existing building permits and suspend any further building permits for 4-Seasons development for a two week period until easements are achieved or opinion from Atty. Macy is received.

Matt Stephan – Excel explained the problem occurred when FDL County gave the developers the requirements for the ingress and egress lanes for the “accel” and “decel” lanes that pushed the radius back into the subdivision by 11 or 12ft and created cutting over the two corners. This error was unfortunately missed in early reviews of documents.

Item#3 By-Pass Lane at CTH “W”

According to Atty. Knuppel the four(4) affected properties are agreeable to signing easements for sidewalk once language is agreed upon by Atty. Macy and Atty. Renning. There are a few minor matters that need to be addressed, but there is a verbal agreement between parties currently. Fond du Lac County has made some changes to the plan and according to Atty. Knuppel, the developers are waiting to hear from FDL County Hwy Dept. Tr.Stoffel and Matt Stephan stated the only change they are aware of is the extension of the by-pass lane to the South because of the proposed Aurora clinic and the County may permit 4-Seasons to stop sooner to incorporate changes for longer lanes. Chris Greene stated that TP could come in tomorrow and start sidewalk once easements are signed and would only take a few days or week to install the by-pass lane (NE Asphalt) In conversation with Tom Janke of FDL Cty he was talking about eliminating 150 ft. of curb on the south

end, putting asphalt paver in, and possibly adding an inlet. This work will be done before school starts per Chris Greene.

Jerry Groth- Engineer for village suggested that 4-Seasons put together a firm written plan/schedule and have an approved plan from FDL Cty Hwy Dept. and signed by Tom Janke along with signed easements. Currently 4-Seasons does not have an approved plan and no signed easements. Sidewalk needs to be moved as per plan and approved by engineer.

Matt Stephan stated that Aurora is ready to go now and break ground and has an agreement worked out with FDL County for everything they need for their by-pass lanes.

Motion by Tr.Volz Daniels, seconded by Tr.Twohig that sidewalk located in an easement outside the right-of-way (ROW) would be maintained by the Village the same as any public sidewalk located within the ROW. Per code, the Village would replace concrete when necessary but would not be responsible for snow removal, mowing, etc. Ayes-7, Noes-0

Pres.Uelmen read correspondence to Atty. Macy regarding the Declaration of Covenants. The document had not been recognized by staff to be the Deed Restrictions document which, per the DA, needed to be reviewed by Atty.Macy. The attorney is currently reviewing that document. The document will ultimately need to be approved by the Village Board and an amendment to the Deed Restrictions will need to be recorded.

Motion by Tr.Schwartz, seconded by Tr.Volz Daniels to approve the issuing of occupancy permits, permanent or temporary, subject to the approval of the building inspector, for all the homes in the 4-Seasons/Theisen Trails Development for which building permits had been issued on or before July 31, 2006.

Ayes-5 (Yahr, Schwartz, Twohig, Stoffel, Volz Daniels) Noes-2(Boldt,Uelmen)

Motion by Tr.Stoffel, seconded by Tr.Volz Daniels that building permits may be issued for 4-Seasons Development (Theisen Trails) only until August 14, 2006, at which time 4-Seasons must present to the Village Board an approved plan from the Fond du Lac County Hwy Dept. for construction of the required by-pass lane opposite Knight's Court, a timeline for the completion of that work, and signed easements from all property owners necessary for relocation of the adjacent sidewalk. If all these requirements were satisfied by August 14th, the Board could permit the issuing of building permits to resume. Ayes-6, Noes-1(Yahr)

Item#5 – 4-Seasons request to reduce Letter of Credit

Motion by Tr.Twohig, seconded by Tr.Volz Daniels to table until Aug. 14, 2006, any action on reducing the amount of the Letter of Credit provided by 4-Seasons. Ayes-7, Noes-0

Item#6 Motion by Tr.Volz Daniels, seconded by Tr.Yahr to adjourn meeting at 10:20 P.M. Motion carried.

Respectfully submitted,
Diane Lemke, Clerk/Treasurer CMC, WCMC