



Meeting: Village Board
Meeting Date: 03/11/13
Agenda Item: 5a-5b

Mission Statement

Delivering quality services in a courteous, cost-effective and efficient manner.

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: Burt R. McIntyre, President
Village Board of Trustees

REPORT FROM: Michael J Kaster PE, Director of Engineering

AGENDA ITEM: a) 6:35 Public Hearing Regarding "Proposed Special Assessments on Greenfield Avenue and Shawano Avenue"

b) Review and take action on Final Resolution 2013-05 authorizing the levying of special assessments on Greenfield Avenue and Shawano Avenue

POLICY ISSUE

Should the Village Board levy special assessments against benefited properties according to policy?

BACKGROUND INFORMATION

The Village Board approved Preliminary Resolution 2012-22 on November 12, 2012 declaring the intent to levy special assessments. In accordance with the resolution, staff has prepared plans, specifications, estimates and a schedule of assessments and has called for a public hearing.

The properties within the assessment district benefit from the installation of improvements by municipal sanitary service, water service and health and welfare.

Property owners received the attached letter informing them about action at the March 11, 2013 Village Board meeting. No adjustments have been made to the assessment, and the assessment report is attached.

Keith Garot of Landmark Real Estate requested that the Village install sanitary sewer improvements required to serve a condo development on Shawano Avenue. The utility project includes sewer construction in the area indicated on the attached location map. Also included in the project would be service laterals for developed properties along the route. There is existing watermain in the project area.

An executed developer agreement for the proposed condo development and the letter of credit is required prior to construction start.

An existing business will receive municipal service laterals and will be required to connect to the newly installed utilities. When connection is made, septic and wells are required to be abandoned. Wells are eligible to be maintained for outside non-potable water use (gardens, lawns, car washing, etc.) via a permit from the Village.

Construction is scheduled to begin on or within a few days of March 18 and would be scheduled to be completed by mid-April subject to weather conditions.

PRIOR ACTION/REVIEW

- The Village Board approved the PDD for the proposed condo development on 10/22/12.
- The Village Board approved Preliminary Resolution 2012-22 declaring the intent to exercise special assessment powers under Wisconsin Statute Section 66.0701 upon Greenfield Avenue and Shawano Avenue on 11/12/12.
- The Village Board approved a Development Agreement for Public Improvements between the Village of Howard and Garot Land Development, LLC and Keith Garot for the Five Pointes Condominium Project on 12/10/12

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|---|
| 1. Is There A Fiscal Impact? | <u>Yes</u> |
| 2. Is it Currently Budgeted? | <u>Yes</u> |
| 3. If Budgeted, Which Line? | <u>Enterprise & Capital Improvement Funds</u> |
| 4. <u>Amount</u> | <u>\$175,000</u> |

RECOMMENDED ACTION

Village staff recommends that the Village Board approve the preliminary resolution. If the Village Board were in favor of this policy action, the following motion may be made:

“Motion to approve Resolution 2013-05 authorizing the levying of special assessments against benefited property on Greenfield Avenue and Shawano Avenue”

POLICY ALTERNATIVE(S)

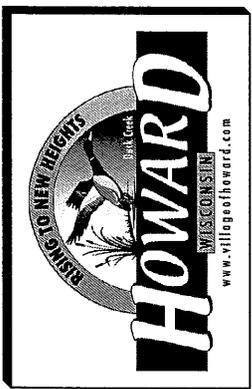
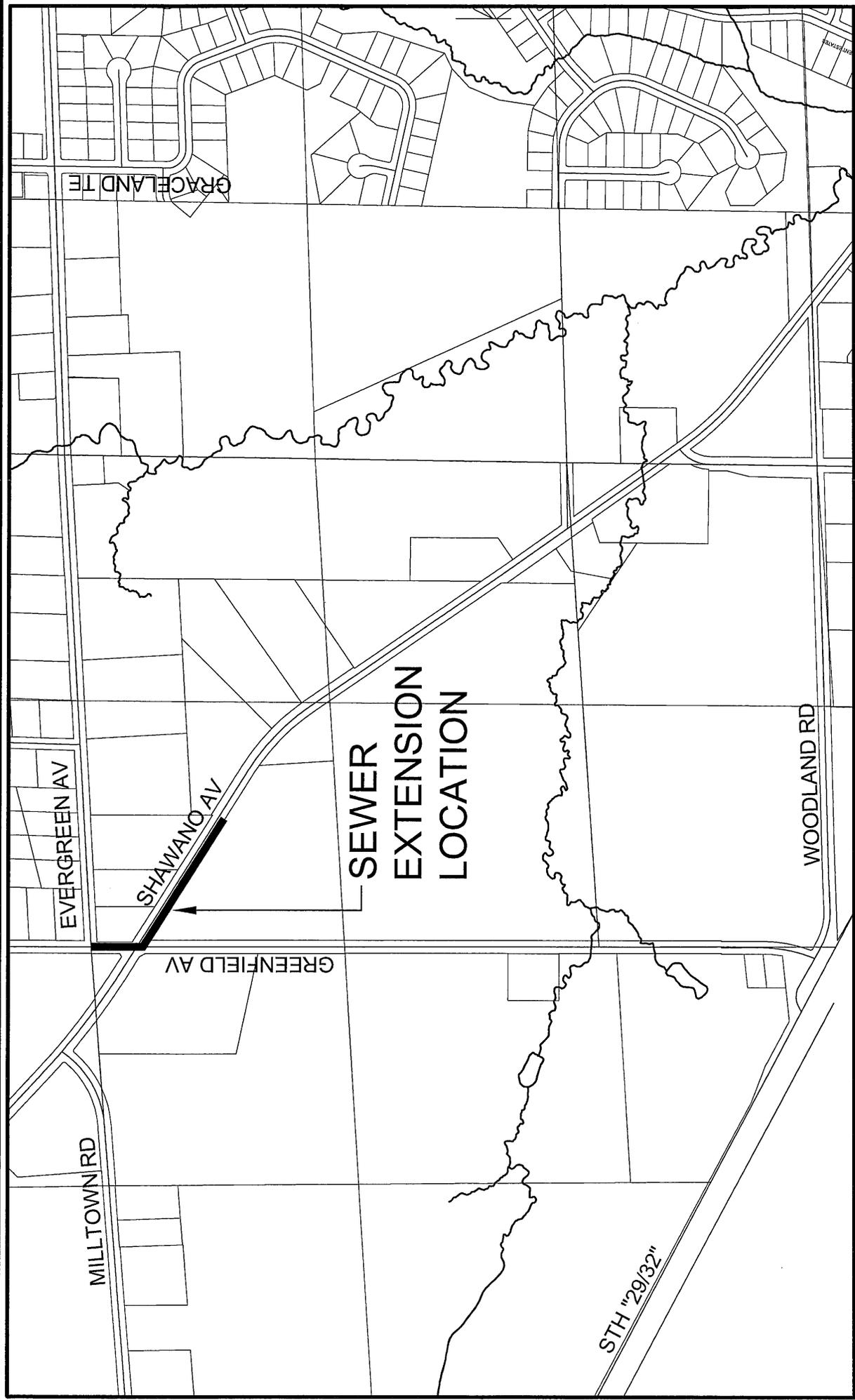
The Village Board could take the following actions:

- Approve Resolution 2013-05 and the assessments
- Deny the resolution and assessments and decide how to proceed
- Make changes to the assessments or final resolution
- Table the resolution and request additional information

ATTACHED INFORMATION

- I. Location Map
- II. Plans and specifications are available for review at Board Meeting
- III. Assessment report and schedules
- IV. Final Resolution 2013-05
- V. Property owner letter, notice of public hearing and schedule of proposed assessments as sent to property owners.

COPIES FORWARDED TO: Jacqueline Lencioni, 4101 Shawano Ave



**GREENFIELD AVE & SHAWANO AVE
SEWER EXTENSION**

VILLAGE OF HOWARD ENGINEERING DEPARTMENT
1336 CORNELL RD., GREEN BAY, WI 54313 (920) 434-4060



Watermain

Quantity	Unit	Description	Unit \$	Total
65	LF	BORE 8" WATER SERVICE		\$0.00
1	EA	WATER SERVICE CONNECTION FITTINGS AND SADDLE	\$125.00	\$0.00
18	LF	1" DIA. DR 9 HDPE WATER SERVICE	\$1,000.00	\$8,125.00
1	EA	8" GATE VALVES AND BOXES	\$288.00	\$1,000.00
			\$3,000.00	\$3,000.00
			\$0.00	\$0.00
		Sub-Total		\$12,413.00
		Contingencies 10%		\$1,241.30
		Design Engineering 7%		\$868.91
		Resident Engineering, Surveying & Testing 14.75%		\$1,830.92
		Est. Watermain Cost		\$16,354.13

Storm Sewer

Quantity	Unit	Description	Unit \$	Total
		Sub-Total		\$0.00
		Contingencies 10%		\$0.00
		Design Engineering 7%		\$0.00
		Resident Engineering, Surveying & Testing 14.75%		\$0.00
		Est. Storm Sewer Cost		\$0.00

Roadway Construction

Quantity	Unit	Description	Unit \$	Total
		Sub-Total		\$0.00
		Contingencies 10%		\$0.00
		Design Engineering 7%		\$0.00
		Resident Engineering, Surveying & Testing 14.75%		\$0.00
		Est. Roadway Cost		\$0.00

Driveway

Quantity	Unit	Description	Unit \$	Total
		Sub-Total		\$0.00
		Contingencies 10%		\$0.00
		Design Engineering 7%		\$0.00
		Resident Engineering, Surveying & Testing 14.75%		\$0.00
		Est. Driveway Cost		\$0.00

Sidewalk

Quantity	Unit	Description	Unit \$	Total
		Sub-Total		\$0.00
		Contingencies 10%		\$0.00
		Design Engineering 7%		\$0.00
		Resident Engineering, Surveying & Testing 14.75%		\$0.00
		Est. Sidewalk Cost		\$0.00

Assessment Rates

Sanitary Sewer:

Est. Sanitary Sewer Cost \$167,586.99
Less Oversize Sanitary Cost Adjustment (\$36,890.00)
Less Lateral Cost Adjustment (\$9,231.72)
Total Assessable Costs \$121,465.27

Rate per Linear Foot \$66.30

Sanitary Sewer Laterals:

Est. Sanitary Sewer Laterals Cost \$9,231.72
Rate Per Lateral \$1,846.34

Watermain:

Est. Watermain Cost \$16,354.13
Less 8" Lateral Cost Adjustment (\$14,657.19)
Less 1" Lateral Cost Adjustment (\$1,696.94)
Total Assessable Costs \$0.00

Rate per Linear Foot \$0.00

Watermain Services:

Est. Watermain Services Cost \$16,354.13

Rate Per Lateral

8" Service
1" Service

\$14,657.19
\$1,696.94

Storm Sewer:

Est. Storm Sewer Cost \$0.00
Less Lateral Cost Adjustment \$0.00
Total Assessable Costs \$0.00

Rate per Linear Foot \$0.00

Storm Sewer Laterals:

Est. Storm Sewer Laterals Cost \$0.00
Rate Per Lateral \$0.00

Road Construction:

Est. Road Construction Cost \$0.00

Rate per Linear Foot

Village of Howard 50% cost share / foot
Assessable 50% cost share / foot

\$0.00
\$0.00
\$0.00

Driveway:

Est. Driveway Cost \$0.00

Rate/Square Foot

Village of Howard 50% cost share / foot
Assessable 50% cost share / foot

\$0.00
\$0.00
\$0.00

Sidewalk:

Est. Sidewalk Cost

Rate per Linear Foot

\$0.00
\$0.00

V. Financing Summary

Total Project Costs:

Sanitary Sewer		\$167,586.99
Watermain		\$16,354.13
Storm Sewer		\$0.00
Street Construction		\$0.00
Driveway		\$0.00
Sidewalk		\$0.00
Interceptor charges		\$2,476.25
Total Project Cost		\$186,417.37

Total Assessment Financing:

Sanitary Sewer Mains			
Sanitary Sewer Laterals	1831.94 L.F @	\$66.30	\$121,465.27
Watermain	5.00 E.A. @	\$1,846.34	\$9,231.72
Water Services 8"	0.00 L.F @	\$0.00	\$0.00
Water Services 1"	1.00 E.A. @	\$14,657.19	\$14,657.19
Storm Sewer Laterals	1.00 E.A. @	\$1,696.94	\$1,696.94
Street Construction	0.00 E.A. @	\$0.00	\$0.00
Driveway	0.00 L.F @	\$0.00	\$0.00
Sidewalk	0.00 S.F. @	\$0.00	\$0.00
Interceptor Acreage	0.00 L.F. @	\$0.00	\$0.00
	14.15 Acres @	\$175.00	\$2,476.25
ASSESSABLE PROJECT COSTS			\$149,527.37

Village Cost Sharing Contribution

Oversize Sanitary Sewer Contribution

\$36,890.00

Other Funding Sources

\$36,890.00

TOTAL FINANCING

\$186,417.37

**SCHEDULE "C" FOR PUBLIC HEARING ON SPECIAL ASSESSMENTS
REPORT TO THE VILLAGE OF HOWARD, WISCONSIN, ON GREENFIELD-SHAWANO SANITARY SEWER EXTENSION**

VILLAGE OF HOWARD PARCEL OWNER PARCEL # (ie. VH -)	PARCEL ADDRESS	MAILING ADDRESS	TOTAL SAN. SEWER CHARGES	TOTAL WATERMAIN CHARGES	TOTAL STORM SEWER CHARGES	TOTAL SIDEWALK CHARGES	TOTAL ROADWAY CHARGES	TOTAL CHARGES	
VH-61	GAROT LAND DEVELOPMENT LLC	4001 SHAWANO AVE	320 MAIN AVE STE 300 DE PERE WI 54115-2228	\$19,565.99	\$0.00	\$0.00	\$0.00	\$0.00	\$19,565.99 ◆
VH-61-1	GAROT LAND DEVELOPMENT LLC	4001 SHAWANO AVE	320 MAIN AVE STE 300 DE PERE WI 54115-2228	\$36,105.18	\$14,657.19	\$0.00	\$0.00	\$0.00	\$50,762.37 ◆
VH-65-1	JACQUELINE M LENCIONI	SHAWANO AVE	4101 SHAWANO AVE GREEN BAY WI 54313	\$7,847.85	\$0.00	\$0.00	\$0.00	\$0.00	\$7,847.85 ❖
VH-58	WILLIAM J SYMES JR	4066 SHAWANO AVE	1595 MEADOW WOOD CT GREEN BAY WI 54313	\$16,949.42	\$0.00	\$0.00	\$0.00	\$0.00	\$16,949.42 ■
VH-59	MURPHY LTD PARTNERSHIP C/O RUSSELL J MURPHY	4064 SHAWANO AVE	1651 GREENFIELD AVE GREEN BAY WI 54313-7519	\$17,260.35	\$1,696.94	\$0.00	\$0.00	\$0.00	\$18,957.29 ●
VH-60-1	RUSSELL J MURPHY	4054 BLOCK SHAWANO AVE	1651 GREENFIELD AVE GREEN BAY WI 54313-7519	\$22,793.61	\$0.00	\$0.00	\$0.00	\$0.00	\$22,793.61 ■
XXX	CHRISTOPHER HALTOM VILLAGE OF HOWARD		PO BOX 12207 GREEN BAY WI 54307-2207	\$12,650.84 \$36,890.00	\$0.00 \$0.00	\$0.00 \$0.00	\$0.00 \$0.00	\$0.00 \$0.00	\$12,650.84 \$36,890.00
TOTALS				\$170,063.24	\$16,354.13	\$0.00	\$0.00	\$0.00	\$186,417.37

●Assessment Type A - 10 yr. Payment Plan plus interest*

■Assessment Type B - Principal Deferral without interest*

❖Assessment Type E - Principal Deferral without interest*

◆Assessment Type F - Paid by funds deposited, letter of credit, or cash*

* see final resolution for additional terms

**SCHEDULE "C" FOR PUBLIC HEARING ON SPECIAL ASSESSMENTS
 REPORT TO THE VILLAGE OF HOWARD, WISCONSIN, ON GREENFIELD-SHAWANO SANITARY SEWER EXTENSION**

VILLAGE OF HOWARD PARCEL # (ie. VH -)	PARCEL OWNER	SANITARY SEWER FRONTAGE		ASSESSABLE FRONTAGE, (L.F.)	SANITARY SEWER CHARGE, PER LINEAL FOOT \$66.30	SANITARY SEWER LATERALS, NUMBER INSTALLED	SANITARY SEWER LATERAL CHARGE, EA. \$1,846.34	INTERCEPTOR ACREAGE (AC.)	INTERCEPTOR ACREAGE CHARGE \$175.00	TOTAL SANITARY SEWER CHARGES
		FRONTAGE (L.F.)	CREDITS (L.F.)							
VH-61	GAROT LAND DEVELOPMENT LLC	287.15	0.00	287.15	\$19,039.24	0	\$0.00	3.01	\$526.75	\$19,565.99
VH-61-1	GAROT LAND DEVELOPMENT LLC	421.46	0.00	421.46	\$27,944.56	4	\$7,385.38	4.43	\$775.25	\$36,105.18
VH-65-1	JACQUELINE M LENCIONI	158.00	40.80 *>	117.20	\$7,770.85	0	\$0.00	0.44	\$77.00	\$7,847.85
VH-58	WILLIAM J SYMES JR	402.86	150.00 *>	252.86	\$16,765.67	0	\$0.00	1.05	\$183.75	\$16,949.42
VH-59	MURPHY LTD PARTNERSHIP C/O RUSSELL J MURPHY	228.04	0.00	228.04	\$15,120.00	1	\$1,846.34	1.68	\$294.00	\$17,260.35
VH-60-1	RUSSELL J MURPHY	334.43	0.00	334.43	\$22,174.11	0	\$0.00	3.54	\$619.50	\$22,793.61
XXX	CHRISTOPHER HALTOM VILLAGE OF HOWARD	0.00	-190.80 ^	190.80	\$12,650.84 \$36,890.00 OVERSIZE	0	\$0.00	0	\$0.00	\$12,650.84 \$36,890.00
TOTALS		1831.94	0.00	1831.94	\$158,355.27	5.00	\$9,231.72	14.15	\$2,476.25	\$170,063.24

! WETLANDS & FRONTAGE IMPROVEMENTS PREVIOUSLY PAID FOR BY ASSESSMENT
 ~FLOODWAY
 * SECOND SIDE CREDIT ^ ADDITIONAL FOOTAGE CHARGE
 < UNDIVIDABLE HARDSHIP > FOOTAGE APPLIED TO ^

**SCHEDULE "C" FOR PUBLIC HEARING ON SPECIAL ASSESSMENTS
 REPORT TO THE VILLAGE OF HOWARD, WISCONSIN, ON GREENFIELD-SHAWANO SANITARY SEWER EXTENSION**

VILLAGE OF HOWARD PARCEL # (ie. VH-)	PARCEL OWNER	WATERMAIN FRONTAGE		ASSESSABLE FRONTAGE, (L.F.)	WATERMAIN CHARGE, PER LINEAL FOOT N/A	WATERMAIN SERVICES, NUMBER INSTALLED	WATERMAIN 8" SERVICE CHARGE, EA. \$14,657.19	WATERMAIN 1" SERVICE CHARGE, EA. \$1,696.94	TOTAL WATERMAIN CHARGES
		FRONTAGE (L.F.)	CREDITS (L.F.)						
VH-61	GAROT LAND DEVELOPMENT LLC	0.00	0.00	0.00	\$0.00	0	\$0.00	\$0.00	\$0.00
VH-61-1	GAROT LAND DEVELOPMENT LLC	0.00	0.00	0.00	\$0.00	1	\$14,657.19	0	\$14,657.19
VH-65-1	JACQUELINE M LENCIONI	0.00	0.00	0.00	\$0.00	0	\$0.00	\$0.00	\$0.00
VH-58	WILLIAM J SYMES JR	0.00	0.00	0.00	\$0.00	0	\$0.00	\$0.00	\$0.00
VH-59	MURPHY LTD PARTNERSHIP C/O RUSSELL J MURPHY	0.00	0.00	0.00	\$0.00	1	\$0.00	\$1,696.94	\$1,696.94
VH-60-1	RUSSELL J MURPHY	0.00	0.00	0.00	\$0.00	0	\$0.00	\$0.00	\$0.00
XXX	CHRISTOPHER HALTOM VILLAGE OF HOWARD	0.00	0.00	0.00	\$0.00	0	\$0.00	\$0.00	\$0.00
TOTALS		0.00	0.00	0.00	\$0.00	2.00	\$14,657.19	\$1,696.94	\$16,354.13

! WETLANDS & FRONTAGE IMPROVEMENTS PREVIOUSLY PAID FOR BY ASSESSMENT
 ~FLOODWAY ^ ADDITIONAL FOOTAGE CHARGE
 * SECOND SIDE CREDIT > FOOTAGE APPLIED TO ^
 < UNDIVIDABLE HARDSHIP

FINAL RESOLUTION AUTHORIZING
LEVYING OF SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY
FOR SANITARY SEWER & LATERALS, AND WATER SERVICES
ON GREENFIELD AVENUE AND SHAWANO AVENUE.

WHEREAS, the Village Board for the Village of Howard, Brown County, Wisconsin, held a public Hearing at 6:35 p.m. on the 11th day of March, 2013, for the purpose of hearing all interested persons concerning the Preliminary Resolution and the report of the Village Engineer on the proposed improvement, construction, and installation of sanitary sewer & laterals, and water services. The areas to be assessed shall be:

A. The easterly and westerly sides of Greenfield Avenue, beginning at the intersection with Evergreen Avenue, continuing southerly along Greenfield Avenue approximately 250 feet, ending at the south side of the intersection with Shawano Avenue for sanitary sewer and laterals, and water service construction including:

Parcel VH – 58
Parcel VH – 65-1

B. The northerly and southerly sides of Shawano Avenue, beginning at the southeast corner of the intersection with Greenfield Avenue, continuing easterly approximately 750 feet for driveways, sanitary sewer and laterals, and water service construction including:

Parcel VH – 58
Parcel VH – 59
Parcel VH – 60-1
Parcel VH – 61
Parcel VH – 61-1

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Howard, Brown County, Wisconsin, as follows:

- (1) That the report of the Village Engineer and/or consulting engineers pertaining to the construction of the above described public improvements for installation of sanitary sewer and laterals, and water services, including plans and specifications therefore, is adopted and approved.

- (2) The Village engineer is authorized to carry out construction and installation in accordance with the Engineer's Report.
- (3) That payment for the improvements shall be made by assessing the costs thereof against the above described benefited properties as indicated in the Engineer's Report.
- (4) That the Village Board, based in its view of the property and its review of such report determines that the above-described properties are benefited by such public improvements and that the benefits and amounts assessed against each parcel on the basis shown in the report, representing an exercise of the police power, are determined to be on a reasonable basis and are hereby confirmed and approved.
- (5) Financing and Payments:

(A) **Type A payment plan –**

- i. Special assessments levied against properties as set forth in Schedule C of the Engineer's Report denoted as "Assessment Type A" shall be paid in cash or in ten (10) annual installments to the Treasurer, such installments bearing interest, at the rate of 5 ¾% annually or 1% over the Village borrowing rate at the time of the assessment whichever is greater, on the unpaid balance, until such time that any of the following events occur:
 1. The land is developed (building or use permit, sewer or water use, etc.), or
 2. The property is divided by a certified survey map or plat, or
 3. The property is sold or transferred, except for transfer between father, mother, son, daughter, brother or sister.
- ii. At the time events "1", "2" or "3" occur, the balance of principal, late fees, penalties and accrued interest shall be immediately due and payable in full.

(B) **Type B payment plan –**

- i. Special assessments levied against properties as set forth in Schedule C of the Engineer's Report denoted as "Assessment Type B" allow deferred payment without accrued interest until such time that any of the following events occur:
 1. The land is developed (building or use permit, sewer or water use, etc.), or
 2. The property is divided by a certified survey map or plat, or
 3. The property is sold or transferred, except for transfer between father, mother, son, daughter, brother or sister.
- ii. At the time events "1", "2" or "3" occur, the balance of principal, late fees, and penalties, without accrued interest, shall be immediately due and payable in full.

(C) **Type E Payment plan –**

- i. The cost of improvements that benefit property, identified and set forth in schedule C of the Engineer's Report denoted as "Payment plan Type E", is the documented the cost of the installed improvements had the property not been exempted from special assessments per Wis. State Statutes 91.15. The cost of improvements shall be withheld until such time that the circumstances have changed, such that any portion of the exempted area no longer applies. At that time, the Village shall promptly assess the property owner for the cost of the improvements as set forth in Schedule C of the Engineer's Report. The balance of principal, late fees, and penalties, without accrued interest, shall be immediately due and payable in full.

(D) **Type F Payment plan -**

- i. Special assessments hereby levied against properties as set forth in Schedule C of the Engineer's Report denoted as "Payment plan Type F" shall be paid from the funds deposited or by claim against letter of credit filed with the Village. Where owners of affected property have not deposited or filed the same, such assessments shall be paid in cash within thirty (30) days after adoption and publication of the Final Resolution relating to the public improvements, and thereafter said assessments shall bear interest on the unpaid balance at the rate of 18% annually.

- (6) **Installation Notice:** Notice is hereby given that a contract has been or is about to be let for the above described the improvement and that the amount of the special assessment for the improvement has been determined as to each parcel of real estate affected and a statement of the assessment is on file with the Village Clerk; it is proposed that some of the assessments as described above may be paid in installments, as provided for by section 66.0715 of the Wisconsin Statutes, with interest as described above; that all assessments eligible for installments will be collected in installments as provided above except assessments on property where the owner files with the Village Clerk within 30 days from date of this notice a written notice that the owner elects to pay the special assessment on the owner's property, describing the property, to the Village Treasurer on or before the following November 1, unless the election is revoked. If, after making the election, the property owner fails to make the payment to the Village Treasurer, the entire assessment shall be placed on the following tax roll.
- (7) The total amount assessed against benefited properties shall not exceed the total cost of the improvements.
- (8) That the Village Clerk of the Village of Howard is directed to publish this resolution as a Class I Notice and is further directed to mail a copy of this resolution and a statement of the Final Assessment against the benefited property to every property owner whose name appears on the assessment roll whose post office address is known or can, with reasonable diligence be ascertained.

- (9) If any section, sentence, or clause of this Resolution or any Special Assessment set forth or referenced herein shall be declared invalid for any reasons whatsoever, such decision shall not affect the remaining sections or assessments approved herein, which shall remain in full force and effect.
- (10) This Resolution shall remain in full force and effect from and after its passage and publication according to law.

Adopted by the Village Board of the Village of Howard, Wisconsin this 11th day of March 2013.

VILLAGE OF HOWARD

Burt R. McIntyre, Village President

ATTEST:

Christopher A. Haltom, Village Clerk

Published: 03 | 15 | 13



March 1, 2013

RE: Public Hearing Notice
Greenfield Avenue and Shawano Avenue

Dear Property Owner:

Attached please find a Notice of Public Hearing, Schedule "C" showing costs to be assessed to your property for the improvements listed and a copy of the final resolution.

Please review the Notice and Schedule "C" listing. If you have any questions please call 434-4060 or stop by the Public Works Facility at 1336 Cornell Road so that we may address your concerns.

The Village Board is scheduled to review and take action on the assessments and a Final Resolution on March 11th, 2013 at 6:35 p.m. The Village Board Meeting will begin at 6:30 p.m.

Sincerely,

Michael Kaster, P.E.
Director of Engineering

Enclosures (3)

Public Works Facility
ENGINEERING * STREET & SANITATION * WATER & SEWER
1336 Cornell Road * Green Bay, WI 54313
Phone: 920-434-4060 * Fax: 920-434-4072
E-mail: publivworks@village.howard.wi.us