

1. CALL TO ORDER: The regular meeting of the Oregon Village Board was called to order by President Luebke at 5:30 p.m. on Monday, July 21, 2003.
2. ROLL CALL: Present: Jerry Luebke, Jerry Bollig, Darrell Klimke, Bob Munson and Marv Severson. Members Absent: Eric Poole and Steve Staton. Also present: Village Administrator Mike Gracz, Finance Director Renee Hoeft, Deputy Clerk Becki Reilly, Public Works Director Mark Below, Library Director Vicky Cothroll, Police Chief Doug Pettit, Village Attorney Dick Yde and Village Engineer Paul Levendoski.
3. Motion by Klimke to **adjourn into Executive (Closed) Session at 5:31 p.m. per the exemption under Wisconsin Statutes Sec. 19.85(1) (c) (e) and (g) to discuss labor negotiations, acquisition of property for Wolfe Street Traffic Signal and water tower, potential dispute with sewer interceptor contractor and purchase of Sweeney and Alpine Dairy properties for business park, amending Fleming's Developer Agreement and the Post Office Lease.** Second by Munson. Roll call vote: Luebke – yes; Bollig – yes; Severson – yes; Klimke – yes and Munson – yes. Motion carried 5-0-0.
4. Motion by Munson to **reconvene into Open Session to conduct regular business at 6:08 p.m.** Second by Klimke. Motion carried 5-0-0.

Break until 6:10 p.m.

5. RECOGNITION OF JOYCE WILLIAMS Luebke thanked Joyce Williams for her service on the Library Board and presented her with a plaque.
6. APPROVAL OF MINUTES
 - a) Regular Meeting 6/16/03. Motion by Klimke to **approve the minutes of the June 16, 2003 Regular Village Board meeting as presented.** Second by Severson. Motion carried 5-0-0.
 - b) Special Meeting 6/23/03. Motion by Klimke to **approve the minutes of the June 23, 2003 Special Village Board meeting as presented.** Second by Severson. Motion carried 5-0-0.
 - c) Special Meeting 7/07/03. Motion by Klimke to **approve the minutes of the July 7, 2003 Special Village Board meeting as presented.** Second by Severson. Motion carried 5-0-0.
7. APPROVAL OF VOUCHERS.

Motion by Severson to **approve the water and sewer vouchers in the amount of \$265,386.43.** Second by Munson. Roll call vote: Luebke – yes; Bollig – yes; Severson – yes; Klimke – yes and Munson – yes. Motion carried 5-0-0.

Motion by Severson to **approve the general operating vouchers in the amount of \$206,989.53.** Second by Munson. Roll call vote: Luebke – yes; Bollig – yes; Severson – yes; Klimke – yes and Munson – yes. Motion carried 5-0-0.
8. PUBLIC APPEARANCES AND PUBLIC HEARINGS
 - a) Public Hearing to consider the application of Jerry Heinrichs, as Manager for S&H Properties, LLC, to rezone Alpine Meadows Lots 139 and 140 from Business Highway (B-H) to Business General (B-G) and Planned Unit Development (P.U.D.). The Public

Hearing was called to order at 6:16 p.m. There were no members of the public wishing to speak. The Public Hearing was closed at 6:17 p.m.

- 1) Approval of Rezone Request [B-H to B-G and P.U.D.], Ordinance #03-12. Motion by Klimke to **waive the second reading and adopt Ordinance #03-12, rezone request (B-H to B-G and P.U.D.)**. Second by Munson. Motion carried 5-0-0.

- b) Public Hearing to consider the proposed ordinance to amend Section 17.84 of the Municipal Code regarding provisions pertaining to the code and zoning boundaries. The Public Hearing was called to order at 6:18 p.m. Yde stated that this amendment moves public hearings from the Village Board to the Planning Commission. The Public Hearing was closed at 6:19 p.m..
 - 1) Ordinance #03-11 Amending Section 17.84 pertaining to the code and zoning boundaries. Motion by Klimke to **waive the second reading and adopt Ordinance # 03-11 Amending Section 17.84 pertaining to the code and zoning boundaries**. Second by Munson. Motion carried 5-0-0.

- c) Public Hearing to consider amending Section 8.13 and Sections 18.08, 18.09 and 18.10 of the Municipal Code regarding Public Works Construction. The Public Hearing was called to order at 6:19 p.m. Yde explained that this amendment refers to specifications for Public Works projects and would allow for the standards to be amended by resolution rather than requiring an ordinance. The Public Hearing was closed at 6:21 p.m.
 - 1) Ordinance #03-10 Amending Chapters 8 and 18 of the Municipal Code regarding Public Works Construction. Motion by Klimke to **waive the second reading and adopt Ordinance #03-10 Amending Chapters 8 and 18 of the Municipal Code regarding Public Works Construction**. Second by Munson. Motion carried 5-0-0.

- d) Public hearing to consider adopting new floodplain maps for floodplain zoning under Chapter 40 of the Municipal Code. The Public Hearing was called to order at 6:22 p.m. Levedoski explained that FEMA did new engineering studies in Dane County and has developed new maps, this ordinance adopts those maps and makes Village property owners eligible to participate in the federal flood insurance program.
The Public Hearing was closed at 6:24 p.m.
 - 1) Ordinance #03-13 Amending Floodplain Map (Chapter 40). Motion by Klimke to **waive the second reading and adopt Ordinance #03-13 Amending floodplain Map (Chapter 40)**. Second by Munson. Motion carried 5-0-0.

- e) Public hearing to consider application for Conditional Use Permit at 123 ½ S. Main Street to allow for addition for display area (Gary Kershaw).
The public Hearing was postponed until the arrival of Mr. Kershaw's attorney.

- f) Adjourn into Executive (Closed) Session per the exemption under Wisconsin Statutes Sec. 19.85(1) (c) (e) and (g) to discuss labor negotiations, acquisition of property for Wolfe Street Traffic Signal and water tower, potential dispute with sewer interceptor contractor and purchase of Sweeney and Alpine Dairy properties for business park, amending Fleming's Developer Agreement and the Post Office Lease. No Closed Session Needed.

- g) Reconvene into open session to conduct regular business. Not needed.

- h) Alpine Meadows – Agreement for street revision for Alpine Parkway median crossing (Dick Yde) (see Planning Commission minutes) (Refer to July 28th Public Works Meeting).

- i) Update Regarding Wastewater Treatment Plant Improvements (EarthTech). Levedoski stated that the building is in the final stages of design. The improvements, excluding the building project was recommended by the RPC as a condition of Urban Service Area amendment for Fleming/Sweeney. It must be completed by the end of 2005. The improvements will extend to a population of 12,500. The current lab and other facilities are deficient. The estimated cost is \$960,000 and will be paid by the sewer utility. Motion by Klimke **the Village Board authorizes future bidding for this project contingent on the approval of the Public Works Director and the Public Works Committee.** Second by Severson. Motion carried 5-0-0.

- j) GroMor Offer to Purchase 106 & 110 North Main Street (see Finance Minutes). Jeff Groenier and Mark Mortenson appeared. They have presented an offer to purchase as recommended by the Finance Committee. Their offer is in the amount of \$10,000. Contingencies have been recommended by the CDA and they will be incorporated in the negotiations. Motion by Bollig to **accept the offer to purchase by GroMor, LLC contingent on approval by the Village attorney and Village administrator.** Second by Severson. Roll call vote: Luebke – abstain; Bollig – yes; Severson – yes; Klimke – yes and Munson – yes. Motion carried 4-0-1.

- k) Chamber of Commerce Report. Luebke congratulated and complimented the Chamber for a job well done on Summerfest and the Gold Wing Rally, back to back. Linda Pollock, Chamber Director presented the monthly Chamber report.

- l) Youth Center Report. Amy Koeppert presented the monthly Youth Center report and the August calendar of events.
 - 1) Discuss quarterly presentation of report. Presentations will continue to be monthly.

11. REPORT OF COMMITTEE

- b) Planning Commission 7/10/03
 - 3) Certified Survey Map for Lots 139 and 140, Alpine Meadows. Motion by Klimke to **approve the Certified Survey Map for Lots 139 and 140, Alpine Meadows.** Second by Bollig. Motion carried 5-0-0.

8. PUBLIC APPEARANCES AND PUBLIC HEARINGS (CONTINUED)

- e) Public hearing to consider application for Conditional Use Permit at 123 ½ S. Main Street to allow for addition for display area (Gary Kershaw).
The Public Hearing was called to order at 7:04 p.m.
Gary Kershaw, owner Old Stage Auto, 123 ½ S. Main Street appeared with his attorney Ronald Trachtenberg. Kershaw stated that they have been in the business of car repair and sales from this location since 1994. He also asked about researching the CUP history for this site. Yde stated that a CUP has been required for auto repair and sales since at least 1990. If the previous owner of this location did auto repair but not sales it may negate the necessity of a CUP for repair. Kershaw and Trachtenberg object to a time limit on the CUP. Trachtenberg stated that this could possibly jeopardize relocation rights if the property were condemned. Members of the Board were unaware that cars were being sold from this location. John Dietz, owner, Peaceful Hearts Books & Gifts appeared to ask about the number of cars vs. the number of parking stalls. Kershaw stated that with the proposed configuration, they would have less cars on the lot than they

have in the past. Trachenberg stated that they would agree to items 1 and 2 of Slavney's memo but not item 3. They would also agree to stripe the lot per the site plan. Luebke and Bollig feel that the sunset provision is unnecessary but agree with the striping. Munson does not believe that a car dealership belongs downtown and will vote against it. The Public Hearing was closed at 7:28 p.m..

- 1) Conditional Use Permit at 123 ½ S. Main Street to allow for an addition for a display area at premises known as Old Stage Auto. Motion by Klimke to **approve Conditional Use Permit for 123 ½ S. Main Street to allow for a display area at premise known as Old Stage Auto contingent on the incorporation of items 1 and 2 from Slavney's 7-18-03 memo, deleting item 3, that striping be included as shown on the site plan and that a revised site plan be submitted, reviewed and approved by the zoning administrator.** Second by Severson. Roll call vote: Luebke – yes; Bollig – yes; Severson – yes; Klimke – yes and Munson – no. Motion carried 4-1-0, Munson in opposition.

9. COMMUNICATION AND MISCELLANEOUS BUSINESS

- a) Approve Application for Street Use for 3rd Annual Block Party, August 23, 2003, 3:00 p.m.-10:00 p.m. (Miller Drive). Motion by Klimke to **approve the application for Street Use for the 3rd Annual Block Party, August 23, 2003, 3:00 p.m.-10:00 p.m. (Miller Drive).** Second by Bollig. Motion carried 5-0-0.
- b) Approve Street Closing Request for National Night Out—August 5, 2003, 4:00 p.m. to 9:00 p.m. (100 block of Spring Street). Motion by Klimke to **approve the street closing request for National Night Out – August 5, 2003, 4:00 p.m. to 9:00 p.m. (100 block of Spring Street).** Second by Bollig. Motion carried 5-0-0.
- c) Approve Application of Dennis L. Whitehead for Peddlers License (selling ice cream products). Motion by Klimke to **approve the application of Dennis Whitehead for Peddlers License to sell ice cream products.** Second by Bollig. Motion carried 5-0-0.
- d) Review Recommendation by Park Board regarding Vending Permit Application of William Moeser for summer months (Please see Park Board Minutes). Application withdrawn.
- e) North Central Railcars Ltd. Request for use of railroad 3rd Saturdays in August and September (Aug. 16 and Sept. 20). Motion by Klimke to **approve the request by North Central Railcars Ltd. For use of railroad on the 3rd Saturday in August and September(August 16a and September 20).** Second by Bollig. Motion carried 5-0-0.
- f) Discuss Date for August Finance Meeting. No action.
- g) Review 2004 Budget Schedule. The proposed budget schedule was provided in the packet. Two changes have been made. The October 15th meeting will change to October 13th. The September 24th meeting will be a joint meeting with the Park Board and the Youth Center.
- h) 2004 Fire/EMS Budget. The Board would like to see a comparison of budget to actual. In the budget scenario that the Board is looking at, the Fire District needs to cut \$9,300 of the Village's share from last years total. That will be what the Village's representatives to the District will be striving for.
- i) Appointment to Library Board—Thomas H. Brown. Luebke appointed Thomas H. Brown to the Library Board.

10. REPORT OF OFFICERS

Library Director Vicky Cothroll reported that July 7 the Library beat two existing circulation records. 1,351 items were checked out and 1,866 were returned. Public Works Director Mark Below stated that they are just finishing the first round of brush pick-up.

Luebke reminded Village residents to remove their garage sale signs after their sales.

11. REPORT OF COMMITTEES

a.) Park Board 7/1/03

- 1) Change wording for Skateboard Park rules. Motion by Klimke to **change the wording regarding safety equipment on the sign at the skateboard-park from “required” to “recommended”**. Second by Severson. Motion carried 5-0-0.
 - 2) Recognize Public Works Dept for work at Skateboard Park. Motion by Klimke to **recognize the hard work of the Public Works Department on the Skateboard Park with a Pizza Party**. Second by Bollig. Motion carried 5-0-0.
 - 3) Approve installation of soda vending machines in Kiser Park tennis court/Skateboard Park area. Motion by Munson to **approve installation of soda vending machines in Kiser Park tennis court/Skateboard Park area with the option 3, 40% commission rate**. Second by Bollig. Motion carried 6-0-0.
- Motion by Klimke to **accept the minutes of the July 1, 2003 Parks Board meeting as presented**. Second by Munson. Motion carried 5-0-0.

b.) Planning Commission 7/10/03

- 1) Bills Food Store: Amendment to the S.I.P. Motion by Bollig to **approve Bill’s Food Store Amendment to S.I.P.**. Second by Munson. Motion carried 5-0-0.
 - 2) Oregon Parks Neighborhood – Denial of Preliminary Plat. This plat had not met the requests of the Planning Commission and will have to be resubmitted. Motion by Klimke to **accept the Planning Commission recommendation and deny the Oregon Parks Neighborhood Preliminary Plat and direct the Village Administrator to send a letter of explanation and direction**. Second by Bollig. Motion carried 5-0-0.
- Motion by Klimke to **accept the minutes of the July 10, 2003 Planning Commission meeting as presented**. Second by Munson. Motion carried 5-0-0.

c.) Finance, Buildings & Facilities 7/7/03

- 1) Weights and Measures Charge Backs. Motion by Bollig to **present the first reading of the Ordinance creating Section 12.16 regarding Charge backs of Weights & Measures charges**. Second by Klimke. Motion carried 5-0-0.
- 2) Wheel Tax Ordinance. Tabled
- 3) Purchase computer for Deputy Clerk/Deputy Treasurer. Motion by Bollig to **approve purchase of computer for Deputy Clerk/Deputy Treasurer**. Second by Klimke. Motion carried 5-0-0.
- 4) Proposed Building Fees. Motion by Bollig to **amend building permit fee schedule as presented**. Second by Klimke. Motion carried 5-0-0.

Motion by Bollig to **accept the minutes of the July 7, 2003 Finance, Buildings & Facilities meeting as presented**. Second by Severson. Motion carried 5-0-0.

d.) Personnel, Public Safety & Protection 5/12/03 (minutes only) Motion by Klimke to **accept the minutes of the May 12, 2003 Personnel, Public Safety & Protection committee as presented**. Second by Bollig. Motion carried 5-0-0.

e.) Library Board—6/11/03 and 6/17/03 Motion by Munson to **accept the minutes of the June 11, 2003 Library Board meetings as presented**. Second by Klimke. Motion

carried 5-0-0. Motion by Munson to **accept the minutes of the June 17, 2003 Library Board meetings as presented.** Second by Klimke. Motion carried 5-0-0.

f.) Fire/EMS 5/28/03 & 6/11/03. Motion by Munson to **accept the minutes of the May 28 and June 11, 2003 Fire/EMS meetings as presented.** Second by Klimke. Motion carried 5-0-0.

g.) Community Development Authority 6/24/03

1) Policy Statement Regarding Not Using Eminent Domain to Acquire 122 East Grove Street and 171 Spring Street. Motion by Klimke to **receive the petition and recommendation from the CDA regarding not using eminent domain to acquire 122 East Grove Street and 171 Spring Street and draft a letter to the school district stating the Board's position.** Second by Severson. Motion carried 5-0-0.

Motion by Klimke to **accept the minutes of the June 24, 2003 CDA meeting as presented.** Second by Munson. Motion carried 5-0-0.

h.) Historic Preservation Commission 6/25/03

1) Façade Application of David Manganaro at 119-121 N. Main Street. Motion by Klimke to **approve the award of a façade grant to David Manganaro at 119-121 N. Main St. in the amount of \$5,000.** Second by Bollig. Motion carried 5-0-0.

2) Amending Facade Grant Application. Motion by Klimke to **approve amending grant application stating that matching funds must be used for exterior improvements only.** Second by Bollig. Motion carried 5-0-0.

3) Approve amending Vierbicher Agreement for handling Compliance Issues regarding the Davis-Bacon Act not to exceed \$5,000. Motion by Klimke to **amend the Vierbicher Agreement for handling compliance issues regarding Davis-Bacon Act not to exceed \$5,000.** Second by Bollig. Motion carried 5-0-0.

Motion by Klimke to **accept the Historic Preservation Commission meeting minutes of June 25, 2003.** Second by Bollig. Motion carried 5-0-0.

i.) COA 5/8/03. Motion by Severson to **accept the minutes of the May 8, 2003 Council on Aging Committee meeting as presented.** Second by Munson. Motion carried 5-0-0.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a.) Begin July 28th Public Works Meeting at 4:30PM. Motion by Klimke to **approve the meeting time of 4:30 p.m. for the July 28, 2003 Public Works meeting contingent on Poole and Staton being able to attend.** Second by Bollig. Motion carried 5-0-0.

14. ITEMS FOR FUTURE MEETINGS

15. ADJOURNMENT. Motion by Severson to **adjourn at 8:37 p.m.** Second by Munson. Motion carried 5-0-0.

Respectfully submitted by
Becki Reilly, Deputy Clerk