

Regular Meeting of the Oregon Village Board,  
Tuesday, August 16, 2005

1. **CALL TO ORDER.** The regular meeting of the Village Board was called to order by the Village Board President Luebke at 6:00 p.m. on Tuesday, August 16, 2005.
2. **ROLL CALL.** Present: Jerry Bollig, Darrell Klimke, Jerry Luebke, Mark Mortensen, Hans Noeldner, Eric Poole and Steve Staton. Also present: Village Administrator Mike Gracz, Finance Director Renee Hoeft, Public Works Director Mark Below, Sr. Center Director Alison Koelsch and Village Clerk Georgia Johnson. Attorney Joe Wright was present for closed session.
3. **EXECUTIVE SESSION.** Bollig moved to adjourn into Executive (Closed) Session at 6:00 p.m. per the exemption under Wis. Stats. Sec. 19.85(1) (c) (e) and (g) to discuss Fire/EMS District Joint Agreements with Towns and labor negotiations concerning the Fire/EMS District, potential dispute with sewer interceptor contractor, property damage claim/lawsuit filed by Stiklestad, possible purchase of Former EMS Building, intergovernmental agreement with the Town of Oregon and negotiations of agreements regarding rail line activation. Second by Klimke. Roll call vote: Bollig – yes; Klimke – yes; Mortensen – yes; Poole – yes; Noeldner – yes; Staton – yes; Luebke – yes. Motion carried 7-0.

The Board reconvened into open session at 6:53 p.m. on **motion by Bollig, second by Klimke**, and a brief recess was taken. The meeting reconvened at 7:00 p.m.

4. **APPROVAL OF MINUTES.**
  - a) **Klimke moved to approve the minutes of the regular Village Board meeting of June 20, 2005. Second by Mortensen. Motion carried 7-0.**
  - b) **Poole moved to approve the minutes of the Special Joint Board/CDA meeting of July 7, 2005. Second by Noeldner. Motion carried 7-0.**
  - c) **Bollig moved to approve the minutes of the regular Village Board meeting of July 11, 2005. Second by Staton. Motion carried 7-0.**
5. **APPROVAL OF VOUCHERS.** **Bollig moved, second by Klimke, to approve payment of vouchers for the Water and Sewer Utility Funds in the amount of \$68,899.84 per the list dated August 16, 2005. Roll call vote: Klimke – yes; Mortensen – yes; Poole – yes; Noeldner – yes; Luebke – yes; Bollig – yes; Staton - yes. Motion carried 7-0.**

**Klimke moved, second by Poole, to approve the payment of vouchers for the General Operating Fund in the amount of \$1,159,770.18 per the list dated August 16, 2005. It was noted this includes the Dane County payment for school tax. Roll call vote: Klimke – yes; Mortensen – yes; Poole – yes; Noeldner – yes; Luebke – yes; Bollig – yes; Staton - yes. Motion carried 7-0.**

6. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.**
  - a) **State Representative Brett Davis – Status of TE Grant.** State Representative Brett Davis gave a brief presentation on the status of the TE grant. He suggested the Village pursue the federal process for possible monies as well.
  - b) **Fire/EMS District Monthly Report.**
    - 1) **Discussion and Consideration of SAFER Grant.** Acting Chief Dave Bloom referred to the SAFER Grant proposal and the statistical report attached to the agenda. He noted the statistical report is in response to an earlier request and includes individual incident loss report figures, automatic/mutual aid responses and EMS calls in the community. He advised that the department responded to the Watertown tire factory fire.

The SAFER Grant is through FEMA and is for the purpose of increasing staffing and to improve recruitment retention. In order to meet the filing deadline the grant has already been

submitted and FEMA is reviewing the grants. The Board needs to approve applying for the grant. The three townships have approved it and have agreed to pay their portion. It was noted this would proceed only if FEMA approves the department's grant application. There was discussion including where the monies would come from, whether to have the Finance Committee look at it, the total cost over the 5-year period, the grant's use for college reimbursement, reimbursement for volunteer training and staffing assessment, and the breakdown by municipality. It was agreed to have the Finance Committee take a look at it and it was noted that a special meeting could be held before the September 6<sup>th</sup> Board meeting.

- 2) Fire/EMS District's Information. Bloom went over the personnel changes and stated it was felt these changes would have a positive effect on the department.

7. **COMMUNICATION AND MISCELLANEOUS BUSINESS.**

- a) Resolution #05-14, Creating, Making Certain Findings and Approving the Project Plan for Tax Incremental District #3 Village of Oregon, Wisconsin. Luebke stated this is to approve the project plan for Tax Increment District #3 and referred to the attached map. Gracz advised the plan has been amended per the August 1<sup>st</sup> Jt. Review Board meeting. The Planning Commission and Community Development Authority both recommend approval. It was noted it will then go to the Jt. Review Board for final approval. **Staton moved, second by Poole, to adopt Resolution #05-14, creating, making certain findings and approving the Project Plan for Tax Increment District #3. Motion carried 7-0.**
- b) City of Fitchburg's City Council to meet August 23<sup>rd</sup> to Review Joint Business Park Consulting Reports. This is provided for informational purposes and anyone interested in attending was encouraged to do so. Gracz advised that it has been posted for the Planning Commission and the Village Board and the materials are on the Fitchburg web page. There is a link on the Village's site to Fitchburg's. Noeldner had a question regarding Figure 4.04-2 of the Traffic Impact Study and he was encouraged to attend the August 23<sup>rd</sup> meeting. Gracz stated Noeldner should provide his questions to Gracz who would forward them to Administrator Roach for answering.
- c) Status of Railroad Bridge and Waiving of Conflicts for Use of DeWitt, Ross & Stevens' Firm with City of Fitchburg. Gracz advised that this is a request to waive any conflicts the Board has with the DeWitt, Ross & Stevens' Firm as they represent Fitchburg and now they are representing the Village on the railroad bridge matter. This has been done before and has worked well and has saved money. If it is found down the road that there is a conflict, we can go ahead and hire separate counsel. There was some discussion. **Staton moved, Klimke second, to waive the conflict for use of the DeWitt, Ross & Steven's Firm. Motion carried 7-0.**
- d) Consideration of Hiring Engineering Firm for Braun Road Project (from Special 8/15/05 Public Works Meeting). **Poole moved to authorize the hiring of Ruckert-Mielke Engineering Firm for the Braun Road project in an amount not to exceed \$56,454.00. Second by Noeldner.** Poole advised that requests for proposals were sent out for this project. He referred to the spreadsheet with the results of the RFP and Public Works Committee feels they are qualified and capable and is recommending approval. Hoeft noted this is in TIF #2. Poole requested a roll call vote in that there is a \$13,000 difference between their bid and the lowest eligible bid. Noeldner noted that this is a step that is being taken to address the traffic concerns that came up during the discussion of the Lycon project and Alpine Business Park. **Roll call vote: Klimke – yes; Mortensen – yes; Poole – no; Noeldner – yes; Bollig – yes; Staton – no; Luebke – no. Motion carried 4-3.**
- e) Status of Dissolution of Fire District: Arbitration Procedure and August 8<sup>th</sup> Towns' Meeting. Gracz stated a letter was received on behalf of the towns and they disagree with the Village attorney's arbitration interpretation. The Board is looking at proceeding to Court. Gracz will be talking to the attorney about having an interpretation made of the arbitration provision in the

agreement and summarizing it. Some discussion followed. **Mortensen moved to authorize the Village's attorney to pursue arbitration through the Courts if necessary. Second by Bollig. Motion carried.**

- f) Consideration of Purchasing Former EMS Building. It was noted there is an offer in the packet which was reviewed earlier in closed session. **Mortensen moved to authorize the Village to submit the offer to purchase to the Oregon Fire/EMS District along with a cover letter provided by the attorney outlining how the dollar value of that property was obtained. Second by Noeldner.** There was some discussion. **Motion carried 7-0.**
- g) Status of Intergovernmental Agreement Discussions with Town of Oregon. It was noted a meeting is scheduled for Thursday, August 25<sup>th</sup> at 8:00 a.m.
- h) Consideration of Creating Ad-Hoc Committee for Public Transportation. **Noeldner moved to have the Village create an ad-hoc public transit committee to examine feasibility of commuter bus service between the Oregon area and Madison.** The study area will include the Village of Oregon and the surrounding Townships of Oregon, Rutland, and Dunn. The committee will conduct a survey, analyze the results and make recommendations to the four municipalities. The cost will be minimal. Before any expenditures are made, the municipalities would be advised of any cost. No structure of the committee has been established as yet. The elected Board members will include Noeldner and Staton. **Second by Staton.** Some discussion followed. Minutes will be provided to the Board of the meetings held. **Motion carried 7-0.**
- i) Discussion of Requiring Additional ROW on North Main Street. This came up at the Planning Commission meeting about the right-of-way acquisition and not being consistent with the official map. The Planning Commission felt it was not right to take the additional ROW from the proposed bank. It was felt a consistent policy needs to be set regarding how much ROW is needed particularly in that area. This should be referred to the Public Works Committee. Earth Tech is working on updating the official map and when that happens it should be discussed about ROW acquisition by the Village particularly along busy streets. It was agreed to refer this to Public Works.
- j) Consideration of Amendment to Master Data Services Agreement with Charter Communications. **Klimke moved to approve the amendment to the Master Data Services Agreement for Remote Access Service.** Klimke noted the date the agreement would start and the need to identify the attachment in the document. Chief Pettit had contacted them about these changes and they are just waiting for that to be done. It could be approved contingent on those changes. This is for the remote access that has already been approved. The dollars will now be included in the package and there will not be an additional cost by Charter. It is for giving access to the Police Department to all of Dane County police departments. There was some discussion. **Second by Poole. Motion carried 7-0.**
- k) Consideration of Task Order No. 8 for Bergamont Re-Plating One. Luebke turned this portion of the agenda over to Klimke as he will be abstaining. **Klimke moved to approve Task Order #8 with Earth Tech in the amount of \$43,400.00 for the Bergamont re-plating. Second by Poole.** Klimke noted this project is for the construction of public utilities and project site erosion control for Lots 1 through 16, Lots 410 through 413, Lots 460 through 480 and Lot 400 located in the Bergamont Subdivision. Gracz stated typically a developer will sign an engineering agreement with Earth Tech for construction management inspection. Fleming has chosen not to do that. Gracz spoke with Attorney Yde about it who felt the Developer's Agreement with Fleming protects the Village adequately. There was some discussion. **Motion carried 6-0, with Luebke abstaining.**

- l) Resolution #05-20 – Stop Sign Resolution. **Klimke moved, second by Bollig, to adopt Resolution #05-20, the stop sign resolution for The Villages of Foxboro. Motion carried 7-0.**
  - m) Copies of Proposed 2006 BUILD Applications. Gracz noted these are the CDBG grants through Dane County and they were due on Friday. Gracz stated he found out today that the Village is not going to get funding for the streetscape through this grant. We will have to go back through the BUILD process to do that. There is a good chance we will receive funding for the façade application that was submitted. A letter was received dated August 17<sup>th</sup> that the BUILD Advisory Committee voted to withdraw the BUILD application for the streetscape because they saw the article and the information about the TE grant. Gracz will call the County to advise them that the Village will be looking for other funding for the streetscape with the TE grant being vetoed. The Board needs to authorize submitting the application. **Klimke moved to authorize the submittal of the 2006 BUILD applications. Second by Staton.** Noeldner asked if there was any significance to the boundary being different than the TIF boundary? Gracz noted the TIF boundary is a lot bigger than the streetscape. **Motion carried 7-0.**
  - n) Consideration of Steven Alt’s Application for a “Class B” Combination Beer and Liquor License for Mulligan’s Bar & Grill LLC. Johnson noted this comes to the Board for approval without going through the Personnel Committee due to time constraints. Notice has been accomplished and the Police Department approvals complete. There was discussion regarding payment of the fee and whether this is a regular or reserve Class B license. **Klimke moved, second by Poole, to approve the application of Mulligan’s Bar & Grill, LLC, for a “Class B” combination beer and liquor license contingent upon receipt of payment.** Steve Alt was present representing Mulligan’s and stated they have not paid the fee and that he was of the understanding that it would be a regular license fee, not the reserve \$10,000 fee. There was discussion regarding the regular Class B license that became available on July 1<sup>st</sup> when the Oregon Sports & Convention Center did not renew for the 2005-2006 licensing year. Discussion continued. **Motion carried 7-0.**
8. **REPORT OF OFFICERS.**
- a) Report on 8/9/05 Incident on S. Perry Parkway. Gracz referred to the email from Chief Pettit regarding the shooting incident. Since then it has been reported that the Sheriff’s Office Tactical Unit executed a search warrant last Thursday and took a person into custody. The investigation is ongoing. Luebke thanked the Chief and Police Department staff for the great job they did. The reports received indicate this does not pose a safety concern for the community—that it was a specific targeted incident. There was discussion.
9. **REPORT OF COMMITTEES.**
- a) Planning Commission 8/4/05.
    - 1) Consideration of CSM for the Properties at 883/893 N. Main Street—Site of Proposed Bank of Oregon Building. **Staton moved to recommend the Village Board approve the Certified Survey Map for the properties at 883-893 N. Main Street contingent on Earth Tech’s memo of June 30, 2005.** This is for the bank. Following concerns by the Planning Commission regarding the amount of surface and some traffic flow issues both issues have been addressed and adjusted. **Second by Klimke. Motion carried 7-0.**
    - 2) Consideration of Agreement for Replat One in the Bergamont. Below noted the Planning Commission is recommending approval of the replat in the Bergamont contingent on the Public Works Committee releasing the utility easements. Gracz noted that the agreement is listed first because the Attorney indicated the Board has to approve the agreement before they can approve the resolution. The signed agreement was dropped off earlier today by Justin Harder of Fleming Development. **Staton moved to approve the Agreement for replat One of the Bergamont contingent on Earth Tech’s memo of July 26, 2005, except item #1 and Public**

**Works Committee and other utilities vacating existing easements. Second by Poole.  
Motion carried 6-0, with Luebke abstaining.**

- 3) Consideration of Resolution #05-19 – Approving the Final Plat of the Bergamont Replat One and Releasing Certain Public Utility Easements in the Plat of Bergamont. **Staton moved to approve Resolution #05-19 for final replat of Bergamont Replat One contingent on Earth Tech’s memo of July 26, 2005 except item number 1 and Public Works Committee and other utilities vacating existing easements. Second by Poole. Motion carried 6-0, with Luebke abstaining.**
  
- b) Public Works & Utilities 7/19/05.
  - 1) Discussion of Church Hill Condos’ Stormwater Piping Costs. **Poole moved the Board to authorize the cost of storm sewer on Market Street in an amount not to exceed \$17,000 for 36” pipe or an amount of \$10,200 for 30” pipe. Second by Klimke.** Poole advised this is a request from the Church Hill Condo developer to run a separate pipe down to the creek through Market Street and it was determined to be the time for the Village to increase the size of the storm sewer at a lower cost. Hoelt advised that this is an expenditure in the TIF District and the Board cannot take any action on any expenditures in the TIF District before the Joint Review Board creates the district. It would then not be an eligible expense and Hoelt requested the Board hold off on this until the creation of the TIF is complete. **Poole withdrew the motion and Klimke the second.**
  
- c) Finance Committee 8/16/05.
  - 1) Discussion of Village 2006 Annual Budget. This was on the agenda to check meeting dates of September 21<sup>st</sup>, the 28<sup>th</sup>, and October 12<sup>th</sup> as 6:00 p.m. for budget meetings. There was discussion regarding the 6:00 start time. A memo with the dates was sent out in July and there was a copy in the Finance packet. Following discussion it was decided to start the meetings at 5:00 p.m. Luebke advised that he may not be in town on the 21<sup>st</sup>.
  - 2) Discussion of Liquor License Grant Application. **Bollig moved to approve the draft Liquor License Grant Application as presented inclusive of the change discussed—the inclusion of the word “and” until a permanent structure is in place. Second by Mortensen.** Bollig stated this has been in the works for several months now and the Committee has approved it and is recommending Board approval. Also included is a “point calculation” which was distributed at tonight’s meeting which would be used for determining the amount of the grant. **Motion carried 7-0.**
  - 3) Discuss Filling Police Department Vacancy. No action at this time.
  - 4) Discuss Filling Public Works Department Vacancy. **Bollig moved, second by Klimke, to proceed with filling the Public Works vacancy.** It was noted this position has been vacant for two years. There were budget concerns at the time and it was decided to not fill the position, however, it is now time to fill it. It is a crew person position. **Motion carried 7-0.**
  - 5) Resolution #05-15 to Delay Dane County’s Implementation of Case Management Fees. **Bollig moved, second by Mortensen, to adopt Resolution #05-15 which is to delay Dane County’s implementation of Case Management Fees.** Sr. Center Director Koelsch advised that Dane County has a shortfall of \$10,000 and they are targeting all the case managements in Dane County by enacting a fee for every individual on case management. They are considering charging \$5 to each individual per month. The Sr. Center does not want to see a fee enacted and this resolution will be presented to Dane County to let them know the Village is not in favor of any case management fees. **Motion carried 7-0.**

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- 6) Resolution #05-16, 2004 Designation of Funds. **Bollig moved to adopt Resolution #05-16 which is the 2004 Designation of Funds. Second by Mortensen.** This includes crime information reward fund - \$708.96; Historic Preservation Commission fund - \$250; and the post office funds - \$30,530. **Motion carried 7-0.**
- 7) Resolution #05-17, 2004 Carryovers. **Bollig moved to adopt Resolution #05-17 which are the 2004 carryovers as follows: recodification - \$10,495; professional services evaluation training - \$1,500. Second by Mortensen. Motion carried 7-0.**
- 8) Budget Transfer 2005-01. **Bollig moved to approve budget transfer #2005-1 as presented. Second by Klimke.** Hoeft stated most of the transfers are to allocate expenditures to specific departments which is a GASB 34 requirement and there are a few revenues and expenditures in 2005 that were not budgeted. The largest one is the grant the Chamber applied for—the Village had to apply for it for the Chamber. This was for the concert series. The Village received the money then turned it over to the Chamber. **Motion carried 7-0.**
- 9) Budget Transfer 2004-03. **Bollig moved to approve the 2004 budget transfer #3 as presented. Second by Klimke.** Hoeft stated this is allocations of expenditures to specific departments required for the GASB 34 changes to the Village's financial statements. **Motion carried 7-0.**
- d) Park Board 7/12/05.
  - 1) Consider Locating Storage Box in Kiser Park by Oregon Youth Baseball. **Poole moved, second by Klimke, to approve the Oregon Youth Baseball placing storage boxes behind home plate in each of the diamonds in Kiser Park.** Poole stated there would be no cost to the Village. These would be metal type boxes like you see on job sites and would be used for umpire gear. There was some discussion. **Motion carried 7-0.**
  - 2) Approve Concept Plan for Bergamont/Alpine Meadows Park. **Poole moved, second by Klimke, to approve the Concept Plan for Bergamont Alpine Meadows Park.** Poole noted that Vandewalle & Associates came to a couple of the Park Board meetings and did a preliminary layout of the park in Bergamont and the one that connects to it in Alpine Meadows. A picture was in the attachments and Poole noted it is basically a layout of playground, trees, walkways, and so forth. It is anticipated there will be a request for playground equipment in the near future. There was some discussion. It was noted there is a tennis court on the concept plan, but because there is going to be a tennis court in the Fleming Development, a different hard surface is going to be used. Poole advised it will be a basketball court. **Motion carried 7-0.**
- e) Committee Minutes Not Requiring Action. For informational purposes.
  - 1) CDA Informational Forum and Downtown Open House 6/27/05
  - 2) Library Board 5/11/05 & 7/13/05
  - 3) COA 4/14/05
  - 4) Park Board 8/2/05

10. **UNFINISHED BUSINESS.**

11. **ADJOURNMENT.** At 8:21 p.m., Noeldner moved, second by Staton, to adjourn the meeting. Motion carried 7-0.

Respectfully submitted,  
Georgia Johnson,  
Village Clerk