

Regular Meeting of the Oregon Village Board,
Monday, May 1, 2006

1. **CALL TO ORDER.** The regular meeting of the Village Board was called to order by Village Board President Luebke at 6:00 p.m. on Monday, May 1, 2006.
2. **ROLL CALL.** Present: Jerry Bollig, Jon Lourigan, Jerry Luebke, Hans Noeldner, Eric Poole and Steve Staton. Absent: Tom Eithun. Also present: Village Administrator Mike Gracz, Public Works Director Mark Below, Police Chief Doug Pettit and Village Clerk Georgia Johnson.
3. **APPROVAL OF MINUTES.**
 - a. **Regular meeting 4/17/06.** **Bollig moved to approve the minutes of the regular Village Board meeting of April 17, 2006. Second by Staton. Motion carried 6-0.**
 - b. **Special Organizational Meeting 4/18/06.** **Noeldner moved to approve the minutes of the special organizational Village Board meeting of April 18, 2006. Second by Staton. Motion carried 6-0.**
4. **APPROVAL OF VOUCHERS.** **Bollig moved, second by Noeldner, to approve payment of vouchers for the Water and Sewer Utility Funds in the amount of \$11,636.21 per the list dated May 1, 2006. Roll call vote: Staton – yes; Luebke – yes; Noeldner – yes; Poole – yes; Lourigan – yes; Bollig – yes. Motion carried 6-0.**

Staton moved, second by Bollig, to approve the payment of vouchers for the General Operating Fund in the amount of \$114,935.63 per the list dated May 1, 2006. Roll call vote: Staton – yes; Luebke – yes; Noeldner – yes; Poole – yes; Lourigan – yes; Bollig – yes. Motion carried 6-0.

5. **COMMUNITY INPUT.** There was none.
6. **FUTURE AGENDA ITEMS.** It was noted that future agenda items would be any issues brought up under item #5 that could be referred to a committee.
7. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.**
 - a) **Paul Maki – Request to Waive Liability Insurance Requirement re Farmers Market.** Louise Maki was present on behalf of her husband, Paul Maki, since he was unable to be present. The Oregon Chamber of Commerce has stepped down from running the Farmer’s Market and Mr. Maki has taken that on. The request is to waive the requirement for liability insurance. There was considerable discussion including whether or not the requirement could be waived for special events such as the Farmer’s Market, the fact that the Chamber was required to carry liability insurance, the desire of the Board to keep the Farmer’s Market going, possibly changing the definition of a “special event”, the possibility of the Village covering the liability insurance or moving the event to a different location, requiring the vendors to have coverage individually, and so forth. It was concluded to have staff check into the Village obtaining an insurance “rider” to cover the event, whether or not there would be any cost to the Village and authorizing the Administrator to follow up on the staff’s findings and if necessary set a special meeting prior to the May 8th Finance Committee meeting. **Staton moved to authorize the Administrator to check into the Village’s insurance carrier providing coverage at no cost if possible and if necessary setting a special meeting prior to the May 8th Finance Committee meeting. Second by Bollig. Motion carried 6-0.**
 - b) **Catherine Debo, Metro Transit General Manager: Notification of Intent to Apply for Grant from the DOT.** Ms. Debo, the Metro Transit General Manager, noted that approximately a year ago bringing bus service to the Village and the surrounding communities was discussed and a committee was formed to investigate it. A survey was developed and sent out to area residents and the results of that survey are now being compiled. Debo advised that in order for a municipality to receive grant monies they must file a “notice of intent to apply for a grant” with the Department of Transportation. There is a timeline to meet for that requirement and she is present to answer any

questions the Board has regarding that as well as to encourage the Board to file its notice of intent if there is a possibility of bus service being instituted. There is no obligation by the Village—she noted the letter only says that the Village is open to the possibility of receiving State funding if public transit is pursued in the future. Discussion included:

- How the costs would be split if a municipality cannot participate
- Wanting a no-risk agreement
- Possibility of having a period of time within which to opt out
- How Metro Transit gets paid
- The need to obtain intergovernmental agreements
- Having an escape clause for all parties
- The need for a minimum 2-year period to start

Noeldner distributed a “Commuter Bus Update” and stated it sets out the procedures for what happens and when. It was noted that the next step is to complete the review of the data collected from the surveys. Discussion continued including whether Stoughton has filed a similar letter of intent, the fact that circumstances in Stoughton are different, the expiration date for the letter of intent, how the cost over and above grant monies would be covered, what the fares would be, whether to subsidize bus service in the community with tax levy, what happens if the State opts out of the grant, etc. Bollig noted his support of transit service but had concerns about levying a tax to pay for the service. Discussion continued regarding what the fare structure is and the affect increasing gas prices could have on fares, the options/cost estimates set out in the handout, what the average increase of the fare is per year, points of transfer and so forth. Luebke referred to Metro’s financial information he had requested and received and there was discussion. Luebke requested Noeldner to get a breakdown of the costs for other municipalities such as Fitchburg and other Metro users. There was some discussion regarding the bus service that was in the Village in the 1970’s. It was requested that Debo provide sample intergovernmental agreements they currently have with other municipalities. There was more discussion regarding the cost and how the Village would/could pay for the service. It was noted this issue should be discussed at the Finance Committee. There will be a need to get attorney input and there was discussion regarding where those monies would come from. Bollig again asked if this Board was willing to subsidize a bus service. Staton responded that there is a lot more information the Board needs before it can make a decision but stated he felt it was not necessary to have that information before approving notifying intent to apply for a grant. There was more discussion. **Staton moved, second by Lourigan, to send a notification of intent of the Village to apply for grant monies from the Department of Transportation.** There was further discussion. It was noted that Noeldner report back to the Board with an update of this issue on a monthly basis. Luebke stated that a question that did not get on the survey that he would like an answer to is: whether taxpayers would be willing to have this cost assessed to their property. Luebke stated he felt that was a very important question and he still wants to know if the residents of the Village of Oregon would be willing to pay this type of tax. **Roll call vote: Staton – yes; Luebke – yes; Noeldner – yes; Poole – yes; Lourigan – yes; Bollig – yes. Motion carried 6-0.** Luebke thanked Ms. Debo for her attendance and input.

c) Consideration of Authorizing the Village President to Notification of Intent to DOT for Bus Service. See b) above.

d) Status of Highway 14 Project. Luebke stated there was a meeting with the Department of Transportation and this is being referred to the Public Works & Utilities Committee. There was good discussion and input from the DOT. It was noted that the State will finish the 4-lane expansion project in 2008. They will do some improvements to the on and off ramps and they will be looking at possibly signaling the intersection of Hwy. 138 and Hwy. 14 or putting in roundabouts. The DOT has to consider roundabouts. There had been some discussion at the meeting regarding the park and ride and the State will get back to the Village by July. It was noted

that the Village will need to stay on top of its requests and keep at the State for answers. There was discussion.

8. **COMMUNICATION AND MISCELLANEOUS BUSINESS.**

- a) Discussion regarding July 3rd Village Board Meeting Date. The July 4th Holiday is on a Tuesday and it was discussed and concluded to cancel the July 3rd meeting. There will only be one Board meeting in July.
- b) Discussion of Planning Commission Reviewing and Recommendation Regarding a Variance to Exceed the Street Grades on Alpine Parkway and Brynhill Drive in the Bergamont Subdivision. Luebke stated this issue was put on hold at the last Board meeting until mediation was completed. Gracz noted mediation is scheduled for tomorrow (May 2nd). The question is whether to have the issue discussed at the Planning Commission's meeting on Wednesday night or does the Board first want to see the mediation results. Bollig stated he would like to see the results of the mediation as soon as possible. The question is whether the Board has a problem with the Planning Commission discussing this issue Wednesday night (the 3rd), referring it to the Board and the Board then taking action. That way all developers' issues are being treated at the Board level. It was agreed to go ahead and have Planning Commission talk about it. There was some discussion.

9. **REPORT OF OFFICERS.** Gracz stated this came up in discussion with Attorney Yde following the last Board meeting and Yde is recommending changing this title (Report of Officers) to "Proclamations and Announcements" on future agendas. This would be the last item on the agenda and would allow an opportunity for the Board members and staff to announce any informational materials. There was some discussion.

Gracz referred to the "goals" worksheet that was provided to Village Board members and he requested Board members fill in their top three goals and return it by May 21st. This would then be on the June 5th Board meeting agenda.

Below advised that brush pickup for May has started.

There was discussion regarding the large pickups in the Village, when weekly garbage pickup starts and putting these items on the Village's web page.

Luebke stated he received a number of calls and was asked why he had not attended the special meetings that were scheduled for voting on the notification of intent for metro bus service. Luebke stated that although the Oregon Observer stated that only two of the trustees attended the meetings, he [Luebke] had attended both of those meetings and expressed his frustration with incorrect facts being printed. Luebke stated that is one reason he feels the Village needs to go out with RFP's for the Village's official newspaper.

10. **REPORT OF COMMITTEES.**

- a) Public Works & Utilities 4/24/06.
 - 1) Change order request from Earth Tech for chapters 22, 40, & 41 ordinance revisions. **Poole moved, second by Bollig, to approve Change Order No. 1 from Earth Tech in an amount not to exceed \$1,565.00.** Poole noted this is for updates to Chapters 22, 40 and 41 of the Village ordinances stating that there were a couple of things that were required that had not been previously anticipated. **Motion carried 6-0.**
 - 2) Engineers cost estimates for the sewer, water, and street construction for the Alpine Business Park and request for authorization to proceed with public bidding. **Poole moved to authorize the Public Works Director to proceed with the public bidding for the sewer, water and**

- street construction for Alpine Business Park. Second by Staton.** Poole stated this is for construction of the interceptor sewer from Hwy. CC and Ash Street over to Alpine Business Park to the north quarter. Lourigan had questions regarding going out for bid for this project in the industrial park stating it makes him nervous since it is a private development project. He noted the developer is a privately owned company and the Village is doing the construction for them. He noted that with the problems that were encountered with the sewer interceptor he would prefer the developer do the construction. There was discussion including the fact that that the Village installing the public improvements was in the Developer's Agreement. Gracz noted that in its meetings with the City of Fitchburg on the Joint Business Park, the Village indicated that it would be putting in the sewer pipe from HWY CC. It had not been discussed that Lycon run the sewer from Hwy. CC to the Business Park (up to Netherwood), the discussions were about who was going to put in Cusick Parkway. There was further discussion. Lourigan reiterated that the project makes him extremely nervous. Below noted the circumstances for construction of this particular sewer main are totally different from the Westside interceptor sewer stating that this one would be going across open fields. There was further discussion. Noeldner indicated his concern that Braun Road is not included in this bidding process and questioned that. He noted that some of the amounts were more than when the TIF numbers were calculated. There was further discussion. Poole clarified that at the Public Works meeting there was a handout of what the construction costs were estimated at versus what amounts were in the TIF documents and that the TIF documents showed a total of \$2,046,555 and the engineering estimated costs came in at \$1,921,882 without contingency. There was more discussion regarding Braun Road. **Roll call vote: Staton – yes; Luebke – yes; Noeldner – yes; Poole – yes; Lourigan – no; Bollig – yes. Motion carried 5-1, with Lourigan opposed.**
- 3) Consideration of award for the construction of N. Alpine Parkway. **Poole moved to award the contract for the construction of North Alpine Parkway to Hammersley Stone Company in the amount of \$790,804.50. Second by Bollig.** Poole stated this is to build the road from Hwy. CC over to Netherwood and includes a bike trail from Jefferson/Ash Street intersection out to North Alpine and along North Alpine to Netherwood. It was noted this came in under what was projected. Noeldner noted the Capital City Trail is 10'—that question came up at the meeting previously. Noeldner encouraged the Board to vote for the least expensive alternate—a difference of approximately \$150,000. Bollig asked Noeldner what he was asking the Board to consider. Noeldner stated that of the three options he would ask the Board to vote for the two-lane rural option which is significantly less expensive. Poole gave a brief history of the project stating that a couple of months ago Earth Tech brought three different options to the Committee for the road. The first one was the "rural road" which included no curb and gutter—just a two lane roadway. Option two had one westerly and one easterly road with a grass median with no curb and gutter. Option three was the full road with a median, curb and gutter. This would be two center lanes—one northbound and one southbound—and divided by a median. The Committee had determined this to be the best option because then the two outer lanes could be added at some point and the roadway already installed would not have to be ripped up. There was discussion. Below stated the bid that was sent out was for the third option only and was based on the Committee's directive. Gracz noted that option one was approximately \$700,000. Discussion continued. Below stated he has applied for a \$30,000 bicycle trail grant which would offset part of the bike trail cost if it was approved. **Roll call vote: Staton – yes; Lourigan – yes; Noeldner – no; Poole – yes; Luebke – yes; Bollig – yes. Motion carried 5-1, with Noeldner opposed.**
- 4) Recommendation of the Official Transportation Map (Recommendation from Planning Commission at May 15th Board Meeting). Poole noted the Committee made a motion to advise the Board that the Committee supports the Official Transportation Map as presented. The public hearing will be at the Planning Commission meeting. For informational purposes only.

- 5) Consideration of the Land Use Lease for the West side park land. **Poole moved, second by Bollig, to approve the Land Use Lease with the Doerfer Brothers for the West Side park land.** Poole stated this land has been leased by the Doerfer Brothers for the past several years and is the same lease as last year. **Motion carried 6-0.**
 - 6) Discussion of the street condition in the Oregon Parks Neighborhood plat and recommended solutions – (Refer Back to Public Works Committee). Poole noted the discussion of the street condition in the Oregon Parks Neighborhood plat is being referred back to the Public Works Committee. Gracz stated following the last meeting and discussion with the Public Works Director it was decided a better solution needs to be worked out with regard to this issue with Mr. Ladopoulos and it needs to be reviewed by the Public Works Committee again.
 - 7) Consideration of 2006 street repairs. **Poole moved, second by Bollig, to authorize the 2006 street repairs as presented.** Poole stated these are projects that were included in the budget and needs Board approval to move ahead with the work. **Motion carried 6-0.**
 - 8) Resolution #06-05 Transport 2020 Plan. **Poole moved to recommend the Village Board adopt Resolution #06-05 supporting the Transportation 2020 Plan. Second by Noeldner.** Poole noted that following its adoption the Resolution needs to be forwarded to the County. **Motion carried 6-0.**
- b) Personnel, Public Safety & Protection 4/24/06.
- 1) Consideration of Application of Union Sport Club LLC for Class B Beer License at 144 Braun Road. **Staton moved to approve the Class B Beer License for Union Sport Club LLC when sporting events are held at 155 Braun Road. Second by Noeldner.** Staton noted this is the former Oregon Sports Center. This is for a private group to serve beer at sporting events and will be set up similar to how it was done with the previous renter. This does not include the use of the premises for dances or receptions—that would require a conditional use permit. Pettit has reviewed the application and conducted the investigations required. There was some discussion regarding capacity, the use of the facility for sporting events only—indoor soccer. **Motion carried 6-0.**
 - 2) Proposed Process and Point Systems for Guidelines to Issue a Liquor License and Related to Suspension and Revocation of Liquor Licenses. **Staton moved to direct the Village Attorney to draft a policy similar to the City of New London’s policy and prepare the necessary paperwork to incorporate the guidelines into Village ordinances. Second by Noeldner.** Staton stated Chief Pettit preferred this policy and feels it meets the Village’s needs. **Motion carried 6-0.**
 - 3) Proposed Ordinance #06-05 Prohibiting the sale and/or use of fireworks in the Village. **Staton moved to approve the first reading of Ordinance #06-05 prohibiting the sale and/or use of fireworks in the Village limits and to send a copy of the surrounding municipalities encouraging them to consider a similar ordinance. Second by Poole.** Pettit stated that the Committee has been reviewing this issue for quite some time. This ordinance is very straight forward—it prohibits the sale and use of fireworks in the Village. This ordinance would give the Police Department the authority to address fireworks’ issues on a local level and a tool to address issues related to fireworks if there is noncompliance from someone that is using fireworks illegally. There was discussion regarding enforcement issues particularly on July 4th, approving only the first reading tonight to allow residents an opportunity to submit their thoughts on it, and so forth. Luebke stated his concerns regarding enforcement. Pettit stated it will be enforced the same as a “loud noise” complaint—first the Police Department talks to the resident, if they do not comply, then the Police Department

comes back and issues a citation. Discussion continued. Reference was made to the headline of an article in the Oregon Observer in early April stating the Village bans sale of fireworks. It was felt the heading of the article was misleading and appeared as though an ordinance was already in place. **Motion carried 6-0.**

- 4) Proposed policy rescinding current worthless check ordinance and advising property owners of changes. **Staton moved, second by Noeldner, to approve the Worthless Check Prosecution Policy as presented.** Staton advised there have been changes to the State laws that have made it impossible for the Police Department to prosecute worthless check offenses for businesses and individuals. Chief Pettit has met with the Oregon Chamber of Commerce and gave a presentation to them advising of the change to the law and the Chamber will assist in getting the word out. Pettit stated this does not require a change to the Village's ordinance but rather is a policy set by the Board. **Motion carried 6-0.**
- 5) Recommendation regarding amendments to Long Term Disability Insurance Policy. Gracz referred to the amendment that was distributed just prior to the meeting and which verifies that the insurance rate is not increasing as part of the amendment. **Staton moved to approve the amendment to the Long Term Disability Insurance Policy. Second by Poole. Motion carried 6-0.**

Staton noted the following four items with regard to the Fire/EMS District go together. He stated that the Committee discussed the April 12th Commission vote and the union labor contract representation by Attorney Hazelbaker. The main issue is looking to the Board for input regarding Attorney Hazelbaker's role and whether he is truly representing the Village and also the fact that the Board had voted 6-1 to not approve the union labor contract and a Village representative at the meeting voted in favor of the contract. The question is what is the authority the Board has in regard to Village representatives voting the Board's vote. There was discussion regarding the 6-1 vote. Luebke stated he feels this encompasses a lot more than the 30% increase. He stated back in August there was a vote on increasing the volunteer pay from \$2.00 to \$6.00 and he voted in favor of it although it was a large financial increase in the Village's budget. It was also looked at as far as the amount that would be picked up by the Village of the \$17,000 and at what the 30% increase would cost the Village, and estimated back pay in the future that has yet to be decided. Luebke stated all of these items add up to over \$100,000 and that is what he voted on at the time. Bollig stated at the time that vote was taken the Village was hoping to get a better settlement from the arbitrator. Bollig referred to the Fire/EMS District agenda distributed with the packet and stated now that he knows what came out of the "closed session" he feels it violates the open meetings law. Bollig stated the agenda should have read "adjourn into closed session to reconsider the union contract". Bollig feels the Village attorney should be instructed to ask the Attorney General's Office to investigate that. Poole stated he was concerned about how it came up to vote again since at the previous meeting the Fire Chief and the District's Attorney said it was going to arbitration. Staton stated that under item 5a) on the April 12th Commission agenda it does not state there will be a vote on the labor contract and he would like the Village's Attorney to review that wording and get his opinion before any referrals are made to anyone else. There was continued discussion. Staton asked Gracz if the Village's Attorney could research and advise how binding votes at the Board are on a representative to a Commission and if that is what the Board wanted. There was further discussion. Staton summarized that the Administrator would ask the Village's Attorney to provide an interpretation on the agenda wording and its legality and an interpretation of the binding vote and then have the Board review these issues again. Bollig asked what Board's opinion was regarding Attorney Hazelbaker in light of his advising that the contract was going to arbitration at the meeting but at the next meeting another vote is taken—how is that representing the Village's interest. There was discussion.

Regarding the Consultant's Report, item #8, there was discussion and it was concluded that the discussion on this issue would be delayed for the time being and would not appear on the Finance Committee agenda at this time.

Regarding item #7, Bollig asked again if Board members were happy with Hazelbaker's representation and whether they would consider going out with a request for proposal? There was discussion. Staton requested this issue be looked at specifically at the next Committee meeting following getting the Attorney's input on the other issues and then decide where to go from there. There was further discussion.

Regarding the former EMS building, Gracz requested that the Board representatives on the Fire/EMS Commission ask the Commission what the status of the former EMS building. A formal offer has never been received. Regarding the Administrative Services Agreement, Gracz advised he will be meeting with Chief Bloom on Thursday and will get an idea of when that is going to be transferred.

- 6) Discussion of Fire/EMS District's Union Contract and Village Board's reaction to April 12th Commission Vote.
- 7) Discussion of Fire/EMS District's Union Contract Labor Representation.
- 8) Status of Dissolution of the Oregon Area Joint Fire/EMS District and Need for Discussion of Consultant's Report at May 8th Finance Committee Meeting.
- 9) Status of Former EMS Building and Administrative Services Agreement.

Staton noted that items #10 and #11 are similar in intent and includes requests from the Library and from the Police Department where part-time employees became full-time employees and both departments are requesting to make the employees whole so that the leave time each has accumulated becomes consistent with full-time. He referred to the example in the Committee minutes that if a person had accumulated 10 days part-time status and had planned on taking 2 weeks vacation of those 10 days, that person is now full-time and the 10 half days become 5 days. Time off is actually cut in half and this is a request to make them whole. There was discussion.

- 10) Library Request for Adjustment for Time-Off for Library Employee.
- 11) Request to Adjust Ruti Trace's Personal Time Off to Reflect Full Time Status. **Staton moved, second by Noeldner, to approve adjusting the accumulated time off for the part-time Library employee and the part-time Police Department employee to reflect full-time.** Staton noted the Committee discussed revising the policy to confront this type of situation in the future. Staton feels it is a fair request. **Motion carried 6-0.**

Staton asked Gracz to speak to items #12 & 13. Gracz stated that item #13 had not been on the Personnel Committee agenda since it was just recently received. Under item #12, the Finance Director is requesting extending her unpaid leave of absence until June 5th. She will be using some accumulated vacation time during that period of time. Gracz noted that in her letter the Finance Director will be staying on until a new Finance Director is hired. Gracz requested the Board to approve his advertising for the position, closing the receipt of applications on May 31st, have the Personnel Committee do the interviews in June and then have the background investigation conducted and hopefully have the person hired by the end of July. **Staton moved to extend the Finance Director's unpaid leave of absence until June 5, 2006, and accept the Finance Director's resignation and authorize the Administrator to advertise the position. Second by Noeldner.** There was some discussion. Gracz stated for the record that he will be looking at the Renee's part-time position and the possibility of whether or not the Board would want to keep her on a part-time basis. **Motion carried 6-0.**

- 12) Finance Director's Request of Unpaid Leave of Absence until June 5, 2006.

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- 13) Renee Hoeft's Resignation of Full-Time Position and Request to Advertise for Finance Director Position.

- c) Committee Minutes Not Requiring Action. For informational purposes.
 - 1) Cable TV Committee 1/30/06
 - 2) Oregon Community Foundation 1/30/06
 - 3) COA 3/9/06

11. ADJOURNMENT. At 8:16 p.m., Bollig moved, second by Noeldner, to adjourn the meeting.
Motion carried 6-0.

Submitted by,
Georgia Johnson,
Village Clerk