

1. **CALL TO ORDER.** The regular meeting of the Village Board was called to order by President Luebke at 5:30 p.m. on Monday, June 5, 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. Attorneys Joe Wright and Ted Waskowski were present for closed session.
3. **EXECUTIVE SESSION.** Staton moved to adjourn into Executive (Closed) Session at 5:30 p.m. to discuss negotiation and potential litigation concerning sewer interceptor costs, and to discuss potential litigation regarding Police Department building HVAC System, pursuant to Wis. Stat. sec. 19.85(1)(e) and (g) permitting closed sessions for the purposes of conducting public business when bargaining reasons require a closed session and conferring with legal counsel who is rendering advice concerning strategy with respect to litigation in which the Village is likely to become involved. Second by Noeldner. Roll call vote: Staton – yes; Luebke – yes; Bollig – yes; Noeldner – yes; Poole – yes; Lourigan – yes. Motion carried 6-0.
4. **RECONVENE OPEN SESSION.** The Board reconvened into open session at 6:00 p.m. on motion by Staton, second by Noeldner. Motion carried 6-0. A brief recess was taken.
5. **DISCUSSION AND CONSIDERATION OF ACTION REGARDING SEWER INTERCEPTOR CLAIM WITH DEVELOPERS.** Luebke advised that the Village and the developers have come to an agreement and asked Attorney Joe Wright to present the details. Attorney Wright stated that the Village had settled with Joe Daniels Contractors for a total payment of \$1.775M. In the Developers' Agreements, three developers in Oregon—Dan Fleming, Nick Ladopoulos and Jerry Heinrichs had committed to pay a portion of the sewer interceptor costs and there was a dispute with them about the amount they should pay. The issues have now been resolved subject to the Board's approval tonight as follows: The developers will pay \$900,000.00 in cash by June 30, 2006, and they will return to the Village the right they have in the Developer's Agreements to a portion of the amount that will be paid to the Village over time by anyone else who connects to the sewer interceptor. The amount they will return to the Village will bring the Village's total re-couping to the full \$1.775M (This was later corrected to \$1.55M.) that was paid to Joe Daniels Contractors as a part of the settlement of the costs of the sewer interceptor project. The only other issue for the Board to consider tonight as a part of that settlement is with regard to Earth Tech, the Village's engineering firm on the project. The developers do not feel that Earth Tech served the Village well and they want the Village to assign to them the right to sue Earth Tech for the cost overruns on the project. As part of that the developers would take on all responsibilities associated with any claim against Earth Tech and the Village would be held harmless from any claim back by Earth Tech or any costs associated with bringing that claim. Attorney Wright stated further that if the Board approves the settlement tonight, the sewer interceptor project will be resolved and the Village will recoup over time the full amount it paid in the settlement with Joe Daniels. **Staton moved to approve the Settlement Agreement with the developers as presented by Attorney Wright. Second by Poole. Motion carried 6-0. [Note: Following the discussion of item #6, President Luebke clarified that under item #5 it was his intention to abstain from the vote and to let the record show a 5-0-1 vote, with Luebke abstaining as he had noted in Closed Session.]**
6. **DISCUSSION OF POLICE DEPARTMENT HVAC SYSTEM.** Attorney Ted Waskowski advised that they have made some progress toward a resolution of the HVAC issues as a result of a number of communications with the general contractor for the building and the architect. The next step is to determine exactly what needs to be done to make the system operable. In that direction they have found a highly qualified control engineer that if the Village is willing they would like to hire to make that determination at a cost of approximately \$9,000.00. The engineer would determine what is wrong with the system and what needs to be done about it. Miron Construction and Vierbicher are both committed to finding a resolution and the Village is being asked to participate in that study by

contributing up to \$3,000.00. The contractor and architect are willing to contribute \$3,000 each as well with Miron's portion being taken from the moneys currently being retained by the Village. There was some discussion. Waskowski asked the Board for its willingness to participate in an engineer's study on a joint \$3,000/\$3,000/\$3,000 basis as he described. President Luebke asked the Board and it was agreed to participate.

7. **SWEAR IN POLICE OFFICER.** Chief Pettit introduced the new Police Officer – Matt Wagner and Judge Floeter gave Officer Wagner the oath of office. The Board welcomed Officer Wagner and it was noted his start date is June 13th.
8. **APPROVAL OF MINUTES.** **Bollig moved to approve the minutes of the regular Village Board meeting of May 15, 2006. Second by Poole.** Noeldner noted a correction needs to be made to closed session indicating that he voted “yes” to go into closed session. Johnson will make that change. **Motion carried 6-0.**
9. **APPROVAL OF VOUCHERS.** **Staton moved, second by Bollig, to approve payment of vouchers for the Water and Sewer Utility Funds in the amount of \$31,034.77 per the revised list dated June 5, 2006.** There was some discussion. **Roll call vote: Staton – yes; Luebke – yes; Bollig – yes; Noeldner – yes; Poole – yes; Lourigan – yes. Motion carried 6-0.**

Poole moved, second by Staton, to approve the payment of vouchers for the General Operating Fund in the amount of \$135,653.05 per the revised list dated June 5, 2006. There was some discussion regarding payment of attorney fees by Trustee Noeldner and Trustee Lourigan asked a question regarding invoice dates of 6/5/06. **Roll call vote: Staton – yes; Luebke – yes; Bollig – yes; Noeldner – no; Poole – yes; Lourigan – yes. Motion carried 5-1, with Noeldner opposed.**
10. **COMMUNITY INPUT.** Linda Pollock (the Oregon Chamber Director) spoke in support of the Oregon Community Sports Arena Center stating some businesses will be moving to the facility and new businesses will be coming into Oregon because of the facility. She stated it will be a great asset to the Community and fully supports it. When asked if she was speaking on behalf of the Chamber, Pollock stated that she was speaking on her own behalf—not for the Chamber.
11. **FUTURE AGENDA ITEMS.** There were none.

Certain items were taken out of order to accommodate members of the audience. For ease in reading, items are listed as they appear on the agenda.

12. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.**
 - a) **Discussion of Speed Reduction on Lincoln Road – Fleming Development and Bergamont residents.** Justin Harder was present on behalf of the Bergamont Development and some of the residents. He referred to his May 23rd letter requesting the Village to lower the speed limit on Lincoln Road to 25 mph from the current 55 mph from the eastern edge of Bergamont to the western edge of the Bergamont plat (the Village limits). The request is due to the safety concerns what with the higher volume of traffic combined with the amount of bicycle and pedestrian use on Lincoln Road. Chief Pettit advised he is working with the Village Attorney on a draft ordinance that would reduce the speed to 35 mph from where the 25 mph ends now to the intersection of Glenway Road and Lincoln Road. Because this is a reduction of more than 15 mph from the current speed limit, State Statute requires that the Village get the Department of Transportation's approval and an agreement of cooperation with the Town of Oregon. The reduction to 35 mph is the lowest it can be by State Statute. There was some discussion. Noeldner expressed concerns that a bicycle path was not put in when this was done initially. There was further discussion. Pettit indicated a draft ordinance will be available at the next meeting and DOT approval will still need to be obtained.

- b) Oregon Chamber of Commerce. Chamber Director Linda Pollock gave a brief overview of the Summerfest events coming up June 22nd through June 25th.
- c) Oregon Youth Center. Brenda McClellan provided attendance summaries for the months of March, April and May and reported the Center's summer hours (starting June 12th from 1:00 p.m. to 5:00 p.m.)

13. **COMMUNICATION AND MISCELLANEOUS BUSINESS.**

- a) Discussion of Village Board 2006 Goals. Luebke referred to the goals Board members provided and noted that Administrator Gracz will put together a summary of the results and a brief overview and this will be on the next agenda for discussion.
- b) Trustee Lourigan's Request re: Opinion from League of Wisconsin Municipalities for Trustee Eithun. Lourigan stated he has talked to Tom Eithun regarding the possible conflict of interest and Lourigan requested the Board have Administrator Gracz request an opinion from the League of Municipalities. There was discussion including the need for the Board to stay neutral on this issue, the need to get it resolved, that it should have been checked into prior to the Election, the Attorney General's opinion having been provided, what the purpose of getting an opinion from the League would be and so forth. **Noeldner moved to direct the Village Administrator to write a letter asking the League of Wisconsin Municipalities to write an opinion regarding Tom Eithun's ability to serve on the Oregon Village Board as a Trustee. Second by Lourigan.** There was further discussion as to whether there would be a cost involved, whether any opinion rendered by the League would overrule an Attorney General's opinion and how much longer this will take. **Roll call vote: Staton – yes; Luebke – no; Bollig – no; Noeldner – yes; Poole – no; Lourigan – yes. The motion failed on a 3-3 tie vote.**
- c) Status of Fire/EMS Commission Agenda Items and Strategy for Developing New District Contract. Gracz requested of Trustee Staton that the Board refer the whole discussion about developing a new district contract to the Personnel Committee. It is felt that it would be valuable if the Village Board is not going to pursue withdrawal from the District that it publicly state that and that it would be beneficial to Chief Bloom. Noeldner noted that the upcoming District meeting will have agenda items regarding (1) clarity of the agenda; (2) comments of the attorney to the paper; and (3) RFP for selection of an attorney. Bollig stated if he understands correctly Wisconsin Retirement benefits were voted on and adopted at the last meeting and asked if that was correct? Gracz stated that had been approved. Bollig asked again that anything that has a fiscal impact be brought back to the Village Board before it is acted on. There was discussion regarding the dollar amount, whether there would be an effect to the Village budget, it was noted the monies for this year were available but in the future it will affect the 2007 budget, the need to delay fiscal impact issues and take them to the Finance Committee and so forth. Jeff Groenier, a member of the Joint Board, clarified that the Commission will have 6 people that will be reaching the 600 hour limit for Wisconsin retirement benefits and the Chief has been requested to put 10 people within the 600 hour limit this year. The money used was money left over from this year—next year it could be a potential problem but the Commission approved it. Groenier stated that in reality everyone in the department could be on Wisconsin retirement in the future. Bollig noted this could have a significant affect to all budgets and he preferred that these types of fiscal impact issues be brought back to the Village for vote. There was further discussion.
- d) Status of Public Transit Committee. Noeldner stated a meeting is set for June 21st at 7:00 p.m.
- e) Conditional Use Permit Request—Re-approval of 5/15/06 Motion for Church at 155 Braun Road to reflect corrected Planning Commission Minutes. Gracz noted that the Planning Commission minutes had an incorrect date and should have read December 31, 2008. **Staton moved, second by Poole, to approve the extension of the Conditional Use Permit at 155 Braun Road for the**

Community Life Church until December 31, 2008 with no further extensions. Motion carried 6-0.

- f) Discussion of Assigning Attorney Matt Dregne (Stafford, Rosenbaum, LLC) as Village Attorney for New Assignments. For informational purposes. There was some discussion.
- g) Community Development Authority and Zoning Board of Appeals Vacancies. This has been posted on the website. Noeldner asked if it would be possible to have a non-resident member appointed and Gracz advised that will be on the CDA agenda for its next regular meeting.
- h) Consideration of Development Agreement for Phase IV – Alpine Meadows. This is the new addition of 40 lots in Alpine Meadows. It is the same agreement as the first three with changes to the numbers and the map. There was some discussion. **Bollig moved to approve the Developer's Agreement for Phase IV Alpine Meadows. Second by Noeldner. Motion carried 6-0.**
- i) Discussion of May 30th Letter from L&S Investments, Ltd. regarding Request to be Annexed from Town of Rutland (Refer to Planning Commission). For informational purposes and was generated because of the Highway 14/138 improvement by the Department of Transportation. There was some discussion and the letter was referred to the Planning Commission.
- j) Discussion of RFP for Village Official Newspaper. There was discussion regarding Attorney Dregne's response to the Village's question regarding not using the Oregon Observer as the Village's official newspaper. It was noted there could be confusion if the Village uses more than one newspaper for publishing. It was decided to only use the Oregon Observer.
- k) Larry Mahr – Chairperson of Village/School Cooperation Committee. For informational purposes.
- l) Upcoming Meeting Dates. Gracz presented the following meeting dates.
 - 1) June 12th - 2005 Audit Presentation and 2007 Budget Discussion at Finance meeting. Gracz stated this will be scheduled as a special Board meeting in order to ensure a quorum.
 - 2) June 19th - Hitching Park Conceptual Design Discussion at Board Meeting
 - 3) June 14th – Red Brick Discussion with Gary Gorman at CDA meeting
 - 4) June 26th – Red Brick Discussion with Gary Gorman at Special Board meeting (5:30 pm)
 - 5) June 14th – Finance Director Candidates Interviews at Special Personnel meeting. Gracz advised 10 applications have been received. This meeting is for the purpose of conducting interviews.
 - 6) June 26th – Cancel Personnel, Public Safety & Protection meeting due to lack of quorum

14. REPORT OF COMMITTEES.

- a) Public Works & Utilities 5/22/06.
 - 1) Consideration of Alpha Terra Requesting Installing Monitoring Wells within the Railroad Corridor. **Poole moved, second by Bollig, to approve the installation of monitoring wells within the railroad corridor from Alpha Terra.** They will be installing two monitoring wells in the railroad right-of-way over by the Oregon Farm Center. They have done this previously with no problems. **Motion carried 6-0.**
 - 2) Recommendation regarding Letter to DOT for Highways 14 and 138 Project. **Poole moved the Village Board to authorize the Public Works Director [changed to the Village President] to send a letter to the Department of Transportation stating the Village's concerns and general information on Highway 14/138 bypass status. Second by Noeldner.** Gracz noted the letter is being signed by President Luebke. **Motion carried 6-0.**

- 3) Consideration of Recommendation regarding Street Condition in Oregon Parks Neighborhood Park. **Poole moved the Village Board to approve crackfilling be done in the Oregon Parks Neighborhood with the work to be done by Frank Brothers with the extension of a 4-year warranty of the work. Second by Noeldner.** There are a few roads with crack problems and it was concluded by the Village Engineer and staff that crackfilling would serve the problems appropriately. **Motion carried 6-0.**
 - 4) Consideration of Draft Compliance Assurance Plan of Non-Compliance with Recycling Requirements. **Poole moved the Village Board to approve the Compliance Assurance Plan regarding recycling guidelines in the Village. Second by Noeldner.** This is something that will be added to the Village codebook to implement an enforcement tool when people are not following the recycling guidelines and will give the Public Works Director the authority to enforce the guidelines. [NOTE: The Department of Natural Resources advises an ordinance is not required, the Compliance Plan should just be attached to the Recycling Contract.] **Motion carried 6-0.**
 - 5) Approve Resolution #06-07—CMAR Report for Wastewater Treatment Facility. **Poole moved the Village Board to adopt Resolution #06-07, the Compliance Maintenance Report for the Wastewater Treatment Plant. Second by Bollig.** This report is done annually. **Motion carried 6-0.**
 - 6) Recommendation regarding Letter from Department of Commerce Ordering Compliance regarding Underground Tank at 134 Janesville Street. **Poole moved the Village Board to move ahead with removing the underground tank at 134 Janesville Street. Second by Noeldner.** The fuel tank is one buried behind the old water tower and it was discussed at Public Works to find out the dollar amount. Below stated a consulting firm he contacted has estimated between \$2,000 - \$3,000. **Poole amended the motion to state in an amount not to exceed \$3,000. Second by Noeldner. Motion carried 6-0.**
- b) Personnel, Public Safety & Protection 5/22/06.
- 1) Approve Chamber of Commerce's Request for Temporary Class B Retailer's Picnic License for Summerfest Beer Tent – June 22nd through June 25th. **Staton moved the Village Board to approve the Chamber of Commerce's request for a Temporary Class B Retailer's Picnic License for the Summerfest beer tent contingent on getting the signed application. Second by Noeldner.** This is an annual event and comes before the Board every year. Johnson noted the signed application has been received. **Motion carried 6-0.**
 - 2) Consideration of Request for Exemption of Section 9.12(2) for Summerfest. **Staton moved the Village Board to approve the use of the parking lot after the posted hours during the Summerfest events – June 22nd through June 25th. Second by Noeldner. Motion carried 6-0.**
 - 3) Accept Resignation of Amanda Lien, Police Secretary. **Staton moved the Village Board to accept Amanda Lien's resignation from the Oregon Police Department. Second by Noeldner. Motion carried 6-0.**
 - 4) Consideration of Mechanic Job Description. **Staton moved the Village Board to approve the mechanic job description as presented. Second by Noeldner. Motion carried 6-0.**
 - 5) Recommendation regarding Safety Policies—Exposure Control Plan (Bloodborne Pathogen), Employee Right-to-Know (Hazard Communications Policy) and Permit-Required Confined Space Written Entry Program. **Staton moved the Village Board to approve the safety policies: (1) Exposure Control Plan; (2) Employee Right-to-Know; and (3) Permit-**

Required Confined Space Written Entry Program. Second by Noeldner. Gracz noted this is the start of the safety policies for the Village that will need to be adopted. **Motion carried 6-0.**

6) 2006-2007 Liquor License Renewals.

Staton moved, second by Noeldner, to approve the Class “A” Beer (fermented malt beverage) licenses for all three Kwik Trip stores and Stop-N-Go of Madison. Motion carried 6-0.

Staton moved, second by Noeldner, to approve the “Class A” Combination (fermented malt beverage and intoxicating liquor) license for Bill’s Food Center of Oregon, Inc.; and contingent on meeting licensing requirements the approval of Richard Wisden d/b/a J.L. Richards Meats & Deli and approval of a 6-month probationary period for CARMAH, LLC d/b/a Oregon Liquor. Motion carried 6-0.

Staton moved, second by Noeldner, to approve the “Class B” Combination (fermented malt beverage and intoxicating liquor) licenses for Hack’s Sports Page, Inc., Oregon Bowl, LLC, Rosie’s Main Tap, Inc., and Mulligan’s Bar & Grill, LLC; and contingent on meeting licensing requirements the approval of Oregon Family Restaurant, LLC, and Valentines, Inc. Motion carried. Motion carried 6-0.

Staton moved, second by Noeldner, to approve the Class “B” fermented malt beverage and reserve Class “B” liquor license renewal for Oregon Lincoln LLC [Bergamont Golf Club], contingent on licensing requirements being met. Motion carried 6-0.

Staton moved, second by Noeldner, to approve the Class “B” fermented malt beverage and “Class C” wine license renewal of BrouxNellie’s Inc and Maria’s Pizza Inc.; and contingent on licensing requirements being met the license of Ordon LLC d/b/a Pizza Pit. Motion carried 6-0.

7) Recommendation regarding Agreement Relating to Reimbursed Expenses for Career-Related Development (Renae Fenrick). **Staton moved, second by Noeldner, to approve the Agreement Relating to Reimbursed Expenses for Career-Related Development submitted by Renae Fenrick.** This is consistent with Village policy. **Motion carried 6-0.**

8) Consideration of Nepotism Policy. Tabled to June 19th meeting.

c) Planning Commission 6/1/06.

1) Consideration and Recommendation to the Village Board of Conditional Use Permit at 155 Braun Road. **Staton moved the Village Board to approve the Conditional Use Permit at 155 Braun Road to hold dances contingent on the petitioner being responsible for direct costs of Police, Fire Protection and litter control incurred by the Village, effective until September 15, 2006 and subject to the building meeting all applicable State building codes for this type of event. Second by Poole.** Staton stated this is similar to what was conducted there previously and Chief Pettit has worked with the petitioner to meet all the requirements. There was some discussion regarding the noise issues with the previous user, the equipment being used by the bands, if there are complaints the Police Department contacting them about the noise and having them correct it, it is not expected this user will be having such large events and so forth. **Motion carried 6-0.**

2) Consideration of Conditional Use Permit at 1145 Park Street. **Staton moved to approve the Conditional Use Permit at 1145 Park St. to allow for a dog day care contingent on the**

conditions of Planner Slavney's memo dated May 25, 2006. Second by Bollig. Becki Orbeck-Middlestat advised that the Oregon Veterinary Clinic has outgrown its space and will be adding on more space. At the same time they would like to increase the facility to allow for a dog day care facility. They have sent letters to all the neighbors giving them contact information and an overview of the plan. Neighbors were also invited to attend an open house and while only one person attended, the main concern was with the noise. Another concern expressed through an email was with regard to any odor. The plan to alleviate noise is to rotate dogs out in small groups. The hours of the facility will be Monday through Friday (working hours) and would not be open on holidays or weekends. It is not an overnight boarding facility. There was some discussion. **Motion carried 6-0.**

- 3) Review and recommendation of Specific Implementation Plan (SIP) for the Red Brick School. **Staton moved to approve the SIP for the Red Brick School contingent on the conditions of Planner Slavney's memo dated May 18, 2006. Second by Bollig.** The petitioners were present to answer any questions. Lourigan stated he felt it was an excellent project and very professionally done. Lourigan asked if all the CSM issues had been taken care of. Village Engineer Eilertson said he has not received a new CSM yet. Staton stated Mr. Gorman and his co-workers have done a nice job of listening to Planning and responding and stated it would be a good business for the Community. Noeldner asked, if this would in anyway restrict Gorman from building on this parcel? Gracz stated they would have to come back through the process. **Motion carried 6-0.**
- 4) Review and Recommendation of the Certified Survey Map (CSM) for the Red Brick School. **Staton moved to approve the Certified Survey Map for the Red Brick School contingent on Engineer Eilertson's memo dated May 19, 2006 with the exception of the setbacks not having to be shown and with the addition of requiring that the water and sewer utility easements that stay in public ownership be shown on the face of the CSM. Second by Noeldner.** As to the corrections being made to the CSM, Eilertson stated he has not received an updated CSM yet. **Motion carried 6-0.**
- 5) Review and Recommendation of Specific Implementation Plan (SIP) for the Oregon Community Sports Arena. **Staton moved to approve the SIP for the Oregon Community Sports Arena contingent on the conditions of Engineer Eilertson's memo except requiring the immediate extension of North Perry Parkway. Second by Bollig.** Lourigan stated he did not see anything in the SIP regarding public access to the parking lot although it had been discussed. It was his understanding there was to be some verbage included. There was some discussion. It was noted that Attorney Yde is drafting the language for the transfer of property. Gracz indicated one sentence could be added to the SIP stating that when the soccer tournaments are going on and other things the parking lot is going to be open for public access just to clarify what has been stated in the many meetings. Noeldner stated he had several objections stating that it is unfair to other businesses in town that are not getting land for a dollar and then have to pay property taxes or that have to rent from other developers that buy land at market rates and have to pay property taxes. Noeldner stated he has followed this process over the last year and it seems like rental for for-profit portions has grown significantly in the latest proposal and Noeldner feels it is undermining business elsewhere in the Village. Noeldner stated he feels this will also force the Village to complete South Perry Parkway across the Badfish Creek and this group will not be paying for that. Noeldner questioned the logic of increasing the traffic in front of the high school. Noeldner stated if it was a more modest amount of for-profit business in the building he would not have as much concern but there will be approximately 23,000 sq. ft. of for-profit rental space. Noeldner stated he has not seen anything in the documentation that would prevent the organization to rent space to the organization's owners and would want to know whether that is forbidden in 501C (?) regulations before he could vote in favor of the project.

Bob Strycharske responded to the rent issue and stated that all rents are there to help support the non-profit groups in keeping the fees affordable. The rents are market rent—in the \$8 to \$10/per sq.ft. which are market competitive rates. The amount of money they would be saving on property taxes would be pretty minor compared to the overall cost. Strycharske stated from a competitive perspective he did not see the property tax issue being a make it/break it issue for the businesses and he stated it is not an unfair competitive advantage to other businesses in town. Groenier stated the Village will lose the property taxes for the 25,000 sq.ft. but the Community would gain by it and the Village will get the best sport's facility community center in the County for nothing. Groenier stated they are doing it in such a way that they will not have to come back to the Village year after year and ask for money. There was some discussion. Staton stated that as far as the loss of tax dollars when he makes decisions he likes to look beyond the dollar sign—he looks at the quality of life it will bring to the community and he feels it brings a great deal of quality of life to the community. Staton stated the benefits the Village gets in terms of the youth of the community will be far offset by what is lost in tax dollars and he feels it will generate a lot of business. Lourigan stated he feels it is a great project, it is a great building and he supports the idea of the project but looking at it further, the Village just sold 10 acres of land to the School District for about \$24,000 an acre and in all fairness the Village should have some way of recouping—it is not in the business of giving land away. Lourigan questioned whether this was legal in that giving away parkland is illegal. Groenier stated it is not parkland. Lourigan stated the map shows it as parkland—it is CD conservation. There was some discussion. Gracz stated that the Village Attorney made it clear that they had to show public purpose and that's why putting the additional sentence in the SIP that was discussed earlier is important. In the drafting of the agreement that was the most critical inclusion showing that the property when transferred to them that the Village gets a public purpose back for it. Lourigan asked if all the issues with the CSM have been resolved. Engineer Eilertson stated he received a revised CSM last Thursday and he sent a letter out that same day with four issues that still need to be updated. Bollig stated he supports the project and that this is the only way the youth of this community is going to have access to a first rate facility. He feels it will draw from quite an area and supports it and expressed his disappointment in the cynicism being heard tonight. Luebke expressed his concern with the fact that when Perry Parkway was built they stopped there and left that in between because it would have cost a lot less back then than it will now. Luebke expressed his support of the facility and stated he believes business will make the decision whether it works for them or not. Luebke asked if the developers were working the Youth Center into the complex? Strycharske stated he has talked to them over the past few months but it will depend upon space, function and other concerns and issues. Luebke encouraged them to make that happen. **Roll call vote: Staton – yes; Luebke – yes; Bollig – yes; Noeldner – no; Poole – yes; Lourigan – yes. Motion carried 5-1, with Noeldner opposed.**

- 6) Review and Recommendation of the Certified Survey Map for the Alpine Business Park Outlot for Re-Location of Stormwater Pond. **Staton moved to approve the Certified Survey Map for the Alpine Business Park Outlot for re-location of Stormwater Pond contingent on the conditions of SEH's memo dated June 1, 2006. Second by Poole.** Below stated this is relocating the stormwater pond from the east side of the lot to the southwest corner of the lot—to help improve the stormwater. **Motion carried 5-1 with Noeldner opposed.**
- 7) Dane County Zoning and Land Regulation Committee CSM review in the Town of Oregon. **Staton noted the Planning Commission is recommending not approving the CSM for 749 CTH MM in the Town of Oregon and so moved. Second by Noeldner. Motion carried 5-1, with Lourigan opposed.**

- 8) Resolution #06-08 Authorizing the Request to Amend the Urban Service Area (Sports Facility). It was noted the Planning Commission adopted Resolution #06-08 for the authorization to amend the Urban Service Area and the Village Board needs to adopt a similar resolution.
 - 9) Resolution #06-09 Village Board Authorizing the Request to Amend the Urban Service Area. **Staton moved to adopt Resolution #06-09 authorizing the request to amend the Urban Service Area for the Sports Facility Center. Second by Poole.** Gracz noted this is part of the process. The Board received a copy of the packet that went to the County and these two resolutions (#06-08 and #06-09) have to be sent in as part of the request. There was some discussion. **Roll call vote: Staton – yes; Luebke – yes; Bollig – yes; Noeldner – no; Poole – yes; Lourigan – no. Motion carried 4-2, with Noeldner and Lourigan opposed.**
 - 10) Consideration of Vandewalle Estimate for Southeast Quadrant Plan Completion. **Staton moved that the cost for the Southeast Quadrant Plan by Vandewalle be included in the 2007 budget in the amount of \$2,500. Second by Bollig.** Noeldner asked if this was different than the one that was done in 2001? Gracz advised that is still in draft form and the Planner would like to look at a few things before the Planning Commission or Board adopts it. There was some discussion. **Motion carried 6-0.**
- d) Committee Minutes Not Requiring Action. For informational purposes.
 - 1) Historic Preservation Commission 4/20/06
 - 2) COA 4/13/06

15. **FINISHED BUSINESS**.

- a) Ordinance #06-02, Repealing Requirement for Wastehauler License. (Second reading and adoption.) Gracz stated collecting the licensing fee is very time consuming and while there are four licensees in the Village there seems to be no significance for the license since licensees have to get licensed by the State. **Bollig moved, second by Lourigan, to accept the second reading and adopt Ordinance #06-02 repealing the requirement for wastehauler licenses in the Village. Motion carried 6-0.**
- b) Ordinance #06-06, Adopting Revised Municipal Code Chapters 22, 40 and 41. (Second reading and adoption.) Luebke stated he has not taken the time to digest the three chapters and would not object to delaying adoption to allow time for everyone to peruse them. There was discussion and it was noted the Planning Commission is recommending the codes. Engineer Eilertson has reviewed all three Chapters and stated it brings the Village in compliance with the Department of Natural Resources and the Dane County Erosion Control stormwater requirements and flood plain issues as well. **Bollig moved to adopt Ordinance #06-06 adopting revised Municipal Code Chapters 22, 40 and 41. Second by Noeldner. Motion carried 6-0.**
- c) Ordinance #06-08, Point System for Guidelines for Liquor Licenses. Tabled to 6/19/06. It was noted this was initially tabled from the May 1st Board meeting.
- d) Trustee Noeldner's Discussion Items.
 - 1) *Discuss what Constitutes a walking quorum.* Noeldner stated he would like an answer to the question what constitutes an inappropriate meeting of Board members outside of posted meetings. Can two members of a standing committee ever meet or otherwise communicate on any topic outside of a posted meeting and if so, can those two members discuss Village business which is related to that standing committee and if not, can they discuss any other Village business. Noeldner indicated it is not clear to him from the communications he has received from the Village Attorney.

Noeldner wants to know what the law is. Pettit stated the League of Wisconsin Municipalities has rendered opinions on what is a walking quorum and an article appeared within the last year and suggested Noeldner obtain that from the League's website or obtain the Attorney General's opinion and those are out there on the web too. There was discussion. Pettit will retrieve the opinion from the League. There was further discussion.

- 2) *Discuss Interpretation of "Committee"*. Noeldner stated this item can be skipped.
- 3) *Discussion and consideration of amending Municipal Code regarding setting agendas (Ordinance #06-01)*. Noeldner referred to the proposed ordinance Attorney Yde prepared (#06-01) and stated he considers it reasonable as long as it does not violate open meetings law. He stated it is not clear to him that the proposed ordinance would not—specifically the proposed ordinance states “if any two members of the body holding the meeting request that an additional item be placed on the agenda, the Village Clerk must place the item requested on the agenda. This way the meeting agenda is not controlled by just one person.” Noeldner stated until he is clear on whether that would constitute a walking quorum or not, he does not see how the ordinance can be moved on. Bollig asked if they should wait until that is defined then? Noeldner stated in lieu of that he would suggest the Board adopt an ordinance which formalizes the informal present policy which is that any Board or committee member can add items to his/her respective board or committee agenda provided he/she submits the request in writing at least three business days before the meeting. It would be wise to formalize this while it is under consideration and does not feel a down side to it. It would not violate open meetings law and if a board or committee member desires to put something on the agenda no one else wants to discuss it could be pushed aside by determining a debate. It was asked if there has been a particular problem? Noeldner responded there had not. There was discussion including whether or not there has been a problem in the past with board or committee members getting items on any agenda. Staton stated common sense and mutual respect can work here as it has in the past and stated he would prefer to operate that way. There was further discussion.
- 4) *Village President Powers in regards to February 2nd Incident*. Noeldner stated the question is who would have authority over which members of a board or committee are allowed at a non-posted meeting? Noeldner suggested that the Board adopt a policy that the board or committee member who schedules a non-posted meeting will have the authority to determine who may or may not be present in case there is a quorum issue. Noeldner asked President Luebke if that would have been satisfactory if applied to the February incident? Luebke stated there has only been the one issue and he did not see a need for all the suggested changes. Luebke stated he does from time to time request assistance of a trustee to attend for the purpose of their expertise in that area. There was discussion.
- 5) *A public hearing on a proposed Developer's Agreement shall be held prior to a vote on that Agreement by the Village Board: Prior to that public hearing, the proposed Developer's Agreement shall be made available to the public for review and comment for a period of not less than 13 days inclusive*. Noeldner asked the Board to make this a policy and noted that in a letter from Attorney Yde on April 17, 2006 Yde asserted that the purpose of a developer's agreement is to protect the Village generally and as such the Village's general interests are sufficiently protected through the discussion and approval of a developer's agreement at regular, open meetings of the Village Board. Noeldner stated in the Lycon matter he does not

think there were any meetings other than the last one in which there was an open discussion of the developer's agreement and there certainly were not regular meetings. There was considerable discussion. Staton suggested relying on the time period set aside for Community Input with the option if a Board member would like to suggest that we set up a public appearance time specifically for a developer's agreement. If no one asks for a specific time period, it could fall within the 15 minutes community input agenda item. There was concern that if you let the public comment during negotiations the Board would have to just listen and not say anything with the negotiations being done in closed session. It was suggested that if a Board member wants public input on an agreement that he/she request it be put on the agenda and it could be handled that way. Discussion continued including whether to refer developer's agreements to Finance Committee.

- 6) *If a Trustee and/or his/her immediate family has one or more financial interests in a proposed development within the Village of Oregon Municipal Boundary or its Extra-Territorial Jurisdictional Boundary, said Trustee shall disclose the nature of those interests to the Village Board before an Agreement for Services is signed.* [Included with item #7.]
- 7) *If a Trustee and/or his/her immediate family establishes one or more financial interests in a development already in process, said Trustee shall disclose the nature of those interests to the Village Board within fourteen (14) days.* Noeldner stated he feels it would behoove board members to be as transparent as possible about any financial relationships with proposed developments. The benefit would be to put it in one place. That way it would be in the agreement for services and the record open to the public should anyone have concerns that a board member has a financial relationship with proposed developments. Staton asked if this was covered in the State Ethics Law. Gracz stated in Attorney Yde's April 17th memo he is not against having a local code of ethics but if the Village is going to do one it needs to be a comprehensive code. There was discussion. Gracz advised that staff has been working on putting together Village Board rules for the last several years and have a number of samples. Gracz stated he has talked about this with the Village of DeForest Board President and DeForest has board rules in place and Gracz will get a copy from the Village. There was discussion regarding how the Board wants this prioritized and whether it takes precedence over the developer's handbook being worked on. Noeldner volunteered to work on a board/committee/ employee handbook when that comes up on an agenda. Noeldner indicated that items #9, #10 and #11 can be stricken.
- 8) *Discuss email policy.* This is in committee.
- 9) *Discuss other related matters.*
- 10) *Motion to direct the Village Attorney to draft an ordinance with provision #5) above.*
- 11) *Motion to direct the Village Attorney to draft an ordinance with provisions #6) and 7) above.*

16. **PROCLAMATIONS AND ANNOUNCEMENTS.**

- a) Weekly trash pickup begins the first week of June and free clean up dates are June 14th and September 20th. Below stated the annual brush pickup is scheduled for the second Monday of the month April through September and Spring yard waste cleanup is done now until October. The weekly garbage pickup started June 1st and runs through September.

Regular Meeting of the Oregon Village Board,
Monday, June 5, 2006

Chief Pettit reminded residents that it is against Village code to deposit grass clippings onto the Village streets. Officers saw a number of egregious violations to that code and this is just a reminder to residents that it is illegal and if in the future residents will be contacted when this is found to be happening.

17. **ADJOURNMENT**. At 8:20 p.m., Bollig moved, second by Noeldner, to adjourn the meeting. Motion carried 6-0.

Submitted by,
Georgia Johnson,
Village Clerk