

1. **CALL TO ORDER.** The regular meeting of the Village Board was called to order by President Luebke at 5:00 p.m. on Monday, January 22, 2007.
2. **ROLL CALL.** Present: Jerry Bollig, Phil Harms, Jon Lourigan, Jerry Luebke, Hans Noeldner, Eric Poole and Steve Staton. Also present: Village Administrator Mike Gracz, Village Attorney Matt Dregne, Village Engineer Joe Eberle, Village Planner Mike Slavney, Police Chief Doug Pettit, Public Works Director Mark Below, and Village Clerk Georgia Johnson.
3. **APPROVAL OF MINUTES.** Bollig moved, second by Poole, to approve the minutes of the regular meeting of January 8, 2007. Motion carried 7-0.
4. **APPROVAL OF VOUCHERS.** Noeldner moved, second by Staton, to approve payment of vouchers for the Water and Sewer Utility Funds in the amount of \$27,865.99 per the revised list dated January 22, 2007. Roll call vote: Staton – yes; Bollig – yes; Lourigan – yes; Harms – yes; Noeldner – yes; Poole – yes; Luebke - yes. Motion carried 7-0.

It was requested that the General Fund vouchers be approved as two separate motions as set out on the revised list distributed just prior to the meeting due to one of the voucher items is scheduled for later in the meeting for approval. The Board could approve payment contingent on the motion being approved regarding the Ash Street property. This is an item that comes out of the Finance Committee's meeting of January 16th.

**Bollig moved, second by Staton, to approve the payment of vouchers for the General Operating Fund in the amount of \$5,281,192.26 per the revised list dated January 22, 2006.** Noeldner stated he did not have time to look over the additional vouchers and preferred to hold off approving them until the next meeting. **Roll call vote: Staton – yes; Bollig – yes; Lourigan – yes; Harms – yes; Noeldner – no; Poole – yes; Luebke - yes.** It was noted that about \$3M is to the other taxing entities. **Motion carried 6-1, with Noeldner opposed.**

**Bollig moved, second by Poole, to approve payment of the Dane County vouchers totaling \$4,057.50 contingent on the approval of item #10(a)(4) later in the meeting.** There was discussion regarding the Finance's recommendation on the Ash Street parcel. (See item #10(a)(4)). **Roll call vote: Staton – yes; Bollig – yes; Lourigan – yes; Harms – yes; Noeldner – no; Poole – yes; Luebke - yes. Motion carried 6-1, with Noeldner opposed.**

5. **COMMUNITY INPUT.** Luebke asked if there was anyone in the audience to speak to any issues other than the moratorium or the downtown—issues that are both on the agenda later in the meeting. No one spoke.
6. **FUTURE AGENDA ITEMS.**
  - a) Dane County Regionalization Presentation by J. Timothy Hillebrand, EMS Coordinator of Dane County Department of Emergency Management – February Board meeting. Luebke noted this will be on the agenda for the Board's February meeting.
  - b) Discussion of Library Strategic Plan – February 5<sup>th</sup> Board Meeting. This is for informational purposes only. A presentation will be made at the February Board meeting by Library Board Director Ann Stone.
7. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.** There were none.
8. **PROCLAMATIONS AND ANNOUNCEMENTS.** There were none.

9. **COMMUNICATION AND MISCELLANEOUS BUSINESS.**

- a) Per Trustee Lourigan – Consideration to Delay any Additional Annexations until such time as the 2007 Village Board is seated. Public input was taken at this time. The following persons spoke regarding this issue:

Phil Peterson	1275 Lathers Road, Village of Oregon
Ron Richardson	216 N Dickinson St., Madison
Caroline Werner	4712 Roosevelt St., Oregon (Town of Rutland)
Patrick Sweeney	5663 Golden Terrace, Madison (L&S Investments)
Eric Grover	5949 Hwy A, Brooklyn
Dan O’Callaghan	1 S. Pinckney, Madison (for Veridian)
Travis Schreiber	999 Fourier Drive, Madison (Veridian)
Ken Maly	1705 Legacy Ln., Madison (Vierbicher (L&S Properties)
David Williams	616 S. Burly (sp) St., Madison
John Hendricks	1315 Spaight St., Madison (County Board)
Sheila Spear	823 Whispering Oaks Rd., (Town of Oregon)
Nancy Murphy	5894 Madsen Circle (Town of Oregon)
Jesse Ishikawa	22 E Mifflin, Madison (for Church Development Partners)
John Deits	769 Leeward Ln., Village of Oregon
Nick Ladopoulos	4551 Ellington Way, Middleton
Sally Franz	R#1 (Town of Oregon)
Phyllis Hasbrouck	3113 View Rd., (Town of Dunn)
Sheila Virtue	698 Heidi Way, Village of Oregon
Paula Brisco	137 Lynne Trail, Village of Oregon
Randy Way	5015 W Netherwood Rd., Village of Oregon
Russ Favor	1003 Drummond Dr., Village of Oregon

Following public input Lourigan stated that he asked this to be put on the agenda for discussion in that a new Board will be seated in April and he felt it a good idea to delay any annexations until after the election. Regarding the comments made during public input, Attorney Dregne was asked to speak to the statement that it is illegal for the Board to put a moratorium on annexations. Attorney Dregne stated he does not have a formal opinion but it is probably lawful for the Board to enact this type of delay on action until after the election for the reason that there are no annexation petitions on the table. Discussion included such issues as whether the current annexations would be put on hold as well, what is meant by a moratorium, if a petition was filed it would be held over until after the new Board was seated, whether to proceed with the Southeast Quadrant, Ladopoulos and Peterson annexations, and so forth. [The audio tapes of the meeting are being kept on file for future reference for anyone interested in reviewing the testimony. These tapes will be kept for a period of 7 years after which they will be erased.]

**Lourigan moved to delay any annexations until such time as the new Board is seated. Second by Noeldner.** Considerable discussion. **Harms moved to amend the motion to leave the Church property and Ladopoulos’ parcels out of the motion. Second by Noeldner. Roll call vote on the amendment: Staton – yes; Bollig – yes; Lourigan – no; Harms – yes; Noeldner – yes; Poole – yes; Luebke – yes. Motion amendment carried 6-1 with Lourigan opposed.**

**The amended motion: to delay any annexations with the exception of the Church property and Ladopoulos’ property until such time as the new Board is seated. Roll call vote taken: Staton – yes; Bollig – no; Lourigan – yes; Harms – yes; Noeldner – no; Poole – no; Luebke – no. Motion failed 3-4.**

It was agreed to take certain items out of order to accommodate audience members. For ease in reading, the minutes are in the order of appearance on the agenda.

- b) Discussion of Submittal for February 14, 2007 Public Hearing for Railroad Bridge. Gracz stated this is the draft submittal for the hearing on February 14<sup>th</sup> before the Railroad Commissioner's Office. The meeting will be in the Village Board Room and begins at 9:30 A.M. It was noted the County will be there and Fitchburg. All Board members are encouraged to attend.
- c) Per Trustee Staton – Discussion and Possible Action of Referring Sample of Village Board Rules to Personnel, Public Safety & Protection Committee. This is for informational purposes. Staton noted there is a sample draft from the Village of DeForest in the packet and could be used to draft a policy for the Village. There was some discussion.
- d) Discussion of Meetings for New Zoning Map – FYI. For informational purposes. The Oregon Planning Commission is hosting a public information meeting on the new zoning map on Thursday, February 1<sup>st</sup> at 5:30 p.m. in the Village Hall.
- e) Discussion and Possible Action Concerning Complaints from Alan Brisco Concerning Possible Open Meetings Law Violations. Luebke referred to an email from Mr. Brisco stating he was unable to attend the meeting tonight and requesting it be delayed, but with the Village Attorney present, Luebke asked Attorney Dregne to address the complaints. One complaint was an open meetings law violation and the other was on the legality of the discussion and vote taken at the December 18<sup>th</sup> Board meeting. Attorney Dregne stated he researched the State Statutes for a process addressing alleged violations of the open meetings law and under State Statute any person can file a verified complaint alleging a violation of the open meetings with either the attorney general or the district attorney. Those officials have the authority to prosecute violations. If after receiving a verified complaint they do not prosecute, the individual has the right to initiate his or her own prosecution. Dregne stated there is no procedure in the Statute at least whereby the village attorney or the village board could take enforcement action relative to an open meetings law violation. If the Board wants a legal opinion from the Village Attorney about what the open meetings law does and does not require or permit on a particular issue, Dregne stated they could do that if they had all the facts. He stated he does not have all the facts pertaining to these particular allegations. Luebke stated the Board then has two choices—(1) hire the Village Attorney to respond to the questions or (2) the complainant can file a complaint with the attorney general or district attorney. There was further discussion. Bollig stated there was no intent to do anything wrong here, the trustees are just residents of the Village and trying to do the best job that we can do. He requested if this is of concern in the future, that the individual contact the Village Administrator and it can be looked into and probably taken care of with a simple phone call. Staton agreed. Luebke noted a complaint has also been filed against the Planning Commission Chair Greg Schnelle. **Bollig then moved to abstain from taking any action on this matter. Second by Harms. Roll call vote: Staton – yes; Bollig – yes; Lourigan – yes; Harms – yes; Noeldner – yes; Poole – yes; Luebke – yes. Motion carried 7-0.**
- f) Resolution #07-03—Consideration of Street Openings for Alpine Meadows Subdivision Phase 4. **Poole moved, second by Bollig, to adopt Resolution #07-03 opening streets in Alpine Meadows Subdivision Phase 4.** This officially opens Sumac Street and 45 lots in that subdivision. There was some discussion. **Motion carried 7-0.**
- g) Discussion of Re-scheduling Joint Meeting with Towns regarding Fire/EMS Labor Negotiations. Gracz noted the meeting has been scheduled for next Wednesday, January 31<sup>st</sup> at 5:30 p.m. and will be at the Fire Station. It will be noticed as a special Board meeting.
- h) Per Trustee Noeldner – Discussion of Conditional Use Permit at 155 Braun Road for Community Life Church. Noeldner questioned the need to annex property for the church and the limited use of that parcel on Braun Road. Does not feel that there is a problem with the church being there and feels that it should be between the tenant and the building owner. He noted there are other

churches that are not in an area zoned for churches—such as Vineyard and one on Netherwood Road. He stated he feels it would be less used than when it was a sports center. There was discussion. No action was taken.

10. **REPORT OF COMMITTEES.**

a) Finance Committee 1/16/07.

- 1) Discussion and Possible Action – Authorize Finance Director to send letter to Accurate Appraisal Regarding Errors. **Bollig moved to authorize the staff to send a letter to Accurate Appraisal regarding assessor errors. Second by Poole.** Bollig noted when Accurate Appraisal made their annual assessment, they missed a number of properties and it is recommended the Finance Director send a letter to them advising them of the Village's dissatisfaction. **Motion carried 7-0.**
- 2) Discussion and Possible Action – Authorize Sending Refunds to Other Municipalities for 2006 Senior Center Payments. **Bollig moved to authorize staff to refund the 2006 Senior Center payments to the other taxing municipalities for employee benefits and wages not paid. Second by Noeldner.** Bollig noted that part of the budgeting process is to assess the other taxing municipalities and they pay that portion of the Senior Center budget. In that health insurance was budgeted for a new employee and that did not happen, it is recommended to refund those monies. **Motion carried 7-0.**
- 3) Discussion and Possible Action – Authorization Reallocation of Fire District Payments. **Bollig moved that the Village Board recommend to the Oregon Area Fire/EMS District to amend the District's 2007 budget regarding reallocation of the Fire/EMS District payments. Second by Noeldner.** Bollig noted that when the Fire/EMS budget is done, the budget amounts are divided between the municipalities and based on populations that percentage changes every year. **Motion carried 7-0.**
- 4) Discussion and Possible Action Concerning Parcel on Ash Street. **Bollig moved to have Village staff contact the property owners and coordinate with the County in transferring ownership of Parcel No. 0509-111-0867-1 to the adjacent property owners. Second by Noeldner.** Below stated there is a small piece of land on Ash Street that is a remnant from the Green Acres Subdivision and it ended up with the County because of back taxes. This would dispose of that remnant and get it into the adjacent property owner's name. **Motion carried 7-0.**
- 5) Discussion and Possible Action regarding COBRA Agreement. **Bollig moved, second by Staton, to recommend the Village Board not charge any additional fee regarding COBRA administration fee.** The COBRA disability policy allows for an administrative fee for anyone on disability and the Committee feels that they do not want to charge someone on disability an administrative fee. **Motion carried 7-0.**
- 6) Discussion and Possible Action—Order 2007 Squads. **Bollig moved to authorize staff to order two 2007 Ford Crown Victoria Police Interceptors from Kayser Ford of Madison in an amount not to exceed the expenditure of \$37,000.00. Second by Staton.** Bollig noted these 2 vehicles are in the 2007 budget. There was some discussion. **Motion carried 7-0.**
- 7) Discussion and Possible Action – Disposal of Equipment. **Bollig moved to approve disposing of the equipment per the listing. Second by Noeldner. Motion carried 7-0.**
- 8) Discussion of Scheduling Public Forum on Refuse and Recycling Program for February 12, 2007 and Interested Village Residents Serving on Ad-Hoc Committee. **Bollig moved, second by Noeldner, to set a public forum on February 12, 2007, at 6:00 p.m., regarding the**

**refuse and recycling system. Motion carried 7-0.** There was some discussion. Those interested in serving on a possible Ad-Hoc Committee were requested to send an email to the Village Administrator at [mgracz@vil.oregon.wi.us](mailto:mgracz@vil.oregon.wi.us). There will be something in the Oregon Observer and staff will put a notice on the Village's website regarding the forum.

- 9) Discussion and Possible Action Authorizing Village Administrator to Send Email to Stop FCC Cable Order. **Bollig moved to authorize the Village Administrator to send an email to stop the FCC Cable order. Second by Noeldner.** The FCC is looking at eliminating the Cable fees that are charged under cable TV which would impact the Village's funding of its cable TV channel. There was some discussion. **Motion carried 7-0.**

b) Planning Commission 1/4/07.

- 1) Consideration of Conditional Use Permit Request for 769 Market Street to Operate a Repair Garage and Towing Operation. **Staton moved to approve the Conditional Use Permit request at 769 Market St to operate a repair garage and towing operation. Second by Poole.** Below stated primarily this is to bring the building into compliance. It will probably be on the back side of the building. Jerry O'Brien was present and spoke to the request. There was some discussion. **Motion carried 7-0.**
- 2) Discussion of the Request for the Annexation Petition of Oregon Farms Property on County Highway CC and Review of Summary of Main Issues for Pre-Annexation Process and Agreement for Peterson Property/Church Development Partners. **Staton moved to approve the annexation request of the Oregon Farms Property on County Highway CC as long as the proposed location is consistent with the adopted Comprehensive Master Plan and the proposed range of uses is consistent with the adopted Comprehensive Master Plan. Second by Bollig.** Gracz indicated no motion is needed regarding this and should have been listed for discussion only. Mainly it is to let the Board know of the list of items that will be going into the pre-annexation agreement. **The motion was withdrawn.** The petitioner has agreed with the list and the Department of Administration has reviewed the annexation and finds it to be in compliance. There is more negotiating to be done. There was some discussion. Noeldner asked what the time frame is on this? Attorney Dregne stated the developers are doing a traffic study and a storm water study, the Village engineer will be asked to do a well site investigation (going to Public Works next Monday for consideration), and the Village will have to follow the process for amending the Village's Comprehensive Plan to include the more precise neighborhood plan for this project, and Attorney Dregne will draft the pre-annexation agreement. There was further discussion.
- 3) Consideration of DOT ROW lease/sale and Site Plan for 990/998 Janesville Street. Staton noted this is the property formerly known as Melton Motors and asked Administrator Gracz to provide some input and noted that Paul Lynch is present and could address any concerns. Gracz noted the Village is working with Lynch to proceed with the renovation work on this property. The exact ownership of this portion of Janesville Street is now known—the DOT has not taken a firm stand on it. The DOT has advised the Village that it is the Village's decision to either sell or lease some of the right-of-way to the petitioner. Gracz stated it is recommended to lease the property to him in that the Village is still working with the DOT to extend the Highway 14 project through that intersection. There would not be a lease fee rather the benefit is the Village gets to have the property renovated. The square footage is not known. Lynch stated he owns the property, the property line comes up close to the building, and when they are done it will be all green space with some landscaping and additional parking and so forth. Lynch stated they will work with the Village with whatever it wants to do. There was some discussion after which **Staton moved to approve of a lease or sale of the Department of Transportation right of way presented on the site plan of 990/998 Janesville Street with**

**whatever is to the benefit of the Village of Oregon. Second by Bollig.** When the lease has been worked out, it will come back to the Board. There was further discussion. **Motion carried 7-0.**

- 4) Consideration of Revised Re-Capture Area for East Side Interceptor and Discussion of Status of Annexation of Veridian, Sweeney and Grover Properties. **Staton moved to approve the revised update of the revised recapture area for the South East Sewer Interceptor status and annexation of Veridian, Sweeney and Grover properties as set out in the Village Attorney's letter dated December 22, 2006. Second by Bollig.** Below referred to the letter from Vierbicher and the map of the revised recapture agreement. The sewer interceptor pipe would stay the same, the ultimate urban service area would stay the same—it's just the recapture they want to do has shrunk and excludes pretty much everything west of County Hwy MM, the Bay Heights area and a strip along County A as well. There was some discussion. When asked if this binds the Village in anyway to proceed with development behind this, Attorney Dregne responded no. He stated the Village is being asked to decide whether this particular approach to the recapture component of any development agreement would be acceptable to the Board. The Village still needs to go through the annexation process, it still needs to negotiate and prepare the various agreements that need to be approved. One of the big issues that has to be dealt with in that agreement is what is the area the pipe would serve if constructed and which properties would contribute paying for the pipe. Initially the three developers (Veridian, Sweeney and Grover) would fund the pipe; they would have the opportunity to recover some of those costs from other property owners when those properties are developed. Dregne stated they are looking for direction and confirmation from the Board that this is the approach the Village wants to take on the issues. There was considerable discussion. **Roll call vote: Staton – yes; Bollig – yes; Lourigan – yes; Harms – yes; Noeldner – no; Poole – yes; Luebke – yes. Motion carried 6-1, with Noeldner opposed.**
  
- 5) Discussion and Possible Action of Village Engineering Agreement regarding Appealing Proposed FIRM maps. Staton noted that since the Planning Commission made the recommendation to appeal, Below has done some research into the engineering services involved and it is being recommended not to take action to contest these areas. There was some discussion. Attorney Dregne stated if the Board takes no action on the Planning Commission's recommendation then it is consistent with Below's recommendation and no motion would be necessary. **Noeldner moved to not appeal the FIRM map and to direct Village staff to notify all the affected property owners and provide them with appropriate information about what the impact of the revisions upon them are. Second by Poole.** Noeldner stated he is not sure what the repercussions would be but feels it is important to provide the property owners with something digestible and understandable. Luebke noted that staff priced out what it would cost and it was extremely costly. There was discussion and it was agreed that property owners be informed of the revisions and what that means to them. It was noted the approximate cost of the engineering would be \$17,500.00. **Motion carried 7-0.**
  
- c) Park Board 1/3/07
  - 1) Consideration and Possible Action – Appointment of Dan Olson as Village Representative to Brooklyn Bike Trail Study Group. **Lourigan moved, second by Bollig, to approve the appointment of Dan Olson to the Brooklyn Bike Trail Study Group.** The Park Board was requested to put a Committee member on this study group and they are recommending Dan Olson be appointed to that position. **Motion carried 7-0.**
  
  - 2) Consideration and Possible Action – Approving Informational Signs at Lerner Park Installed by Boy Scout Danny Miller. **Lourigan moved to approve the informational signs at Lerner Conservation Park. Second by Bollig.** Lourigan noted this will be done as an Eagle Scout project by Danny Miller and he will be working with Al Miller. **Motion carried 7-0.**

- d) Minutes Not Requiring Action.
  - 1) Library Board 12/13/06

11. **UNFINISHED BUSINESS.**

- a) Consideration of Ordinance #07-01 – Amending Lincoln Road Speed Limit. It was noted adoption of this ordinance would change the speed limit to 45 mph along Lincoln Road. This has been in discussions previously. The State has reviewed the request and they will not allow it to be reduced down to 35 mph as the Village wanted to do. **Staton moved, second by Poole, to accept the first reading, waive the second, and adopt Ordinance #07-01 reducing the speed limit on a portion of Lincoln Road to 35 mph. Motion carried 7-0.**
- b) Consideration of Approving Minor Repair Work to Downtown Pump House and Installing Plaque. **Poole moved to approve the minor repair work. Second by Bollig.** This has been discussed previously and will allow for repair work to be done on the pump house and plaque installed. **Motion carried 7-0.**

12. **PUBLIC FORUM REGARDING DOWNTOWN INTERSECTION CONCEPTS.** The public forum started at 6:50 p.m. Gracz referred to his memo dated January 19, 2007 noting Dane County's contribution for the project and noted that Pam Dunphy from the Dane County Highway Department was present to answer any questions. It is anticipated that the intersection construction will be completed in 2008. The temporary signals will be going in April or May. There is an issue with the traffic warrants and the County would contribute to the permanent traffic signals, if S. Main Street goes back to a two-way traffic pattern which would address the traffic warrant issue. There was a lengthy discussion including the fact that putting signals in will eliminate part of the confusion with the traffic pattern, the roadway is considered a truck route, pedestrian safety issues, angle parking issues including the fact that angle parking is not allowed on County or State roads, traffic warrants currently not being met, will funding be received whether S. Main Street remains one-way or not, what the County's opinion is of the use of roundabouts, Dunphy went over the monies available from the County (approximately \$500,000 for the downtown intersection area), the County's current contribution would be \$180,000. Following discussion, the following members of the audience spoke to the issue:

Jeff Groenier, 830 S. Main Street  
Steve Newton, 146 S. Main Street  
William O'Brien, 552 Glenway Rd., Brooklyn  
Kathy Maves, 744 Cledell  
Curt Kneifl, 114 Janesville Street  
Jeff Bergey, 111 S. Main Street  
Sheila Virtue, 698 Heidi Way  
Kristie Schilling, 113 Main Street  
Charles Hagstrom, 754 Timber Ridge Drive  
Paula Brisco, 137 Lynne Trail  
Lisa Hustad, 345 Landover Drive

The public forum ended at 7:35 p.m. The Board discussion included whether to get more solid numbers/cost estimates for proposed plan A, getting a proposal from Vandewalle is key, the need to find more parking to replace any parking that would be lost, the need to have exact measurements, could proposed plan A be brought up to County standards, whether or not to spend more money on the proposed plan, how long it would take to get engineering costs and how much it would cost, concerns that were brought up previously included the unsafe pedestrian issues, whether there is a time line and it was noted there is in order to get this done in 2008. Following a lengthy discussion, **Bollig moved to accept the County Plan as presented and to conduct a study for obtaining additional parking**

**from Vandewalle. Second by Poole.** There was further discussion including Lourigan stating his initial plan was just a talking point, Harms stating that he feels they are right back to square one, Luebke noting that when roundabouts were looked at previously it would have affected some of the downtown businesses, Staton stating he would like to get more precise costs in order to compare the two plans, and Poole asking if it was necessary to decide tonight. There was further talk about the time line, the cost of hiring the engineer, getting an RFP and so forth. **Roll call vote: Staton – yes; Bollig – yes; Lourigan – no; Harms – abstained; Noeldner – no; Poole – yes; Luebke – yes. Motion carried 4-2-1, with Noeldner and Lourigan opposed and Harms abstaining.**

- a) Per President Luebke – Discussion and Possible Consideration of Potential Conflicts in the Downtown Area by Village Board Members. Luebke asked Lourigan about Lourigan’s concern with potential conflicts of interest by Board members who have an interest in the downtown area and there was an exchange of different opinions on the subject. Staton referred to item 9c) which will be dealt with later that may assist with these types of things in the future.
- b) Discussion regarding Receiving Parking Proposal from Vandewalle. See public forum item above.
- c) Discussion and Consideration of Approving Concept Plan for Downtown Intersection Project. See above items.

13. **ADJOURNMENT.** The meeting was adjourned at 9:25 p.m. on motion by Noeldner, second by Staton. Motion carried 7-0.

Submitted by,  
Georgia Johnson,  
Village Clerk