

1. **CALL TO ORDER.** The regular meeting of the Village Board was called to order by President Luebke at 6:00 p.m. on Monday, April 16, 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, Finance Director Renee Hoeft, Police Chief Doug Pettit, Public Works Director Mark Below, Village Engineer Joe Eberle and Village Clerk Georgia Johnson.

There was discussion regarding the newly elected Board members staying for closed session. Following discussion, **Bollig moved, second by Poole, to have the new Board members stay in the room for closed session. Motion carried 7-0.**

3. **EXECUTIVE SESSION.** At 6:01 p.m., **Noeldner moved** to adjourn into closed session **to discuss negotiations regarding replacing Jefferson Street (Hwy CC) Railroad Bridge, to confer with legal counsel regarding anticipated litigation arising from Hammersley Stone's dispute of Change Order for N. Alpine Parkway, and to discuss strategy relating to Lincoln Road Water Tower Damages,** pursuant to Wis. Stats. Sec. 19.85(1) (e) and (g) permitting closed session for the purposes of conducting public business when bargaining reasons require a closed session and to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to be involved. **Second by Poole. Roll call vote: Staton – yes; Poole – yes; Bollig – yes; Lourigan – yes; Noeldner – yes; Luebke – yes; Harms – yes. Motion carried 7-0.**

The Board reconvened into open session at 6:30 p.m. on motion by Bollig, second by Lourigan. Motion carried 7-0. A brief recess was taken and the meeting reconvened at 6:35 p.m.

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.

4. **DISCUSSION AND UPDATE OF CLOSED SESSION ITEMS (A) RAILROAD BRIDGE (B) MEDIATION REQUEST FROM HAMMERSLEY FOR N. ALPINE PARKWAY AND (C) LINCOLN ROAD WATER TOWER.** The public was updated on the following issues: (A) The Village has received a decision from the Railroad Commission which is to replace the bridge at modern day standards. It could present problems if replaced at 10 feet. The insurance company has extended the time to March 2008 which could give adequate time to do before the downtown intersection project. It is the Board's goal not to spend any Village taxpayers' monies for the repair. (B) This is a dispute over a change order regarding some fill used for road construction on North Alpine Parkway. The change order request was denied by the Board. Attorney Dregne noted the claim was referred to the insurance company and they will provide defense costs for this matter and Attorney Waskowski from Stafford Rosenbaum will be looking at the issues and responding to the claim. (C) Below advised that on March 11th an expansion pipe broke loose in the new water tower on Lincoln Road, and it is currently out of service. The Village knows it needs to get the tower up and running as soon as possible and it is hoped to be back in service in May or June. Staton noted the concerns of residents if there was a fire out in that part of the Village and stated it will be discussed at the Fire/EMS District's Officers' meeting tomorrow (the 17th). It was noted that the Village's insurance carrier has given the Village the go ahead with the repairs and do what needs to be done to get the tower up and running. Bollig stated that Village staff in conjunction with the Village President has been given the authority to enter into an agreement without bringing it back to the Board.
5. **DISCUSSION AND POSSIBLE ACTION: APPROVING E80 PLUS PROPOSAL FOR RAILROAD BRIDGE ENGINEERING SERVICES.** For informational purposes, it was noted Fitchburg will be considering this issue at its April 24th meeting. This will allow the bid package to be

prepared to hire a firm to replace the bridge. E80Plus will prepare the bid documents. **Lourigan moved, second by Staton to approve E80 Plus for engineering services for the Railroad bridge. Motion carried 7-0.**

6. **APPROVAL OF MINUTES 4/9/07.** The minutes will be available at the next meeting.
7. **APPROVAL OF VOUCHERS.** Bollig moved, second by Noeldner, to approve payment of vouchers for the Water and Sewer Utility Funds in the amount of \$5,328.42 per the list dated April 16, 2007. Roll call vote: Staton – yes; Bollig – yes; Poole – yes; Noeldner - yes; Luebke – yes – Harms – yes; Lourigan - yes. Motion carried 7-0.

Poole moved, second by Staton, to approve the payment of vouchers for the General Operating Fund in the amount of \$94,960.60 per the list dated April 16, 2007. Roll call vote: Staton – yes; Bollig – yes; Poole – yes; Noeldner - yes; Luebke – yes – Harms – yes; Lourigan - yes. Motion carried 7-0.

8. **PRESENTATION OF RECOGNITION PLAQUES TO TRUSTEE NOELDNER AND PRESIDENT LUEBKE AND GENERAL COMMENTS.** President Elect Steve Staton presented recognition plaques to Trustee Noeldner and President Luebke. Each made a brief statement to the Board and the public.
9. **COMMUNITY INPUT.** John Deits, 769 Leeward Lane, commented on the railroad bridge, the length of the project and the potential impact to downtown businesses, as well as the impact the extended pile driving on the historic buildings. He stated he had concerns with the design of the bridge too.

Paula Brisco, 137 Lynne Trail, noted her concerns with replacing the railroad bridge—she does not favor rebuilding. She requested the Southeast Quadrant Plan to be done openly and allowing time for public input.

10. **FUTURE AGENDA ITEMS.** None.
11. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.**
 - a) Chamber of Commerce Monthly Report. None.
 - b) Youth Center Monthly Report. None.
 - c) Public Hearing Amending Village’s Comprehensive Plan for Former Properties of Peterson and Hall Properties. There was discussion regard how to proceed after which Attorney Dregne gave a brief overview of the matter. Luebke opened the public hearing at 7:00 p.m. Dregne noted that the Village has already adopted a Comprehensive Plan that includes the property that is addressed by this particular amendment to the Comprehensive Plan. Currently the Plan calls for this property to be developed as a residential development. The Village has been asked by the owners of two different parcels—one of which is the former Peterson property which is now owned by Church Development Partners and the other is owned by Nick Ladopoulos—to annex and work with them in developing these parcels. It became apparent in reviewing the conceptual plans that some judgments came about that refined the ideas for how these properties ought to be developed if and when it is annexed. The Peterson property for example the discussion has been that it ought to be developed as a new urbanism style with higher density development, alley fed lots and along those lines. The Ladopoulos (Hall) property has a truer hardwood forest area to it so in the planning process the discussion has been focused on how to refine the plan for that area so that the character of the property is preserved. The purpose of this amendment is to provide further specificity and refinement to the existing Comprehensive Plan about how these properties in particular ought to be developed so that at a date when a developer does annex a territory and pursues the remaining

approvals necessary for development the Village has in its plan the necessary tools to manage that process and to require the developers to conform to that plan. It is an amendment to the existing plan to provide a higher degree of specificity about how these two properties ought to be developed. Dregne noted this refinement was developed during this process between the developers, the Planning Commission and the Board over a period of time. There was some discussion regarding the handout just prior to the meeting. Dregne stated it was a change to just one sentence in the proposed amendment to make it clear (on the Peterson property) that not every lot would have to be served by an alley. The conceptual plans that have been reviewed for that property included a mix of different residential styles some of which were alley fed and some were not. The request was to modify the language to make it clear that everything would necessarily have to be alley-fed.

Paula Brisco, 137 Lynne Trail, spoke to her concern about over development in the Village and asked President Elect Staton to include the public in its discussions regarding annexations and developments. Brisco also indicated concerns with flooding and when density is increased the Village needs to make sure stormwater issues are looked at for the properties in that area.

The public hearing was closed at 7:05 p.m. and there was discussion. When asked about flooding problems, Below advised that the developers would have to comply with Chapter 22 which deals with stormwater. It was noted that approval of this change to the Comprehensive Plan does not approve the annexation of the properties rather just addresses the land use in those areas. There was further discussion.

- d) Discussion and Possible Action: Consideration of Ordinance #07-05 to Adopt the Amendment to the Village's Comprehensive Plan for Former Properties of Peterson and Hall. There was a brief discussion regarding how to proceed with the ordinance. **Staton moved to introduce and approve the first reading of Ordinance #07-05. Second by Lourigan.** Discussion followed regarding whether there is a quotient for taking trees, that this issue could be discussed while preparing the pre-annexation agreement, and the fact that passing this ordinance does not change the policy on woodland's preservation. **Motion carried 7-0.**

12. **PROCLAMATIONS AND ANNOUNCEMENTS.** Chief Pettit highlighted a number of issues: (1) responded to the comments made regarding lack of police presence the night of the Election between 4:00 – 7:00 p.m. (2) updated the public briefly on the recent burglaries and encouraged residents to secure their homes and possibly install locks and lighting. (3) responded to comments made by Sheriff Dave Mahoney recently regarding the gang level in Dane County and specifically as to the Village of Oregon. There was some discussion.

13. **COMMUNICATION AND MISCELLANEOUS BUSINESS.**

- a) Chamber of Commerce Request for Temporary Class B Picnic Retailers License for Beer Fest – May 12, 2007. It was noted this is the second annual Beer Fest and there was discussion including the location this year. Pettit stated he has talked with the Chamber and the event will be conducted the same as last year with the proper fencing and two tents. Following discussion, **Noeldner moved, second by Harms, to approve a Temporary Class B Picnic License for the Beer Fest sponsored by the Chamber of Commerce on May 12th.** **Motion carried 6-0.** [Staton had stepped out of the meeting briefly.]
- b) Update from April 16th Ad-Hoc Refuse/Recycling Committee Meeting. For informational purposes. The Committee made a recommendation to the Finance Committee.
- c) Discussion of Special Re-Organizational Board Meeting – April 17th at 6:00 p.m. Just a reminder.

- d) Referred from March 5th Village Board Meeting—Discussion and Possible Action: Amending Ordinance #07-04 regarding Chapter 10.05 of the Municipal Code Relating to Outdoor Solid Fuel Heating Units – Public Works Committee had taken no action. Luebke stated the Board has three options regarding this issue: (1) adopt an ordinance; (2) table the matter; or (3) take no action. There was discussion including the matter coming out of Public Works without a recommendation, the key issue being the number of feet required from a building, concerns expressed by the insurance carrier and so forth. Following discussion, **Harms moved to refer this matter back to the Public Works & Utilities Committee for further review. Second by Staton. Motion carried 6-1, with Noeldner opposed.**
- e) Discussion and Possible Action: Village President Luebke’s Letter to Kathleen Falk regarding Town of Oregon’s Comprehensive Plan. Luebke referred to the proposed letter to be sent to the Dane County Executive Kathleen Falk notifying the County of the Village’s disapproval of the Town’s new Comprehensive Plan. There was some discussion. Staton will be meeting with Falk on May 9th. Harms stressed the importance of keeping the communication doors open and the need to work out a common ground with the Town. Following discussion, **Noeldner moved to authorize President Luebke to sign the letter to Kathleen Falk regarding the Town of Oregon’s Comprehensive Plan. Second by Bollig. There was further discussion. Motion carried 7-0.**
- f) Discussion of Police Department’s Reward Program related to Recent Home Burglaries. There was discussion regarding the amount of the reward for information relating to the recent home burglaries.
- g) Discussion and Possible Action: Disposal of Equipment for 2007 Police Auction. This is an annual auction and the list requires Board approval. **Bollig moved to authorize staff to dispose of the equipment listed. Second by Poole. Motion carried 7-0.**

14. **REPORT OF COMMITTEES.**

- a) Planning Commission 4/5/07.
 - 1) Discussion and Possible Action: Conditional Use Permit Request at 155 Braun Road to Conduct Special Events, Wedding Dances, Private Parties and Benefits. **Staton moved, to approve the Conditional Use Permit at 155 Braun Road to conduct special events, wedding dances, private parties, and benefits contingent upon the Police Department’s review and the Fire Department’s approval of a set occupancy limit. Second by Poole.** Chief Pettit noted this it will be the same as has been done the last 2-3 years and that there have been no issues and he does not have a problem with it. **Motion carried 7-0.**
 - 2) Discussion and Possible Action: Conceptual Plan for the Property Located at 5201 West Netherwood Road – Nick Ladopoulos/Prairie Homes LLC. **Staton moved to approve the Conceptual Plan for the property located at 5201 W. Netherwood Road (Nick Ladopoulos/Prairie Homes LLC). Second by Lourigan.** Ladopoulos brought forward a drawing indicating the changes that have been made. Discussion included the southern road grade, the number of trees being lost, whether the road would be re-routed to make exception to the large oak tree discussed earlier and so forth. Luebke noted the Planning Commission struggled with these issues as well. Discussion continued with regard to keeping the large oak and the Board agreed to allow the tree to be removed. **Motion carried 7-0.**
 - 3) Discussion and Possible Action: Request of Annexation Petition of the Property 5201 W Netherwood Road from Nick Ladopoulos/Prairie Homes LLC (a) Discussion of Improvements Costs and Status of Pre-Annexation Agreement and (b) Consideration of Ordinance #07-06 Providing for the Direct Annexation of Property at 5201 W Netherwood Road in Town of Oregon (Ladopoulos/Prairie Homes LLC). **Staton moved to proceed with**

the request for Annexation Petition of the property at 5201 W. Netherwood Road from Nick Ladopoulos/Prairie Homes LLC contingent upon addressing the tree replacements in the Pre-Annexation Agreement. Second by Lourigan. [Amended 5/7/07 – It was the intent of the Board to adopt Ordinance #07-06 although it was not identified specifically in the motion. (per Attorney Dregne). Attorney Dregne advised that the annexation ordinance would not become effective until all contingencies in the ordinance were complied with. He noted they are in the process of drafting a pre-annexation agreement and are still working on deed restrictions for replacement and preservation of the trees and will include developer's costs. A deadline date of May 22 has been given to Ladopoulos. There was discussion including possible stormwater management issues and whether to include that in the ordinance along with the other contingencies. Following discussion, **motion carried 7-0.**

- 4) Discussion and Possible Action: Certified Survey Map from Vedvik Farm LLC in the Town of Oregon. **Staton moved to approve the Certified Survey Map from Vedvik Farm LLC in the Town of Oregon. Second by Poole.** Below noted this was discussed at Planning because the seller wants to sell it as commercial property, a CSM is required to meet the zoning codes. **Motion carried 7-0.**

b) Community Development Authority 3/22/07.

- 1) Discussion and Possible Action: Referral of Draft Southeast Quadrant Plan to Planning Commission. Staton noted the CDA would like to refer the draft Southeast Plan to the Planning Commission and to request the Commission provide more detailed information that what is typically included in this type of plan. There was some discussion. **Staton then moved, second by Bollig, to refer the draft of the Southeast Quadrant Plan to the Planning Commission. Motion carried 6-1, with Noeldner opposed.**

c) Minutes Not Requiring Action.

- 1) Library Board 3/14/07

15. UNFINISHED BUSINESS. None.

16. ADJOURNMENT. The meeting was adjourned at 7:48 p.m. on motion by Noeldner, second by Bollig. Motion carried 7-0.

Submitted by,
Georgia Johnson,
Village Clerk