

1. **CALL TO ORDER.** The regular meeting of the Village Board was called to order by President Staton at 5:33 p.m. on Monday, December 17, 2007.
2. **ROLLCALL.** Present: Jerry Bollig, Darlene Groenier, Phil Harms, Jon Lourigan, Eric Poole, Steve Staton and Randy Way. Also present: Village Administrator Mike Gracz, Finance Director Renee Hoeft, Village Attorney Matt Dregne, Chief Doug Pettit, Public Works Director Mark Below and Clerk Georgia Johnson.

It was agreed to take certain items out of order to accommodate members of the audience. For ease in reading, items appear in the same order as listed on the agenda.

3. **EXECUTIVE SESSION.** At 5:50 p.m., **Bollig moved to adjourn into closed session to confer with legal counsel who will render advice concerning strategy to be adopted by the Village Board with respect to potential litigation relating to the Notice of Circumstances of Claim served on the Village by Attorney Tim Fenner on behalf of the owners of the properties located at 140 N. Burr Oak, 340 Florida Ave., 350 Florida Ave., 370 Florida Ave., and 380 Florida Ave.** pursuant to Wis. Stats. Sec. 19.85(1)(g). **Second by Groenier. Roll call vote: Lourigan – yes; Poole – yes; Groenier – yes; Harms – yes; Staton – yes; Bollig – yes; Way - yes. Motion carried 7-0.**
4. At 6:35 p.m., the meeting reconvened into open session on motion by Bollig, second by Lourigan. Motion carried 7-0.
5. **APPROVAL OF MINUTES.**
  - a) **Regular meeting 11/19/07.** **Bollig moved, second by Poole, to approve the minutes of the regular meeting of November 19, 2007. Motion carried 7-0.**
6. **APPROVAL OF VOUCHERS.** **Poole moved, second by Lourigan, to approve the payment of vouchers for the General Operating Fund in the amount of \$268,721.93 per the list dated December 17, 2007.** There was some discussion regarding the in-camera systems and it was noted that will be reimbursed with grant monies. **Roll call vote: Poole – yes; Lourigan – yes; Groenier – yes; Staton – yes; Bollig – yes; Harms – yes; Way – yes. Motion carried 7-0.**
7. **COMMUNITY INPUT.** Hans Noeldner, 133 W. Lincoln, spoke to support of a public transit system and challenged Board members to walk to meetings in 2008 rather than use automobiles.
8. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.**
  - a) **Public Hearing at 6:30 p.m. on Dane County Mitigation Plan (Aaron Fahl from Ruekert Mielke).** President Staton opened the public hearing at 6:57 p.m. and noted that Mr. Fahl from Ruekert Mielke will summarize the Mitigation Plan first and then it will be open for public comment. Fahl stated the mitigation plan is being designed to be attached to the Dane County Mitigation Plan which was completed in 2004. Thirteen separate municipalities from Dane County have attached to that plan which is what the Village will be doing. The plan creates an avenue for the Village to identify all hazards that the Village is susceptible to and ways to mitigate the effects of those hazards. The plan is required in order for the Village to receive FEMA grant monies under any of the hazards that are identified. This public hearing is to assist Ruekert Mielke with identifying specific problems with past or future hazards. One concern that has been discussed previously is the tornado sirens in the Village and that is a problem this plan would address. The plan would assign a priority level to the problem, what it would cost to rectify the matter and what resources are available for the Village to utilize to rectify a hazard. Another thing to look at would be any park shelters that are identified as a possible tornado shelter—whether the shelter was constructed strong enough to withstand a tornado. The hazard mitigation plan could include tornados, high winds, winter storms, flooding—it encompasses everything. The Village is working on a

stormwater study and the mitigation plan will reflect the action steps to be taken to mitigate the stormwater hazards. The plan will create some type of program to fund the stormwater related recommendations that come out of the study. Fahl stated Ruckert Mielke is asking for public input regarding any problems or future problems that could occur with a hazard that anyone knows of and he gave a few examples. Fahl concluded by encouraging anyone with concerns to advise the Board of those concerns and even if after the meeting someone has concerns or comments they can contact the Village Administrator either through email [mgracz@vil.oregon.wi.us](mailto:mgracz@vil.oregon.wi.us), by phone or by mail. Staton encouraged any residents with concerns or aware of potential hazards to come forward and speak to the issue or to contact the Village Administrator.

Lisa Hustad, 345 Landover Drive, spoke to concerns with flooding by providing picture boards depicting those concerns including sewer sludge application in farm fields, sewer floods, stormwater runoff and flooding, land purchased by the DNR (in 1957) for the Bad Fish Creek conversion, baseball fields flooding and children playing in a drainage ditch that had flooded. Staton thanked Hustad for her input and Hustad provided Fahl with the picture boards and provided her telephone number. Residents that have pictures can contact Ruckert Mielke—Fahl stated they are interested in receiving input from residents.

Trustee Way requested Fahl to contact the Fire Department regarding calls they get on barbeque grills on second story balconies and fire sprinkler ordinance being implemented. Poole asked if this plan would include contaminated soils and it was agreed that it could. Pettit noted that the Emergency Preparedness Plan has a lot of potential disasters identified in it and how the Village would deal with those disasters and asked if Ruckert Mielke would be meeting with staff regarding that. Pettit referred to the outdoor warning sirens (located outside of the Village) noting that the Village knew that as the Village grew sirens would not reach the entire population base of Oregon. He noted the sirens are in the County but the County is moving away from using outdoor warning sirens and are asking people to use other ways of finding out about severe weather.

Staton closed the public hearing at 7:10 p.m. Residents were again encouraged to provide input and were urged to contact the Village Administrator. It was noted there will be something put in the Oregon Observer as well.

- b) From December 6<sup>th</sup> Planning Commission meeting: Conceptual Discussion with Trachte, Inc. for Alpine Business Park. In that no representative from Trachte was present it was agreed to defer this matter to the next Board meeting.
- c) Chamber and Youth Center Reports. None.

9. **PROCLAMATIONS AND ANNOUNCEMENTS.**

- a) Village Board Comments. Lourigan noted the Village sidewalks are slippery.
- b) Staff Comments:
  - 1) Digging out Fire Hydrants. Residents were urged to clear around the fire hydrants that are near their homes and businesses.
  - 2) Delivery of Refuse and Recycling Carts. Below noted Pellitteri starting delivering the carts on the northeast side of the Village and will continue delivery throughout the week. The Village Hall has been getting calls regarding exchanging the cart size. That can be done at a cost of \$15.00 by contacting Pellitteri at 608-257-4285. The effective date for starting with Pellitteri is January 2nd, 2008. There was discussion. It was agreed that Waste Management be sent a thank you for their years of service in the Village.

- 3) Village's 2008 Solid Waste Flyer & Recycling Guide Mailed this Week. Hoeft stated this flyer will be mailed out this week and explains the Village's policy on picking up trees, brush, holiday trees and wreaths and so forth.
- 4) Sidewalk Snow Removal Flyer to be Mailed with Solid Waste Flyer. Below stated this is being worked out and will explain the Village's policy on sidewalk snow removal. Most people are doing a good job of clearing sidewalks and this is a reminder to all residents of the policy. If residents have concerns with sidewalks that are not cleared they should contact the Public Works Dept. Pettit spoke to the concerns with residents blowing snow into Village streets as driveways and sidewalks are being cleared and noted that is not allowed. There was some discussion regarding whose responsibility it is to clear sidewalks of vacant lots. Pettit noted a snow emergency was called following the last snowfall and explained a snow emergency is called to allow for Village staff to get streets cleared more effectively when there is so much snow. When a snow emergency is declared, residents are asked to remove all vehicles from Village streets. Discussion continued.
- 5) Different Options to Pay Property Taxes:
  - US Mail
  - Credit Card or ACH Payments
  - State Bank of Cross Plains
  - Village Clerk/Treasurer Office

Hoeft stated tax bills are at the Post Office and it is expected they will go out tomorrow. She explained why the bills are coming out later than usual due to the delay in the State adopting its budget and the effect that has on other municipalities. Hoeft went over the various options residents have for paying their property taxes. Groenier asked for an explanation on why the Village had to make up for the error made last year in the Town of Oregon. Hoeft explained that when the error was found it was too late to make an adjustment on the Town's taxes because the State school credit and lottery credits had already been calculated.

10. **COMMUNICATION AND MISCELLANEOUS BUSINESS.**

a) Discussion of Status and Possible Action re: Items related to August Flooding:

- 1) Hiring of Legal Counsel by property owners of 140 N. Burr Oak, 340, 350, 370 and 380 Florida Avenue and Notice of Circumstance Received by Village. Staton asked Attorney Dregne to speak to this matter. Dregne noted this matter was discussed in closed session earlier and he will provide some background information and as well as some information about the closed session discussion. The Village received a Notice of Circumstances of claim relating to the flooding that occurred in August from the above five property owners. This notice was sent to satisfy a legal requirement in the State Statutes that if someone wants to assert a claim against a municipality they are required to file that notice with the Village not less than nor more than 120 days after the event. The notice the Village received states that it is the property owners' intent to simply satisfy that statutory requirement. The notice states further that they are not asserting a claim at this time against the Village but preserving their right to assert a claim in the future. Dregne stated the Notice of Circumstance was sent to the Village's insurance carrier last week. The Village received a phone call from the insurance carrier requesting more time for them to review the notice in order to consider the matter before they can provide further direction on how to handle the matter. Dregne stated the Village will continue with the planning for the strategic plan that was approved by the Board in September and will continue to proceed with certain appraisals and grant application work at this time. The insurance company has advised the Village that Board members and staff should not communicate directly with the claimants about the notice until they have had a chance to review the notice and provide their recommendations. In addition, the Village will be deferring the inspection on the McAllister property until the insurance company has advised the Village to proceed with the inspection. That inspection was going to be done in order to

determine whether that property would satisfy the substantial damage test under the FEMA grant application process. The Village will proceed with the other elements of the strategy plan some of which will be discussed later in the meeting.

- 2) Status of Substantial Damage Inspection for 370 Florida Avenue. This is the property referred to above as the McAllister property and the inspection is being deferred as requested by the insurance company.
- 3) Letter Mailed to McAllister regarding First Floor Determination (12/11/07). This letter was sent following McAllister's request and the McAllister's noted they did receive it.
- 4) Met with Representative Davis and Other State Officials regarding Funding Sources (12/6/07). Gracz noted staff met with Representative Davis and other State officials to brainstorm funding sources. It is anticipated there will be more meetings with them regarding funding sources.
- 5) Met with County Board Member Jerry Jensen regarding County Assistance (12/12/07). Gracz noted staff met with Jensen last week and will be setting up a meeting with the County Community Development Block Grant staff to seek block grant monies from the County. This is a source that came out of the meeting with Representative Davis. It is possible the Village may be able to request through the County that the federal government to do an emergency allocation of block grant money.
- 6) Met with Barbara Ingram regarding DNR Grant (12/13/07). Staton noted Village staff met with Barbara Ingram regarding a DNR Grant and provided background information for the viewing public as follows: *Ingram indicated that the maximum of \$200,000 for one grant application is set internally by the Department of Natural Resources for the round of grant applications due January 15, 2008. The maximum allowed per application by statutory authority s.281.665 (4)(b) is \$600,000. This is based on 20% of the available \$3,000,000. The \$800,000 amount was from the last grant cycle and was communicated to us in error. On behalf of the DNR, Ms. Ingram apologized for the confusion concerning the maximum amount the Village could receive under the grant. Per Ms. Ingram, the Village should proceed with appraisals on 360 Florida Avenue and 140 North Burr Oak. Through a separate application, the Village should submit the required information for 380 Florida Avenue, but wait to do the appraisal report until the DNR determines if funding is available.* Staton stated the meeting clarified what the Village could actually apply for and it is recommended to only do appraisals on those properties that qualify and asked for a motion. **Way moved amend the motion from the December 3<sup>rd</sup> Board meeting and to proceed with appraisal reports for 360 Florida Avenue and 140 North Burr Oak and by separate application submit information without an appraisal for 380 Florida Avenue and hold in abeyance the other appraisals for 340, 350 & 370 Florida Avenue. Second by Lourigan.** Harms asked what the process was for determining what homes would be included. Gracz stated 360 Florida Avenue is the Slack property and the application is for local matching funds and 140 N. Burr Oak is the closest to the creek and has had repetitive damage. There was discussion. Hoeft noted that the DNR requires that an appraisal be no more than 6 months old and since applications cannot be made within the next 6 months for those homes it is felt since the appraisals would not be valid not to conduct them at this time. Discussion continued regarding the application process. **Motion carried 7-0.**
- 7) Meeting Scheduled with Representative Davis, Senator Miller, Senator Erpenbach and Representative Hebl to Discuss Funding Sources (12/20/07). For informational purposes.
- 8) In early January will meet with Jerry Jensen and CDBG staff to Discuss Block Grant Funding. For informational purposes.

- b) Discussion and Possible Action re: Revising Municipal Court Clerk's Job Description. Gracz stated this comes from a request from Judge Cox to revise the job description. The changes are minor changes and it is recommended the Board approve the job description as amended. **Bolwig moved, second by Harms, to approve the job description as revised for the Municipal Court Clerk.** Pettit noted a change under record judgments—change the word “date” to “data”.
- c) Discussion and Possible Action re: Hiring of Donald O. Gray II for Water and Sewer Utility Maintenance Worker Position. Below referred to his December 11<sup>th</sup> memo requesting approval of the hiring of Donald Gray to fill the vacancy as a water and sewer utility maintenance worker. **Bolwig moved, second by Poole, to approve hiring Donald O. Gray II for the Water and Sewer Utility Department to fill the maintenance position. Motion carried 7-0.**
- d) Discussion and Possible Action re: Claim of Eileen Olson. Staton referred to the email received from the Village's insurance representative, Mike Zagrodnik of Baer Insurance, and stated this comes from a motion made at the November 26<sup>th</sup> Public Works Committee meeting in which Way moved to recommend the Village Board deny the claim. When the motion died for lack of a second, Lourigan moved to recommend the Village Board accept the claim of Eileen Olson and direct staff to find the funds to pay the damages. At that meeting Gracz stated if the Board approves paying the claim, the Village would need documentation of the costs being claimed. Lourigan then amended the motion to request documentation from the property owner and the motion carried 2-1 with Way opposed. Staton asked for a motion to get the matter on the table. **Harms moved to approve the claim of Eileen Olson and direct staff to find the funds to pay the damages. Second by Lourigan.** It was noted the claim is for \$190.00. Staton questioned how this claim is any different from other claims the Board has denied? Lourigan stated following a discussion that was had at the Public Works Committee meeting held earlier this evening he questions what the insurance carrier's investigative process consists of and he would like that checked into. He requested the motion be tabled until we get some answers on what the definition of investigation is to find out whether a visit is made to the property, whether the property owner is contacted and so forth. There was discussion including how would finding out what the investigation was change the action, whether investigation includes field work or not, the insurance company was aware of the rain event that took place in August, whether the proposal is to appeal the claim with the insurance company based on the fact that the investigation was not rigorous enough, what about the rest of the claims that have been disallowed—is the Board going to review all of them, the general consensus was that the homeowner should at least be contacted, some claimants may have received assistance from FEMA and so forth. Poole asked if the next Finance Committee meeting agenda could list a discussion as to whether the Village should look at purchasing sewer backup coverage at a cost of approximately \$8,500 and it was agreed. It was concluded that the Clerk will contact the insurance company to get an explanation of what they do as an investigation and whether they talk to the property owner/claimant. **The motion was withdrawn.**
- e) Discussion and Status of Downtown Ad Hoc Committee's Recommendations to the Board for 2008 Downtown Project. For informational purposes. It was noted a joint meeting/public forum will be held January 15, 2008 at 6:00 p.m. with the Village Board and Downtown Ad Hoc Committee to make final decisions and recommendations regarding the 2008 downtown project. Staton noted there have already been three meetings and this meeting will finalize the remaining issues. Staton feels this has been a very productive group and the members of it have been enthusiastic about the downtown project. There was some discussion. [Way left the meeting at 7:25 p.m.]
- f) Discussion and Possible Action re: from Downtown Ad Hoc Committee: Determine Extent of Project Limits for Survey and Design along Jefferson Street. It was noted that in order to stay on schedule the Village Board needs to approve the proposal from MSA for engineering work on

Jefferson Street. **Lourigan moved, second by Poole, to approve the proposal from MSA for expanding the Downtown Project on Jefferson Street at a cost not to exceed \$26,510.00.** Below stated this is the engineering services to include Jefferson Street from where the project originally ended by BrouxNellie's down to the railroad tracks—the east side of the tracks. The two will work together. **Motion carried 6-0.**

- g) Discussion and Possible Action re: Request to have a Member from the Historic Preservation Commission Serve on the CDA as an Alternate due to CDA Quorum Problems. (From December 4<sup>th</sup> CDA meeting.) It was noted this is the Community Development Authority and there are four members on that committee that are either downtown business owners or do banking with downtown property owners, which means they cannot take part in the voting process because of potential conflicts of interest in CDA business regarding downtown. Also if any of the other members are not present they don't have a quorum. By appointing an alternate this would help alleviate the problem. There was discussion. Gracz noted that Attorney Dregne will be attending the January 9<sup>th</sup> meeting of the CDA to talk about conflicts with the members. There was discussion. **Groenier moved to approve the appointment of a member from the Historic Preservation Commission to serve on the Community Development Authority due to quorum problems at CDA meetings. Second by Bollig.** There was discussion. **Motion carried 6-0.**
- h) Appointment of Election Workers for 2-year term—1/1/08 through 12/31/09. **Bollig moved, second by Poole, to approve the election workers for a 2-year term from 1/1/08 through 12/31/09 per the list.** Johnson stated she is still recruiting election workers and anyone interested can contact her at the Village Hall and there was some discussion.

#### 11. **REPORT OF COMMITTEES**

- a) Park Board 12/5/07 **(Chair Trustee Lourigan)**
- 1) Discussion and Possible Action re: Oregon Athletic Booster Club—Development of Master Plan for Huntoon Field Area. Lourigan asked to table this matter.
- b) Finance, Buildings & Facilities 12/10/07. **(Chair – Trustee Bollig)**
- 1) Discussion and Possible Action re: Status of Adjustment to Non-residential Fees. **Bollig moved to authorize staff to proceed with working with Ruckert Mielke to update the non-residential impact fees for an amount not to exceed \$500.00. Second by Poole.** Hoelt stated this is a project that was started a few years ago with Virchow Krause and it has not been completed and it is recommended to switch to the Ruckert Mielke firm at this time. It was noted that any commercial building is considered a non-residential impact category. **Motion carried 6-0.**
- 2) Discussion and Possible Action re: Responses to Requests for Sewer Loan. Gracz stated the recommendation is that the Board approve a loan with Oregon Community Bank & Trust Company. Hoelt advised four proposals were received today with Oregon Community Bank & Trust's rate at 3.95% for a 10-year term for a \$500,000.00. This loan does qualify for non-taxable debt and that is why the interest rate is lower. **Bollig moved to accept the proposal from Oregon Community Bank & Trust Company for a \$500,000 loan for the sewer plant for a 10-year term at a rate of 3.95%. Second by Harms.** Gracz noted a trustee has asked the question: if a Board member banks at this particular bank is there a conflict for the trustee to vote on this matter. Dregne stated no, it would only be deemed to be a conflict if the trustee had an ownership interest in the bank as a shareholder or similar—an account holder does not have a conflict. There was discussion. **Motion carried 7-0.**
- 3) Discussion and Possible Action re: Disposal of Meters and Transponders. **Bollig moved, second by Poole, to authorize staff to dispose of the meters and transponders per the list**

- from the Finance Committee packet.** It was noted this is a housekeeping duty that comes to the Board for approval every year. **Motion carried 6-0.**
- 4) Discussion and Possible Action re: Administrative Services Agreement with the Oregon Area Fire/EMS District and Administering Ready Grant. **Bollig moved to authorize the Village President to execute the Administrative Services Agreement with the Oregon Area Fire/EMS District for 2008 including administering the Ready Grant contingent on Village staff's review of outstanding issues including reviewing the agreement between the District and Wisconsin Technical College System Foundation, Inc. for the Ready Grant. Second by Poole.** This agreement would cover 2008 and there are some things that still need to be reviewed regarding the Ready Grant. There was discussion at the Finance Committee meeting regarding discussing with Chief Bloom how long the Village should continue the administrative services and this will be reviewed during the 2009 budget process. Bollig noted the agreement has not changed other than the rates over last years. **Motion carried 6-0.**
  - 5) Discussion and Possible Action re: Results of Bids for Equipment including Computers, Monitors and Keyboards. **Bollig moved, second by Poole, to authorize staff to dispose of listed computer equipment including monitors and keyboards including selling the items for \$25.00 and listing the items on Craigslist.com and Village website. Motion carried 6-0.**
  - 6) Discussion and Possible Action re: Proposal from RA Heating & Air Conditioning for Heating System at the Waste Water Treatment Plant. **Bollig moved to proceed with replacing the air handling unit at the Waste Water Treatment Plant for the option not to exceed \$30,000.00. Second by Poole.** Below noted the air handling unit went out in bldg. #20 and needs to be replaced. Two proposals were received—one was to overhaul the unit but with parts being difficult to find and no warranty coming with the overhaul, it is being recommended to replace the unit. **Motion carried 6-0.**
  - 7) Discussion and Possible Action re: Proposal for Selecting new Voice Mail System for Village and Waste Water Treatment Plant. **Bollig moved to hire JDR Engineering for consulting services related to the development of an RFP for replacement of the Village's voice mail and the phone system at the WWTP as well as other telecommunication items. Second by Groenier. Bollig amended the motion to include "at a cost not to exceed \$2,500.00". Groenier seconded.** This is to hire Kevin Marszalek to review the voice mail and phone system. **Motion carried 6-0.**
  - 8) Discussion and Possible Action re: Notice from US Bankruptcy Court regarding Movie Gallery Inc. **Bollig moved, second by Poole, to not pursue the outstanding utility bill of \$21.46 through legal counsel and to have the general fund reimburse the utility for the outstanding amount.** This is an unpaid water bill and is under a type of bankruptcy that would require hiring an attorney to file a claim. In that the amount is only \$21.46 is being recommended to reimburse the utility out of general fund. There was discussion. **Motion carried 6-0.**
  - 9) Discussion and Possible Action re: Approval Advances to Storm Water Fund and TIF #3. **Bollig moved to advance the sum of \$150,000.00 from the General Fund to TIF#3 for the Downtown project work and \$75,000 from the General Fund to Account 412 for stormwater work. Second by Lourigan.** Hoeft stated this is to cover various expenses. The Village will be borrowing for TIF #3 in 2008 and will reimburse the general fund at that time and in Fund #412 there is money coming in from omitted taxes that will be collected in 2008

and those monies will be transferred so both the funds can be paid back in 2008. **Motion carried 6-0.**

c) Minutes Not Requiring Action.

- 1) Library Board 11/14/07. Staton noted the Library Board has approved Sunday hours at the Library beginning in January.

12. **UNFINISHED BUSINESS.**

a)

13. **FUTURE AGENDA ITEMS.** For informational purposes the following items will be listed on future agendas.

- a) Discussion and Possible Action re: Selecting Option 1 from E80 Plus including the decorative railings, embellishing the main structure in a decorative fashion, along with including the Historic Preservation Commission in the design review after the Railroad Bridge Replacement bids are received.
- b) Special Village Board Budget Meeting minutes 10/24/07
- c) Special Village Board Budget Meeting minutes 10/30/07
- d) Special Village Board meeting minutes 11/26/07 (Public Hearing on 2008 budget)
- e) Joint Meeting with Planning Commission 12/6/07
- f) Regular Village Board 12/3/07
- g) Town of Dunkirk's Resolution for ATC Resolution

14. **ADJOURNMENT.** The meeting was adjourned at 7:40 p.m. on motion by Bollig, second by Lourigan. Motion carried 6-0.

Submitted by  
Georgia Johnson,  
Village Clerk