

1. **CALL TO ORDER.** The regular meeting of the Village Board was called to order by President Staton at 6:03 p.m. on Monday, January 7, 2008.
2. **ROLLCALL.** Present: Jerry Bollig, Darlene Groenier, Phil Harms, Eric Poole, Steve Staton and Randy Way, with Jon Lourigan arriving at 6:20 p.m. Also present: Village Administrator Mike Gracz, Village Attorney Matt Dregne, Chief Doug Pettit, Public Works Director Mark Below and Clerk Georgia Johnson.
3. **EXECUTIVE SESSION.** At 6:04 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 Harms. Roll call vote: Harms – yes; Poole – yes; Groenier – yes; Way – yes; Staton – yes; Bollig – yes. Motion carried 6-0.**
4. At 6:10 p.m., the meeting reconvened into open session on motion by Bollig, second by Harms. Motion carried 6-0.

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

5. **APPROVAL OF MINUTES.**
 - a) **Regular meeting 12/3/07.** **Bollig moved, second by Poole, to approve the minutes of the regular meeting of December 3, 2007. Motion carried 6-0.**
 - b) **Special Village Board/Planning Commission 12/6/07.** **Poole moved, second by Bollig, to approve the minutes of the special Village Board/Planning Commission meeting of December 6, 2007. Motion carried 6-0.**
 - c) **Regular meeting 12/17/07.** **Poole moved, second by Harms, to approve the minutes of the regular meeting of December 17, 2007. Motion carried 6-0.**
 - d) **Special meeting 12/20/07.** **Harms moved, second by Groenier, to approve the minutes of the special meeting of December 20, 2007. Motion carried 6-0.**
 - e) **Special meeting 12/31/07.** **Harms moved, second by Poole, to approve the minutes of the special meeting of December 31, 2007. Motion carried 6-0.**
6. **APPROVAL OF VOUCHERS.** **Poole moved, second by Harms, to approve the payment of vouchers for the General Operating Fund in the amount of \$466,891.02 per the list dated January 7, 2008.** There was discussion regarding certain payments. **Roll call vote: Groenier – yes; Staton – yes; Poole – yes; Bollig – yes; Harms - yes; Way – yes; Lourigan – yes. Motion carried 7-0.**

Staton referred to the listing distributed tonight prior to the meeting. **Bollig moved, second by Poole, to approve the payment of vouchers for the General Operating Fund in the amount of \$270,287.10 per the revised listing dated January 7, 2008. Roll call vote: Groenier – yes; Staton – yes; Poole – yes; Bollig – yes; Harms - abstained; Way – yes; Lourigan – yes. Motion carried 6-0-1, with Harms abstaining.** Gracz noted there will be a special Board meeting prior to the Finance Committee meeting Monday night (the 14th) to approve bills.

7. **COMMUNITY INPUT.** There was none.

8. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.**

a) Discussion with Dennis Tweedale, CEO League Mutual Insurance Company and Possible Action re: Insurance Claim of Eileen Olson. (Tabled from December 3rd Board meeting.) Dennis Tweedale explained the statutory requirements of the Village stating the Village was not negligent for the sewer backup at the residence and therefore it was recommended that the Village deny the claim. He stated the investigation process includes contacting the Public Works Department regarding the incident and based on the findings a determination is made as to whether the Village was negligent—if found not to be negligent, the insurance company recommends denial of the claim. If it was determined there was negligence on the part of the Village, then the property owner would be contacted and a field study done. He noted it is felt that if the insurance company contacts the homeowner it gives the homeowner a false sense that the Village was negligent and that the claim will be approved. If denied it then becomes the homeowner's responsibility to show that the Village was negligent. The Village could purchase "no fault" sewer coverage at a cost of approximately \$8,500 annually which would be \$100,000 for one incident up to \$300,000 (3 per year) annually. There was discussion including Harm's feeling that Ms. Olson was told someone would get back to her and no one did, prioritizing the needs of the community during the event and putting public safety first, and educating the public about things they can do to avoid sewer backups. **Harms then moved to approve the claim of Eileen Olson for \$190.00 contingent upon documentation being provided. Second by Poole.** A lengthy discussion followed including whether approving the claim would set a precedent, whether or not to invest in no fault coverage referred to by Tweedale, how is this claim any different from all the others that were received, whether the facts outlined in the claim have been verified, the fact that homeowners can purchase sewer backup coverage on their individual policies at a cost of about \$75 annually, the Village could pay a lot of claims with the \$8500 paid out for coverage annually, the fact that the cost of coverage would likely go up, educating the public as to things they can do to prevent sewer backups, referring obtaining no fault coverage to the Finance Committee, the consequences if the claim is approved—i.e., requests for review of all previous claims that were denied, and so forth. **Roll call vote; Harms – yes; Poole – no; Groenier – no; Way – no; Staton – no; Lourigan – no; Bollig – no. Motion failed 1-6.**

b) From December 6th Planning Commission meeting: Conceptual Discussion with Trachte, Inc. for Alpine Business Park. Ron Trachte, Randy Trachte and Attorney Troy Mayne were present to answer any questions. Trachte Inc. is purchasing 8 acres of land from Lycon with the possibility of obtaining an additional 7 acres later. They made a conceptual presentation to the Planning Commission and will be appearing at its meeting Thursday night. They are here tonight to discuss some changes to the Developer's Agreement (Article III 4A)—specifically to the requirement that a taxable value of not less than \$18.5M will be constructed within 4 years after completion of Cusick Parkway or special assessments could be assessed against the lots if that figure is not met. This has been discussed briefly with the Village's Attorney but it is felt the Board needs to go into closed session to discuss it further. Attorney Dregne noted they will be meeting at the staff level tomorrow and noted that tonight Trachte should introduce what the issues are and what they hope to accomplish.

Ron Trachte stated the plan is to build a 42,000 sq.ft. structure. They build pre-assembled fully equipped (with electricity installed) shelters that are then shipped out. The plan is to have 12 outside pods which would allow for the production of larger shelters than they can construct inside. They currently lease space in Verona and that lease runs out the end of 2008 so they would like to be operating in Oregon before the end of the year. When asked how many employees, Trachte stated they would start with 10-15 and within a year be up to 25-30. If business continues to increase, they would purchase an additional 7 acres. There was discussion. When asked if they

would anticipate using the rail line, Ron Trachte stated that is something they have checked into briefly—shipping by rail would be a huge savings for them. There was further discussion.

Mayne referred to the Developer's Agreement and stated the concern is regarding Article III 4A and the possibility of specials being assessed against Trachte should the financial commitment not be met. In that Trachte is paying Lycon to improve the lot and if Lycon fails to meet the \$18.5M value as defined in the Developer's Agreement, they are seeking a release from the Village. Attorney Dregne stated details are being worked out and the plan is to have a draft at the next Board meeting (the 21st). There was discussion.

9. **PROCLAMATIONS AND ANNOUNCEMENTS.**

a) Village Staff Comments.

- 1) Election Workers needed for 2008/2009 Appointment. Johnson stated she is still recruiting persons interested in acting as pollworkers and will be holding training for that before the end of January. If anyone is interested, they should contact her before the end of January (@ 835-6282).
- 2) Nomination Papers Filed and Ballot Placement. Johnson stated nomination papers were due in the Clerk's Office by 5:00 p.m. on January 2nd. The three incumbents filed papers and the ballot drawing was held Friday, January 4th. Placement on the ballot is: Phil Harms, Jon Lourigan and Jerry Bollig. The Spring Election is April 1st this year.
- 3) Accurate Appraisal in Village in March for Continuing 2008 Revaluation. This is for informational purposes. A letter will be mailed out to all residents on January 15th advising them of the revaluation process and then in February another letter will be sent to the 800+ residences that will be entered in March. Anyone with questions can contact the Clerk's Office.
- 4) Update regarding New Refuse/Recycling Collection Program. It was noted the new system went into effect 1/1/08 and there were a few minor problems. It was expected there would be a few problems and they are being worked out with Pellitteri. There was discussion. The question was asked if residents should put the address on the carts and that will be checked into and reported back at the next meeting.

Regarding getting rid of the old carts and recycling bins, there will be two dumpsters located at the Public Works Garage—one will be for the metal cans and the other for recyclable ones. All metal should be removed from the carts before placing them in the dumpster. The dumpsters will be available through January 20th. Residents were encouraged to reuse their old carts and containers for storage or the like.

- 5) Christmas Tree Collection. Below advised tree collection will begin January 14th. Residents should have the trees at the curb on that day as they will be making one pass through the Village. If someone misses the pickup, trees can be taken to the compost pile on Perry Parkway.

b) Staff Comments:

- 1) Discussion and Possible Action re: Changing Starting Times for Village Meetings. Lourigan indicated he would like to see the meeting start time go back to 7:00 p.m. or at least that the meetings start at the same time. There was discussion including the fact that part of the reason for the inconsistency in the start times was to allow time for closed sessions prior to the general meeting starting. Following discussion it was concluded the meetings will start at 6:00 p.m. consistently whether closed sessions are scheduled or not.

10. **COMMUNICATION AND MISCELLANEOUS BUSINESS.**

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

- 1) Email from Village Resident Colleen Bradley re Possible Acquisition of Florida Avenue and N. Burr Oak Homes (12/13/07). Staton referred to the email sent by Ms. Bradley noting it was provided to the Board members in which she indicates she does not support the Village purchasing homes on Florida Avenue and N. Burr Oak. This is provided for informational purposes.
 - 2) Met with Senator Miller and Tryg Knutson from Senator Erpenbach's Office to discuss funding sources (12/20/07). Gracz stated that the Senators will continue to look for different sources for funding. He has been advised that the Village will not be able to get block grant monies from the State. They will continue to look for other sources.
 - 3) Public Works Department Built a Sand Berm along Badfish Creek and Placed sandbags in Anticipation of Rain and Snow Melt (12/21/07). For informational purposes. There was some discussion. Below was asked if this would be permanent and he stated it would but they would continue to refine it. It was noted marked stakes were put in to allow staff to gauge the height of the water.
 - 4) Mailed FEMA Grant Application to Roxanne Gray for Submittal to FEMA for 360 Florida Avenue (1/3/08). (Copy of Application can be found on Village's website.) It was noted a copy of the grant application was sent to the homeowner at 360 Florida Avenue.
 - 5) Meeting Scheduled with County Board Member Jerry Jensen and CDBG Staff to Discuss Block Grant Funding (1/18/08). For informational purposes.
 - 6) Consideration of Hazard Mitigation Grant by Village Board (1/21/08). Gracz stated the public hearing has been held and the next step is for the Board to adopt the Hazard Mitigation Grant to be sent to the County.
- b) Discussion and Possible Action re: Advertisement for Bids for Jefferson Street Railroad Bridge Replacement and Discontinuation of Property Insurance Coverage for Rail Line. Gracz noted bids are due on February 7th. He stated the Local Government Property Insurance Fund has dropped railroad coverage and referred to the materials attached. Fitchburg still has coverage until their current policy expires. We are looking into what is available and will bring back that information. The lease ends 2008 and the Board needs to decide what it wants to do. Gracz advised he has asked the question whether or not insurance coverage would be required as part of the grant but has not heard back from the DOT yet. There was discussion. Gracz stated there will be coverage on the railroad before construction begins.
- c) Discussion of Status re: Storm water issues in the Bergamont Subdivision regarding the property at 347 Riviera Street and January 23rd Meeting with Phil Peterson, Dane County, Fiduciary & Property Owners. The owner of the property at 347 Riviera Street was present regarding the status of this matter. Below stated he is working at setting up a meeting between all the parties and noted he hopes to get that set before the end of the month. It was noted Sebrnaek will also be asked to attend the meeting. There was discussion.
- d) Number not used.
- e) Discussion and Possible Action re: Annexation Agreement between Prairie Home LLC, Nicholas Ladopoulos and the Village of Oregon—nonpayment of December 31st, 2007 fees by Developer. Ladopoulos noted there has not been any progress on the County approving the revision to the Urban Service Area nor does he have plat approval—without that Ladopoulos advised he cannot borrow money to pay the Village. It was noted that the commission is going through a complete restructuring and that process has not been completed which has delayed a number of issues before

it. Attorney Dregne stated that certain fees were paid when the agreement was signed with additional fees becoming due under the terms of the agreement under Section C. Payment was to have been made either by two months after the date the final plat was approved or by December 31, 2007. There was discussion. It was noted the Village holds a Letter of Credit and there was discussion regarding that (with an expiration date of June, 2008). Discussion included the reorganization of the County's Regional Planning Commission, it is not known when Ladopoulos will hear if the amendment to the Urban Service Area is approved, the ability of the Village to call the Letter of Credit, the public hearing of January 24th regarding regional planning organization, the best case scenario a decision could be this summer, Ladopoulos noted his application is #9 on the list for consideration, whether the Board could postpone payment of the fee, the need for the agreement to be amended if anything changes, the fact that this was a condition of the annexation and the annexation has already been adopted, and so forth. It was concluded this needs to be discussed by the Board in closed session and will be placed on the next Board agenda.

- f) Discussion of Capital Area Regional Planning Commission's January 24th Public Hearing. (Refer to information received in Planning Commission packet for January 10th meeting.) Gracz stated the meeting on the 24th will start at 7:00 p.m. and is being held in the City/County Building.

11. REPORT OF COMMITTEES

- a) Historic Preservation Commission 12/20/07. (Chair Trustee Harms)
1) Discussion and Possible Action re: Proceed with Bidding for Lincoln Street Historic District's Signs/Plaques. **Harms moved to proceed with bidding and have results referred back to the Historic Preservation Commission. Second by Bollig.** Harms referred to the sample logo in the packet and noted it will identify structures in the Historic Districts. There is about \$5,000 in the budget to cover the cost. There was discussion including the need to have the signage consistent with the downtown. **Motion carried 7-0.**
- b) Minutes Not Requiring Action.
1) COA 11/8/07. FYI.

12. UNFINISHED BUSINESS.

- a) Discussion and Possible Action re: Oregon Athletic Booster Club—Development of Master Plan for Huntoon Field Area. Lourigan noted this is a request to approve transferring sewer property that belongs to the Village to the Booster Club for park purposes. (After the meeting it was clarified that the property would not transfer to the Booster Club but rather to the Village.) Below stated he has not seen a master plan as yet and felt that should be provided before any decision is made about transferring property. There was discussion. It was concluded to invite the Oregon Athletic Booster Club to the Board meeting on the 21st to present their plan.
- b) Discussion and Possible Action re: Town of Dunkirk's Resolution for ATC. (Background—the Town of Dunkirk requested that the Board approve a resolution supporting the northern route for the ATC project. Based on the Board's discussion regarding the ATC project, there was not a consensus so two resolutions were prepared for the Board's consideration. The Board could adopt either one of them or direct staff to prepare another option.) Staton referred to the resolution options attached. Gracz stated he reviewed the earlier discussions on this matter and was not able to determine the Board's consensus. There was discussion. Bollig stated he thought the Board favored the underground. Way stated he favored following the existing right-of-way—the beltline and did not have a preference whether it was above or below ground. Discussion continued. It was concluded that a resolution be drafted as a third option with the line going down the beltline. **Way moved to authorize staff to draft a resolution with the line following the beltline. Second by Harms. Motion carried 7-0.**

13. **FUTURE AGENDA ITEMS.** For informational purposes the following items will be listed on future agendas.
- a) Appointment of HPC member to serve as alternate on CDA
 - b) 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.
 - c) Special Village Board 12/5/07
 - d) Special Village Board Budget Meeting minutes 10/24/07
 - e) Special Village Board Budget Meeting minutes 10/30/07
 - f) Special Village Board meeting minutes 11/26/07 (Public Hearing on 2008 budget)
14. **ADJOURNMENT.** The meeting was adjourned at 8:15 p.m. on motion by Lourigan, second by Bollig. Motion carried 7-0.

Submitted by
Georgia Johnson,
Village Clerk