

1. **CALL TO ORDER.** The regular meeting of the Village Board was called to order by President Staton at 6:02 p.m. on Monday, January 21, 2008.
2. **ROLLCALL.** Present: Jerry Bollig, Darlene Groenier, Phil Harms, Eric Poole, Steve Staton and Randy Way, with Jon Lourigan arriving shortly after roll call. Also present: Village Administrator Mike Gracz, Village Attorney Matt Dregne, Finance Director Renee Hoeft, Police Chief Doug Pettit, Public Works Director Mark Below and Clerk Georgia Johnson.
3. **EXECUTIVE SESSION.** At 6:03 p.m., **Harms moved** to adjourn into closed session **pursuant to Wis. Stat. §19.85(1)(g) 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. and pursuant to Wis. Stats. Sec. 19.85(1)(e) permitting a closed session for deliberating or negotiating the purchase of public properties, whenever competitive or bargaining reasons require a closed session for the following: (a) Trachte Inc's Development Agreement for Alpine Business Park; Annexation Agreement with Prairie Homes LLC (Ladopoulos); and Agreement with Oregon Community Sports Arena. Second by Groenier. Roll call vote: Groenier – yes; Way – yes; Staton – yes; Harms – yes. Motion carried 4-0.** [Lourigan arrived at 6:04 p.m.] It was noted that the Board will go back into closed session following open session.
4. At 7:27 p.m., the meeting reconvened into open session on motion by Lourigan, second by Harms. Motion carried 5-0. A short recess was taken.

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. **UPDATE OF CLOSED SESSION ITEMS:**

- a) Notice of Circumstances of Claim served on the Village by North Burr Oak and Florida Avenue Property Owners. Staton noted there was a brief report from staff on the conversation with the insurance company, we are on target with the storm water study and a draft is anticipated by March 3rd and will proceed as usual with the grant applications and so forth.
- b) Trachte, Inc.'s Development Agreement for Alpine Business Park. Staton noted Dregne will be meeting with Trachte representatives to talk about the provisions discussed and will continue with the negotiations.
- c) Discussion and Possible Action re: Annexation Agreement between Prairie Homes LLC, Nicholas Ladopoulos and the Village of Oregon—Non-Payment of December 31, 2007 Fees by Developer. Dregne stated he will prepare a draft amendment to the development agreement later this week in accordance with what the Board authorized during closed session. There will not be a detailed discussion as to the terms tonight. After the changes have been made Dregne will mail it out to Ladopoulos for review. If the changes are acceptable with Ladopoulos the agreement will go to the next Board meeting. If there are concerns with it, that will go to the next Board meeting also. Dregne advised Ladopoulos the Village received a tax bill from the Town of Oregon and the Village is requesting that the invoice be paid. (Dregne handed the invoice to Ladopoulos.)
- d) Agreement with Oregon Community Sports Arena. The Board will be going back into closed session following the open session to complete its discussion of this matter.

6. **APPROVAL OF MINUTES.**

- a) Regular meeting 1/7/08. **Lourigan moved, second by Harms, to approve the minutes of the regular meeting of January 7, 2008. Motion carried 5-0.**
- b) Special meeting 1/15/08. **Lourigan moved, second by Harms, to approve the minutes of the special meeting of January 15, 2008. Motion carried 5-0.**

7. **APPROVAL OF VOUCHERS.** **Groenier moved, second by Lourigan, to approve the payment of vouchers for the General Operating Fund in the amount of \$325,821.18 per the list dated January 21, 2008. Roll call vote: Lourigan – yes; Groenier – yes; Way – yes; Staton – yes; Harms – yes. Motion carried 5-0.**

8. **COMMUNITY INPUT.** There was none.

9. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.**

- a) Discussion and Possible Action re: Oregon Athletic Booster Club—Development of Master Plan for Huntoon Field Area. Staton noted this is being tabled to the February meeting.

10. **PROCLAMATIONS AND ANNOUNCEMENTS.**

a) Village Staff Comments.

- 1) Election Workers needed for 2008/2009 Appointment. Johnson stated she could still use more pollworkers to allow for some cushion in the event of illness, etc. Training is required to act as a pollworker and there are trainings scheduled this Thursday (the 24th) from 1:00 – 4:00 p.m. and next Thursday (the 31st) from 1:00 – 4:00 p.m. and 5:00 – 8:00 p.m. Anyone interested should contact her and schedule a time to attend the training @ 835-3118.
- 2) Polling Places: Reminder to residents of 3rd Polling Place (Peoples United Methodist Church) and All Polling Places are Handicapped Accessible. Johnson stated the Peoples United Methodist Church will be the voting place for all persons living in Wards 7-10. If you do not know which ward you are in, you can contact Village Hall or go on the Village's website (www.vil.oregon.wi.us), click on Elections and "where do I vote". It was noted that all polling places are handicapped accessible. There was some discussion regarding whether the doors are working as Lourigan indicated they had not worked for him. Staff will check into that.
- 3) Accurate Appraisal—Letters mailed 1/11/08; Field work will begin in March. For informational purposes. Groenier stated she received a call regarding the letter being received by a resident whose home has already been gone through by Accurate. Johnson stated staff would have preferred the letter that was mailed on the 11th to have gone out in the fall prior to any field work being started; since that did not happen the letter was sent out and residents whose homes have already been gone through will not be gone through again. Hoeft noted that everyone's value will change in 2008 and everyone will receive a notice of assessment whether the property was walked through or not.
- 4) Update regarding New Refuse/Recycling Collection Program. Below reminded residents to place their carts in the terrace or on driveway aprons—not in the street—and carts need to be at the curb by 6:00 a.m. Pellitteri does have GPS in their trucks so they can tell exactly where the drivers are and what stops they are making at what time. There was discussion.
 - a. Carts should not be placed in the street
 - b. Carts need to be at the curb by 6:00 a.m.
- 5) Christmas Tree Collection. Below noted they have not gone through the entire Village yet to pick up trees, they will continue to work on that as time allows. Residents are asked to make sure the tree is not frozen in or under the snow. It is hoped to be able to get through the rest of the Village by the end of next week weather permitting.

b) Village Board Comments:

- 1) Lourigan reminded residents that the Library is now open Sunday from 1:00 – 5:00 p.m. He asked residents to comply with the parking and traffic patterns at the Library. There was discussion.

11. **COMMUNICATION AND MISCELLANEOUS BUSINESS.**

- a) Discussion regarding Board Meeting prior to February 19th Presidential Primary Election. Gracz stated the Boardroom is used for elections and the request is to change the meeting date to allow for setting up the election on Monday. Staff has discussed switching meeting dates around in February and the Board had no problem with that.
- b) Discussion of Status and Possible Action re: Items related to August Flooding:
 - 1) (1/18/08) Met with County Board member Jerry Jensen and CDBG staff to discuss block grant funding. Gracz noted he and Hoeft met with Jerry Jensen from the County Board and two staff members of the CDBG to discuss block grant funding. They provided some ideas and staff will continue to work with them for additional sources. The next time they do the County Plan (in 2009) the Village will look to get this type of funding into the plan and will continue to work with them. Hoeft noted applications for the 2009 funding are in July and the County will make sure the Village gets a copy of that information.
 - 2) (1/15/08) Delivered DNR Grant Applications to DNR for 140 N. Burr Oak, 360 Florida Avenue and 380 Florida Avenue. For informational purposes to advise that the grant applications were delivered to the Department of Natural Resources on January 15th.
 - 3) Staton referred to a memo from Gracz advising the Board that Bob McAlister called in early January to thank the Village for assisting them with their insurance claim. Although the McAllisters did not receive the full reimbursement, they were pleased with the insurance payment and felt the letter helped.
- c) Discussion and Possible Action re: Adoption of Hazard Mitigation Plan—Resolution #08-02. **Lourigan moved, second by Harms, to adopt Resolution #08-02—the Hazard Mitigation Plan.** Staton read the resolution. **Motion carried 5-0.**
- d) Discussion and Possible Action re: TIF #3 Reimbursement Resolution—Resolution #08-03. **Way moved, second by Harms, to adopt Resolution #08-03.** It was noted that the resolution number was incorrect. When asked why the resolution states a monetary amount of \$3.7M and the handout indicates \$3,701,000, Hoeft stated bonds have to be issued in increments of \$5,000.00 and this is just an estimate. Attorney Dregne stated the purpose of the resolution is to allow for the reimbursement of costs incurred now to be reimbursed by TIF #3 monies later. Projects are being worked on and costs are being incurred and in order to have those costs reimbursed the resolution would need to be adopted by the Board. The resolution has to speak to certain things such as what the money is being spent on and the amount the Village expects to issue. Dregne noted under Section #1 the account or fund name has to be inserted in the resolution. Lourigan asked if the resolution had to be adopted tonight noting his concerns that the document is not accurate in that the number is incorrect and there is language missing. There was discussion including the fact that monies have already been spent, the resolution is procedural to allow for reimbursement of incurred expenses, the meetings that have been scheduled with Mike Harrigan to complete the 5-year plan and the importance of Board members attending those meetings, the fact that by April 14th the Village will need to decide how much money to borrow, the storm water study will be done by April, the cost of replacement of the 72” pipe, the resolution dollar amount is an estimate, Lourigan’s concerns with the resolution not being complete and what the \$3.7M would be spent on (see attachment 11d). Following discussion, Way stated he sees no reason why the resolution should not be adopted and make note of the changes to be made as discussed. **Staton restated the**

motion is to adopt Resolution #08-03 which refers to the TIF #3 reimbursements with the changes as discussed. Motion carried 5-0.

- e) Discussion of Capital Area Regional Planning Commission's January 24th Public Hearing – Authorize Village Administrator to forward Village Planner Mike Slavney's Comments to the CARPC. Gracz withdrew the request to forward Planner Slavney's comments to the CARPC indicating that he printed a 136 pg. document (the agenda packet for the CARP January 24th meeting) including all the comments that have been submitted to CARPC. It is felt to send Slavney's comments again would not be productive. Gracz stated there is another approach that could be taken and he deferred to Attorney Dregne to address the matter. Reference was made to Dane County Executive Kathleen Falk's memo to the interim chair of the CARPC and the members with a copy of Resolution #52, 06-07 attached that the Governor approved to create the new RPC.

Dregne stated this Resolution was also adopted by the Dane County Board, all the cities, villages and town in Dane County agreeing to create the Capital Area Regional Planning Commission and asking the Governor to create it. There is a public hearing January 24th on the proposed changes to the CARPC rules. The biggest change and most significant one that is being focused on is a change to the policy that they refer to as a "flexibility factor" that is used in calculating the maximum area that can be added to a municipality's urban service area. The historical practice has been to allow municipalities to add 200% of what is estimated to be necessary to meet population growth. There are a variety of reasons why the current 200% (100% flexibility factor) has been used in the past—the proponents of that policy make the argument that it makes it possible to do planning for larger areas in a holistic way and bring them into the urban service area and addresses a concern with the uncertainty about when lands that are in the urban service area actually will be developed. What that would be saying is: this is all the land you need in your USA to meet anticipated population growth over the next 20 years; however if it happened that the land was owned by someone who was not interested in developing, then the municipality has a problem. The Commission is considering a rule that would reduce that flexibility factor down to zero. The USA boundary limit would correspond exactly with what the CARPC thinks you need. The discussion underlying this that has been seen is the objective of the policy change from the prospective of those who are supporting the change is they believe it will effectively make it more difficult and discourage what is considered edge development—on the edge of municipalities otherwise called urban sprawl and make that more difficult with the hope that the municipality would encourage the alternative to that which is in-fill development—higher density development within existing urban service area boundaries. There is a great policy debate on this issue. Slavney's memo is excellent. Dregne stated his advice to the CARPC would be read the memo and think hard about what he is saying because the argument he makes quite persuasively is that there is a great danger of unintended consequences that instead of having compact edged development—higher density, sewerred edge development—instead of getting in-fill development that you would like to see instead it will promote unsewered development in Dane County and outside Dane County, people having to drive greater distances to get to work etc. The comments in Slavney's memo have already been submitted to the CARPC on behalf of other municipalities so there is no need to send it in again. The public has a right to testify at the public hearing and 3 minutes are allotted for each speaker. Dregne referred to the comments highlighted in Falk's memo to the CARPC where it states:

- The CARPC shall work with communities to update the Dane County Water Quality Plan.
- ...shall also define areas that should be protected from development...
- The Plan shall also define a 25-year future urban development area with 5-year updates.
- The Plan shall be developed in cooperation with area communities, including towns...

- ...shall consider adopted comprehensive plans and intergovernmental agreements.
- The CARPC shall give priority to areas of the highest environmental sensitivity and growth pressure.

Dregne stated it does not appear that the CARPC has met with communities at least it has not met with officials from the Village of Oregon, to discuss the issues. Instead they have scheduled the public hearing to get the input from the communities. This does not reflect the spirit of the resolution which suggests a more cooperative relationship. Dregne suggested that perhaps one of the Board members would make that point at the public hearing—that the Village of Oregon would like to work more closely with the Commission to address these issues. In paragraph 7(b) it states that CARPC shall give priority to areas of the highest environmental sensitivity and growth pressure. The concern was instead of sitting down and trying to identify what the more sensitive areas are and how to protect those and working with individual communities, apparently a decision has been made to press for an across the board change that will be a dramatic policy change that has some dramatic implications for cities and villages that could lead to unintended consequences or very beneficial consequences depending on a particular viewpoint. Dregne stated the Board member could state the Village would be glad to sit down and talk with them and discuss the very difficult questions. This would be a way to respectfully send that message to the CARPC at the public hearing. If the Board agrees with the suggestion, it was noted a Board official should be the one to address the Commission—that would carry more weight than the Administrator. There was discussion including the initial creation of the new commission, the fact that initially one of the most important things the new commission would do was address water quality issues in the County, identify the water quality sensitive areas, it appears the importance of those issues has been reduced, everything should be put on hold until they hire a director—it seems that would be the first thing to do, appearing at the public hearing and respectfully ask that the resolution that was adopted be followed and so forth. Dregne stated the impact to the Village would be a significant reduction in the area that could potentially be added. Under the current policy the Village could conceivably add 840 acres to the urban service area (under the full flexibility); if a zero flexibility is approved it would be a negative 70 acres—70 acres in the hole. Under the zero flexibility the application made by Ladopoulos would be denied. Discussion continued including what the authority of the CARPC is which is to limit the areas to which sanitary sewer may be extended, there are different points of view on whether this is a good or bad policy change, whether approval by the CARPC requires a majority vote and so forth. Staton noted that he would be unable to attend the meeting to speak on behalf of the Village and asked if one of the Board members could. That trustee would appear at the public hearing on behalf of the Village and rather than dispute the issues, state initially the plan was to be developed in cooperation with area communities and that has not happened and the Village would like to see that happen. When asked who the CARPC serves, Dregne stated it is made up of 3 members appointed by the Cities & Villages Association, 3 members appointed by the Towns Association, 3 members appointed by the County Executive and 4 members appointed by the City of Madison. They were given the authority and responsibility to make recommendations to the Department of Natural Resources about the extension of sewer service to new areas. The political compromise has to do with two things: (1) how the appointments would be made and how many representatives each of those groups would have and (2) how they were supposed to go about doing that. Discussion continued. Lourigan agreed to speak on behalf of the Village Board.

- f) Discussion of Attorney General's Response to Madison Area Builders Association's Letter to Attorney General's Office concerning Open Meeting Law Allegations. Dregne gave a brief history of Madison Area Builders Association's letter to the Attorney General regarding concerns that the Village did not follow open meeting laws when it adopted a temporary moratorium of annexations in the Village pending completion of the stormwater study. The response from the Attorney General's Office states both sides of the issue have been reviewed and there is not enough information to come to a decision without more detailed inquiry which would require a lawsuit to

be filed. There was discussion. It is not known whether the Madison Area Builders Association will take this any further.

12. **REPORT OF COMMITTEES**

- a) Finance, Buildings & Facilities 1/14/08.
- 1) Discussion and Possible Action re: Letter from Oregon Youth Center to carry over \$1,000. **Staton moved to authorize staff to send a letter to Oregon Youth Center allowing the carry over of \$1,000 from 2007 funds to 2008 to help fund a new high school program. Second by Groenier. Motion carried 5-0.**
 - 2) Discussion and Possible Action re: Stafford Rosenbaum LLC Agreement for 2008 Legal Services. **Staton moved, second by Lourigan, to authorize the Village President to sign the 2008 Agreement for Legal Services at the rates listed. Motion carried 5-0.**
 - 3) Discussion and Possible Action re: Proposal from Pellitteri for Destruction of Records. **Staton moved to authorize staff to enter into an agreement with Pellitteri for the destruction of records. Second by Groenier.** Hoeft stated this addresses concerns with identify theft. **Motion carried 5-0.**
- b) Minutes Not Requiring Action.
- 1) Library Board 12/12/07.
 - 2) Park Board 1/9/08

13. **UNFINISHED BUSINESS.**

- a) Discussion and Possible Action re: Town of Dunkirk's Resolution for ATC. Staton noted this was a discussion at the last meeting and it was requested that staff prepare a resolution similar to the one the Town of Dunkirk adopted and that is the resolution that is before the Board. **Way moved to adopt Resolution #08-01. Second by Lourigan.** Staton read the resolution. **Motion carried 5-0.**
- b) Discussion and Possible Action re Huntoon Field. Lourigan stated he is not comfortable with bringing this to the Board at this time—apparently staff was unaware of what was being recommended and there needs to be further discussion regarding it before going to the Board.

14. **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)
- g) Joint Meeting with Downtown Ad Hoc Committee meeting minutes 1/15/08
- h) Discussion and Possible Action re Insurance Coverage for rail line

At 8:25 p.m., **Harms moved, second by Lourigan, to go back into closed session as previously set out. Roll call vote: Way – yes; Harms – yes; Lourigan – yes; Groenier – yes; Staton – yes. Motion carried 5-0.**

Regular Meeting of the Oregon Village Board
Monday, January 21, 2008

15. **ADJOURNMENT**. The meeting was adjourned at 9:15 p.m. on motion by Lourigan, second by Groenier. Motion carried 7-0.

Submitted by
Georgia Johnson,
Village Clerk