

**Special Meeting Oregon Village Board  
Monday, April 28, 2008**

1. **CALL TO ORDER:** President Steve Staton called the Special Oregon Village Board meeting to order on April 28, 2008 at 5:00 pm.
2. **ROLL CALL:** Present: President Steve Staton, Trustees: Jerry Bollig, Darlene Groenier, Eric Poole, Phil Harms, Jon Lourigan, Randy Way. Also Present: Village Administrator Mike Gracz, Public Works Director Mark Below, Finance Director Renee Hoeft, Village Engineer Joe Eberle, Village Attorney Matt Dregne (arriving at 5:03), Chief of Police Doug Pettit and Clerk Assistant III Tracey Hicks.
3. **Discussion and Possible Action re: Questions from Village Board and Residents regarding Stormwater Study.** Staton noted that at the last meeting on April 21, 2008 there was a public forum for input regarding the storm water report. Staton noted this meeting is to address some things that came out of that meeting, and to give the Board time to look at all of the information. Staton noted that there is not a portion on this agenda to public input however a resident approached him before the meeting with information that was compiled over the week. Staton noted he granted the requested and noted that is should be factual and brief. Paula Brisco of 137 Lynn Trail spoke briefly with regards to the information she gathered over the past week regarding storm water in the Village of Oregon. Staton gave a statement regarding things that needed to be addressed from previous meetings, noting that the Village's engineer's that have been involved with the storm water report had their professional integrity attacked when they were called 'liars'. Staton noted that he has every confidence that Joe Eberle and Terry Tavera work at the highest level of professional standards and integrity. Staton wants it clearly understood that this type of disrespectful verbal attack has no place in a public meeting and those that choose to conduct themselves in this manner will not be allowed to address the Board. Staton noted that at a previous meeting a resident threatened the Village Board stating that the Board members can be held 'personally liable' for their actions. Trustees have asked Staton to present all the facts of this issue. Staton asked Attorney Dregne to comment regarding this. Dregne noted that Village Officials do not need to be concerned about 'personal liability' for the kind of legislative decision that they are asked to make in connection with the storm water management plan. Dregne also noted that under Wisconsin Law there is substantial protection. Dregne noted that there is no need to be concerned that Board members have personal liability with these decisions. Staton noted an e-mail that Gracz received this morning, noting that Below and Eberle were copied on this. It was noted that it was asked the e-mail be shared with staff, consultants, and Trustees. Staton noted the e-mail was from Oregon resident Paula Brisco. Staton noted the e-mail discussed her opinions regarding the culvert, however Staton noted he had some concerns regarding a statement in her e-mail. The statement was as follows, "Just to let you know, if this part (referring to the culvert) of storm water management plan is not satisfactorily addressed, we will be forced to take our complaints about Ruekert/Mielke and the local government to officials for investigation. We will also communicate our dissatisfaction broadly to the news media." Staton noted that he does not feel that threats have any place in the governmental process and the Board will not be swayed by those threats. Staton noted that his decision will be based on Board discussions, input from a variety of sources, staff recommendations, and the expert advice from the consultants.  
Bollig noted the questioned he forwarded to the engineer regarding a resident that had a concern that there was sediment infill on the detention pond that may have affected the working ability of that system and if he understands Eberle's response correctly that is not the case. Eberle noted that what they call 'wet ponds' have two purposes, one is a purpose of water quality and the other is the water quantity component. Eberle noted that the water quantity component contains and releases the storm water after a rainfall event. Eberle noted that if there is sufficient accumulation of sediment in a pond it would stick above the permanent water surface and you would be able to see this. Eberle noted that the ponds are put in by developers and the agreement that the Village has with all of the developers is that those ponds are monitored by the Village and maintained by the developer until a majority of the development occurs. It was noted that is when a majority of the sediment runs off in those ponds. Eberle noted the bottom line is, you could have a pond with 3 feet of standing water in it and the

amount of sediment in that pond has nothing to do with the storage volume retained by that pond during a rainfall event. Eberle noted that from a water quality stand point it does affect it over a period of time. Eberle noted that when the Developer gets to that point in their development the Village has them pump them out and then take out the sediment so that the water quality component acts the way it is supposed to. It was noted that 'quality' is referring to sediment of chemicals (phosphorus, suspended solids, etc.). There was discussion regarding monitoring ponds. It was noted that the monitoring is part of the developer's maintenance plan. Eberle noted that his firm's opinion is that those ponds are working properly.

4. Discussion and Possible Action re: Florida Avenue/North Burr Oak Berm. Gracz noted the Eberle looked at the berm and felt that the berm could be removed. Eberle noted, via e-mail, that the berm was a temporary measure in case of a quick snow melt situation this spring. Eberle noted at this point he recommends removing the berm. Eberle noted that he looks at the area frequently and notes that the berm would not serve much of a purpose now. Below noted he agrees with the recommendations. Lourigan questioned if it would slow the issue down any flooding that could occur there. Eberle noted that not a whole lot. Eberle also noted that there are a couple of inlets that discharge into Bad Fish Creek. Eberle noted that when the water got to that level the water would be coming out of the inlets in Florida Ave and it would depend on the intensity of the rain. Eberle noted that since last August a device was installed near Bad Fish Creek that the Village can monitor the elevation and is being check regularly by the Police Department. It was noted that the Florida Avenue residents would like to see the berm removed. **Bollig moved to authorize Public Works staff to remove the berm on Florida Avenue and North Burr Oak area as per the Ruekert/Mielke recommendation. Second by Way. Motion carried 7-0.**
5. Discussion and Possible Action re: Restricting Additional Parking Spaces until culvert is replaced. Lourigan noted he brought this up to Gracz, noting that after looking at the Ruekert/Mielke engineering report and the Earth Tech report it was noted that there are areas of concern and one of them happens to be a parking stall on Main Street by Kwik Trip. Lourigan noted he would like to see that parking stall removed along with possibly all the north side parking, until this issue has been resolved. Bollig questioned if Below or Gracz spoke to Tri-County Appliance regarding the parking. It was noted that Pettit spoke with them. Pettit noted that their reaction was they were not concerned about the 10 parking spaces already restricted, however they were concerned about if the Village would restrict any parking west of there to Main Street. They were concerned about the 4 parking spaces their tenants occupy. Pettit noted that if that parking would be restricted along the north side of the Hitching Park the Village would try to find alternate parking spaces for those tenants. Pettit noted that it was not part of the plan at that time. Bollig noted he agreed with Lourigan, noting when he saw the camera shots from within the pipe and it brings concerns to the safety of the public and even driving on it. Bollig questioned where Pettit would recommend moving the spaces to? Pettit noted that spaces would more than likely have to be provided on the south side of the Hitching Park and signs would need to be posted. It was noted that the Police Department would post the necessary information. Pettit noted the parking space on Main Street, and noted re-contacting Tri-County and contacting Kwik Trip to remove that parking stall. It was noted that the appropriate business people would be contacted and then this would be brought back to the next Board meeting for more discussion and possible action.
6. Discussion and Possible Action re: Ruekert Mielke's Proposals for Replacing the 72" Culvert, MSA's Amendment to Contract for Culvert and Ruekert/Mielke's Memorandum regarding Existing 72" Storm Sewer Replacement Alternative Analysis. Gracz noted that what is in the packet is the same material that was in the last packet. Eberle gave a summary, noting the difference between the proposals really is the difference in work from a regulatory standpoint and an additional analysis has to be done for a box culvert. Eberle noted that with a box culvert, the Village would need to deal with FEMA, the DNR and then prepare documentation for the downstream property owners along with the downstream municipalities, plus the additional modeling work that would need to be done. Eberle also noted the analysis that was done in the storm water report. Harms noticed when the culvert exits

on the downstream end it appears to be smaller than a 72". Eberle noted that he was down there before the Board meeting and noted that it does appear smaller. Below noted he is not aware of the pipe being smaller than 72 inches. Harms noted that there is another drainage swale situation from North Perry Pkwy down, it was noted this does not enter the 72" culvert it enters to the East of that. Harms questioned if there was anyway to control that water? Eberle noted that there is quite a bit of flow, noting that the project being discussed stops west of there and would not tie into any extension of the 72" because that would require a whole another round of permits and everything else because the storm sewer would be extended from where it is now. Eberle noted that the land to the north of the existing development, in the storm water study, Ruekert/Mielke called for additional facilities up north of the developed area, which will help somewhat to help control the flow. Eberle noted that right now there is just no room to put anything, until this gets developed. Bollig noted the spread sheet received in the packet noting that the box culvert is \$1.2-1.3 million dollars more than the 72" culvert. Eberle noted this would be the minimum cost, because there are a lot of unknowns with the box culverts. Bollig wanted clarification regarding MSA and the amendment. Below noted that the design needs to be re-done because originally the plans showed a 6 by 8 box culvert, and the drawings need to be amended to show a 72" culvert. It was noted the previous engineer had the 6 by 8 box culvert in there. MSA now needs to come up with a new method of connection. Way noted the swale that runs north from North Perry Pkwy up to the north of Richards Road has had an impact on the water east of the culvert, questioning if the Village would allow development north of East Richards Road, and if storm water improvements were made there, would this have a significant impact on the ditch east of the culvert. Eberle noted that it could if a couple of things were done. Eberle noted that if development occurs there, there will need to be coordination with the City of Fitchburg. Eberle noted that it is an area of concern, noting that any development that goes in there the storm water needs to be looked at carefully and coordinated with the City of Fitchburg. Gracz noted that at this point that land would probably not be developed unless there was a joint business park. Gracz noted that the City of Fitchburg has no interest. Gracz noted that when a joint business park was being worked on, Fitchburg did take into consideration the storm water, noting that the use of the land would be challenging. Eberle noted that there is no mechanism right now to provide storm water facilities in that area because it is actively farmed. Eberle noted that both municipalities would need to take this on as a project. Harms noted that in the near future that Highway 14 will be expanded to 4 lanes and questioned if the Department of Transportation works with the local municipalities about the drainage off of the Highway. Harms noted that this could affect the High School area with the extra paved surface and the run off. Eberle noted that he can check with the Department of Transportation again, noting that they have had conversations regarding the issue of what facilities are under Highway 14 now and what will be out there, plus the interchange. Eberle noted that he can find out what the final plans are for Highway 14, noting he assumes the majority of the drainage will occur in the median and head to the east and continue going to the east and suspects the drainage along the west side of Highway 14 will continue down the right of way of Highway 14 and go underneath the box culverts. Harms questioned if the Village could request them to change what goes under the highway during construction. Eberle noted that you can ask anything, but he suspects that a case would need to be made of why to do this and then it would probably be on the Village's dollar. Eberle noted he is speculating on this. Lourigan noted the idea of extending the 72" culvert down to Highway 14 parallel to the current ditch line, which would create an extra water way. Eberle noted that it would not be a 72" anymore if you extended the pipe east, you would need a larger size culvert because the water from the north is picked up. Eberle also noted that you still need to deal with the fact that the water that is going in the creek right now and going over the land and questioned where would that going to go. Eberle also noted that you will still not get the extra storage needed from there. Eberle noted that someone floated the idea of providing additional storage or ponding downstream. Eberle noted that there just is no room to the north or south and there are also wetlands there. Eberle noted that you cannot remove the wetlands. Eberle noted to pipe it down to Highway 14 to provide any type of reasonable useful storage the pipe would have to be huge. What you would be doing is parking water underground and it would not provide any value what so ever. There was discussion of putting two pipes in and 'shot gunning' the water to Highway 14. Eberle noted that there are wetlands there and he has had meetings with the DNR already and they are very much opposed to North Perry Pkwy

going across Bad Fish Creek because of the wetlands there. Eberle noted because of the wetlands there it limits to what the Village can do. It was noted the DNR does not want the wetlands touched. **Bollig moved to accept Ruekert/Mielke's design services proposal to replace the current 72" pipe with a new 72" pipe with a cost not to exceed \$53,000 and to authorize MSA's bid alternative with a cost not to exceed \$4,000. Second by Way. Motion carried 7-0.** Way noted that he received a letter from a resident that owns a duplex on Prairie Court and he expressed his concerns about how close the water in the swale, that runs north, to flooding his property. Way noted that in the end it is a zero net sum game. There is only so much room for water and every extra cubic foot per second that comes through the culvert that is one cubic foot per second that cannot come down that north swale. Way noted that the Village really needs to hold the line on what the Village is at now (140 cfs). It was noted that because of the condition of the pipe it currently is approximately flowing considerably less at 110-115 cfs. Way noted that a \$1.3 million dollar difference is a huge amount of money. There was discussion of a limiting device on the upstream end of the pipe. It was noted there are a number of options that are being looked at. It was noted that those will be looked at and presented to the Board, when it gets to that point of the project. It was noted that the \$1.3 million would have to be borrowed and taxpayers would cover that expense if they went with that option. There was discussion of annexations and changing the ordinances for storm water in new developments.

7. Discussion and Recommendation to Village Board re: The Legend of Bergamont's request for a Change of the Premise Description on License No. 2007/2008-15 to remove reference to the Temporary Club House and add the pool deck and clubhouse. **Poole moved to approve the request for the change of the premise description on License No. 2007/2008-15 to remove reference to the Temporary Club House and add the pool deck and clubhouse. Second by Harms. Motion carried 7-0.** It was noted that in the past they served out of a tent and will move the serving to the club house by the pool until the main club house is open in July. Harms questioned if there would be exposure to the families and children at this location. Harms noted his concerns with this. Pettit noted currently their liquor license includes the entire golf course, noting that with the current license they can go out with 'beer carts' and sell liquor and beer out on the course. Pettit noted it includes their entire property. It was noted this does not change anything they are just temporarily moving to another building. Pettit noted that you are moving just the address of the liquor license. Pettit noted his recommendation would be to approve this.
8. **ADJOURNMENT: Lourigan moved to adjourn the Special Oregon Village Board meeting at 5:55 pm on April 28, 2008. Second by Way. Motion carried 7-0.**