

1. **CALL TO ORDER.** The regular meeting of the Village Board was called to order by President Staton at 6:01 p.m. on Monday, August 4, 2008.
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, Public Works Director Mark Below, Village Engineer Joe Eberle and Clerk Georgia Johnson.
3. **VILLAGE ATTORNEY'S REPORT.**

a) **Discussion and Possible Action re: Approve and Authorize Execution and Delivery of Real Estate Purchase Agreement for 140 N. Burr Oak Ave.** Dregne referred to the Agreements to Purchase for the properties at 140 N. Burr Oak and 360 Florida Avenue that are in the packet noting that the agreements have also been provided to the property owners. It was noted that on or about July 11th Waivers were submitted to the Department of Commerce waiving relocation assistance benefits by the property owners—Johnson, Slack and Schommers. Dregne stated he got a call today (as did Mr. Johnson) from Jack Sanderson from the Department of Commerce who expressed the view that the property owners cannot waive relocation assistance under these circumstances. At this time Dregne stated he is recommending that the Board not take action on the Purchase Agreement. It was not anticipated by the Village or the property owners that relocation assistance would be required. Dregne stated there is a provision in the Code that says “where the owners have been advised by the Village that the Village will not acquire the property using eminent domain policy, that they are not considered to be displaced persons eligible for relocation assistance”. A letter dated May 20, 2008 from Jack Sanderson refers to that Code. Dregne stated however, given the fact that Sanderson contacted one of the property owners as well as himself earlier today taking the position that relocation assistance benefits cannot be waived, Dregne is recommending that the property owners work through their attorney with Mr. Sanderson to obtain either a signed waiver of relocation assistance where the Department of Commerce agrees that a waiver is appropriate, or a letter from the DOC stating that they do not believe a waiver is needed. Dregne stated the owners are in the best position to obtain that from the DOC, the DOC is there to look out for the property owners’ interest (the public interest) which puts them in a stronger position than the Village to get over this hurdle.

Dregne stated under Chapter 32 when a municipality or another governmental entity acquires property from someone, if the acquisition occurs following the eminent domain process and ends up with a municipality acquiring it by serving an award of damages, effectively condemning it, the owner has two years to appeal the amount of compensation a municipality has paid. The Statute says that if someone sells voluntarily they have six months to appeal—even though they have voluntarily agreed to sell and agreed upon a price. There is a good argument to be made that if that happens under these circumstances that the Village is not actually operating under Chapter 32 and the property owners would have no right to appeal. A waiver of any right to appeal within six months has been included in the Purchase Agreement. Dregne went on to say that it is a valid waiver but there is no case law that says it is valid—the point is there can be no guarantee that the Village would not be subject to an appeal.

There was some discussion including the timeline for getting past this hurdle; if the property owners are not successful in a waiver from the DOC would the Village be responsible for paying relocation costs; under those circumstances the Village would have three options: (1) to not buy the property; (2) agree to buy the property but take the position that relocation assistance is not required and litigate that issue if necessary and (3) agree relocation assistance is required, file a relocation plan, get it approved and pay the relocations costs; what the relocation assistance costs would be (if known); it was noted on an earlier project it was \$25,000—that was in May of 2000); those homes were purchased under a CDBG grant—the grant required the Village to pay relocation

assistance since in was federal monies; a portion of the May 20th letter from Jack Sanderson (DOC) was read; need to get something in writing from the DOC, the concern of the DOC is to look out for the property owner's best interest and to make sure the municipality is not coercing the property owner into something they do not want to do; Johnson stated (from the audience) that they agreed to no relocation costs; there was concern how much of a delay this would be; Gracz noted it may be cleared up with only one phone call; whether the Board should move on this agreement tonight or wait for the issue to be resolved; there is an additional issue with respect to the Johnson property (questions have been raised about the amount they should be paid—having to do with how insurance benefits need to be taken into consideration, etc. and that process has to be resolved also); staff felt there will likely be a response within the next couple of days; the property owner (Johnson) does not have a problem contacting the DOC; how to proceed from this point; and so forth. It was agreed to take no action at this time and this will come back to the Board.

- b) Discussion and Possible Action re: Approve and authorize execution and delivery of Real Estate Purchase Agreement for 360 Florida Ave. This was discussed as part of item (a) above—it is the same issue and no action will be taken at this time. Gracz stated the process with the asbestos is going a lot faster than was thought originally and may be able to close on the property sooner than was anticipated. Very little asbestos was found in the house.
- c) Discussion and Possible Action re: Hiring Appraisal Firm for acquiring a temporary construction easement affecting the Downtown Kwik Trip Property related to 72" Culvert Project. Dregne noted that the Village has a 30' wide easement covering the property this pipe is located in and under the terms of that easement has the right to replace the existing pipe. It has been determined (as of last Friday afternoon) that it would be possible to do that without acquiring an additional temporary construction easement over the Kwik Trip property although there will be some expense involved. Dregne recommended that the Village authorize staff to hire an appraisal firm to determine what the compensation would be for a temporary construction easement, authorizing up to \$5,000 to pay for that, get the appraisal form in and then make a judgment about whether to proceed without obtaining a temporary construction easement and just pay more for the work or whether it makes sense to buy the easement. Dregne stated that approach would put the Village in the best position to have multiple options available for resolving the issues. Considerable discussion followed after which it was determined to hold off on taking any action on this matter at this time and to set a special Board meeting for the issues to be discussed in closed session. During discussion, a motion was made and later withdrawn to hire an appraisal firm for this purpose but the Board felt it needed more information before proceeding and that in order to get the information, the matter needs to be discussed in closed session. It was noted that the Village just learned today that construction within the easement could take place and thus this issue was not posted under a closed session for tonight's meeting. It was agreed to hold a special meeting at 6:30 a.m. on Friday, August 8th.
- d) Discussion and Possible Action re: Approving Resolution #08-14—Relocation Order and Determination of Necessity for Storm Sewer Pipe Replacement for Downtown Kwik Trip Property related to 72" Culvert. Dregne recommended the Board defer approving a relocation order at this time—it may not be necessary to acquire an easement depending on the results of the Friday meeting.

4. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.**

- a) Public Forum regarding Railroad Bridge Project – Overview of Project by Village Engineer Pete Schierloh (from E80 Plus) and Public Input. Pete Schierloh, from E80 Plus, presented an overview of the project including the scheduling, the impact to the neighborhoods, etc. Work has started on the right-of-way tearing up the track and placing it in storage until needed, actual work on the bridge that will impede the roadway will start after August 11th, there is a delay on receiving the steel that will be used for the bridge at this time, but probably only 2-3 days. First part of the

process is removing what is there which will involve road closures—approximately 2 weeks in order to demolish the existing bridge, may be able to maintain pedestrian access by demolishing first the south side, then the north side, there may be a short period of time when it will not be safe for pedestrian use but that would not be for long. After the excavation the pile driving will be done and may have to limit road access during that time for safety reasons. The pile driving is expected to take about 2 weeks—then they will begin abutment construction—and the roadway will be open as well as pedestrian traffic. The abutment construction is the largest part of the project and expected to take approximately a month. The steel will then be set and the road will need to be closed and is tentatively planned for late September and will take about a week. The timber decking is then set in and there may be some partial closures—this is due to the safety issues. Backfilling will then be done and the stone placement. During demolition the stone will be removed, stored off-sight, and later cut up and applied as a veneer on the bridge. It is not anticipated that the whole roadway would be closed. The track switch out will not have an impact to the roadway. When the roadway work is done, it is anticipated the roadway will be open but there may be a few closures during the work itself. In late November the final work will take place with a completion date in December. It was noted the Board was provided with the schedule provided by Lunda Construction Company. There was some discussion regarding the pile driving. Schierloh stated the bridge will require 32 steel piles and they will be driven with a diesel impact hammer. That will take about 2 weeks and will cause some noise—every time the cylinder fires back up. There is a provision in the contract to monitor basement structures for any movement, or any effect of the pile driving. The noise should not be too distracting and will be taking place during the day. Staton asked how the adjacent structures would be monitored and Schierloh stated under the contract all the structures are to be surveyed before work begins and to survey them on a regular basis for any settlement or possible concern. This is done within 100 feet of the construction site. If homeowners notice any concerns, they should contact the Public Works Director, Mark Below, or Schierloh, and they will look into it. There was discussion including the road closures, the fact that road closures are done for safety reasons, need to work with the Chamber on posting road closures (if possible, a day or two ahead of the closure) for residents and the business owners, there is a construction meeting held every Wednesday morning at Village Hall, the fact that Lunde is using the same traffic control subcontractor as Parisi and there is considerable coordination between the two projects, it is anticipated that when Parisi has to have Jefferson Street closed that Lunde will close at the same time, whether the streets would be opened at night—that will be checked into but definitely cannot be done during the demolition process, whether the School District is aware of the project and the impact on children getting to and from School, Staton advised it is being planned to meet with key school officials and transportation director to update them on the projects and the parents will be advised as well. Staton asked if there was anyone in the audience that would like to speak.

John Diets who owns the property at 123 S. Main Street had questions about the schedule, whether actual business days or calendar days, the number of hours worked each day, whether the roadway will be opened on the weekends and the importance of allowing accessibility to the downtown businesses. Schierloh spoke to each of his concerns. Diets encouraged Schierloh to attend the Wednesday morning meetings as they are very helpful. Diets noted his concerns with the pile driving particularly for the structure at 119 S. Main Street. There was some discussion and it was noted that when the roadway is closed the “road closed” signage will completely block off any entry.

Paul Lynch, of PLH & Associates, the company that owns 158 Jefferson Street—southeast of the bridge, stated he supports the railroad bridge and feels it will be a great addition to the community, there have been some safety issues in that area from renters; has concerns with the pile driving especially with the old field stone basement in that property; would like to have the contractor contact him to view the basement, take pictures and keep a close watch on it during the construction period; offered the use of the gravel road along there if they want to (keeping the

tenants in mind); and lastly there have been some trees that have fallen along the rail corridor that are on Village property and stated his concerns with those trees asking if the Village would get rid of them. (It was noted Public Works Director Below would be asked to take a look at that when he returns from vacation.)

Marechiel Santos-Lang, Director of the Oregon Chamber of Commerce, noted the Chamber is putting together a flyer to be distributed during the School District registration period and closing dates need to be clarified before the flyer is printed. There was some discussion including keeping the Chamber updated on closing dates, etc., road closing signs, the placement of barriers across the roadway completely blocking traffic, and so forth. There was no further input at this time.

5. **APPROVAL OF MINUTES.** There were none.
6. **APPROVAL OF VOUCHERS.** There were none.
7. **COMMUNITY INPUT.** Kathy Maves, 744 Cledell Street, introduced herself stating she is running for the 46th Assembly District which encompasses Wards 2, 3, and 4 in the Village of Oregon.

Joe Endres, 881 Janesville Street, voiced concerns of the neighborhood regarding noise, teens hanging out in and around the Laundromat and the car wash in that area, rumors of drug dealing in the bathrooms at Stop'N Go and so forth. Endres was encouraged to get in touch with the Police Chief and this matter was referred to the Personnel, Public Safety & Protection Committee. (Next meeting August 25th)

8. **PROCLAMATIONS AND ANNOUNCEMENTS.**

a) **Staff Comments.**

- 1) **Recruitment of Election Workers.** Johnson stated she is still looking for people interested in working Elections. She encouraged anyone thinking about it to give her a call. There will be training scheduled for the last week in September or the first week of October.
- 2) **August 20th Last Day to Register for September 9th Primary.** Johnson reminded residents that Wisconsin has a 20-day deadline for completing voter registration before the September 9th partisan primary. Before August 20, voters may register in the clerk's office or through the mail. After August 20th and before Election Day voters may only register in the Clerk's Office. Johnson stated if you are registered you do not need to register again unless your address has changed (even if it is just across the street) or your name has changed.
- 3) **Initial Use of Laptops by Village Board – August Public Works & Personnel Committee Meetings.** Staton noted this is for informational purposes and noted that paper copies will be provided for a short time until members are more comfortable with using the laptops. There was discussion.

- b) **Village Board Comments:** Groenier questioned what a resident does if their vehicle is damaged driving through the construction area and there was discussion. There was discussion regarding whether sidewalks will be closed for a period of time and so forth.

9. **COMMUNICATION AND MISCELLANEOUS BUSINESS.**

a) **Update regarding Creation of TIF#4 District.**

- 1) **Distribution of Project Plan on July 30th.** It was noted the Project Plan was mailed out on July 30th and placed in Board members' mailboxes.
- 2) **Recommendation of Citizen Member to Joint Review Board.** Staton noted his recommendation as a citizen member on the Joint Review Board is Jon Lindert (496 Orchard Drive) and he noted that Lindert has experience as an engineer and with a like project in Verona. There were no objections.

- 3) Reminder of August 14th Joint Review Board Meeting and Planning Commission Public Hearing. For informational purposes. The meeting will start at 5:30 p.m. Gracz noted that item #9(e)(6) below refers to the Public Forum on the Highway 14/138 Intersection Project which is scheduled that same night (August 14th) and is being held between 5:00 p.m. to 7:00 p.m.
 - b) Discussion and Possible Action re: Downtown Water Tower. This will be put on the next Board agenda to get an update from Public Works Director Below.
 - c) Discussion and Possible Action re: Approval of Proposal from Ruekert Mielke to Amend Chapter 41—Floodplain Code. The cost for amending the floodplain code will be \$1,750.00. Gracz noted the Scope of Services outlined in the proposal which would include the FEMA requirements. Following discussion, **Poole moved, second by Groenier, to approve the Proposal from Ruekert Mielke to amend Chapter 41, the Floodplain Code, in the amount of \$1,750.00. Motion carried 7-0.**
 - d) Clarification from Peterson Farms on Recent Annexation Letter. For informational purposes clarifying item #3 which changes 200 acres to 100 acres.
 - e) General Information:
 - 1) Reminder of Public Forum on Impact Fees – August 18th Board Meeting. Staton noted the proposed amendments would change certain commercial and industrial impact fees from a value based calculation to a square footage based calculation and several technical changes to the impact fee regulations.
 - 2) September Board Meeting Date will be September 2nd due to Labor Day. For informational purposes.
 - 3) Gorman & Company Recipient of Historic Preservation Award for Protecting a Wisconsin Historic Property—The Red Brick School Building. For informational purposes. It was noted this is a very prestigious award and Gorman & Company is to be commended for the job done in preserving the Red Brick School. Harms commended Joan Gefke for the excellent work she does for preserving the history of the Village and passed around a notebook that Gefke put together on the Red Brick Building.
 - 4) Notice of Public Service Commission’s Pre-Hearing Conference re: American Transmission Company. For informational purposes.
 - 5) Update on Village’s Safe Route to School Grant. It was noted the Village was not successful in its efforts to receive grant monies under the Safe Route to School Grant.
 - 6) Discussion of August 14th Public Hearing on Highway 14/138 Improvements at Oregon Middle School. This is being conducted like an open house and people can drop in anytime between 5:00 p.m. and 7:00 p.m.
10. **REPORT OF COMMITTEES.**
- a) Minutes not Requiring Action.
 - 1) COA 6/10/08
11. **UNFINISHED BUSINESS.**
- a) Discussion and Possible Action re: Write-Off of \$200 Mowing Charge regarding the former Valentine’s Restaurant. Gracz noted this was discussed at the last meeting but was not on the

agenda for the Board to take action. **Bollig moved to write-off the \$200 mowing charge regarding the former Valentine's Restaurant. Second by Harms. Motion carried 7-0.**

- b) Discussion and Possible Action re: Post Office Lease Renewal Notice. It was noted this is a 3% increase from the last agreement. The termination date under the new lease would be June 30, 2012. Following discussion, **Bollig moved to approve the Post Office Lease Renewal. Second by Harms. Motion carried 7-0.**

12. **STATUS OF DOWNTOWN PROJECT.**

a) Phase I – Status of Downtown Project.

- 1) Reminder of Weekly Downtown Meetings held Wednesdays at 9:00 a.m. at the Village Hall. For informational purposes.
- 2) Oregon Area Chamber of Commerce Provides a Summary of Meetings—available on Village's web page and posted on the informational Bulletin Board installed in Downtown Madsen Park. FYI
- 3) Discussion of Memo from Michael Maloney re: MSA's Construction Engineer for Project. This is just to advise there is a new engineer in charge of the project.
- 4) Discussion of Temporary Removing 2-Hour Parking Restriction in Village Hall Parking Lot. There was some discussion. There may be some people abusing the 2-hour parking limit and this will be monitored and if necessary, action taken.
- 5) Purchase of Additional "large" Project Signs (\$1,050). Gracz stated staff is working with MSA for signage that would be more visible than the Chamber signs. M&I Bank was thanked for providing additional parking during the downtown construction. It was noted some people are driving through M&I's parking lot and residents are asked not to do that.

b) Phase II – Downtown Project.

- 1) Village Board approves Engineering Agreement with MSA (8/18/08). It was noted this proposal will be available at the next Board meeting.

The following items are provided for informational purposes:

- 2) Downtown Ad-Hoc Meets in September and October.
- 3) Public Forums to be held 10/27/08 and 11/17/08.
- 4) Village Board Approves Bidding Documents 1/5/2009.
- 5) Contractor Starts Construction 5/15/09.
- 6) Construction is completed 8/14/09.

13. **FUTURE AGENDA ITEMS.** As listed.

14. **ADJOURNMENT.** The meeting was adjourned at 7:35 p.m. on motion by Lourigan, second by Bollig. Motion carried 7-0.

Submitted by
Georgia Johnson,
Village Clerk