

1. **CALL TO ORDER.** The regular meeting of the Village Board was called to order on Monday, April 20, 2009 at 5:33 p.m.
2. **ROLLCALL.** Present: Jerry Bollig, Phil Harms, Jon Lourigan, Eric Poole, Steve Staton and Randy Way. Absent: Darlene Groenier. Also present: Administrator Mike Gracz, Village Attorney Matt Dregne, Finance Director Renee Hoeft, Public Works Director Mark Below, Police Chief Doug Pettit, Senior Center Director Alison Koelsch, Library Director Susan Santner and Village Clerk Georgia Johnson.
3. **CLOSED SESSION:** At 5:33 p.m., **Poole moved** to adjourn into closed session pursuant to Wis. Stats. §19.85(1)(e) and 19.85(1)(g), permitting a closed session to discuss personnel issues. **Second by Harms. Roll call: Bollig – yes; Way – yes; Poole – yes; Staton – yes; Lourigan – yes; Harms – yes; Motion carried 6-0.**
4. **RECONVENE.** At 6:42 p.m., the Board reconvened into open session on **motion by Bollig, second by Poole. Motion carried 6-0.** Following a short recess, the meeting reconvened.
5. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.**
 - a) **Discussion and Possible Action re: Request of Alfredo Jose Razo, Agent for Union Sports Club, LLC, for Reserve Class B Liquor License at 155 Braun Road.** Pettit noted there have been no issues with this business, they have their own security and the owner, Alfredo Razo, works well with the Police Department and recommended approval of the Reserve Class B Liquor License. **Bollig moved, second by Poole, to approve the Reserve Class B Liquor License at 155 Braun Road d/b/a Union Sports Club. Motion carried 6-0.**
 - b) **Discussion and Possible Action regarding Jaycee Park Eagle Scout Project (Kyle Wood).** Kyle Wood came forward and explained the project he is working on noting it will include re-landscaping the area, trimming and weeding, planting and mulching. There was some discussion and Wood was commended for undertaking this project. **Lourigan moved, second by Bollig, to approve the Jaycee Park project as outlined by Kyle Wood.** There was further discussion. **Motion carried 6-0.**
 - c) **Discussion with MSA and Parisi and Deits regarding Peaceful Hearts' Stormwater Issues and Review Proposed Release from The Advand Group.** John and Doris Deits presented their issues and concerns with the leaking and seepage that has occurred and the odor they have experienced following the downtown project. Deits stated they have met with the insurance agent from Parisi and Parisi is willing to settle but want the Deits' to sign a release of any further liability which raises more concerns for them. Kevin Lord of MSA stated he was not present when this was first discussed but has since visited the property which was after a rain and found there was moisture down there. Lord cannot know what was there previously, but stated it was decided at that first meeting with Parisi, representatives of MSA and the Village that the leaking was coming from the storm sewer pipe and it was decided to line the pipe at a cost to be divided between Parisi and the Village. The pipe was lined and as far as he knows there have been no problems since then. Lord stated the Deits' have asked about digging out the soil and re-compacting the soil however Lord does not feel that would provide more compact soil—the soil is never going to be as consolidated as it was prior to digging. There was considerable discussion. Questions facing the Board include (a) does the Village want to continue to spend downtown project money on this issue; or (b) is this an insurance claim? It was noted the Board will also have to deal with the proposed release before it can go on the property. Discussion continued including finding the source of water is difficult, what it would cost to secure the disturbed area (dig up and recompact the soil), there is sonar ground penetrating equipment but it is expensive, could ask Parisi for a proposal on what it would cost to do the work, it was noted the project is under budget and so forth. **Lourigan moved, Bollig seconded, to request a proposal from Parisi for completing the work in this area to resolve the water problem.** Harms noted he would be abstaining. **Motion carried 5-0-1, with Harms abstaining.**

Reference was made to the proposed release from The Advand Group and it was noted that the Village Attorney has reviewed the release and is recommending the Village reject the release. Attorney Dregne has issues with the last sentence: “any hidden and future damage attributable to this problem will be repaired and corrected at the expense of the Village of Oregon, if or when the damage appears”. The Village cannot sign that type of release and it is recommended to reject the release and direct the Village Attorney to prepare a release for easement that could be sent to the property owners for their review. **Bollig moved to reject the proposed release from The Advand Group and authorize the Village Attorney to prepare a release for easement to present to the property owners. Second by Lourigan.** There was discussion. **Motion carried 5-0-1, with Harms abstaining.**

- d) Discussion and Possible Action on Location of Sidewalks/Bike Paths re: Extension of Braun Road. Representatives from Wisco Industries, Inc., Gary Kjellstrom and Gene Qualmann, were present for this discussion and a letter was distributed as part of the record. In summary the letter states Wisco’s appreciation for the Village’s cooperation in working with them on this matter, they have reviewed the alternative map dated April 15, 2009 from Ruckert Mielke and are in agreement with it and lastly with respect to the .52 acre remnant of land, Wisco has decided to retain that property at this time. There was discussion including who would be responsible for maintenance **and decided the Village would be responsible for maintaining the pedestrian/bike path, there was also discussion on when the project would begin,** concern with removing any trees, whether a sidewalk on the other side of the street would be required in the future, it was noted the Board can merely state on the record that it prefers no sidewalk be put on the other side of the street, as far as the Board having the authority to restrict future sidewalk that would have to be discussed with the Village Attorney and Village Engineer, will a stop light be going in at the same time and so forth. Following discussion, **Bollig moved to approve a 10 foot bike/pedestrian trail on the south side of Braun Road. Second by Poole.** It was noted this is from Market Street to the train tracks. Lourigan preferred going as far as Main Street. It was discussed and decided to keep that a separate issue. **Motion carried 6-0.**

6. **APPROVAL OF MINUTES.**

- a) Special Meeting 3/23/09. **Bollig moved, second by Poole, to approve the minutes of the special meeting of March 23, 2009. Motion carried 6-0.**
- b) Special Meeting 4/13/09. **Bollig moved, second by Poole, to approve the minutes of the special meeting of April 13, 2009. Motion carried 6-0.**

7. **APPROVAL OF VOUCHERS.** Harms moved, second by Lourigan, to approve the payment of vouchers for the General Operating Fund in the amount of \$267,593.29 per the revised list dated April 20, 2009. Roll call vote: Harms – yes; Poole – yes; Lourigan – yes; Staton – yes; Way - yes. **Motion carried 5-0.** [Bollig had left the room momentarily.]

8. **COMMUNITY INPUT.** Paul Lynch spoke to his concerns with the stormwater problems experienced at 104 Janesville Street that were similar to what the Deits experienced. It was concluded that Lynch will take these matters up with Gracz and Below.

9. **PROCLAMATIONS AND ANNOUNCEMENTS.**

- a) Village Board Comments. It was noted the tree planting went very well and special thanks were extended to Kathy Esch for her assistance with it.
- b) Staff Comments.
- 1) Public Works cleaned Jaycee Park drainage swale. FYI
 - 2) Certified Mailings sent out by Accurate Appraisal regarding follow up field work. Johnson stated Village Hall has been getting calls regarding whether or not Accurate is legitimate and she

advised that the Village did hire Accurate Appraisal to do the assessment work in the Village. Anyone with questions can call the Clerk at 835-6282.

- 3) Discussion regarding 4/21/09 agenda. Gracz explained the problems with the number of items for the Board to review and noted he has been doing a lot of moving around of items on the agendas. The question to the Board is whether or not they are in agreement with this way of handling it or how they would like it done. There was a brief discussion but no direction given.

10. **COMMUNICATIONS AND MISCELLANEOUS BUSINESS.**

- a) Discussion and Possible Action regarding Proceeding with Bidding for 2nd Phase of Downtown Project and Brook Street Project. For informational purposes. Below noted that when the documents come back staff will review them. This would allow staff to proceed with the bidding. **Way moved, second by Bollig, to proceed with the bidding for Phase 2 of the Downtown Project and Brook Street Project. Motion carried 6-0.**
- b) Discussion and Possible Action re: Submitting of Dane County Biking Grant for Bike/Pedestrian Path on North Perry Parkway. Below noted this is to submit an application to be sent to Dane County for the bike path along N. Perry Parkway. There was discussion and it was noted this is the property along the east side of North Perry Parkway, from the high school ball diamond to the skating rink—by Huntoon Field. There was discussion. **Bollig moved, second by Poole, to allow staff to submit a biking grant for the bike/pedestrian path on N. Perry Parkway. Motion carried 6-0.**
- c) Discussion and Possible Action re: Resolution #09-15—Authorizing Request to Amend the Urban Service Area for Property Known as the Future Presbyterian Church. **Bollig moved to adopt Resolution #09-15 authorizing request to amend the Urban Service Area for property known as the future Presbyterian Church. Motion carried 6-0.**
- d) Press Release regarding Public Forum on Proposed Village’s Master Bicycle/Pedestrian Plan – Open House May 7th at 6:00 p.m. with Public Forum at 6:30 p.m. For informational purposes. Gracz noted the map is on the Village’s web site.

11. **REPORT OF COMMITTEES.**

- a) Planning Commission 4/2/09.
 - 1) Discussion and Possible Action regarding Preliminary Certified Survey Map for Jaycee Park east of N. Perry Parkway—Oregon School District. FYI - It was noted this will be on the agenda for Tuesday night’s meeting—April 21st.
 - 2) Discussion and Possible Action regarding Ordinance #09-01 – Rezoning property located at 1056 Park Street. **Harms moved to accept the first reading, waive the second, and adopt Ordinance #09-01 to rezone 1056 Park Street from Commercial PB to PD Planned Development. Second by Bollig.** It was noted this will rezone the property at 1056 Park Street for the hotel. **Motion carried 6-0.**
 - 3) Discussion and Possible Action re: General Development Plan for 1056 Park Street. **Harms moved, second by Bollig, to approve the General Development Plan for 1056 Park Street with clarification that the drive lanes be labeled as proposed drive lanes and attach the recommended conditions and findings per Mike Slavney. Motion carried 6-0.**
 - 4) Discussion and Possible Action re: the Specific Implementation Plan and attach the recommended conditions and findings per Mike Slavney. **Harms moved to approve the Specific Implementation Plan and attach the recommended conditions and findings per Mike Slavney. Second by Bollig.** There was discussion and it was noted they have met all the standards and the public hearing has been held. **Motion carried 6-0.**

- 5) Discussion and Possible Action re: Conditional Use Permit at 155 Braun Road to allow for a second building. **Harms moved, second by Bollig, to deny the conditional use permit at 155 Braun Road due to lack of information.** Harms noted they were looking to put another building on the northwest corner of the parking lot but the Commission wanted more information and recommended denial. **Motion carried 6-0.**

 - 6) Discussion and Possible Action re: Conditional Use Permit at 135 N. Main Street to update the existing fuel price sign by allowing an electronic message center with a L.E.D. sign. **Harms moved, second by Bollig, to deny the conditional use permit at 135 N. Main Street.** Kwik Trip was requesting to update the signage with an electronic message center but the Commission wanted something more in line with the downtown. **Motion carried 6-0.**
12. **FUTURE AGENDA ITEMS.**
- a) Schedule League of Wisconsin Municipalities Mutual Insurance Company's Viewing of DVD on Public Officials' Liability
 - b) Brian Busler, Oregon School District Superintendent, to attend May 18th Board meeting
13. **ADJOURNMENT.** The meeting was adjourned at 8:26 p.m. on **motion by Bollig, second by Lourigan. Motion carried 6-0.**

Submitted by
Georgia Johnson,
Village Clerk