

1. **CALL TO ORDER.** The regular meeting of the Village Board was called to order on Monday, May 4, 2009 at 5:33 p.m.
2. **ROLLCALL.** Present: Steve Staton, Eric Poole arriving at 5:40 p.m., Jerry Bollig arriving at 5:41 p.m., Randy Way leaving at 8:38 p.m., Phil Harms, Darlene Groenier, and Jon Lourigan arriving late. Also present: Administrator Mike Gracz, Village Attorney Matt Dregne, Village Engineer Joe Eberle, Police Chief Doug Pettit arriving at 6:02 p.m. and leaving at 7:40 p.m., and Clerk Assistant Peggy Haag.
3. **CLOSED SESSION: At 5:34 p.m., Harms 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 Poole. Roll call: Poole – yes; Harms – yes; Staton – yes; Way – yes; Groenier – yes; Motion carried 5-0.**
4. **RECONVENE.** At 5:46 p.m., the Board reconvened into open session on a motion by Bollig, second by Groenier. Motion carried 7-0. Following a short recess, the meeting reconvened.

Certain items were taken out of order to accommodate members of the audience but for ease in reading remaining in order.

5. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.**

- a) FYI – The Bergamont Stormwater Report originally scheduled to be discussed at tonight’s meeting has been tabled until a future meeting (President Staton). This has been tabled until a future meeting because Kamran Mesbah from Dane County is working on bringing back data. Jim Weber approached the Board and voiced his concerns about this issue. Staton said he is unable to answer questions until the Village gets info back from Mesbah and the engineers. Weber asked when the next meeting is. Gracz said he is trying to set up a meeting with him in the next couple weeks. Weber has two requests he would like documented, 1) Weber is requesting the Village vote on whether they get the as-built however need be. He is going on record he asked for it as a landowner and he has a public records right to it when it comes out. He wants it heard the 40-50 acres originally approved on The Bergamont Plan to have the water shed reversed in other words the natural drain that was not intended for the Sugar River Basin is now intended for the Sugar River Basin. He stands 100% against. He feels the Bergamont project was supposed to be policed by the Village of Oregon and Dane County recommendations were not met.
- b) Public Hearing on Village’s intent to Levy Special Assessments under Municipal Police Power pursuant to Wis. Stats. Sec. 66.0701 and 66.0703 for installation of sidewalks on North Main Street. Public Hearing Opened: 6:21 p.m.

Public Comments: Jerry Hackbart, owner of Hack’s Sports Page at 116 Braun Road spoke against putting in sidewalks because he won’t have any where to put his snow. Staton spoke on behalf of Below stating there have been numerous complaints regarding not having a sidewalk in that area.

Kevin Lord of MSA Professional Services stated from an engineering standpoint the reason this project is being done is for safety. The sidewalk is set for a foot off the property line which is standard.

There was discussion on snow removal. There was also discussion on making this a pedestrian/bike path.

Public Hearing Closed: 6:40 p.m.

1) Discussion and Possible Action regarding Resolution #09-12, Final Resolution Authorizing Public Improvements and Levying Special Assessments against Benefited Property (to be considered at May 18th meeting)

- c) Communication from Laurie & Ronald Stevens regarding water issues on Soden Dr. – Refer to May Public Works Meeting. The original pictures were handed out for better viewing. Mr. Stevens owns two duplexes at 321-329 Soden Dr. The duplexes were built 7 years ago. He hired an engineer that tested the water and gave him the ok to build with the stipulation that basements were not built. There is a lot next to the duplexes continually filling with water. The only way to get rid of the water is to physically pump it out. Mr. Stevens has talked to Below over the years and has heard the Village is not in the position to do anything, but after the rainfall of the past couple years he is very concerned about safety. He would like to see a storm drain put in. There was a lot of discussion about the water, flooding and whether these duplexes should have been built. Lourigan stated he was against this project when it came to the Board originally. Staton said this will go back to Public Works and when Below will be around to discuss this as well.
- d) Discussion and Possible Action re: Submitting Historic Preservation Grants for Downtown Water Tower (Joan Gefke). Joan Gefke, Vice Chair of HPC, spoke on behalf of obtaining grants for the water tower. In order to receive a grant for the water tower it needs to be listed on the national register to be eligible, there are time limits on the grants and most grants are 50/50. Gracz stated a structural analysis was done and the Village is waiting on the report. Gracz stated there are two issues. Gefke said the structural analysis that was done can't be used as a basis for submitting the 50/50 grant. There was considerable discussion on the Village paying for the restoration of the water tower and not know exactly how much it will cost. Way stated we need a price and the understanding once the feasibility study is done we have the right to walk away. If those terms cannot be agreed to we can't do this. All of the Board members directed Gefke to research grant money without commitment of public funds at this time. Way stated to shoot for getting this done for the October 1, 2009 deadline.
- e) Village Attorney's Reports
 - 1) Discussion and Possible Action re: Assignment of Developer's Agreement for Drumlin Addition to Alpine Meadows. This has been rescheduled to Monday, May 11th.
 - 2) Status of Earth Tech Settlement Agreement. Village Attorney, Matt Dregne stated the Village and Earth Tech have reached an agreement resolving outstanding issues relating to the severance of the relationship. The agreement is signed and under that Earth Tech is to provide copies of files they have in their possession.
 - 3) Status of Agreement with Verizon Resolving Elevation Conflict with existing Duct Bank related to 72" Culvert Replacement Project. Village Attorney, Matt Dregne stated the Village has reached an agreement with Verizon in which they will reimburse the Village all of the cost the Village incurred circumventing the Verizon infrastructure in the Spring Street right-of-way in connection with the installation of the 72" storm sewer culvert. The agreement has been signed and the Village should be receiving payment within 30 days.
- 6) Continuing Discussion and Possible Action regarding Chapter 22—New Stormwater Regulations and Review of Major Issues: Eberle stated this is a continuing discussion the Village has had over the past few months regarding changes to the Village's existing stormwater and management and control ordinance. Staff wanted to go over policy issues they need direction on in order to get this finalized and implemented within the next few months.
 - a) Performance Standards. The Village is required to have an ordinance that is at least as restrictive as Dane County and the DNR. There is a separate requirement for land that is within the west side drainage area including essentially everything draining to the 72" culvert west of Kwik Trip. Structure protection and safety issue includes a restriction on what the lowest building elevation can be. The way it is drafted it can be a minimum of 2' above the seasonal high ground water level. There was discussion on how to implement

this. Eberle said it would be done when someone comes in for a building permit. Dregne questioned if this could be implemented affectively. There was discussion. Staff needs to talk about the timing of things and when something is approved. Dregne stated there is a list of standards in the ordinance that a plan needs to satisfy. Dregne questioned which one of these would apply 1) if the developer builds what is shown in the plan is that the end of the matter 2) do the performance standards have to be met or if shown on paper they are approved and then is it decided they have to meet the performance standards? This is not clear in the Village Ordinance right now.

- b) Inspection Protocol to ensure Compliance. Dregne asked what the inspection and compliance protocol is going to be to ensure the requirements of the plan have been done. Currently, the developer's engineer certifies to the Village in writing they have implemented the plan. Is that sufficient for the Village? If it's not, what do you want to do? Lourigan asked about when things are done in phases. Current language states within 10 days after completion you certified it was done properly. Right now there is nothing in the Village ordinance stating how a stormwater management plan or permit is closed. What should the final site inspection include? Dregne asked for direction from the Board what kind of inspection process do you think is appropriate? Eberle stated there is a provision being added to the ordinance; a maintenance plan to be certified on an annual basis stating the maintenance is being done and the system is operating as intended. Dregne would like to take out "a final site inspection by the Public Works provision" because if you are the public works director, I wouldn't know what I am supposed to do. Gracz suggested asking Dane County what is supposed to be done and how is it determined if in compliance. Way stated if something is permitted and it is built the way the Village tells someone to build it the burden is the Village's. Staton agreed.
- c) Urban Service Area Compliance. Dregne stated the Village has stormwater management regulations and the Capital Area Regional Planning Commission has previously imposed additional obligations relating to stormwater management. Dregne asked if the Village should include language in its ordinance requiring an addition to the performance standards. Right now the Village does not have authority to take enforcement actions as a Village to enforce RPC's conditions in the stormwater management ordinance. Eberle stated if CARPC issues or denies an urban service area amendment it is to the Village not the developers. There was more discussion. Dregne stated this should be put in the stormwater ordinance and subdivision ordinance if CARPC is requiring this of the Village. Dregne will draft something.
- d) Extra-Territorial Enforcement. Eberle stated page 2 under 2205 applicability is under the Village's existing ordinance and ETZ area. Dregne does not think the Village can do this so Gracz says it should be stricken. Staton stated if this is not enforceable then it should be taken out. There were no objections after discussion.
- e) Annual Maintenance Certification. Dregne stated if stormwater management facilities are public the Village can do the maintenance. If they are private it is more complicated. If the Village has a choice in the matter it is in the interest of the Village to be public. After the 2007 floods Gracz stated it was thought the private ponds in the Village were not being inspected and the Village does not have maintenance agreements on them. Eberle stated the City of Madison requires an annual maintenance inspection. A form certifying everything is ok and gets recorded with the property. It was discussed this would be done going forward. The Village can notify to have maintenance done or do it themselves if there isn't compliance with ponds that are already built. It makes sense for the Village to do this and everyone agreed. There was discussion.

7.) Approval of Minutes

- a) Regular meeting 4/20/09 **Bollig moved, second by Poole, to approve the minutes of the regular meeting of April 20, 2009 after amending item 5(d) stating the Village would be responsible for maintaining the pedestrian/bike path.** This was brought to the Village's attention by Gene Qualmann of WISCO. **Motion carried 7-0.**
- b) Organizational meeting 4/21/09. **Poole moved, second by Harms, to approve the minutes of the Organizational meeting of April 21, 2009. Motion carried 7-0.**
- 8.) Approval of Vouchers **Bollig, second by Harms to approve the payment of vouchers for the General Operating Fund in the amount of \$131,592.33 per the list dated May 4, 2009.** Lourigan wanted to ask Below about the Alliant bill on page 1 building #60 (re: WWTP). It appears to have increased \$4,000. Gracz will ask Below. **Roll call vote: Way – yes; Poole – yes; Staton – yes; Groenier – yes; Bollig – yes; Harms – yes; and Lourigan – yes. Motion carried 7-0.**
- 9.) Community Input. The Village Board has established an opportunity for the public to address the Board. In the event community members wish to address the Board, 15 minutes will be provided; otherwise the agenda will proceed as posted. Hans Noeldner of 133 W. Lincoln Street expressed his dissatisfaction with the monitoring and enforcement of loud car stereos. Noeldner said after speaking to a police officer stating noise is subjective he was told if a vehicle is not stopped there is not a violation. Noeldner suggested noise violation be treated like speed violations because speeding is not a subjective issue. Noeldner stated the law says something should not be audible at 75 feet. Staton asked that this go back to the Personnel, Public Safety, & Protection Committee Meeting May 19th. Noeldner was asked to resend his request to Gracz so the committee could see Noeldner's e-mail.
- 10.) Proclamations and Announcements. None.

a) Village Board Comments. Groenier commented with all of the new bike paths the Village is installing there should be more of an emphasis on having a bike license. It is not mandated right now but Gracz will talk to Chief Pettit regarding this issue and it will go to the May Personnel Meeting.

Staton mentioned the work Vandewalle did on Rustic Vinyard Park was \$1700 not \$5000 to clarify. Harms attended the Rustic Vinyard meeting on Tuesday night and it was a very positive meeting. They are coming back to the Park Board on May 6th.

b) Staff Comments

- 1) Open Book and Board of Review Hours Set
 - a) Open Book – 12:00 pm to 7:00 pm, Wednesday, June 3rd and 8:00 pm to 3:00 pm, Thursday, June 4th. This information is on the Village web page. Poole asked if people that have changing assessments will be notified and asked when the letters would go out. Gracz was not positive but thought the middle of May.
 - b) Board of Review – June 24th – 4:00 pm to 6:00 pm.
- 2) Planting and Watering Schedule for Downtown Planters and Punch List – Below. This will be discussed at the May 11th meeting.

11.) Communication and Miscellaneous Business

- a) Discussion and Possible Action regarding Resolution #09-16 Opposing Proposed Changes to Prevailing Wage Law. Gracz handed out a letter from Gary Hebl's office stating negotiations are still ongoing and he agrees \$2000 is to low. They are working on trying to increase the threshold. The league is trying to generate interest so it is known to be a concern for us. **Motion by Bollig to approve Resolution #09-16 Opposing Proposed Changes to Prevailing Wage Law. Second by Harms.** Lourigan asked why the change is being proposed. Gracz said it is in the governor's budget. Gracz said his understanding is the unions want this and this is the governor's response. There was some discussion. **Motion carried 6-1 with Lourigan opposing.**

- b) Nomination and Appointment of Board Vice President Staton asked for nominations for Vice President. **Lourigan nominated Way. Second by Harms. Way nominated Bollig. Second by Poole.** Way requested to not be considered. There was discussion. Lourigan and Harms both retracted their nomination and second. **Harms nominated Pool. Second by Groenier. Staton, Way and Poole voted for Bollig and Bollig, Harms, Lourigan, and Groenier voted for Poole. Poole won 4-3.**
 - c) Discussion and Possible Action re: Changing Monthly Finance Committee Meetings into Special Board Meetings until November (Completion of 2010 Budget) (Per Trustee Bollig). **Motion by Bollig to approve changing monthly Finance Committee Meetings into Special Board Meetings until November. Second by Way.** Harms asked if this would make the length of the other meeting shorter. Gracz agreed and stated there would be discussion about the budget and the meetings would be televised for residents to see. Gracz also stated the Board would not take recommendations to the next Board meeting they would act on it then if they would like or carry it over for more discussion if necessary. **Motion carried 7-0.**
 - d) Discussion of Draft May Calendar. Gracz asked if the Board would like 5:30 p.m. as the starting time and the Board okayed 5:30 p.m. Gracz asked when Personnel and Public Works meetings could be held. It was decided May 19th for both Personnel and Public Works meetings.
 - e) FYI – Reminder of Public Forum regarding Draft Master Bike/Pedestrian Path Plan – May 7th, at 6:30 pm. There will be an open house at 6 pm with consultants talking about this.
 - f) FYI – Dedication of West Lincoln Street Historic District – at the corner of Market and W. Lincoln on May 21, 2009 at 5:30 pm. This will be on the website.
 - g) FYI – Update from Dane County re Swine Flu. The City of Madison news release stated they are continually monitoring this and maintaining close communication with the CDC, Wisconsin Department of Health Services, local health systems, as well as city and county government. Updated information is available daily at www.publichealthmdc.com and there is a link on our webpage.
 - h) FYI – Cleanup of Badfish Creek. This will take place May 9th.
 - i) Discussion of RTA Legislation. Gracz said it looks like the referendum will only apply to the communities that are in the MPO. It is going to be required to do a referendum but only in the affected communities at this point. It is Gracz's understanding this will not affect the Village of Oregon unless the Village wants to become part of the MPO. The Village could petition to be involved.
- 12) Report of Committees:
- a) Committee Minutes Not Requiring Action
 - 1) COA - 3-12-09. There was no discussion.
- 13) Unfinished Business. None.
- 14) Future Agenda Items
- a) Schedule League of Wisconsin Municipalities Mutual Insurance Company's Viewing of DVD on Public Officials' Liability. There was no discussion.
 - b) Brian Busler, Oregon School District Superintendent, to attend May 18th Board meeting. There was no discussion.

15) **ADJOURNMENT**. The meeting was adjourned at 9:12 p.m. on **motion by Bollig, second by Lourigan. Motion carried 6-0.**

Respectfully Submitted by
Peggy S. K. Haag,
Clerk Assistant III