

1. **CALL TO ORDER.** President Staton called the regular meeting of the Village Board to order on Monday, May 18, 2009 at 6:08 p.m.
2. **ROLLCALL.** Present: Jerry Bollig, Darlene Groenier, Jon Lourigan, Eric Poole, Steve Staton and Randy Way. Absent: Phil Harms. Also present: Administrator Mike Gracz, Public Works Director Mark Below, Police Chief Doug Pettit and Village Clerk Georgia Johnson.
3. **PUBLIC APPEARANCES AND PUBLIC HEARINGS.**
 - a) **Oregon School District Superintendent Brian Busler.** Superintendent Busler spoke to the School District's visionary plans for the future emphasizing several of the task forces that have been formed to address such issues as: assessment of graduation requirements, updating job descriptions for teachers, online learning initiatives, the Jaycee Park project and the Lerner Park Rotary Elementary School Project. Busler noted the strong partnership with the School District and the Village and thanked the Board for its support.
4. **VILLAGE ATTORNEY REPORT.**
 - a) **Discussion with MSA and Parisi and Deits regarding Peaceful Hearts' Stormwater Issues.** A telephone conference call was put through to Attorney Dregne who was unable to be present. Dregne gave a brief description of the issues noting the situation that exists today, the situation that may occur in the future, and the property owners' basement is experiencing dampness (seepage). Dregne stated it is not factually clear that the issues are factually related or whether the Village is liable. If the Village has responsibility, it would be covered under the Village's liability insurance and there is a claim process for filing for any damage to the property. The contractor, assuming the contractor was negligent, would also have liability coverage. The proposed agreement indicates the Village would excavate the soil and backfill with a different—soil-bentonite—mix to prevent storm water from seeping into the Deits' basement. Concerns include (1) it is not clear that this solution will solve the problem with any degree of certainty; (2) undertaking the proposed work could lead to further damage; and (3) if the work is undertaken it is not clear whether the Village's insurance would cover it. Considerable discussion followed including the Deits' concerns with signing an agreement waiving any claim they may have in the future, concerns with excavating without a high degree of certainty that backfilling with different material would resolve the seepage issues, the contractor's position is that the property was not damaged, if the Deits feel the property has been damaged they should follow the procedure for filing a notice of claim with the Village that the property has been damaged and that the Village and/or contractor are responsible, the Deits' belief that there was a defect in the workmanship and that it should be a warranty bond claim against the contractors' work, whether the work done was according to the requirements, and the approach taken initially to repair the pipe when it was found to be leaking. Dregne concluded by suggesting again that the Deits file a notice of claim against the Village describing the damage and requesting compensation. The Deits requested to continue to discuss this matter with Village staff rather than at a Village Board meeting.
 - b) **Authorizing Offers to Purchase for 340 Florida Avenue and 370 Florida Avenue and Authorize Village Staff to Execute Documents.** (Contingent on Village receiving the information from the DNR.) It was noted the DNR has agreed to the appraisal amounts. The DNR Grant will need to be amended. There was discussion regarding holding a special meeting later in the week to authorize the offers to purchase and authorize staff to execute the documents. It was agreed to hold a special meeting Thursday morning at 6:45 a.m. Four Board members indicated they could attend.
 - c) **Discussion of Email from Dane County regarding Grant for Florida Avenue Homes.** Reference was made to the County's request regarding payment of the county funding. Gracz noted the County is faced with the same budgeting challenges as the Village and the Finance Director has indicated she sees no problem with receiving the funds in installments as presented. There was discussion.

It was agreed to take certain items out of order to accommodate members of the audience. For ease in reading, items appear in the order in which they are on the agenda.

5. **APPROVAL OF MINUTES.**

- a) Joint Village Board and Downtown Ad Hoc Committee meeting 2/2/09. **Bollig moved, second by Poole, to approve the minutes of the Joint Village Board and Downtown Ad Hoc Committee meeting of February 2, 2009.**
- b) Joint Historic Preservation Commission, Village Board & Planning Commission 4/16/09. **Bollig moved, second by Groenier, to approve the minutes of the Joint Historic Preservation Commission, Village Board and Planning Commission meeting of April 16, 2009.**

6. **APPROVAL OF VOUCHERS.** **Poole moved, second by Groenier, to approve the payment of vouchers for the General Operating Fund in the amount of \$204,046.89 per the revised list dated May 18, 2009. Roll call vote: Bollig – yes; Groenier – yes; Way – yes; Poole – yes; Lourigan – yes; Staton – yes. Motion carried 6-0.**

7. **COMMUNITY INPUT.** None.

8. **PROCLAMATIONS AND ANNOUNCEMENTS.**

- a) Village Board Comments. None.
- b) Staff Comments.
 - 1) Notices of Assessment being mailed 5/19/09. For informational purposes.

9. **COMMUNICATION AND MISCELLANEOUS BUSINESS.**

- a) Discussion and Possible Action regarding Adopting Resolution #09-12—Final Resolution Authorizing Public Improvements and Levying Special Assessments against benefited property pursuant to Wis. Stats. §66.0701 and 66.0703 for Installation of Sidewalks on North Main Street. **Bollig moved, second by Lourigan, to approve Resolution #09-12 authorizing public improvements and levying special assessments against benefited property for installation of sidewalks on N. Main Street.** It was noted the public hearing on this matter was held May 4, 2009, the agenda for tonight's meeting was sent to all property owners, whether there was adequate space for snow storage and so forth. **Motion carried 6-0.**
- b) Status of Stimulus Projects. Below referred to the three priority projects to be considered for Federal monies under the ARRA Small Urban Transportation program including (1) North Burr Oak; (2) repairs of South Burr Oak; and (3) mill and overlay of North Oak Street. The work will consist of relay of the storm sewer from Jefferson to the creek, patches and repairs to some of the sewer and water laterals that have sunk, and mills and overlay work.
- c) Continued Discussion and Possible Action regarding Disconnection for Failure to Pay Municipal Services Bill and Direct Staff to Send Letter to Delinquent Customers and Report results at June 8th Special Board meeting. (Referred from 5/11/09 meeting) Gracz referred to the sample letter in the packet. There has been an increase in unpaid utility bills from last year—by 30% which causes cash flow problems for the water utility. There was discussion. **Bollig moved, second by Lourigan, to direct staff to send out the disconnection letters as presented and report back with results at the June 8th Special Board meeting. Motion carried 6-0.**
- d) Disposal of Public Works Office Equipment. **Bollig moved, second by Groenier, to authorize staff to dispose of the Public Work's office equipment.** Below stated this is a copier/fax machine that quit working. **Motion carried 6-0.**

10. **REPORT OF COMMITTEES.**

- a) Planning Commission 5/7/09.
 - 1) Discussion and Possible Action regarding the CSM for Out Lot 1 on Braun Road. Below noted this is to readjust some lot lines for Out Lot 1 on Braun Road and the Planning Commission

recommended approval. **Bollig moved, second by Poole, to approve the CSM for Out Lot 1 on Braun Road. Motion carried 6-0.**

- 2) Discussion and Possible Action regarding the Notice from Dane County Zoning & Land Regulation Committee regarding the Conditional Use Permit in the Town of Oregon. (848 Tipperary Road) Below stated the recommendation from Planning is not to take a position regarding the CUP in the Town of Oregon at 848 Tipperary Road. **Poole moved not to take a position regarding the Dane County Zoning & Land Regulation Committee's notice regarding the Conditional Use Permit in the Town of Oregon on Tipperary Road. Second by Bollig. Motion carried 6-0.**
 - 3) Discussion and Possible Action re: Braun Road Relocation Order and Resolution of Necessity. (Resolution #09-17 to be included in the motion.) Below referred to the Braun Road Relocation Order noting the Planning Commission recommends approval. **Bollig moved to approve Resolution #09-17 approving the Braun Road Relocation Order and Resolution of Necessity. Second by Groenier. Motion carried 6-0.**
- b) Park Board 5/6/09.
- 1) Discussion and Possible Action re: Use of Jaycee Park for Summer Fest Event June 26, 2009. **Lourigan moved to approve the Oregon Chamber of Commerce using the grass area along Oak Street and west of the drainage ditch for the Classic Car, Bike and Truck Show on June 26th, contingent on the ground being dry in which case the parking lot across from the tennis courts would be used. Second by Poole.** Pettit noted the Chamber actually wanted to use the area east of the drainage ditch—where the shelter is. **Lourigan amended the motion to change “west” to “east” of the drainage ditch. Second by Poole.** There was discussion. **Motion carried 6-0.**
 - 2) Discussion and Possible Action re: Rustic Vinyard Park for Baseball Diamond. **Lourigan moved to approve the relocation of the existing backstop in Rustic Vinyard Park with infield to consist of a mixture of sand and aglime or compatible material, the fencing 8 feet high and 80 feet long with team bleachers on both sides, and the scoreboard to be located on the first base side with no home run fence. Second by Way.** There was discussion regarding the efforts made by the neighborhood residents to resolve the issues and reach a favorable outcome. Following discussion, **Lourigan amended the motion to include “located in the northwest corner of the park”. Second by Way. Motion carried 6-0.**
 - 3) Discussion and Possible Action re: Funding for Rustic Vinyard Park Development. **Lourigan moved to approve contribution of \$2,500 previously committed to acquisition of the practice field backstop to be used to develop the Rustic Vinyard Park baseball diamond. Second by Bollig.** There was discussion. The Public Works Department will assist with the work and it was requested that the labor be tracked and deducted from Park Funds. **Motion carried 6-0.**
 - 4) Discussion and Possible Action re: Sign for Waterman Park as part of Downtown Project. **Lourigan moved, second by Poole, to accept the sign design as presented with no cost to the Park Board.** There was discussion. Below stated the plan was to keep the theme of the downtown and it will be part of the project costs. **Motion carried 6-0.**
- c) Personnel, Public Safety & Protection 5/18/09.
- 1) Discussion and Possible Action re: Approval of Permit for Oregon Chamber of Commerce to be present in the fenced swimming pool area after posted hours for Summer Fest Event. **Poole moved, second by Bollig, to permit the Oregon Chamber of Commerce to be present in the fenced swimming pool area after posted hours for the Summer Fest Event.** Poole noted this is done every year and authorizes use of the area after posted hours for Summer Fest activities. **Motion carried 6-0.**

- 2) Class B Picnic License for Beer Tents for Summer Fest Event Issued. No Board action is needed. The event dates are from June 25th through June 28th, 2009.

- d) Committee Minutes Not Requiring Action.
1) Library Board 4/8/09

11. **UNFINISHED BUSINESS.**

- a) Highway 14 Project: Discussion and Possible Action re: Bike/Pedestrian Path along Highway 138. Staton noted that the Village is still waiting for numbers, this will go to the June 15th Board meeting when there are actual dollar amounts and a decision will have to be made that night. There was discussion including how the project would be paid for—part of the project by the DOT and part would be 80/20 split between the DOT and the Village; staff met with the DOT regarding the Community Sensitive Design last week; the Board will have to decide whether it wants to do the bike/pedestrian path; Board would like a recommendation from staff as to where the funding would come; would use TIF #4 to pay for the project; if not enough TIF #4 monies, could front it from Fund 405 Street Improvement; the Town of Rutland (Beske) has been involved in the discussions; most of the project is outside of the Village; Village involvement is west of Park Street; etc. This item and item (b) will be on the June 15th agenda.
- b) Highway 14 Project: Discussion and Possible Action re: Community Sensitive Design. Discussed above.

12. **FUTURE AGENDA ITEMS.**

- a) Schedule League of Wisconsin Municipalities Mutual Insurance Company's Viewing of DVD on Public Officials' Liability.
- b) Possible Offers of Purchase of Homes on Florida Avenue and Authorize Village Staff to Execute Documents (due to potential scheduling conflicts).
- c) Discussion and Possible Action regarding Establishing a Community Panel for Strategic Planning Committee.

13. **CLOSED SESSION.** At 7:40 p.m., Poole **moved** to adjourn into closed session pursuant to Wis. Stats. §19.85(1)(c) permitting a closed session to consider performance evaluation data for conducting performance evaluations on the Village Administrator and Department Heads. **Second by Bollig. Roll call: Groenier – yes; Bollig – yes; Way – yes; Poole – yes; Staton – yes; Lourigan – yes. Motion carried 6-0.**

14. **ADJOURNMENT.** The meeting was adjourned in closed session at 8:16 p.m. on **motion by Bollig, second by Lourigan. Motion carried 6-0.**

Submitted by
Georgia Johnson,
Village Clerk