

REVISED 12/7/09

1. **CALL TO ORDER**. President Staton called the regular meeting of the Village Board to order on Monday, November 16, 2009, at 6:00 p.m.
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, Public Works Director Mark Below, Police Chief Doug Pettit, Library Director Susan Santner and Village Clerk Georgia Johnson.
3. **PUBLIC APPEARANCES AND PUBLIC HEARINGS**.
 - a) Discussion and Possible Action re: 391 Ash Street Water & Sewer Bills (Rhonda Orosz). Rhonda Orosz, 391 Ash Street, requested the Board to consider some relief with regard to delinquent water and sewer bills the prior owner incurred on this property. Orosz had sold the property on Land Contract, the buyer defaulted and subsequently the property was returned to her along with delinquent real estate taxes and water and sewer bills. There was considerable discussion after which **Bollig moved to offer a payment plan to Ms. Orosz and not place the delinquent utilities on the tax roll. Second by Harms.** Discussion continued regarding interest charges. **Bollig amended the motion to include that Ms. Orosz assume responsibility for the debt and staff will work out a payment plan. Harms seconded. Motion carried 7-0.**

It was agreed to take certain items out of order to accommodate the audience.

- b) Discussion and Possible Action re: Terrace Trees at 116 W. Lincoln Street (Kermit & Beth Traska) and at 126 W. Lincoln Street (Jennifer Diamond). (Arborist determined the trees need to be removed.) **Poole moved to authorize removal of the trees on W. Lincoln Street as recommended by the arborist. Second by Groenier.** There was discussion regarding getting a copy of the report, what trees would be removed, the recommendation to remove is due to the condition of the trees, the estimated cost of removal is \$3,000 and the arborist uses a density meter to determine the condition of the tree. Gracz advised that past practice has been that if a tree is determined to be unhealthy at risk, the tree is taken down without bringing it to the Board. The trees in question had not been determined as being unhealthy. **Motion carried 7-0.**
 - c) Discussion and Possible Action re: Terrace Trees at 558 S. Perry Parkway – Vicki Moeser. Gracz stated this can be tabled.
 - d) Discussion and Possible Action with Kevin Lord from MSA re: Possible Liquidated Damages Assessed to Mandt Construction for Downtown Phase II Project. Kevin Lord stated he was asked for a letter of recommendation for liquidated damages against Mandt Construction for the downtown project and referred to the letter dated November 12th along with the list of items to be completed per the contract. The initial completion date was October 4th; costs associated with the delay include the additional time required of the project manager, and a number of items that need to be completed. Lord noted the contract allows for a \$250/per day penalty each day the project is delayed to the day the project is completed (currently totals approximately \$10,000), and the ability to withhold the liquidated damages from the last payment. There was discussion. It was concluded to refer this to the next Public Works Committee meeting (in January) for a recommendation.
4. **2010 BUDGET**.
 - a) Open Public Hearing on 2010 Annual Budget. At 7:06 p.m., President Staton opened the public hearing on the 2010 annual budget. It was agreed to have staff summarize the 2010 budget. Gracz thanked the Board members and the Department Heads for all their hard work and particularly Finance Director Hoeft for her work starting back in January on bringing the Board a balanced budget. It was noted, depending on when the County adopts its budget, the Board will have a special Board meeting—either

the 23rd or 30th of November to adopt the budget. Board members indicated they would be available and it was agreed that the meeting start at 5:00 p.m.

Gracz and Hoeft summarized the following 2010 budget items:

- Major projects include finishing Braun Road in TIF #2 and the resurfacing of Market Street in TIF #3
- Total levy increase for 2010 budget is \$115,302 noting that without Increment sharing between TIF #2 and TIF #3 that number would have been much higher
- 2009 tax rate is \$4.86 per \$1,000 of assessed value up from \$4.76 a year ago
- Hoeft went over sample tax bills (pg. 9)
- 2010 Tax levy cap is 3% and will be in 2011 as well
- Increase in Highway Aids
- Not eligible for Expenditure Restraint Program-mill rate under \$5.00 per thousand of assessed value
- Decrease in State Shared Revenue
- Anticipated reduction in Recycling Grant \$9,000
- Base fee for refuse and recycling for utility bills will be \$11.06 in 2010—includes base charge of \$10.48 plus \$0.58 generator tax. The fuel surcharge is not known and will depend on diesel fuel prices.
- Only one summer LTE position for Public Works Department, not filling one position in the front office, one police officer position will be filled March 1st and one position July 1st.
- Total revenues and expenditures are decreasing 1.1%
- Total revenues and expenditures for 2010 are \$5,060,665
- Budget includes a levy reduction of \$30,770 for 2008 assessor error
- Charts were provided showing revenues by category; expenditures by type, category and department
- Debt service—principal and interest payments
- 2010 Board Issues include adopting 10-year Capital Improvement Plan, 5-Year Financial Plan, Board will be asked to prioritize 2010 projects
- 2011 Budget concerns

Bollig stated for the public that the budget has been in discussions since this past June, the Board has spent many hours in budget meetings, the budget has been scrutinized in depth by the Board members and this is the public's opportunity to address any budget concerns or issues. Staton concurred. Thanks were expressed to staff as well as to the Village employees and the Unions for their cooperation in coming to a balanced budget.

Staton asked if there was anyone present that wanted to address the Board regarding the proposed budget and no one came forward to speak.

- b) Continued Discussion re: Youth Center Funding from Other Communities for 2010. Staton confirmed with the Youth Center Director that the other communities have committed except for Brooklyn and the Director is meeting with Brooklyn this week.
- c) Continued Discussion and Possible Action re: Possible 2010 Funding for THRIVE. Staton referred to the materials in the packet. It was noted the request is for \$676, the funds are used for economic development throughout the region including recruiting businesses, whether the Village would benefit, where the funding would come from and so forth. Following discussion, **Bollig moved to include the request for \$676 for THRIVE in the 2010 budget but not commit to the three-year pledge. Second by Lourigan.** There was further discussion. **Motion carried 7-0.**
- d) (From 11/9/09 Finance Meeting) Discussion and Possible Action re: Railroad Insurance Effective 11/18/09. **Staton moved to approve the quote from Travelers Insurance for railroad insurance at**

a cost of \$31,913 (\$15,956—Village share) with \$100,000 deductible except for Flood Zone A which is a \$250,000 deductible. The current premium from Lloyds of London is \$32,664. Second by Way. There was discussion including whether the funding is in the budget, how long will the Village have to carry insurance coverage on the railroad, coverage will be carried until the line is activated, one-half of funding comes from TIF #2, Wisconsin Southern will be the operator of the line when it is activated, and so forth. **Motion carried 7-0.**

- e) Commission of Insurance Directs Local Government Property Insurance Fund to Declare \$12 Million Dividend--\$8,718 Village Dividend. Johnson noted legislation was introduced to declare dividends be paid to users of the Local Government Property Insurance Fund due to a \$40M surplus in the Fund. The Village is slated to receive \$8,718.00—the dividend will be credited to the Village’s 2010 premium payment. There was some discussion regarding how GASB will view the payment and whether it will be accounted for in 2009 or 2010.
- f) Village Attorney’s Review of Trustee Way’s Voting on 2010 Budget. The issue is that Trustee Way is also on the Fire Department and the Village’s Attorney looked into whether there was a conflict of interest in relation to voting on the budget which includes funding for the Fire Department. Attorney Dregne has advised that “Way can ethically vote on the Village budget.” Way noted he will be submitting an advisory opinion in writing as set out in Dregne’s letter.
- g) Discussion of Special Board meeting on 11/23 or 11/30 at 6:00 p.m. for Adoption of 2010 Budget Depending on Adoption of Dane County Budget. Previously discussed.
- h) Close Public Hearing on 2010 Annual Budget. The public hearing was closed at 7:37 p.m.

5. **APPROVAL OF MINUTES.**

- a) Special Village Board 11/24/08. **Bollig moved, second by Poole, to approve the minutes of the Special Village Board meeting of November 24, 2008. Motion carried 7-0.**
- b) Special Village Board 2/9/09. **Poole moved, second by Lourigan, to approve the minutes of the Special Village Board meeting of February 9, 2009. Motion carried 7-0.**
- c) Regular Village Board 3/16/09. **Poole moved, second by Groenier, to approve the minutes of the regular Village Board meeting of March 16, 2009. Motion carried 7-0.**
- d) Regular Village Board 7/20/09. **Poole moved, second by Groenier, to approve the minutes of the regular Village Board meeting of July 20, 2009. Motion carried 7-0.**
- e) Joint Meeting of Village Board and Planning Commission 8/10/09. **Poole moved, second by Groenier, to approve the minutes of the joint Village Board and Planning Commission meeting of August 10, 2009. Motion carried 7-0.**
- f) Special Village Board 9/28/09. **Poole moved, second by Groenier, to approve the minutes of the Special Village Board meeting of September 28, 2009. Motion carried 7-0.**
- g) Regular Village Board 10/5/09. **Poole moved, second by Groenier, to approve the minutes of the regular Village Board meeting of October 5, 2009. Motion carried 7-0.**
- h) Regular Village Board 11/2/09. **Poole moved, second by Groenier, to approve the minutes of the regular Village Board meeting of November 2, 2009. Motion carried 7-0.**

6. **PAYMENT OF VOUCHERS.** Poole moved, second by Groenier, to approve the payment of vouchers for the General Operating Fund in the amount of \$239,743.00 per the list dated November 16, 2009.

Roll call vote: Way – yes; Poole – yes; Staton – yes; Harms – yes; Bollig – yes; Groenier – yes; Lourigan – yes. There was discussion regarding certain items. **Motion carried 7-0.**

7. **COMMUNITY INPUT.** None.

8. **PROCLAMATIONS AND ANNOUNCEMENTS.**

- a) Village Board Comments. Discussion regarding stalls prohibiting parking at Tri-County Appliance. Groenier noted there is a problem with the Christmas lighting.
- b) Staff Comments. Below stated leaf pickup will continue weather permitting. The crew will be starting in the northeast corner of the Village—this is the third run.
 - 1) Dane County Treasurer urges homeowners to sign up for the Lottery Credit for 2009 Property Tax Relief. Hoeft referred to the County Treasurer's correspondence urging homeowners to make sure they are signed up for the Lottery Credit if they are eligible for it and noted the Village sent out 162 notices to residents that may be eligible.
 - 2) Request residents who are sick not to pay their taxes in person but use one of the other options available for payment. The public is being asked if they are sick to make tax payments by other means available for payment rather than expose the staff to illness by coming into Village Hall.
 - 3) Discussion regarding sump pump discharge complaints. Below stated generally homeowners are allowed to discharge their sump pumps into the street, however, for the winter months it is suggested that residents discharge their sump pumps into their sanitary sewer. There was some discussion.

9. **COMMUNICATION AND MISCELLANEOUS BUSINESS.**

- a) Discussion and Possible Action on Railroad Bridge on County M. **Bollig moved to authorize the Village President to send a letter to Dane County Executive Kathleen Falk supporting the request of the City of Fitchburg to replace the bridge on CTH M and retain the current grade separated configuration. Second by Poole.** Staton noted the County is looking at an at-grade crossing and the Village and City of Fitchburg are requesting the current grade be retained. **Motion carried 7-0.**
- b) Village Attorney Stafford Rosenbaum LLC's Rates for 2010 same as 2009. It was noted the 2010 rates for Stafford Rosenbaum legal fees will remain the same as 2009 which is much appreciated.
- c) Accept First Reading of Ordinance #09-05 Prohibiting Parking (request of Tri-County Appliance approved 11/2/09). **Poole moved, second by Groenier, to accept the first reading of Ordinance #09-05 prohibiting parking in the designated stalls on Spring Street.** Poole asked if there was any reason not to waive the second reading and adopt the ordinance tonight. There was discussion. It was noted the preferred method when it comes to parking issues is not to waive the second reading but to give the public an opportunity to respond should they want. Following discussion, the **motion to accept the first reading of Ordinance #09-05 carried 7-0.**
- d) Discussion and Possible Action re: Authorize Payment for AutoMark Election Equipment in the amount of \$14,985. Johnson referred to the summary sheet regarding the delay in receiving the voting equipment stating that the loaners have been picked up, the new equipment has been received and tested by Elections Systems and Software and this is a request to make payment. **Bollig moved, second by Groenier, to authorize payment for the AutoMark Election Equipment in the amount of \$14,985. Motion carried 7-0.**
- e) Discussion and Possible Action re: Authorizing Signing of Preservation Fund Grant for the WAHPC Spring Conference Workshop. Gracz stated this grant is being worked on by Vice Chair Joan Gefke and

she submitted a grant to the Dane County Cultural Commission to cover the Village's share for the conference. There was discussion. It was noted this is also on the Historic Preservation Commission's agenda for its Wednesday night meeting. **Harms moved to authorize the Village President to sign the Preservation Fund Grant for the WAHPC Spring Conference Workshop. Second by Groenier.** Following discussion, the **motion was withdrawn.** It was concluded to wait until after the HPC meeting and put this on the Board's Special meeting agenda for November 23rd.

- f) Discussion of December 3rd Joint Meeting with Planning Commission for Proposed Stormwater Ordinance. Staton noted this is a joint meeting with the Planning Commission regarding the proposed stormwater ordinance. There was a brief discussion and it was noted the meeting starts at 6:30 p.m. on December 3rd.
- g) Publish Notice of Spring Election on 11/19/09 for April 6, 2010 Election. It was noted the incumbents up for re-election are Jerry Bollig, Phil Harms and Jon Lourigan. Nomination papers can be taken out starting December 1st.
- h) Status of AB-239 regarding limiting Villages and Cities Use of Direct Annexation and AB-260 regarding Extraterritorial Plat Approval. Gracz referred to the information received from Representative Brett Davis and noted that Planner Slavney will be providing an opinion after he's had a chance to review it.
- i) Discussion and Possible Action re: Appointments of Citizen Members to Strategic Plan Outreach & Planning Committee. Staton noted there were eleven applicants for this committee and recommended appointing all eleven. Staton also recommended the appointment of Trustees Randy Way and Darlene Groenier, Village Administrator Mike Gracz, Police Chief Doug Pettit and Library Director Susan Santner. There was a brief discussion. **Harms moved, second by Way, to approve the appointments as noted.** The first meeting date has not been determined but the meetings will start at 6:00 p.m. **Motion carried 7-0.**

10. REPORT OF COMMITTEES.

- a) Finance, Buildings & Facilities 11/9/09.
 - 1) Discussion of Sewer Rate Review and Possible Action re: Water Rate Review by PSC. **Bollig moved to request an application from the Public Service Commission for review of water rates. Second by Groenier.** Hoeft noted that during a discussion with the PSC it was found that since the Village is still a Class C utility, it is not required to do a rate increase every five years. The Village could look into whether it qualifies for the simplified rate increase. She noted that the Village could also request the rate review, fill out the necessary paperwork and then compare the rate review versus the simplified rate increase before the Village makes a determination. Hoeft recommended the Village do the comparable and see where the rates are at before making a decision. There was discussion. **Motion carried 7-0.**
 - 2) Discussion and Possible Action re: Advance to Water Utility from Sewer Utility. **Bollig moved to approve an advance to the Water Utility from the Sewer Utility. Second by Poole.** Hoeft stated the transponders are being replaced in the water utility over a three period. It is several hundred thousand dollars expense to the water utility. Every year the water utility charges the sewer utility with a "joint meter fee"—that works well when meters are purchased over a period of many years, but because this is being done in a three year period, it puts a strain on the water utility's cash flow. Hoeft noted she has talked to the PSC and to the Village auditors about the sewer utility advancing funds to pay for the meters with the sewer utility not charging the water utility any interest for a ten year period. It was noted the cost is \$66,000.00 and that this has been previously discussed in detail. **The motion was amended to include the dollar amount of \$66,000.00, second by Groenier. Motion carried 7-0.**

- 3) Discussion and Possible Action regarding New Credit Cards (Purchasing Cards). **Bollig moved to approve the Chase Bank Commercial Classic Card Agreement. Second by Poole.** It was noted the Village is switching from M&I Bank to Chase Bank. Chase Bank is in with a conglomerate of counties and municipalities and depending on what the whole group spends it is possible to get a rebate at the end of the year. There was discussion including using it for larger purchase items in that the higher the volume the larger the rebate, the cards will be checked out when an employee needs to make a purchase and so forth. **Motion carried 7-0.**
 - 4) Approval of Budget Transfer #2009-3. **Bollig moved, second by Groenier, to approve Budget Transfer #2009-3 as presented.** Hoeft noted this covers Police grants that have been received, training reimbursement, an adjustment between line items for the Senior Center and adjustment of transfers going into capital purchase accounts. **Motion carried 7-0.**
- b) Planning Commission 11/5/09.
- 1) Discussion and Possible Action re: Final Plat Approval for Rolling Meadows. **Harms moved to approve the final plat for Rolling Meadows Homes Outlot 1. Second by Groenier.** This is the final plat which defines property lines with more clarity. It was noted the correct name should be Rolling Meadows Homes. The Department of Administration requested a few minor changes. Following discussion, **motion carried 7-0.**
 - 2) Discussion and Possible Action re: Foxboro Creekside Project – Darrell Wild’s Request to fill in floodplain and use of Village Pond area for Geothermal Project. Jeff Groenier was present to explain Darrell Wild’s request. There was discussion including filling in floodplain, use of Village pond areas, how the geothermal system works, would need the Village Engineer to approve the elevation, Public Works Director Below did not have a problem with the proposal, the property was included in the floodplain following the map amendment, Wild can petition FEMA to allow for filling in the flood plain, the use of the detention pond could be done by an easement, would like access to approximately 4.5 acres, the Planning Commission’s question was whether this is allowed on public land and felt it was more a policy issue that needed Board approval, currently zoned rural holding, it is land that would never be developed, and so forth. **Way moved, second by Harms, to authorize the Village Engineer to confirm the elevations that were presented. Motion carried 6-1 with Lourigan opposed.** Discussion continued regarding Wild’s request regarding the detention pond on the north side of his property and the Village owns a large portion of property to the east of Wild’s property including a pond and a dry detention area. There was considerable discussion. Following discussion, **Harms moved to have the Village Attorney explore whether public land can be used for the geothermal exercise with the understanding that as much as possible is on private property before public property.** Staton asked for a second to the motion. **Way seconded the motion if the last part of the motion was stricken—the use of private property vs. public property.** Discussion followed. **Harms amended the motion to authorize the Village Attorney to investigate the use of public lands for a private interest—a geothermal project. Second by Way.** There was further discussion. **Motion carried 7-0.**
- c) Park Board 11/4/2009.
- 1) Discussion and Possible Action re: Jim Lease Merri-Hill 4th Addition Concept Plan. **Lourigan moved to approve the concept plan of Merri-Hill 4th Addition park land to be adjacent to the Rustic Vineyard Park, the southwest corner not to be used as park land and a preliminary plan be presented to the Park Board in the future. Second by Bollig.** Lourigan noted the Park Board supports the concept as presented. **Motion carried 7-0.**
 - 2) Discussion and Possible Action re: Purchasing of Benches for Westside Community Park. **Lourigan moved to approve the purchase of four benches to be placed in the Westside Community Park for the sum of \$3,400—to avoid the cost increase for 2010 the benches will**

be ordered before December 1, 2009. Second by Groenier. Lourigan stated the funds will come out of Park Fund. **Motion carried 7-0.**

- d) Committee Minutes Not Requiring Action.
1) Library Board 10/14/09

11. **OREGON AREA FIRE/EMS COMMISSION REPORT.**

- a) Discussion and Possible Action re: New Village Appointments to Commission per President Staton.
Staton noted the current representatives are Trustee Lourigan and Trustee Poole. Trustee Poole is having difficulty making it to the Fire/EMS District meetings. There was discussion. Staton advised if any trustee was able to make that meeting to let him know to ensure that the Village is represented.
- b) Oregon Area Fire/EMS District Minutes 10/1/09 and 10/14/09. For informational purposes.

12. **FUTURE AGENDA ITEMS.** As listed on agenda.

13. **EXECUTIVE SESSION.** At 8:10 p.m., **Poole moved to adjourn into closed session pursuant to Wis. Stats. Sec. 19.85(1)(e) to discuss Village negotiations with the hotel developer and to discuss possible acquisition of sixteen (16) acres of vacant property located adjacent to the Westside Community Park. Second by Lourigan. Roll call vote: Way – yes; Poole – yes; Staton – yes; Harms – yes; Bollig – yes; Groenier – yes; Lourigan – yes. Motion carried 7-0.**

14. **ADJOURNMENT.** The meeting adjourned from closed session at 8:25 p.m. on **motion by Bollig, second by Groenier. Motion carried 7-0.**

Submitted by
Georgia Johnson,
Village Clerk