

**Regular Meeting Oregon Village Board
Monday, May 3, 2010**

1. **Call to order:** Village President Steve Staton called the regular Village Board meeting to order at 6:00 pm on Monday, May 3, 2010.
2. **Roll call:** Present: Randy Way, Phil Harms, Jon Lourigan, Darlene Groenier, Eric Poole, and Village President Steve Staton. Absent: David Donovan. Also Present: Village Administrator Mike Gracz, Public Works Director Mark Below, Chief of Police Doug Pettit, Village Attorney Matt Dregne, Library Director Susan Santner, Senior Center Director Alison Koelsch, and Deputy Clerk/Deputy Treasurer.
3. **Village Attorney's Report:**
 - a) **Discussion of Definitions of Class "A" and "Class A" Licenses:** Dregne summarized the definition of a Class "A" and "Class A" licenses. Dregne explained Walgreens is applying for the Class "A" and "Class A" combination licenses. Walgreens has stated they will only be selling beer and wine, however the "Class A" does allow for other intoxicating liquors to be sold. Dregne referenced other alcohol beverage licenses that the statutes provide for and there are multiple classifications available. Dregne suggested the Board familiarize themselves with all the classifications if the Board wishes to enact a moratorium. Way question if a "Class A" license can be approved conditionally? Dregne was not sure if this was legally binding or not. Dregne and the Walgreen's legal representative had discussed this previously and the Walgreen's representative is looking into it.
 - b) **Discussion and Possible Action re: Directing Village Attorney to prepare Ordinance for Moratorium of Liquor Licenses Issued by the Village Board:** Dregne summarized his memo in the Village Board packet, noting the basic questions at the last Village Board meeting was if the board had interest in studying alcohol beverage licensing issues, what kinds of regulations are in place under state law and if the Village wanted to adopt any local ordinances. Dregne noted during the process of the Board wanting to explore the alcohol beverage licensing issues, the question arised - how does the Village address applications that come in during that process? Dregne has come to the conclusion that one option would be to simply adopt a moratorium by ordinance. The Board would need to decide what the moratorium would apply to. Dregne noted there are quite a few license types and the Board would need to decide what specific alcohol license it applies to or if it will apply to all alcohol licenses. There are other key questions in adopting a moratorium which include how it would be structured, how much time does the Board consider appropriate to study and develop any new regulations, and what to do with pending applications. Dregne summarized options for the pending Walgreen's application. Dregne question if the Board would like for him to prepare a draft moratorium and if so what kind of moratorium would the Board like. Staton clarified an earlier statement from the previous Village Board meeting noting the error in processing the Walgreen's application occurred when the committee forwarded it to the Village Board. The Walgreen's application was not complete at that time or paid for, therefore should have not been forwarded to the Village Board at that time. The application should not have been posted or published because it was not complete. It was noted the license application has now been completed and paid for along with the publishing requirements have been met. It was noted if a moratorium was enacted the existing licenses subject to renewal would not be affected. Dregne noted the only grounds for non-renewal are dictated by state statute. There was discussion regarding the Village's scope of authority. Trustee Poole requested to hear the public comments before making any motion. *Staton moved to item 3 (c) for public comments.*

Dregne summarized the questions the Village Board needs to address: 1. Do you want a moratorium? 2. If so, on what licenses? 3. What is the nature of the moratorium? 4. How long will it last? 5. The Board would need to decide if they want the moratorium to apply to the Walgreen's application or not? Dregne noted under state law the combo Class B license is regulated in reference to how many a municipality can grant. Staton requested that Dregne prepare a draft leaving the questions listed above blank in the ordinance. Staton felt the Board has received a lot of resident feedback and feels the Board should

consider the impact on public safety and public health with regards to alcohol. Lourigan questioned if Staton wanted to act on 3 (d). Staton noted he would like to table that item. Lourigan is ready to act on the item and feels over the past four years this is the best illustration for a license to be issued. Dregne addressed what purpose the moratorium would serve. **Poole moved to direct the Village Attorney to prepare a draft ordinance for a moratorium on liquor licenses issued by the Village Board. Second by Harms.** Lourigan questioned if it will apply to all licenses or just some? Staton noted that discussion will occur when the draft of the ordinance is received. Staton emphasized it is only a draft that allows the Board to discuss the five questions Dregne listed earlier. Lourigan questioned if the Board should give Dregne better direction? Staton felt he is not ready to address specifics at this meeting and would like to give this more thought and discussion. Harms questioned if Dregne could give the Board options with the moratorium? Dregne stated he could. Dregne noted he will leave each of the 5 issues the Board needs to address blank so the Board could address each issue. **Roll call vote: Way – yes; Harms – yes; Lourigan – no; Groenier – yes; Poole – yes; Staton – yes. Motion carried 5-1.** *Staton moved to item 3 (d)*

- c) **President Staton will allow public comments at this point including Carol Lobes from County Executive's Coalition and Jenny Yuan from Walgreens:** Jenny Yuan, Attorney with Simpson & Deerdorf, was in attendance to represent Walgreens. Yuan addressed security concerns, noting Chief of Police Pettit spoke in favor of the securities that are in place. Yuan gave an overview of the securities. Yuan reviewed the previous meeting commenting the main concern seemed to be the ills of alcohol abuse in Wisconsin. Walgreen's position is they are concerned with alcohol abuse, but those concerns need to be addressed through education. Yuan discussed Walgreen's activities and community involvement that promote health and well being. Yuan didn't feel the concern over alcohol abuse wouldn't be furthered by Walgreen's being granted a liquor license, simply because Walgreen's has taken many steps to ensure they will sell alcohol in a responsible manner. Yuan present the reason for applying for the Class A liquor license is because the way the Wisconsin Legislature chose to write the law they can only sell wine and beer with a Class A liquor license. Yuan went on the record stating Walgreen's will only sell beer and wine and are very much aware of the controversy surrounding the license and will abide by an conditions the Board would set. Yuan presented a petition they had in their store noting the community support for Walgreen's to sell beer and wine. Yuan noted 225 individuals signed the petition and approximately 150 of those individuals live in the Village Oregon. Yuan listed the community events Walgreen's is involved in. Harms questioned how many Walgreen's stores there are in Dane County. It was noted about 30 and statewide there are approximately 190. Yuan stated it is a corporate decision to sell alcohol nationwide. Yuan noted it is the same type of uniform design nationwide where it is limited to only beer and wine with the same security measures in place. Lourigan questioned if nationwide are there stores that sell hard liquor. Yuan noted their stores are and those stores have always maintained their sale of liquor, wine, and beer. It was noted for a period of time a majority of the states Walgreen's discontinued alcohol sales, but is being reintroduced due to consumer demand. Staton noted he would be interested in obtaining information regarding other communities and what they have done including communities where they have denied Walgreen's license.
- Carol Lobes from the Dane County Executive Coalition on Alcohol spoke with regards to alcohol abuse. Lobe's is the co-facilitator for the Dane County Coalition to reduce alcohol abuse. The coalition was started as County Executive Kathleen Falk's alcohol initiative in Dane County. Falk asked Lobes and her business partner to do a year's worth of homework on alcohol issues relating to Dane County and at the end of that time make a recommendation to Falk about specific things she could incorporate into a County initiative to address alcohol abuse, which is the most important human service issue in Dane County. Lobes felt one of the reasons Falk asked her to be a part of the coalition is Lobes was the first Director of Human Services and in that position Lobes could see the amount of money as tax payers spent on alcohol abuse issues, the results of the use assessment survey to see what is happening with regards to children, and sheriff and deputy time going towards to the issue of alcohol abuse. Lobe's assures it is significant. Lobes noted there is at least \$8 million dollars a year spent with regards to alcohol abuse issues and that

does not get to everyone waiting in line for treatment. Lobes explained half of the jail population is there due to alcohol abuse issues. Lobes asked the Board to think about the youth and when the Board makes the decision to look at the youth assessment the school can provide with regards to what is being seen with today's youth's use of alcohol. Lobes mentioned the culture of alcohol abuse in Wisconsin and explained it is a complex issue. Wisconsin is not normal with regards to alcohol abuse issues and leads the nation in binge drinking, drunk driving and youth alcohol use. On the coalition's website there is a power point from the UW – Madison's Law school regarding the alcohol industry beaming millions of dollars in advertising to the youth. Lobes explained the "Be Responsible" messages don't go to kids. Kids see to fit in, be cool, and to have fun you need alcohol. Wisconsin is finally starting to pick up on this issue and address it. Awareness and education have not worked alone in the past and the culture, outlets and parental issues need to be dealt with. Lobes noted as decision makers for the Village the Board has an opportunity to make a policy decision that starts to help focus around the issue and change it. The negative behavior will continue if government doesn't intervene and take a stand. Harms explained his main concern is the continual exposure to the youth. Lobes noted because the issue is so complex that these kinds of decisions feed into the larger complexity of what they are dealing with. The more footholds where people are taking a more thoughtful balanced common good approach helps address the issue. Oregon has a good active coalition. The Village Board can make a difference in the larger picture. Lourigan questioned how many youth arrests has the Police Department seen in the last year and does Pettit feel these numbers have been increasing over the last few years. Pettit does not have the exact number, but his perception would be the number of underage persons that have had contact with the police department for one reason or another where alcohol is a contributing factor is on the increase. Pettit explained this has been on a fairly steady increase for some time. Staton noted 20% of 8th graders drink once a month or more statewide. Staton explained this is unacceptable to him and as the age goes up so does the statistics. Staton noted in Wisconsin it's time to take a stand. Harms questioned how does Oregon back up and put alcohol in a more controlled area within a business? Dregne did not know for certain whether the Village could adopt the kind of regulations Harms is referring to, but does recall there was litigation involving local authority to regulate where cigarettes could be displayed and his recollection is the municipalities lost that case. The municipality lost on the grounds that the State essentially preempted the field with respect to tobacco regulations. This litigation involved whether or not the cigarettes could be placed on the sales counter and local authorities tried to prohibit it. Dregne noted the preemption issue is something that would need to be looked at and make a judgment about. Staton asked Pettit to look into his sources about possibly making changes where alcohol is located within a business. Pettit gave an overview regarding the history of displays within a business. Way questioned if there is any data available if access to the location of the sale of alcohol is restricted and if it has a positive effect on youth. Lobes noted it does and referenced the data.

Beth Cox, Village of Oregon Judge, spoke with opposition to the Walgreen's liquor license. Cox addressed comments made by Walgreen's council. There was discussion regarding the legality of restricting the license to beer and wine only. Cox felt Walgreen's could not legally be bound to the agreement. Cox gave an overview regarding the total picture of outlets per capita in the Village and the juvenile tickets written in the Oregon Court for underage consumption. Cox presented a statistics chart regarding the abnormalities in Wisconsin's alcohol abuse.

Sylvester Acker, Oregon resident, spoke with opposition to the Walgreen's license and referenced an article in the Wisconsin State Journal regarding binge drinking.

Jenevra Azzopardi, Oregon resident, spoke in favor of Walgreen's receiving a liquor license noting it is the parental responsibility to educate their children regarding alcohol use and abuse.

Yuan addressed Judge Cox's concerns and questions. Yuan felt the promises were legally binding regarding the alcohol restrictions the Village Board could place on Walgreen's. Yuan felt Walgreen's is under intense scrutiny for the license and want to be a part of the community so it is not a practical matter to challenge the conditions placed on them by the Board. *Staton moved to item #3 b for more discussion.*

- d) Discussion and Possible Action re: Walgreen's Liquor License: Way noted the original hearing for this license was not publically noticed and had it been publically noticed the Board would have heard four weeks ago some of the testimony heard this evening. Way pointed out that to state the license was heard and approved is not accurate. Way noted this is really the first hearing of this license. Staton noted the application was not complete and the fee was not paid so it should not have been at the Board level. There was discussion regarding the miscommunications that occurred. **Way moved to delay the Walgreen's liquor license until such time that the moratorium to study the issue can be put in place.** Dregne suggested rephrasing the motion to tabling the Walgreen's application until the May 17, 2010 Board meeting. **Way amended his motion. Way moved to table the Walgreen's application until the May 17, 2010 Village Board meeting. Second by Poole.** Lourigan questioned what will change between now and then? Way noted it appears with the testimony presented at the meeting tonight, there is a problem the Board is now aware of and it needs to be studied. Way explained at first he wasn't sure what role the Village played, but based on the data presented it seems the Village could take action that may help the problem. Given those two facts the Board needs some time to study it and determine what the Village's role should be. There was discussion regarding the timeline of the moratorium and the Walgreen's application. It was noted the next agenda will have the moratorium discussion first and then list the Walgreen's application, in order to address whether or not the Board feels they are ready to act on the application or not. Lourigan voiced his concerns and opinions regarding tabling the Walgreen's liquor license. Harms addressed Lourigan's concerns stating people come before the Board all the time and tell the Board what they want the Board to know, but it's up to the Board to ask and address all questions and issues. Groenier explained she feels part of the problem is the different liquor licenses and the application process has never been explained to the Board until recently. Poole asked Dregne to offer legal advice as to whether the license could be issued in a way that would allow the sale of beer and wine but not intoxicating liquor at the next meeting. **Roll call vote: Way – yes; Harms – yes; Lourigan – yes; Groenier – yes; Poole – yes; Staton – yes. Motion carried 6-0.**
- e) Discussion and Possible Action re: Village Attorney's email regarding Capital Area Regional Planning Commission's (CARPC) May 13th Public Hearing for the First Presbyterian Church: Gracz placed this on the agenda per Dregne's e-mail noting CARPC maybe exceeding their authority. Dregne raised a point in his e-mail asking if the Village Board would like to take a position on this. It was noted the overall storm water plan meets what CARPC is requiring. Gracz explained the Cities and Village's Association have been dealing with this. Gracz felt the 'battle' should be at that level and not the Village's level. Dregne did feel it was unfair for the Presbyterian Church to get held up at this point because the Village has a concern about the conditions of approval the commission may attach to the approval. Dregne raised the issue and believes that cities and villages in Dane County need to start paying attention to what the Commission is doing in three areas where there are significant developments taking place. The Commission at the same meeting as the Church has their application pending there is going to be holding a public hearing deciding whether the Commission should adopt a new standard that will apply to all urban service area amendment applications and then recommend that standard to Dane County. This recommendation relates to stormwater infiltration. Dregne explained it exceeds the standards that are in the Village's ordinances as well as exceeds the DNR's and Dane County's adopted ordinances. Dregne urged as members of the Association to get organized and see if villages and cities are comfortable with these changes. Dregne explained the other thing at the Commission level that may have an effect on the authority under current State Law to develop and implement the Village's own Comprehensive Plan and make decisions regarding planning and zoning outside the Urban Service Area boundary. Dregne discussed a process the Commission is currently working on called FUDA (Future Urban Development Areas). Dregne cautioned to watch this closely. It was noted no one objected to the First Presbyterian Church plan going to CARPC.

4. Public Appearance and Public Hearings

a) Presentation of Energy Audit – Capstone Project: Diana Husman, Megan Mollet, and Eric Johnson were in attendance to present their analysis of Village Hall. Husman gave an overview noting the purpose of the study was to improve energy efficiency for Village Hall. Husman gave a brief explanation regarding the history of the building. The Village Hall has three air handling units, two boilers for hot water, and five air conditioners. Mollet stated the Village Hall consumes approximately 12,400 therms per year which is about \$12,000. The Village Hall also consumes about 153,000 kilowatt hours of electricity over the course of a year annually paying about \$16,000. Mollet suggested using occupancy controls and replace the existing system with digital controls. Mollet noted a centralized energy management system would simplify and more accurately control the building. The installation of variable frequency drives on the air intakes for the air handling units would reduce the fan usage. The fan currently runs at 100 % energy usage when it runs. The variable frequency drive would enable maintenance staff to change the speed and power drawn by the fan based on the demand of the building. Mollet referenced the difference in costs in savings and payback time. Johnson identified another energy saving opportunity would be to replace the existing primary boiler. The current boiler is a steam boiler with an output of a million BTU's per hour. Johnson suggested installing a new high efficiency boiler, which would be a \$20,000 investment and the Village would save annually about \$2,600. The payback time would be about 7 ½ years. Johnson reviewed renewable opportunities and does not recommend them at this time due to the cost and payback time. Husman discovered during the process that the building does not have any insulation in the exterior walls. Husman gave options to insulate. Husman suggested weathering the doors. Husman listed some incentive programs to become more energy efficient. Husman reviewed Alliant Energy's program. Husman noted a detailed report will be given to the Village. Staton noted the Village's appreciation for the Capstone project.

5. Approval of Minutes

a) April 19, 2010 Regular Board meeting: **Harms moved to approve the April 19, 2010 Village Board minutes. Second by Groenier. Motion carried 6-0.**

6. Approval of Vouchers: **Poole moved to approve the Vouchers in the amount totaling \$499,323.92. Second by Groenier.** Gracz noted the final payment for Braun Road the portion that is installed. Roll Call Vote: Way – yes; Harms – yes; Lourigan – yes; Groenier – yes; Poole – yes; Staton – yes. **Motion carried 6-0.**

7. 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. There was no public input.

8. Proclamations and Announcements

a) Discussion of Different Seating Arrangement for Board Members – President Staton: Staton noted the small change and asked the Board to think about any other changes they may want.

b) Staff Comments

1) Census 2010—Forms available at Village Hall and Library (Gracz): Gracz noted Census workers are starting to come around to residents homes. Staton noted Wisconsin has had the highest return rate in the nation so far.

2) Board of Review—Wednesday May 12th from 4:00 pm to 6:00 pm—Not Necessary to attend Open Book to attend Board of Review (Berman): Staton noted more information is available on the webpage. Berman explained the assessor will be in the office on Friday from 10 am – 1 pm and can meet with residents beforehand. Residents are encouraged to call the assessor if they are unable to meet with him before Board of Review.

- 3) Discussion of having Board Members attend May 10th (Closed Session for Hotel) and June 14th (Sewer Connection Fee Study) Finance Committee Meetings (Gracz): Gracz asked if it is possible for the Board members to attend the next two Finance meetings to discuss a few items and have a conference call with Mike Harrigan on May 10th. The meetings start at 6:00 pm.
- 4) Schedule Wrap-Up Downtown Ad Hoc Committee Meeting to discuss Downtown Project (Below): Below explained upon receiving comments from downtown business owners he thought it would be a good idea to hold a final 'wrap-up' meeting. Below wanted feedback from downtown property owners and business owners. Below discussed with the Chamber of Commerce about possibly doing a downtown grand opening ceremony. Staton noted the Board felt this is a good idea. It was noted they will tentatively schedule the meeting for 7:00 am on May 20, 2010.
- 5) Information regarding E-mail and Phone scams occurring on April 29 & April 30 (Pettit): Pettit gave an overview regarding the financial scams occurring in the area. Pettit asked residents who followed through on either one of the financial scams to contact the Oregon Police Department. Pettit noted the scams are appearing to come from overseas and it is difficult to pin point exactly where it's coming from because they move very quickly.

9. **Communication and Miscellaneous Business**

- a) FYI Only -- Office of the Commissioner of Railroads Proposed Decision for Braun Road Crossing: Gracz noted this item is related to 9 (b) and are asking for a Vision Clearance Easement.
- b) Discussion and Possible Action re: Authorizing Signing of Vision Clearance Easement with WISCO for Braun Road Crossing: Poole moved to authorize Village President to sign the Vision Clearance Easement with WISCO for the Braun Road Crossing. Second by Groenier. Staton noted this essentially gives the legal vision area for people to cross the tracks. **Motion carried 6-0.** Gracz thanked WISCO for cooperating on the agreement for Braun Road.
- c) Joint Meeting with the Planning Commission on June 21, 2010 at 6:00 PM to review final draft of Chapter 22, Storm Water Ordinance: Staton explained this is a joint meeting with the Planning Commission to review the final draft of Chapter 22, the storm water ordinance.
- d) Discussion and Possible Action re: adopting Resolution #10-11 the Designation of Depositories and Authorize Account Signers (Amcore Bank is now Harris Bank): Harms moved to adopt Resolution #10-11 the designation of Depositories and Authorize Account Signers. Second by Poole. Gracz noted the resolution was redone do to the change. **Motion carried 6-0.**
- e) Discussion and Possible Action re: adopting Resolution #10-12 the Amendment to the Annual Fee Schedule re: Library Copy Charges: Poole moved to adopt Resolution #10-12 the Amendment to the Annual Fee Schedule re: Library Copy Charges. Second by Groenier. Gracz stated this is for the new charges at the Library. Staton explained it is \$0.20 for black and white copies and \$0.60 for color copies. **Motion carried 6-0.**
- f) Oregon Youth Center's Request for 2010 Contribution – FYI Only: This is for informational purpose only. The requested funds will be sent to the Oregon Youth Center.
- g) Madison Trust for Historic Preservation Recognition of Arlan Kay – FYI Only: Staton noted Kay's nomination and recognized Kay's achievement. Staton noted the Village's appreciation for what Kay has done for Historic Preservation in the Village of Oregon.

- h) Hawthorn's Restaurant re: the sale of the property located at 1150 Park Street - FYI Only: Gracz stated he feels the liquor license will be surrendered. Gracz asked the Hawthorn's attorney to submit surrendering the license in writing. Staton referenced the last paragraph noting how helpful and knowledgeable staff was in working with them on this.
 - i) Discussion and Possible Action re: Hiring Rachel Brickner for the Adult Day Program part-time staff position at the Oregon Senior Center: **Harms moved to hire Rachel Brickner for the Adult Day Program part-time staff position at the Oregon Senior Center. Second by Groenier.** Koelsch explained that Rachel was the number one candidate and noted her excellent background. **Motion carried 6-0.**
 - j) Discussion and Possible Action re: Authorization of Agreement with Wisconsin Copy & Business Equipment for Senior Center Copier Maintenance in the amount of \$336.00: **Groenier moved to authorize the agreement with Wisconsin Copy and Business Equipment for Senior Center Copier Maintenance in the amount of \$336.00. Second by Harms. Motion carried 6-0.**
10. **Report of Committees:** Staton noted item 10 (b). There was no discussion.
- a) None
 - b) Minutes Not Requiring Action: None
11. **Unfinished Business**
12. **Future Agenda Items**
- a) Schedule League of Wisconsin Municipalities Mutual Insurance Company's Viewing of DVD on Public Officials' Liability
 - b) Review of Operator's License of Nicole Ellsworth 8/1/2010
13. **Adjournment:** **Way moved to adjourn the regular Village Board meeting at 7:17 pm on Monday May 3, 2010. Second by Lourigan. Motion carried 6-0.**

Submitted by,
 Tracey Berman
 Deputy Clerk/Deputy Treasurer