

1. **Call to order:** Village President Steve Staton called the regular Village Board meeting to order at 6:00 pm on Monday, May 17, 2010.
2. **Roll call:** Present: Randy Way, Jon Lourigan, David Donovan, Darlene Groenier, Eric Poole, Phil Harms, and Steve Staton. Also Present: Village Administrator Mike Gracz, Village Attorney Matt Dregne, Chief of Police Doug Pettit, Finance Director Renee Hoeft, Public Works Director Mark Below, and Deputy Clerk/Deputy Treasurer Tracey Berman.
3. **Welcoming Trustee David Donovan:** Staton acknowledged Trustee David Donovan had been elected in the spring election. Staton welcomed Donovan to the Village Board.
4. **Public Appearances and Public Hearings:**
 - a) **Discussion of Creating a Dog Park (Trustee Poole):** Poole explained he has had a couple of residents talk to him about the current dog park, which is near the Oregon Sports Arena. Residents have concerns with dogs not being on leashes and is there a possibility to fence in the dog park area. There was discussion of possibly moving the dog park. One area looked at was south of the Waste Water Treatment Facility. John Petry of 506 North Oak Street spoke with regards to the dog park. Petry had concerns of the area south of the Waste Water Treatment Facility due to the amount of marsh in that particular area. Petry liked the current area. Residents want something to use for 12 months out of the year. Petry noted his concerns with the area when there are events at Jaycee Park commenting the dog park isn't always available. The current dog park land is owned by the Village. Below commented the area south of the Waste Water Treatment Facility is where snow is piled during the winter time. Poole questioned if the Village could increase dog license fees to cover the cost of a dog park. It was thought the Village could, however Gracz wanted to check with the Finance Director. Pettit stated he has not seen many cases where there is discourse between people running their dogs in the dog parks versus people in the other parts of the park using it for other purposes. Pettit explained Village ordinance states a dog is to be on a leash at all times except in the designated dog park area, on the pet owner's property or when the pet is being transported in a vehicle. Donovan questioned why the park doesn't currently have a fence? Staton noted this has not come up in the past, but is aware of the increased use. Petry felt if the area was fenced in it would meet the needs of the dog park users. There was discussion of better signage for the area. Petry referenced the McFarland dog park for an example. There was discussion of the possibility of charging a fee to get a tag to use a fenced in area. Petry noted he would be ok with that. Dan Sweaney of 385 N. Perry Pkwy spoke in favor of a dog park. Sweaney has used the park area for around 22 years and feels there is around 40-50 daily users. Sweaney is in favor of a dog park that is available 12 months out of the year. Sweaney is concerned dog owners will be pushed out of that area. Staton and Poole suggested forwarding this to the June 2nd Park Board meeting to explore costs and options.
5. **Village Attorney's Report**
 - a) **Discussion of Information/Articles on how other communities have handled Walgreen's Liquor License Requests:** Staff did a Google search showing how other communities in Wisconsin have handled Walgreen's liquor license requests. Gracz explained there were mixed findings, commenting some have been approved with conditions, some have been denied and some were just approved. Staton questioned Pettit and his thoughts regarding the security Walgreen's proposed? Pettit stated if Walgreen's was successful on their application in terms of how and where they would be displaying the alcohol and security he felt was very good. Staton also felt the same way, but stated the security is not the issue for him. Staton questioned if Pettit had a chance to speak with other Police colleagues regarding their communities? Pettit spoke with the Dane County Police Chief Association at their annual meeting last Thursday and brought this issue up for discussion. Pettit asked the question whether or not Walgreen's has applied in their

community and if so what was the result. As noted previously, some communities approved the license and in some cases they have approved over the objections of the Police Chief. Pettit gave the Monona and City of Madison examples. The bigger issue that arose is the Dane County initiative related to decreasing alcohol use and abuse. Pettit sensed the Dane County Police Chief's Association feels it may be time to look at how many liquor outlets are necessary in a particular community. Pettit feels the criteria should be for the number of outlets that exist. Staton explained he drove the area near Walgreen's and there are two other outlets to purchase alcohol within .2 (two tenths) of a mile of each other and an additional liquor outlet within .4 (four tenths) of a mile. There was discussion regarding the crime rates related to alcohol in Oregon. It was noted Wisconsin statistics show Wisconsin leads the nation in binge drinking among adults, underage drinking, and drinking and driving. Staton noted this is his concern, not the security at Walgreen's. It is time to start dealing with the problems. Way questioned if the issue is regarding the sale of intoxicating beverages being incompatible with the sale of prescription medications within one business or is the issue the number of outlets? Way explained those take different roads. Staton felt for him it was both. Way wasn't sure what the Village's role was in dictating their business model and what they feel is appropriate to sell. Harms looked at it as a matter of public safety, noting if there is an alcohol problem it ultimately falls back on the tax payers. Harms discussed the 'in your face' advertising. Harms is not in favor of Walgreen's selling alcohol. Harms was at a local gas station earlier today and observed an individual come out with two cans of beer, get into his truck, and open and drank the beer. Lourigan questioned if the Police Chief Association would be lobbying state representatives to amend state statutes? Pettit stated when County Executive, Kathleen Falk, came before their body to tell them about the initiative State and County wide, the Police Chief Association gave her thumbs up, noting it's time to look at this issue on a broader basis not only individual communities. Pettit agreed it does need to be addressed on a statewide level. Legislation has been suggested and the Wisconsin Police Association is searching for sponsors to further the legislation. Pettit noted the statutes related to operating while under the influence have become more restricted, but compared to other states Wisconsin is taking baby steps. Groenier questioned when a liquor license is granted is a certain amount of square footage for liquor sales limited? Dregne noted historically the Village has not limited the space and currently there are no ordinances that would provide for that framework. Staton noted Pettit is looking into the authority to restrict the area and displays. Staton moved to item 5 (c).

- b) Discussion of Whether the Village could prohibit Walgreens from selling Intoxicating Liquor under a Combo Class A License: Dregne summarized his memorandum briefly concluding the Village Board may impose conditions on an alcohol beverage license so long as those conditions and decisions are consistent with Chapter 125 (state law that governs alcohol beverage licensing in Wisconsin). Dregne further concluded if the Village wants the opportunity to revoke or suspend a license for failure to comply then the Village needs to address this in the ordinance. Although, the answer is not entirely clear Dregne feels the Village could condition the issuance of a combination Class A License on the condition that Walgreen's agrees to sell wine and beer only not other intoxicating liquors. If the Village took the condition approach there are a couple of different ways to approach the ordinance, one would be to add a provision to the ordinance similar to the City of Madison, and two would be to state in the ordinance the Board would apply that condition on a case by case basis. Dregne cautioned the latter approach method due to the task of trying to decide when the condition should be applied and why. This also heightens the possibility of inconsistency. These conditions could only apply to a new applicant. Dregne stated if someone currently has a license the only way the license could not be renewed or revoked would be for failure to comply with the rules that were in place at the time they received the license. Staton reiterated that Walgreen's has verbally agreed not to sell hard liquor. Dregne explained if the Board was interested in pursuing this kind of condition he feels it would be a two step process. Step one, the Village would adopt an ordinance that would allow for this kind of

condition. Step two Dregne would want to draft an ordinance so it would state the condition as such that the license would be issued on the condition that the applicant accepts the condition and enter into an agreement to be bound by the condition. Donovan questioned how would the condition be written with the different alcohol types? Dregne stated the City of Madison drafted an ordinance with a condition not sell any intoxicating liquor other than wine. Wine is defined by state statute. *Staton returned to item #5(a) for more discussion.*

- c) Discussion of Available Reserve Class B Licenses: Gracz and Pettit determined there were six (6) original licenses and throughout population growth 3 additional have been added. Gracz noted Hawthorne's surrendered their license leaving a Class B grandfathered license available. Pettit gave brief explanation regarding the definition of a grandfathered license. Gracz noted there is also a reserve license available. Dregne stated wine and beer can be sold in the container for off premises consumption, but does not see that for intoxicating liquors. There was discussion regarding the population and it was noted the Village may be close to meeting the increased population of 500 to obtain an additional Class B Reserve license.
- d) Discussion of Oregon Chamber of Commerce's Statement and Nancy Freeman Wallace's Email re: Walgreens application. Marechiel was in attendance for the Chamber of Commerce. Marechiel summarized her written statement noting they are in favor of Walgreen's receiving the alcohol license and is not in favor of a moratorium. Marechiel voiced her concerns regarding the temporary picnic licenses for Summer Fest. Staton explained from his perspective he is not looking for this to effect the chamber request for the temporary licenses. Staton has concerns with those types of licenses, but is not ready to take them on nor intends to in the future. Staton referenced an e-mail from Nancy Freeman Wallace noting her opposition to Walgreen's receiving a liquor license.
- e) Discussion and Possible Action re: Consideration of Ordinance #10-07 Moratorium of Liquor Licenses Issued by the Village of Oregon – The following are questions/issues for the Board to consider: *Items 5 (e) 1-5 were discussed together.*
- 1.) Do you want a moratorium?
 - 2.) What kinds of licenses should the moratorium apply to? (FYI -- Hawthorns Class B License is Available)
 - 3.) What is the nature of the moratorium (i.e. limit the number of licenses to the current number, which would allow an expired license to be issued to another applicant, or prohibit any new license?)
 - 4.) How long should the moratorium be in effect?
 - 5.) Should a moratorium apply to the Walgreen's application?
- Staton thought by starting with a moratorium on the Class A Combination license it simplifies things and this particular license has been at the forefront of discussions. Staton felt a two month short moratorium would allow the Board to explore the direction the Village wants to go in with respect to issuance of alcohol licenses. Lourigan questioned why Staton would pick the Class A Combination license and not across the board? Staton replied this license is at the forefront presently along with the concerns regarding the growing number of displays within businesses that have this type of license. Lourigan questioned down the road wouldn't the Board want to enforce more restrictive actions and ask the Police Chief Association to lobby the state for more restriction on those sales. Lourigan referenced the City of Madison's restrictions. Lourigan asked where the line is drawn in respect to the licenses? Lourigan listed the alcohol license types commenting that Oregon Summer Fest receives a picnic license and that license allows for binge drinking in epic proportions. Lourigan questioned if Staton was ok with that? Staton explained he is not ok with social binge drinking in epic proportions in no way, shape or form. Staton further clarified he is not ready to take that on at the present time and does have issues with that type of license. There

was discussion regarding alcohol related offenses during Summer Fest. Pettit stated there is an increase of offenses during the four days of Summer Fest. There are higher numbers of people in the Village and when you mix alcohol into the factor there will be an increase in OWI arrests, disorderly conducts, public intoxication, etc. Pettit felt this was standard for this type of event within any community. Pettit gave an overview of the security noting the Chamber of Commerce does provide good security for the event. Jenny Yuan, Walgreen's Attorney, was in attendance to address the Board. Yuan's position is there could be other conditions placed on the Walgreen's license if the Board felt applicable. The amount of space planned for use is 14 feet for wine and four feet for beer. The beer would be in the cooler and locked after the hours of permissible sale. The wine would also be secured after hours of permissible sale. Yuan wanted to reassure the Board, if the Walgreen's was granted the Class A combo license they will not expand the alcohol display and sale areas. Yuan noted it seems the Board does not have an issue with the security of Walgreen's. Yuan argued that the Board's concerns are alcohol abuse in society, but does not see how a responsible retailer selling alcohol in a secure and responsible manner should not receive a license. Alcohol abuse needs to be addressed through community education and awareness. Walgreen's does continue to be involved in the community. Walgreen's will abide by all conditions set by the Board. Yuan requested the Board act on the application. Walgreen's applied for the license as a business decision based on client request. Poole questioned what would be taken out of the area where the alcohol would be placed. The Walgreen's District Manager explained they have downsized the amount of product carried and it's a matter of moving the products around to make room. Way stated it is possible to be in full compliance with the Wisconsin State Statutes and still contributing to the problem. Walgreen's has done everything in its power to accommodate the license and the question before the Board is whether that is enough. Staton is not concerned as to how Walgreen's does it; he is concerned with how it contributes to the problem. Staton noted his issues with a pharmacy selling alcohol products and the number of outlets in that area. Yuan wanted to clarify the record from the previous meeting that Walgreen's was not to blame for the initial application and publication error. Donovan did not feel the moratorium is needed to investigate and analyze the information. Donovan discussed the moratorium is a message to highlight and address a County wide initiative. Donovan noted it may take up to six months to do it right. Donovan suggested the moratorium apply to all licenses. Alcohol is alcohol and that needs to be kept in mind. Donovan did not think that the moratorium, if passed, should apply to Walgreen's. Donovan felt Walgreen's did do as much as they could and have made a good faith effort to ensure they followed protocol. **Harms moved to jump to item 5 (f). Second by Lourigan. Staton moved to item 5(f) per the request.**

Lourigan stated he does not think Walgreen's should be part of the moratorium. Dregne suggested adopting the ordinance with filling in how long the moratorium should last. **Donovan moved to adopt ordinance #10-07 as proposed with a two month deadline. Second by Harms.** Dregne noted the expiration date would be July 30th. Way questioned if Donovan felt two months was enough time? Donovan did not feel it was enough time. Donovan noted it is a complex issue and it will take a lot of research and time to understand the full implication. Way questioned if the Village would be better off to have a six month moratorium and call it off early if needed versus a two month moratorium that needs to be extended. **Way moved to amend to change the expiration date to November 30, 2010 and the moratorium can be repealed earlier if needed. Second by Poole.** It was noted this vote only applies to the dead line of the moratorium. **Motion carries 6-1-0. Lourigan voting nay.** Staton suggested excluding all temporary picnic licenses from the moratorium. **Way moved to amend limiting the scope of the moratorium to Class A Beer and Class A Intoxicating liquor licenses. Second by Staton.** Lourigan felt there may be inconsistency with the Village Board and feels they are interfering with Commerce by trying to impose the moratorium. Lourigan felt the amendment needs to be broadened and opened up. Way

argued the legitimate difference between packaged sales and an establishment that does not require you to be of age to enter and sales and consumption on premises where you have to be 21 to enter. Lourigan disagreed and felt if there is a moratorium it needs to apply to all licenses to be consistent. Lourigan feels this is too much government interference. Staton explain if you look at the statistics of alcohol abuse in the State a lack of government interference and regulation has lead to a tremendous amount of damage. There was discussion regarding the Summer Fest beer tent. Poole preferred leaving all the other licenses on the moratorium with the exception of the temporary picnic licenses. Poole noted during the discussion of the moratorium they could place a cap on the licenses if the Board feels necessary. Staton noted the vote pertains to the motion limiting the scope of the moratorium to the Class A Beer and Class A Intoxicating Liquor. **Roll call vote: Donovan – no; Way – yes; Harms – no; Lourigan – no; Groenier – no; Poole – no; Staton yes. Motion failed 2-5. Poole moved to list all the alcohol licenses in the moratorium with the exception of the two Temporary Class B Licenses. Second by Harms. Roll call vote: Donovan – no; Way – yes; Harms – yes; Lourigan – no; Groenier – no; Poole – yes; Staton – yes. Motion carried 4-3. Way moved to strike the bold text at the end of section one (1).** Way noted this effectively bars the Village from issuing any new licenses regardless if any are surrendered. Dregne confirmed Way’s comment and added this includes the available two Class B licenses. Dregne concluded if the Board left the bold text in and an establishment relinquished their Class B license it would be available and could be issued under the moratorium. If the bold text is taken out of the moratorium and the either license is surrendered the license cannot be reissued. Essentially this allows for no licenses to be issued during the moratorium even if one is surrendered. **Second by Harms. It was noted the moratorium does not affect renewals only new or surrendered licenses. Roll call vote: Donovan – yes; Way – yes; Harms – yes; Lourigan – yes; Groenier – yes; Poole – yes; Staton – yes. Motion carried 7-0.** Lourigan questioned when the moratorium would be enacted. Dregne explained it would take effect upon adoption and publication. Gracz felt it would be published on May 27, 2010. Dregne noted the language could be changed to state it will take effect immediately upon adoption. Lourigan requested to receive a clean copy before final adoption. **Lourigan moved to table this item until a formal document can be presented to the Board for consideration. Second by Groenier.** Dregne summarized the changes the Board has made to the ordinance. **Roll call vote: Donovan – no; Way – no; Harms – no; Lourigan – yes; Groenier – yes; Poole – no; Staton – no. Motion failed 2-5.** Dregne noted the ordinance as drafted would apply to the Walgreen’s license. Dregne summarized the language to include in the moratorium if the Board wanted to exclude Walgreen’s from the ordinance. **Donovan moved to amend the motion of the ordinance to state “the processing of applications that have been submitted to the Village but not yet granted or denied by the effective date of this ordinance will not be affected by this ordinance” and delete the next sentence. Second by Lourigan.** Donovan stated based on the history of the application, Walgreen’s came in with a good faith effort and felt they had their ducks in a row and the applicant was brought back due to an error and feels due to that result they should not be penalized. Donovan felt Walgreen’s should have the opportunity for the Village Board to take a vote on their application. Way does not feel it is a penalty and the first hearing was not publically posted and in a sense was a ‘dress rehearsal’. Way noted the testimony came fourth in the second public hearing which was publically posted and would have come forward in the first hearing and believes the outcome would have been different. Way doesn’t disagree they acted in good faith, but it does not excuse Walgreen’s from examination from the public. Donovan stated this would remove Walgreen’s from the moratorium and this is the only one it applies to assuming no further applications come before the Board by next Thursday. Donovan felt the Board could debate whether or not they would get the license or whether or not they are subject to restrictions the Board may apply. Way noted an outcome of that debate would be that the Board could table their application

until such a time that the moratorium would apply. There was discussion of Robert's Rules. A summary of the application processing was given by Gracz. Donovan summarized his opinion as to why Walgreen's should not be included in the moratorium ordinance. Donovan felt Walgreen's should be given a vote up or down. Dregne noted if the Board would like the opportunity to deny the Walgreen's license for a reason that maybe addressed in the rule making process and therefore be supported by the new regulations then the legal position will be enhanced by applying the moratorium to Walgreen's. If the moratorium is not applied to Walgreen's and the Board votes to deny the license the Board will need to inform Walgreen's for the reason of denial. If there is a motion to deny the license there will need to be an explanation, if the motion is to approve and it is not adopted Dregne will be asking for the explanation to send to Walgreen's. Dregne suggested to vote against the motion if Board members want to vote against the Walgreen's license. **Roll call vote: Donovan – yes; Way – no; Harms – no; Lourigan – yes; Groenier – yes; Poole – no; Staton – no. Motion fails 3-4.** Dregne restated the main motion which is to adopt ordinance #10-07 with an expiration date of November 30, 2010 and includes the following amendments (1) the moratorium would not apply to the two temporary Class B Licenses and (2) the bold text would be stricken so the moratorium would apply to relinquished licenses. **Donovan moved to table the item until the board receives a final copy in writing that can be reviewed by the Board.** There was discussion regarding this motion failing earlier. Dregne noted there has been a change and there is a different issue/question before the Board than the earlier motion. **Second by Lourigan.** Way questioned the effect? Dregne noted the motion would not be voted on tonight and the ordinance would be on the next Village Board meeting agenda meeting with a final draft of the amendments. Harms questioned what happens to any applications that are applied for in the meantime. Dregne noted the applicant legally would be in the same position that Walgreen's is now. **Roll call vote: Poole – no; Harms – no; Donovan – yes; Way – no; Groenier – yes; Lourigan – yes; Staton – no. Motion fails 3-4.** Donovan noted he will vote no on the original motion he made and feels the Village does not need the moratorium and the Board can go ahead with the investigative process and analysis by making it a priority. Way stated if the Board plans to apply any further conditions or rules on the Walgreen's liquor license the Village will be in a stronger legal position if the moratorium is approved. Dregne noted that was his opinion. Lourigan requested getting a legal opinion from the Attorney General's Office to ensure it is within the Village's statutory rights to impose such action. Lourigan noted if this moves forward he will be looking for a request from the Village Attorney to make sure the Village is within the legal rights. The request is within respect to both the moratorium and regulations that maybe adopted later. Harms questioned if the Attorney General's office only offer opinions if the issue is appealed or do they give out good faith opinions? Dregne stated occasionally issue advisory opinions, but not always. Staton restated the motion for clarification noting the motion is to approve ordinance #10-07 as amended. **Roll call vote: Harms – yes; Lourigan – no; Poole – yes; Donovan – no; Groenier – no; Staton – yes; Way – yes. Motion carries 4-3.** Yuan requested clarification with the moratorium in place where does this leave the Walgreen's application. Dregne explained in his view it means consideration in processing the Walgreen's application is now ceased until the moratorium is lifted. The ordinance states once it has expired such applications will be placed on the agenda for action at the next Village Board meeting for which publication requirements can be met. Lourigan questioned the effective date noting in true light the ordinance does not take effect until publication. Dregne agreed with Lourigan's comment. Dregne noted Walgreen's is not subject to the moratorium until the ordinance is published. Staton moved to item 5 (f).

- f) Discussion and Possible Action re: Walgreen's Liquor License: Lourigan noted if the Board denies the application a reason has to be provided to Walgreen's in writing. Dregne gave a brief overview noting if the Board votes to deny the application then the Board needs to inform

Walgreen's in writing the reasons for denial. The reason the moratorium was discussed and on the agenda first is because it gives the Board the opportunity to consider whether the Village should adopt any regulations that would apply to one or more kinds of licenses. The Board may wish to have the opportunity before voting on the Walgreen's license. If the Board wishes to vote on the application they are free to do so, but if it is done before going through some legislative process it will give the opportunity to explore different kinds of conditions they may or may not be interested in adopting. The moratorium is not only to gather information, but to give the board the opportunity to gather information and consider whether to adopt new regulations before having to vote on applications. Dregne explained other applications could be coming and if that occurs without having a moratorium on the books then at that point the application would need to be considered based on whatever the law is at the time. Dregne's opinion is the best course is to deal with the moratorium issue first and determine whether or not the moratorium applies to the Walgreen's application. This keeps more options available to the Board. If the Board votes on the application and it is denied the only way to vote on it again at this meeting is through a motion for reconsideration made by one of the members who voted to deny the license. Harms wanted to eliminate selective moratoriums. Dregne noted existing licenses are not an issue and this would not apply to those licenses. Way noted it appears the Combo Class A license seems to be the license most discussion is centered around and suggests focusing on this license first and discuss the other licenses at a future date. Lourigan stated the decision was made once before and to give the Walgreen's application a vote and move forward. Donovan does not see an ordinance drafted and would likely have to table the item again or at least put in the moratorium language regarding not acting on any other license regardless of their class. Dregne addressed the ordinance in the packet and highlighted the ordinance and the questions the Board needs to address. Dregne reviewed the options the Board could apply to the moratorium. As a parliamentary procedure Dregne recommended if the Board wants to act on the ordinance to adopt the ordinance as is or with certain changes. Harms withdrew the motion to move to item 5 (f), Lourigan withdrew his second. *Staton returned to item 5(e).*

Lourigan moved to approve the Walgreen's Liquor License as submitted. Second by Groenier. Dregne noted if the Board would like for the moratorium to apply to Walgreen's this will need to be tabled until the next meeting. Poole stated in light of the discussion could this item be tabled? **Poole moved to table the Walgreen's liquor license.** Dregne noted there is a motion and second to adopt the application, however it is permissible under the rules for a trustee to table the motion until the next meeting. **Second by Harms.** Staton stated the motion being voted on his to table the Walgreen's liquor license until the next meeting. Donovan requested justification as to why this item should be tabled. Way explained this allows the moratorium to take effect. There was discussion regarding Roberts Rules and recessing. Dregne stated this is a motion to table is always in order. There was more discussion. Way stated Walgreen's was included in the moratorium to allow the Board to have more time to examine the issue and apply conditions if so appropriate. To pass a moratorium the Village can deal with issues that were brought forth by this application and not to have the application covered by the moratorium is counterintuitive. The issues arouse because of the application. Donovan felt the moratorium was passed to give the Village a stronger case in the instance if the Walgreen's liquor license is denied. Donovan felt the Board is not being allowed to take vote on the application with the motion to table. Dregne explained if the motion to table is adopted it will be at the next meeting and at that time the ordinance would be in effect and there would be no vote on the application until the moratorium expires. Dregne noted this was one of the options the moratorium was intended to present, which allows the Board to go through a process to not vote on the opportunity until such time as the Board evaluates the issues with respect to the alcohol licenses. Lourigan requested the motion to table be withdrawn. Dregne stated per Robert's rules technically there is no such thing as withdrawing a motion. The motion needs to be debated and voted on. Lourigan felt Walgreen's has met the criteria for approval and feels the Board is going beyond their guidelines. Dregne requested the Board follow Robert's Rules and vote on the

motion at hand. There was discussion regarding Walgreen's legally challenging the Village.
Roll call vote: Poole – yes; Way – yes; Donovan – no; Harms – yes; Groenier – no; Lourigan – no; Staton – yes. Motion carried 4-3. This item was tabled until the next meeting. It was noted the Village will keep Walgreen's informed and notify them when this item will come before the Board. Dregne clarified for Yuan the moratorium applies to all licenses except the temporary Class B licenses.

- g) Discussion and Possible Action re: Authorizing Signing of Vision Clearance Easements with Lycon for Braun Road Crossing: A copy of the Vision Clearance Easement is in the Village Board packet affecting the parcels surrounding the intersection of the proposed extension of Braun Road and the Rail Road right of way. The Vision Clearance Easements are required by the Rail Road Commissioner as a condition of approving the crossing. **Poole moved to authorize the Village President to sign the Vision Clearance Easements with Lycon for the Braun Road Crossing. Second by Way. Motion carried 7-0.**
- h) Discussion and Possible Action re: Authorizing Signing of Vision Clearance Easement with Copus for Braun Road Crossing: **Poole moved to authorize Village President to sign the Vision Clearance Easement with Copus for the Braun Road Crossing. Second by Way. Motion carried 7-0.**
- i) Discussion and Possible Action re: Authorizing Signing of Permanent Easement and Temporary Construction Easement with Lycon for Bike and Pedestrian Path: Dregne explained the status noting the Village has asked Lycon to grant an easement that would allow for the construction of a multi-use bike and pedestrian path basically adjacent to the railroad corridor and extending down to the storm water retention facility and around that pond. Lycon has been willing to grant an easement in the form that Board has received. The legal description is currently being prepared by the Village's engineer consultant and Dregne asked the Village Board to approve and authorize the execution of the easement in the form presented with the legal description to be attached. **Harms moved to authorize the Village President to sign the Permanent Easement and Temporary Construction Easement with Lycon for a bike and pedestrian path in the form presented with the legal description to be attached. Second by Lourigan. Motion carried 7-0.**
- j) Update from May 13th CARPC Public Hearing for First Presbyterian Church Project (CARPC Approved 12-0): Staton noted CARPC approved the First Presbyterian Church Project with a 12-0 vote.
- k) Discussion of May 13th Open Records Request: Gracz stated he had a conversation with the applicant and he will be coming in Friday to review the survey the little league generated for the Bergamont Park. Gracz will also try to address any questions the applicant has.
- l) Discussion of holding a Joint Meeting with the Park Board either on June 7th or 21st for Bergamont Park Issues: Staton noted this has turned into a significant issue. Staton explained nothing has been decided for the Bergamont Park. Staton described the process this discussion goes through. There was discussion among the Board members and the consensus was June 7th would work for the discussion. Amy Braun spoke with regards to the Bergamont Park and inquired if there will be a vote at the meeting. Gracz noted there could be action at that meeting.

6. **Public Safety Report -- Police Chief's Report**

- a. Monthly Statistics: Pettit noted in the interest in time unless anyone has questions he will moved on. Harms questioned when the school officer refers the issue to further authorities within the school district, is that officer still involved? Pettit gave an overview noting when an issue is

referred back to the school district typically the school district has more authority on the issue statutorily. It was noted the officer is still involved in the process. Poole questioned how parking in the high school area has been going. Pettit explained parking has been going very well.

- b. Update on Canine Fund Raising: Pettit gave a brief overview of the fund raising events. Pettit noted they are approaching their fund raising goal and is moving very smoothly.
- c. Gun Violence Prevention, Outstanding Partner Award from Wisconsin Anti-Violence Effort (WAVE): Pettit was recognized by the organization WAVE for his work over the last 10-12 years in reducing gun violence in the State of Wisconsin. Staton commended Pettit.

7. **Approval of Minutes**

- a) Regular Board meeting: March 1, 2010: **Poole moved to approve the March 1, 2010 Village Board minutes. Second by Groenier. Motion carried 6-0-1. Donovan abstaining.**
- b) Special Organizational Meeting April 20, 2010: **Poole moved to approve the Special Organizational Meeting minutes of April 20, 2010. Second by Harms. Motion carried 6-0-1. Donovan abstaining.** Staton moved to item 12 prior to approving the vouchers.

8. **Approval of Vouchers (Please Take Action on Finance Committee Items before Approving Vouchers)**. Poole moved to approve the vouchers in the amount totaling \$166,489.50 **Second by Groenier.**

Poole questioned the lumber materials purchases by Public Works. Below noted the Village supplied the materials and the School did the work on the Lyon's shelter in the Jaycee Park. Hoeft noted fund raising is done for these project and the costs are recouped. There was discussion regarding a sidewalk project near Burger King. **Roll call vote: Way-yes; Lourigan-yes; Harms-yes; Groenier-yes; Donovan-yes; Poole-yes; Staton-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;**

Jennifer Hanson of 439 Bergamont Blvd spoke regarding her safety concerns of the use of the Bergamont Park. Hanson noted the increased use of the park and her concerns of adding a little league field. It was noted the Public Safety Committee and the Park Board will address this. Amy Brauns of Oregon spoke with regards to putting a ball diamond in the Bergamont Park noting the residential area surrounding. Braun noted her concerns and opposition.

10. **Proclamations and Announcements**

- a) Board Comments - Groenier questioned if they will be putting up the light post by Spring Street. Below noted it should be put in this month. Lourigan requested in the light of recent news to have the Budget done by the end of August. Gracz noted most of the budget can be done early, however staff needs to wait for numbers from the State.
- b) Staff Comments
 - 1) Board of Review will reconvene on June 7th (Berman) - Board of Review will reconvene on June 7th.
 - 2) Re-Scheduling May 20th Downtown Ad Hoc Meeting to May 27th at 7:00 AM (Below): This will wrap up the downtown project.

11. **Communication and Miscellaneous Business**

- a) Update regarding Filling Village Clerk Position and Scheduling Special Personnel Committee Meeting for Interviews in June: Gracz decided after some consideration to advertise for the Clerk position and staff felt the position needed to be filled. Gracz noted they would like to conduct interviews mid-June.

- b) Discussion and Possible Action re: Appointing Village Administrator as Village Clerk until position is filled: Specified duties need to take place and the Clerk needs to sign certain documents. Gracz noted the Village needs to have a staff member with the Clerk title until the position is filled. **Harms moved to appoint Village Administrator as Village Clerk until the position is filled. Second by Donovan. Motion carried 7-0.**
- c) Discussion and Possible Action re: Appointing Peggy Haag as Deputy Clerk until Village Clerk position is filled: Gracz noted it is the same situation and the Village needs staff members available to sign applications and other various documents as needed in the absence of other Deputy Clerk's. **Lourigan moved to approve appointing Peggy Haag as Deputy Clerk until the Village Clerk position is filled. Second by Poole. Motion carried 7-0.**
- d) Discussion and Possible Action on changes to JP Morgan P-Card Program: Hoeft explained the P-Card Program is the Village's purchasing card program for department heads and employees that have cards. Chase Bank has grouped municipalities together to give a better percentage back to the municipalities. Hoeft noted municipalities get separate bills. Hoeft noted it comes out as an electronic payment out of the Chase account. This was just set up in December and change the payment days to 7 instead of 14 to receive a better return rate. **Poole moved, second by Groenier to approve the changes to JP Morgan P-Card Program.** Donovan questioned with a smaller payment period if there is a risk of not reviewing items properly? Hoeft noted all the cards are locked up except for department heads. Employees need to get their card from their department head prior to purchase and get approval. Hoeft noted anything over \$100 needs a purchase order first even with a card purchase. **Motion carried 7-0.**
- e) Update re: Strategic Planning Process and Possible Action Approving Survey with UW-River Falls: Gracz noted this is the survey that the Committee is recommending the Village does. Bill Rizzo, the facilitator, has used UW-River Falls in other communities and the survey would be a random sample sent out to people in the area code. There was discussion regarding using the Village utility billing mailing information versus purchasing a vendor. Gracz wanted to give this more thought and discussion. **Lourigan moved to approve the survey with UW-River Falls. Second by Way.** There was discussion regarding the statistical level of the survey. It was noted this survey would be a scientific survey. There will be community input in conjunction with the scientific survey. Rizzo will provide an in depth analysis of the results. **Motion carried 7-0.**
- f) Discussion and Possible Action re: Requesting Application for State Trust Fund Loan for Braun Road Project. Hoeft explained the State Trust Fund Loan is a one million dollar loan for 10 years with an interest rate of 4.25%. The loan can prepaid with a 30 day notice from March 15th to July 31st each year and can be paid off early. Hoeft stated the loan is for a bike path, Braun Road & N. Main Street project which includes the extension of Braun Road, signals at N. Main and Braun Road, and the land purchase. The Village has approximately \$300,000 on hand and the estimated project costs are around \$1.1 million. It was noted the projects are estimates at this point. There was brief discussion regarding possibly relocating driveway entrances along Braun Road. Hoeft stated she anticipated receiving the loan award notice prior to the contracts being awarded. **Poole moved, second by Lourigan to approve the application for the State Trust Fund Loan in the amount of \$1,000,000 as presented. Motion carried 7-0.**
- g) Discussion and Possible Action re: Cable's Request for an additional \$10,000 for equipment: Ron Vernon was present to address any questions. Staton noted this is money that was budgeted for in the 2009 budget but not spent and will be used for capital improvements. **Way moved to approve Cable's request for an additional \$10,000 for equipment. Second by Harms.** Vernon gave an overview of the equipment being purchased. **Motion carried 7-0.**

- h) Update re: the Water Tower Phase 1 Grant (FYI only): Staton referenced the letter received, noting the grant was not approved.
- i) Cheryl Endicott's resignation from the Oregon Fire/EMS Joint Board (FYI only) and Possible Appointment of Interim Member to Joint Board: Staton publically thanked Cheryl Endicott for her years of service. Gracz noted he spoke with Jerry Bollig about filling the vacant position on the Joint Board. Bollig agreed to serve on interim basis. **Poole moved, second by Groenier to appoint Jerry Bollig to the Oregon Fire/EMS Joint Board on an interim basis. Motion carried 6-0-1. Way abstained.**
- j) Thank you to Kathy Esch for the recent tree planting (FYI only): Staton thanked Kathy Esch publically for all of the tree planting on the trails and in the parks. Staton noted the Village's appreciation.
- k) Discussion and Possible Action re: Ruckert/Mielke's Change Order #4 Adjustment Final Contract Price for Braun Road Phase I: Below noted this is from the contractor for that project and this balances out the final quantities. **Poole moved to approve Ruckert/Mielke's change order #4 an adjustment to the final contract price for Braun Road Phase I. Second by Way.** Below noted it is a \$15,000 decrease in the contract price. **Motion carried 7-0.**
- l) Discussion and Possible Action re: Installing Downtown Banners: Gracz noted the goal is to put up the banners before Memorial Day. Gracz explained last year Searl Electric put them up; however there is not money in the budget for this. After discussions with the Chamber of Commerce they decided public works staff will try to install them. Donovan questioned if there are any safety issues? Below noted not if the school's lift is used.

12. Report of Committees

- a) Finance Committee 5/13/10 (**Trustee Poole**)
 - 1. Discussion and Possible Action on flat annual fee for \$500 charge to school for miscellaneous permits (does not included new school buildings or major additions). **Recommended Motion: approve a \$500.00 flat annual fee to the Oregon School District for miscellaneous permits except new school buildings or major additions.** **Poole moved to approve a \$500.00 flat annual fee to the Oregon School District for miscellaneous permits except new school buildings or major additions. Second by Harms.** Poole noted this gives the school a flat fee for the year and makes book-keeping easier. Hoeft noted they will still need to apply for a building permit. This is for yearly minor maintenance. Hoeft stated staff will monitor for a few years to ensure \$500 is enough on an average basis. **Motion carried 7-0.**
 - 2. Discussion and Possible Action on special assessment charges for N. Main Street Project public hearing on June 21, 2010. **Recommended Motion: approve holding a public hearing in June regarding special assessment charges for North Main Street Project:** **Poole moved to approve holding a public hearing in June regarding special assessment charges for the North Main Street Project. Second by Harms.** Poole explained a public hearing is needed for the side walk project due to fees being added to the special assessment. **Motion carried 7-0.**
 - 3. Discussion and Possible Action on 2010 mill and overlays (South Perry Parkway and Gail Court). **Recommended Motion: approve 2010 mill and overlays for Gail Court and South Perry Parkway:** **Poole moved to approve 2010 mill and overlays for Gail Court and South Perry Parkway. Second by Harms.** The bids from the County

were received and the Village is only able to do these two streets at this time. This is a budgeted item. **Motion carried 7-0.**

4. Discussion and Possible Action on applying for STP Urban Road Program.
Recommended Motion: approve applying for the STP Urban Road Program:
Poole moved to allow the Public Works Director to apply for the STP Urban Road Program. Second by Harms. Below stated this is an 80% matching federal program. The application is being submitted for the North Perry Parkway extension and the bike trail from Kwik Trip west. **Motion carried 7-0.** (It was later determined that the Village could not apply for this grant.)
5. Discussion and Possible Action on creation of New Funds 216 Canine and 217,218 and 219 TIF #2, 3 & 4 Special Revenue Funds. **Recommended Motion: approve creating four new special revenue funds for Canine and TIF Districts: Poole moved to approve creating four new special revenue funds for the Canine and TIF Districts.** Poole listed the funds this would be applicable to. **Second by Groenier.** Hoeft gave a brief overview of governmental accounting pertaining to funds. **Motion carried 7-0.**
6. Discussion and Possible Action on transfer of \$3,655.97 to general fund from Railroad Bridge Fund 428. **Recommended Motion: approve transferring \$3,655.97 to general fund from Railroad Bridge Fund 428: Poole moved to approve transferring \$3,655.97 to General Fund from Railroad Bridge Fund 428. Second by Groenier.** Hoeft noted items 6, 7, and 12 go together. The Wingra insurance company paid in March and she was able to close all that out. The check amount was \$9,008.64, half of that amount goes to the City of Fitchburg and the Village had some costs charged to this fund that Fitchburg didn't need to share and that portion is going back to General Fund. Hoeft noted later on she will ask the Board to make a motion to make a payment to the City for their share of the final payment from Wingra. Hoeft noted the final thing the Board will need to do is close this fund. **Motion carried 7-0.**
7. Discussion and Possible Action on closing Fund 428 Railroad Bridge. **Recommended Motion: approve closing Fund 428 Railroad Bridge. Poole moved to approve closing Fund 428 Railroad Bridge. Second by Groenier. Motion carried 7-0.**
8. Discussion and Possible Action on writing off delinquent personal property taxes in the amount of \$64.96. **Recommended Motion: approve writing off delinquent personal property taxes in the amount of \$64.96: Poole moved to approve writing off delinquent personal property taxes in the amount of \$64.96. Second by Groenier.** Poole noted the list attached for a few businesses. It was noted one business is not in the Village any longer and the other may have declared bankruptcy. **Motion carried 7-0.**
9. Discussion and Possible Action on approving extending auditors contract for 2010 audit. **Recommended Motion: approve staying with current Auditor (for the 2010 Audit): Poole moved to approve staying with the current auditor (Hawkins, Ash & Baptie) for the 2010 audit in the amount of \$24,800.00. Second by Groenier.** Poole noted the decision was in light of everything going on right now and it would be easier on staff to stay with the current auditor versus going out for proposal. Hoeft noted typically every 3-5 years the Village goes out for auditing bids, however with the various projects going on it would have made it difficult. Hoeft noted with the vacancy it would also be easier. **Motion carried 7-0.**

10. Discussion and Possible Action on approving extending our banking agreement another 3 years with Chase Bank. **Recommended Motion: approve extending our banking agreement another 3 years with Chase Bank: Poole moved to extend the banking agreement another 3 years with Chase Bank. Second by Groenier.** Poole noted with the current situation it is easier to stay with Chase Bank for 3 years. Hoelt explained the Village switched to Chase in 2007 and the last year everything finally got up and running. It takes a good year to switch everything. Chase was also willing to give the Village \$7 million in collateral. **Motion carried 7-0.**
 11. Discussion and Possible Action on approving Budget Transfer 2010-2. **Recommended Motion: approve the 2010 Budget Transfer #2 as presented: Poole moved to approve the 2010 Budget Transfer #2 as presented. Second by Groenier.** This is the breakdown of all the money transferring to the funds created in item #5. **Motion carried 7-0.**
 12. Discussion and Possible Action on payment to City of Fitchburg for railroad bridge \$4,504.32. **Recommended Motion: approve paying the City of Fitchburg for Railroad Bridge in the amount of \$4,504.32: Poole moved to approve the payment to the City of Fitchburg for the Railroad Bridge in the amount of \$4,504.32. Second by Groenier. Motion carried 7-0.**
 13. Discussion and possible recommendation to Village Board Mandt Liquidated damages and paying MSA for services. **Recommended Motion: pay MSA for services in the amount of \$9,616.75: Poole moved to pay MSA for services in the amount of \$9,616.75. Second by Groenier.** This is for the downtown project. **Motion carried 7-0.**
 14. Discussion on Lack of response from Charter request to President Staton's Contacts – **Request Charter's Appearance at the June 7th Board meeting:** Poole noted due to the lack of response from Charter, staff is requesting that they appear at one of the next Board meetings. *Staton moved to item #8.*
- b) **Planning Commission 5/6/10 (Trustee Harms)**
1. Discussion and Possible Action regarding the one year sunset clause for 159 S. Main St. for possible parking concerns **Motion: remove the one year sunset clause for 159 South Main Street for possible parking concerns: Harms moved to remove the one year sunset clause for 159 South Main Street for possible parking concerns. Second by Poole.** Harms gave a brief overview as to why this was in place. In the past year there have been no issues. **Motion carried 7-0.**
 2. Discussion and Possible Action regarding the Conditional Use Permit for outdoor dining at 130 N. Main St. (Mike White d/b/a Oregon Pizza Pit) **Motion: approve the Conditional Use Permit for the outdoor dining at 130 N. Main Street per Mike Slavney's recommendation memo and to exclude recommendation # 3: Harms moved to approve the conditional use permit for outdoor dining at 130 N. Main Street per Mike Slavney's recommendation memo and to exclude recommendation #3. Second by Way.** Harms gave an overview stating Mike White wanted to put out about 4 tables with chairs on the bump out. It was noted the property belongs to Mike White. Harms explained the excluded recommendation in Slavney's memo. Lourigan questioned if he will be serving alcohol outside. Pettit noted White needs to amend his alcohol license to include serving outside and be acted on by the Board. Below stated he will contact White regarding amending his license to include this. **Motion carried 7-0.**

c) **Minutes Not Requiring Action**

- 1) Library 4/14/10 - Staton noted this is for information only.

13. **Unfinished Business**

14. **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
c) Joint meeting (6:00 PM) with the Village Board June 21, 2010 to review final draft of Chapter 22, Storm Water Ordinance

15. The Village Board may adjourn into closed session from time to time during the course of the meeting pursuant to §19.85(1)(e) to discuss possible acquisition of approximately (14) acres of vacant property located adjacent to the Westside Community Park and to discuss Village's negotiations with hotel developer: Poole moved, Second by Lourigan to move into closed session to discuss possible acquisition of approximately (14) acres of vacant property located adjacent to the Westside Community Park and to discuss Village's negotiations with hotel developer. Roll call vote: Way – yes; Harms – yes; Lourigan – yes, Groenier – yes; Poole – yes; Donovan – yes; Staton – yes. Motion carried 7-0. The Village Board went into closed session at 10:01 pm. The Village Board convened from closed session with no action take at 10:14 pm.

16. **Adjournment:** Way moved to adjourn the Village Board meeting on May 17, 2010 at 10:14 pm. Second by Lourigan. Motion carried 7-0.

Submitted by,
Tracey Berman
Deputy Clerk/Deputy Treasurer