

1. **Village Board Call to order:** President Steve Staton called the Village Board meeting to order at 6:00pm on Monday, June 7, 2010.
2. **Village Board Roll call:** Present: Randy Way (arrived at 7:01pm), David Donovan, Darlene Groenier, Phil Harms, Jon Lourigan, Eric Poole and Steve Staton. Also Present : Village Administrator Mike Gracz, Director of Public Works Mark Below, Finance Director Renee Hoeft, Chief of Police Doug Pettit, Village Attorney Matt Dregne, Village Planner Mike Slavney, and Deputy Clerk/Deputy Treasurer Tracey Berman.
3. **Park Board Call to Order:** Chair Jon Blanchard called the Park Board meeting to order at 6:01pm on Monday, June 7, 2010.
4. **Park Board Roll Call:** Present: Jon Blanchard, Dan Olson, Chad Winklepleck, David Donovan and Rich Strohmenger. Absent: Ron Novmska and Jennifer Skibba.

President Staton welcomed the Boy Scouts as part of a learning experience. Staton also welcomed the Park Board for the Joint Meeting to discuss the Baseball Diamond in the park.

5. **Overview of Memo from Village Planner re: Bergamont Park:**
Village Planner Slavney gave a short presentation of the plan. Vandawalle laid out the facilities for Bergamont Park a number of years ago and the park is addressed directly in the Villages' 2002 Outdoor Recreation Plan. In that plan it is given the designation of a neighborhood playground. Elsewhere in the plan, the term "playground" or "playfields" is used and it sometimes creates confusion. Neighborhood playground parks, like Bergamont Park, are not intended for more intensive, organized athletic field use. Instead, these kinds of parks may include some lightly developed athletic fields (for example, a backstop for a ball diamond or soccer goals for a soccer field) and often those two uses overlap with one another. It would not be typical to have a dirt infield, elevated pitchers mound, or outfield fences in this kind of park. Another question that comes about is the requirement in the zoning ordinance for the provision of off street parking for more intensively used projects like playfields or community-wide parks. In those types of parks there is off street parking provided, but the typical use for a neighborhood park is people walking or riding bikes from within the neighborhood to the park. In general, the design for Bergamont Park to be a neighborhood playground is consistent with the other parks of similar designation. The Board moved onto Item #6 to further discuss the issue.
6. **Discussion by Village Board and Park Board re: Bergamont Park and Village Park Issues**
Harms questioned the size of the usable space at the park. Slavney stated that it's about 3.5 acres if you look at the level area of the park. Harms asked if Slavney sees it being used as a ball diamond or a soccer field. Slavney responded that the intent of these multi-purpose fields is for either of those uses during the course of the year, but it's also available for other kinds of activities. Because of the size of these parks and because the people who tend to use them aren't of driving age, they have to serve a multi-purpose. As soon as we start putting outfield fences and benches or other things associated with ball fields, we begin to take away from their multi-purpose potential. These kinds of open field areas are intended for a very wide variety of uses and are not intensively developed for any particular use.

Harms asked Park Board Chair Blanchard how the Park Board envisions things schedule-wise for organizations within the tee ball or youth soccer and if it would be used on a regular basis or as a back-up practice field. Blanchard stated that the current use is more of a practice area. The original layout was done showing the baseball field and soccer field overlapping in the outfield a little bit. A schedule has not been seen for regular season and Harms stated that there's been some discussion and phone calls as far as Saturday mornings and evenings being clogged up and busy out there with youth. It was determined that this is mainly used by 9 year old soccer players. Staton asked if regular scheduled games for U-9 soccer is an inconsistent use for this type of park. Slavney responded that under perfect conditions it would be considered inconsistent, but very few communities can afford perfect, ideal conditions. If it's oriented to elementary school-aged kids, that would be typical of these kinds of parks throughout Dane County because they tend to be needed. Donovan asked how the associations (soccer or baseball) go about reserving the park at this time since we don't have a recreational department. How do people know when it's open and when it's not open? Blanchard said that at the beginning of the year (January meeting) we have all the organizations come here and compare their schedules and what they plan to use.

Way asked Slavney when a park of this format is developed if there is anything in the zoning code that would allow us to place conditions on the use of the park. Slavney explained that, for a park of this type, the kinds of facilities are permitted under zoning. The fact that it's a Village facility and under the control of the Village Board and Park Board gives you a lot more control and flexibility. Way questioned if that essentially means that we could come up with an ordinance or a policy as to the frequency, duration and level of use of the facility. Slavney said yes, but he's never encountered that kind of a policy in the form of a zoning ordinance. Staton asked for further questions or comments. There were none at this time.

7. **Public Comments re: Bergamont Park and Village Park Issues :**

Staton mentioned that if anyone would like to register how they feel about the issue at Bergamont Park, there are blue sheets on the front table if you have input but do not wish to speak. The time frame for this agenda item is 20-25 minutes.

At this time residents that wished to speak to the Board were given the opportunity, being asked to state their name and address of residence before beginning.

Ed Ruotsinoja (480 Medinah St): I'd like to first state that this was somewhat of a catch up job for all of us because it was something we hadn't anticipated. A group of us neighbors have looked at this proposed placement and the significance of this change both to the immediate residents, as well as the long term interest of the Village as a whole. These issues would be the same regardless of what was proposed; if this were an adult recreational league or a polka dancing group that wants to use this facility 4 nights a week, etc. We feel that it wasn't a valid process that got us to this point. The first issue is that there was an apparent conflict of interest. This proposal has some origins several years ago but it was advanced by members of the Homeowners Association (HOA) who also have affiliation with these leagues. By and far, a Homeowners Association is not meant to be a representative group, it's meant to control us; that's the fundamental difference. One of the things we have done is circulate a petition and we collected signatures over the weekend. Some people did not want

to sign and we did not attempt to change their mind or ask for any reasons; that's their judgment and we respect that. We have 81 properties which were included in this group and we were able to get to 67 of them. I believe it's about a 4:1 against, something like 53 to 12. The process law we see is that with the initial surveys, which were done by the HOA, weren't a full and fair disclosure with what was intended or may transpire. We didn't anticipate that something which was described as a "baseball diamond" would morph into a field which has reserved exclusive use for a substantial part of the useable time. With more information about what was intended, the support for it has dropped away. The HOA is troublesome to us because, like I say, the purpose of an HOA is to maintain an attractive appearance of a plan development. The HOA has reserved rights to enforce restrictions and can assess special charges that they attach to the land. My basic point is that the HOA is a control body that does not represent our interests and there is no duty of loyalty. I fully appreciate people's choice on how they want to live, but the origin of this plan is important to the Village. It would increase the tax base and it would contribute to sound development of Bergamont.

Dave and Judy Knutson (1004 Fincastle) : *The Knutson's sent a letter and photographs to Chief Pettit that are included in the agenda packet.* We want to point out the safety concerns that are just the tip of the iceberg. When you add multiple baseball games, tournaments, and practices to the congestion that's there now, the safety problems are going to get worse. As you can see from the pictures, there are cars storming through and kids running across the street in the front of cars. The congestion is unbelievable. I'm also the neighborhood watch person for Bergamont and I don't want to see anybody hurt. People are in a hurry, they want to get through the congestion, and they take off. All the U-turns made, some stop at the stop sign and some don't, it's dangerous how kids are being unloaded, and the bike path ends right there; people go through the parked cars without even looking.

Jennifer Hanson (439 Bergamont) : When we first heard about this proposal we received a survey via the internet. I was confused because some of the questions I would like to have answered did not include information that was important, such as the days and hours of use, the number of visitors, the numbers of cars and the traffic flow. Also, the map on the back of the survey was not drawn to scale. In this proposal, if you were to be using this as a Little League facility, kids in the outfield would actually be standing on the bike path. I have asked the youth baseball if they could put stakes out there to try and help us because I'm just not seeing it. I'm not sure if the Village is thinking about moving that bike path or what's happening with that. I would also like to tell you an experience I've had with the parking and safety. We have the Bergamont golf course and the pools up the street, so Bergamont Blvd is used to get to other areas. When people are going there and others are stopped because they want to let their kid off, they're talking, you have cars coming from behind and there's not really enough room to get around that person. As a result of this, we've had people basically road raged, flipping each other off and swearing because it's so congested at certain times.

Amy Brauns (450 Medinah) : I'm not opposed to Little League. I support it and would support a facility in a different location that we can support as a neighborhood through our tax dollars. Every member of my family is involved in baseball, we are 100% involved in Little League, and we very much support it. But the appropriate use of this area is as a neighborhood park, as spoken by Mr. Slavney. This isn't a few kids playing soccer, this isn't

tee ball; this is an official Little League diamond. That park in that congestion is just not big enough for that kind of traffic and intensity. We do have the petition that I'd like to present to the Board. 70% of the neighborhood has signed in opposition of the Little League facility due to congestion and traffic. I'd also like to point out within this petition that 90% of the people directly affected by this (traffic) were opposed to it. Finally, when neighborhoods are developed nowadays, they take the biggest chunk of land and try to get the most tax dollars out of it. The yards in Bergamont are not large yards, so what happens is they dedicate a small area of the neighborhood for a park because most people can't utilize their own yard for activities. The yards aren't big, we don't have enough room to have a swing set in our yard and play catch with our kids. By having a Little League facility here, you're taking the whole park and what does that mean for the half mile radius of this park for biking, walking, etc.? You've now taken any chance of people using the park.

Gary Singleton (415 Bergamont) : We're excited about the opportunities this community offers. Safety is the number one concern for my wife and I, but traffic and other things have been mentioned already. The concern I want to address is water issues. Our basement has flooded and we're right across the street from the park. I've talked to Jeremy Balousek with the Dane County Land and Water Resource Department about any change in the surface of Bergamont park and the impact it might have on water issues. Every winter, down the slope from the park (on the Oakmont side), the Village has to go out multiple times to regrade and there's still flooding. I also sent an e-mail and picture last night about the situation to decrease discussion on the issue during this meeting tonight.

Ron Trachtenberg (attorney with Murphey Desmond): Some neighbors have asked that I review documents and speak on the land use. As Slavney properly points out, the guiding documents before you are the 2002 Parks Plan. His memo and the zoning code that you have with the 2002 Parks Plan creates a hierarchy of parts; there's play lots, tot lots, neighborhood parks, neighborhood playgrounds, playfields, community parks and recreational areas. Due to its' size, this park is a cross between a neighborhood park and neighborhood playground. Whether it's a park or a playground, it's essentially for the neighborhood residents. It is a pedestrian, bicycle-oriented park; that's how people get there. If it were attracting people from the broader community, it should include a loading area, drop off area, and parking. Pushing it into more of a community use and playfield would lead to traffic and noise congestion by having people in the community come to the area several times a week. There are also the issues of availability of the park for the local people that have already been mentioned. We would ask that you keep this operationally a neighborhood park and playground and not let it morph into a playfield. Harms asked if Trachtenberg thought this was to be the exclusive use for the Bergamont subdivision. Trachtenberg responded no, but the primary use should be for the Bergamont subdivision, as all neighborhood parks should be for the primary use of the neighborhood. As Slavney said, this is not a perfect world and we cross utilize everything. The question is whether or not you're going to let it morph into a playfield and to more of a community basis than a local, neighborhood basis.

Bridget Nettesheim (603 Prairie Grass Rd): Nettesheim explained that while she doesn't live in Bergamont she wanted to give the perspective of someone who lives adjacent to the park; she lives in one of the lots that backs up to the soccer field. I wanted to address a few things. First of all, this has been discussed a bit, but there are currently 2-3 soccer games every

Saturday morning and occasionally on Sunday. Additionally, there are practices a few nights a week for soccer and some baseball practices. My other concern is the available space to actually fit this in. I believe the set backs are 50 feet from any residentially owned lot line where the activities should be and I'm thinking the soccer field is closer to my backyard than yet, but I haven't gone out and measured it. If we were to make sure we're meeting the 50 feet all around and the soccer field got pushed even further towards the baseball field, I'm not sure how the two could compete. Some kind of scheduling would need to be done because there would be overlap and I'm not sure how both things could happen at once. I would also like the Board to consider the ramifications of setting up a defined scheduled multi-sport area in such a small area. I know sometimes when people drive by it could appear underutilized if it doesn't have a ball diamond or soccer field, but there are people who bike and drive from other areas that do use the green space even without these additions. Donovan questioned if there is overflow parking into her neighborhood. Nettesheim responded yes, I can't say that I've witnessed the double parking that I saw in the pictures, but I would say that we have about 10-12 cars on a typical Saturday morning. There are people catching on to the fact that if they park on our side and walk up the bike path, it's almost a little closer than being on the Bergamont side. Additionally, our driveway is the first one people come to so we get a fair number of turn arounds in our driveway. Although (for me), the bigger concern is the fact that we have people that blow through the stop sign on Sumac. I have similar safety concerns for the fact that we do have little kids coming to the park.

Jeanne Corcoran (356 Oakmont St): My major concerns include safety and parking. There are a lot of people that park on the tot lot side and all the way up Bergamont, so there's quite a bit of congestion. It has gotten a lot busier and to the point where I've seen quite a bit of change in our neighborhood. It's very nerve racking to watch kids go across the street to their neighbors because of the traffic increase. Both of my kids played girls softball and my ex husband coached Little League in Madison and in Oregon for a total of about 6 years so we were pretty involved. We have been all over for tournaments and I've never been to a park that didn't have parking facilities; they're either attached to a school or a community park. I've never been to a baseball game or softball game within a neighborhood like this. I think this is a really generous offer that the Oregon Youth Baseball wants to contribute this money but I think this is more of a short time fix for a long term situation. We need to look at this as a community and come together to build a complex for this program.

Jon Odorico (President of the Soccer Association) : Our interest in using Bergamont facility was not necessarily permanent, it was a stop gap measure to replace some usage of other fields that were in disrepair. We do not have any intent to put up any permanent structures. There are tiny goals up now and some metal goals that can be moved. In terms of using a substantial amount of time which I heard addressed, I don't think it's being used for a substantial amount of time. There are 2-3 games a week and it's only 15 weeks out of a 52 week year. I will acknowledge a few practices and a few games a week. It also encompasses a very small portion of the acreage of the park. In terms of the traffic and safety, we are just as concerned about child safety in our Village. I was up there this evening and the park was absolutely empty, there wasn't anybody parked on either side of the street and there were no activities going on. I fully acknowledge that if there is more than one game playing back to back there's going to be a number of cars. I would ask the Park and Village Board if it's possible to consider using some of the space to put in a temporary parking lot that could aid

the use of the park and allow the traffic pattern to be normal as well as allow safety for the children. I think that would increase use of the park if there was suitable parking space. Again, we do not intend to put up any permanent structures there, it has served its purpose for us via stop gap measure to take care of an inability to use certain fields in the Village of Oregon itself. We are very much in favor of supporting an overall development plan for the building of more permanent soccer fields and baseball diamonds. Blanchard questioned the stop gap measure use and if it will become less used in the future as other fields are repaired or become usable. Odorico responded that if the Village is willing to put money into repairing other fields and correcting drainage problems, we would absolutely move away from using Bergamont. We've put a lot of money into maintenance and upkeep of some of the fields in Jaycee Park (over \$20,000) because we feel it's important that the kids have good places to play.

Ron Trachtenberg stated that when we came here we were prepared to talk about the impact of Little League. We understand that soccer is there now and we understand that it's meant to be a temporary fix until a more permanent fix is available. We're not trying to convince you that you should kick soccer out; it's an issue that has to be dealt with. To differentiate these issues, the issue before the Board is the additional burden Little League would place on the parks.

Staton thanked the residents for coming fourth and presenting information and concerns.

8. **Possible Action by Village Board and Park Board re: Bergamont Park and Village Park Issues**

Blanchard stated that, based on the input and the fact that Little League is not represented at the meeting, they seemed to have somewhat withdrawn. I would put forth that we keep the activities the way they are and try to deal with the traffic patterns and communicate to the people using it. As far as the baseball diamond and formal Little League plan, I don't think that should take place. As far as soccer usage, we want to keep it limited to younger kids. Donovan stated that he agrees, but stressed the need to find a permanent solution to this issue. **Blanchard made a motion to deny allowing the Youth Baseball Association to develop their formal Little League diamond at Bergamont Park and to continue activities as is. Second by Winklepleck.** Olson stated that the second part of the motion concerns him; it seems to make the level of activity or future activity at this park even more restrictive than any other in the Village. I would be more comfortable with a motion limited simply to the first part, denying the request for the development of the formal Little League baseball field at Bergamont Park. **Olson recommended this as an amendment to the previous motion. Second by Winklepleck. Amendment approved 5-0.**

Slavney stated that he believes another issue is going to evolve. In these kinds of parks it's common for there to be a back stop; playing catch with your kids or just 2-3 people using the swings. A back stop is a safety device to keep the balls from going out to the street. I want to clarify if it's the intent of the Park Board to focus on a more intensively developed ball field, whereas a back stop may be acceptable at some point in the future. Dregne responded that, as he understands the motion, it is a recommendation to the Board that they determine that the Baseball Association not be permitted to develop a formal Little League style baseball park. As I understand that, that would not foreclose the Village from putting up a back stop. This

issue was determined to be discussed at a future Park Board meeting. **The Park Board's final motion carried to recommend denial of the request for a formally developed Little League baseball diamond in Bergamont Park.**

Donovan suggested that the Village Board deny the proposal by the Youth Little League Association to develop a formal Little League Baseball Diamond in Bergamont Park. Second by Poole. Way asked Park Board members if soccer got a different facility and vacated the park if they would reconsider a ball diamond. I'm not sure that the facility is incompatible with the park; it seems that it's more the use and the amount of use. My concern is that we may essentially vote to disallow a facility when we should be coming up with a strategy to control the uses of the facilities. Donovan stated that he didn't look at this being a vote that was going to be permanent. The proposal was brought forward, it doesn't seem to be a good fit right now and it doesn't preclude a proposal being brought forward at a later date. Lourigan asked Slavney if the development of the west side park would answer a lot of these problems with overuse of this park and overflow; those fields are yet to be developed. Slavney responded that he has a graphic that shows the conceptual layout of the west side park and provides for a number of soccer and ball fields and is in a location that's more separated from intensively developed residential areas. It is a community park and community parks allow for more intensive play field development in terms of dedicated space. Gracz mentioned that Slavney's memo states very clearly that this is not a park for Little League. The Board's motion states that we are not going to have a Little League facility in this park; it is not suitable for a Little League facility. Staton agreed with these comments. This also ties into Strategic Planning where we're looking to see what the priority is so we can go from there; budget constraints are also considerable.

Dan Dean (Oregon Youth Baseball) : Dean apologized that there was no one present to represent Youth Baseball earlier but their Board members are all coaches who had games tonight. He clarified that they withdrew the request for the outfield fence and there's no call for enclosed dug outs, concession stands, or lights. We originally requested an outfield fence to have an official Little League size field but we were willing to concede that. It was intended to be a grassy area with 3 ½ foot strips up the baselines and a small amount of dirt.

No further discussion or questions. There was review that the motion from Park Board was to deny the request to put a Little League diamond in Bergamont Park. **Motion carried.**

9. **Discussion and Possible Action by Village Board and Park Board re: Possibly Work with the School District to Study Playing Fields**

Staton mentioned that there has been preliminary, informal discussion about this because the school has interest in it also. It has been stated that a lot of these kids are School District kids (not just Oregon) and they have an interest in having playing fields for our youth. Harms stated he worries if we go in conjunction with the School District, we have to make sure there are no conflicts with soccer association, etc. Staton responded that, in terms of scheduling, we would make it a concise process but also look at working together (this would not be for High School kids, this would be playing fields for younger kids).

Jeff Groenier explained that we had our first meeting two weeks ago at the School District and had the head of every organization in town there: softball, baseball, hockey, football, etc.

We started talking amongst all the groups and right now everyone's doing a tally of what they need for facilities, what they think they might need and then we're going to have a meeting next month where we'll talk to the school board about the Park Board. We'll discuss how this is going to evolve and start working on different scenarios. We also looked at the different parks in town because we know the School District has already done a master plan for Jaycee Park East. We've looked at Jaycee Park West and some scenarios and so that's kind of where the whole committee is going. It's not just talking to the School District; all the groups in town were at that meeting. We're trying to have a 10 year plan. When we meet next month we'll talk about what we can do right now to fill the gaps and then what we can do in 10 years. Staton responded that it seems there's a lot of momentum that's building for youth athletic fields and a lot of people that are behind it. We need to have fields for kids to participate on because there are a lot of benefits to it.

Donovan clarified whether or not the intent is to work with the School District to come up with all the needs and then go through the Park Board to make a proposal. The response was yes, the School District facilitated the meeting the other night. Groenier stated that one of the things we looked at right away was the way the parks are currently used. For example, in Jaycee Park, we could actually pick up 3 soccer fields and 2 ball diamonds in the existing park itself. We could have 5 soccer fields in the existing park just by reconfiguring it because there's so much wasted space in there. At the next meeting we'll figure out what we need for fields and scheduling. Harms stated that he appreciates Jeff Groenier's efforts and suggested that, because Jaycee Park has neighbors on the north side, to notify the neighborhood as they go through this whole process so if they have suggestions, comments, discussions or arguments, they are included in the progression of things. Staton reiterated Harms point and stated that we want to move this forward as a community and work together to make it happen for our kids. Groeiner responded that (in the initial talk) it was thought to move everything away from the houses and to the south as far as possible as well as put parking lots in so we can utilize the ice skating rink parking lots, the schools parking lots, etc. What we talked about initially is coming up with scenarios for short term planning (things we can do in the next couple years) to alleviate the problem and then progress from there.

Lourigan asked that they notify Gracz of when the meetings are occurring. It was confirmed that this would happen in the future. Staton asked if there was a consensus to look at moving forward in working with the School District. Board members agreed that it should.

10. Discussion of Status of Revising the 2002 Outdoor Plan

Gracz explained that the Park Board's working on it and, as they're moving ahead, we're finishing Strategic Planning. He suggested that the Park Board continue working on the Outdoor Plan and then make a recommendation to the Board so they can then decide if they want to adopt it or wait and finish Strategic Planning first. Slavney suggested that the next version include an outdoor recreation plan required by the DNR in order to qualify for future stewardship and grant opportunities. They aren't in the current version of the plan because the DNR standards have evolved since 2002. Staton summarized on the Outdoor Plan by saying that the Park Board will continue with it and bring it to the Board when they're ready. At that time we'll decide if we want to approve it or wait until we have results from the Strategic Plan and go from there.

Pettit was asked about safety concerns in the areas previously discussed (not limited to Bergamont Park). He responded that after he received the letter and pictures, we are looking at that area to try to mitigate the poor parking techniques that are taking place as much as possible and are looking at other ways that perhaps we can reduce violations there. In terms of U-turns, as of this last legislative session, the legislator made it legal to do a U-turn in an intersection if you can do so safely. We don't have the legal authority to stop them from doing U-turns as long as they are not putting anybody at risk. We are going to look at some areas up there, monitor the situation, and see what we can do whether it's signing, enforcement, other engineering issues, etc. In terms of crosswalks, those areas that people were crossing are not designated crosswalks anyway, they're midblock and not at intersections. Again, those are some of things we're going to take a look at as to where to put those pedestrian crosswalks legally and where they would be most effective. Staton commented that he personally believes a lot of the traffic problems are nothing more than an issue of drivers being rude and unsafe

11. Discussion and Possible Action by Village Board re: Port-A- Potty at Rustic Vinyards Park (from June 2nd Park Board Meeting)

Gracz explained that this had become an issue with residents but has now been resolved with Gary Disch's help. In the future, the Village will take it upon themselves to contact residents or get something in writing for the Park Board to see when an organization says they've contacted residents. No further comments.

12. Discussion and Possible Action by Village Board re: Chamber of Commerce's Use of Jaycee Park east of drainage swale for Summer Fest Car, Truck and Bike Show (from June 2nd Park Board Meeting)

Blanchard stated that last year they used the area west of the drainage swale and east of Oak Street. This year they're asking to use the area on the other side. The motion at the meeting was to allow them to use the same area as last year, extending farther to Badfish Creek (where it comes across and meets the drainage swale), in addition to allowing them to use an area on the east side of the drainage swale without any vehicles on ball or soccer fields. **Donovan made a motion to discuss allowing Summer Fest Car Association to use the area of Jaycee Park that was used last year along the west side of drainage swale, down to Oregon Badfish Creek, and also the east side of the drainage swale as needed as long as they don't drive on or impact the baseball diamond or the soccer fields. Second by Harms.** Harms questioned that, with the recent rain we've had, who is going to make the repairs if they're going to drive vehicles through there. It was answered that the back up is to use the parking lot. One of the things that should be considered with the motion is the contingency that if it is soft you don't allow them on the east side of the waterway. Harms said that last year they were overwhelmed with the number of entrance so this year they should plan for more because it was well received by the community; I don't want to turn 30-40 away and have no place for them to go. It was also suggested to look at the parking lot behind Netherwood between the old school and Main Street (the parking lot in that area). Pettit said that the primary reason they're using this particular location is so that you can see it and it's continuous with the other activities and other grounds. Below suggested adding to the motion that if there's damage to the grounds that the Chamber will fix it. Pettit explained that his concern with the repair issue is that it is only 2 weeks for any repair before the soccer tournament begins. Even pulling vehicles in there just to test it out you can do damage.

Staton asked if there was a way to mark it off so that everyone clearly knows to stay off the athletic fields. Below responded he wouldn't even recommend the cars going on the east side unless it's absolutely necessary. Donovan clarified that the recommendation from the Park Board was that they only use the eastside of the drainage swale if it was absolutely necessary otherwise they would remain on the west side. They indicated that they would have people staffed there to direct cars off the field; we can make that a contingent part of the motion as well, that they properly staff that area along with the fact that if there's any damage to the area they should be responsible for fixing it. **Previous motion was withdrawn. Donovan made a motion to allow the auto show to take place on the west side of the drainage swale from Jaycee Park from Oregon branch of Fish Creek up to and including the open area north of the parking lot and if, absolutely necessary, allow the show to take place on the east side of the drainage swale, subject to any damage caused by the show to be repaired by the Chamber and that the Chamber then staff or have the auto show staff the area to prevent any auto traffic on the baseball diamond and the soccer field, with the approval subject to Below's approval. Second by Harms.** No further discussion or comments. **Motion carried.**

13. **Park Board Adjourns: Blanchard moved to adjourn the Joint Park Board meeting at 8:00pm on Monday, June 7, 2010. Second by Olson. Motion carried.**
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Village Board recessed for the Board of Review Meeting.

Reconvened at 9:08pm.

14. **Village Attorney's Report**

- a) **Discussion and Possible Action re: Request from DeBroux's for a B Combo license (current license B Beer C Wine) (Board will be asked to consider the impact of the Liquor License Moratorium on an applicant who already has a liquor license, but is requesting a different available license.)**

Gracz stated that he put a copy of the ordinance in the packet on page 76. Dregne briefly explained his understanding of the situation. The Board recently adopted a Moratorium Ordinance that says an applicant of this sort during the pendency of the applicant will not be processed or acted upon. The purpose of putting it on the agenda is to bring it to your attention so that you're aware that this application has been filed and that it will not be processed or acted on based on the Moratorium unless you chose to change the Moratorium. The Moratorium Ordinance itself provides the process for what we would do with applications that are filed pending the Moratorium. Basically, they're going to be put in line and when the Moratorium terminates, it could be considered at that time in the order in which it is relative to other applicants we may receive in the interim.

Gracz stated that, until reading the final draft of the Ordinance which says the processing of applicants that have been submitted to the Village but not yet granted or denied by the effective date of this Ordinance would be suspended during the temporary stay, he was under the impression that because DeBroux already has a license that the ordinance wouldn't apply. Pettit questioned if it was the intent of the Board to actually exclude the 2 licenses available under Class B. Staton questioned whether to apply the Moratorium as

we've approved it or change it. The change would be that if a current license holder applies for license it could be considered during the Moratorium. Dregne responded that that could be one potential change. Another potential change would be to reflect what Pettit reminded us of at the last meeting when we discussed this; one of the issues that was discussed was whether the Moratorium should not apply, for example, to either Class B licenses (which are already subject to a cap under state law) and simply allow those licenses to be issued until you get to the cap (we have 1 regular and 1 reserved available). The current Ordinance as adopted precludes the Village from accepting, processing, or acting on any applications for a combination Class B license.

DeBroux questioned why he wouldn't be grandfathered in. Gracz clarified that DeBroux asked for it and when Hawthorne's became available, he came in right away that Tuesday morning after the last Board meeting to ask for this license. DeBroux stated that the economy has hurt his business. We need to do everything we can possibly do to try and survive. I've stuck everything I've got into that business and it's still tough going. Denial on this license is not positive. It offers alternative for people to go out to eat where they can have a cocktail and not just beer or wine. Poole responded that when they discussed the Moratorium that he didn't even think about this scenario happening, otherwise we probably would've made accommodations for this kind of thing at the time. Since the applicant already has a license, my feeling is that we should go ahead and issue him the new license and change the Ordinance. Dregne clarified that there are two issues with this particular establishment: they have a license today, it's a particular kind of license and they applied for renewal of that and that's on the agenda. The Moratorium does not affect the renewal of their existing license. They've also submitted an application for a different type of license and that's a new application for a license that they don't currently hold. It's not a renewal of an existing license and the Moratorium as drafted clearly applies to that.

It was asked if the Moratorium could be amended. Dregne stated that it could be, but not tonight because it's not on the agenda for that purpose; it would have to happen at a subsequent meeting. Staton questioned the track record of DeBroux's current license. Pettit responded that he's pretty sure if we were looking for records, there would be nothing in the history of this particular business that we would make a recommendation against issuing them a Class B license. Tonight he's got a renewal for his Class A license and we're recommending approval of that. Donovan asked for more clarification. During the debate with the Moratorium, we discussed when this would be effective and that it was going to be effective when it was published. If he came in the next day, we hadn't published it yet. Dregne stated that the application was filed prior to publication, as was the Walgreen's application. But the Board had not yet acted on it, so the Moratorium was adopted before he submitted his application. It became effective prior to tonight's meeting and is currently effective. So, the processing of the application continued until the effective date of the Moratorium which is now effective, the same way that it is in respect to Walgreen's. The legal issue, if there is one, is whether or not the Moratorium is effective with respect to an application that is filed between the date it's adopted and the date it is published.

There was discussion about the process of applying for a liquor license and the selling of alcohol. Dregne explained that he believes there is a reasonably good legal argument that the Moratorium is effective because the Board has not yet acted and that same issue and that same argument arises with respect to Walgreen's. He further stated that there's no law that he's aware of that says that an applicant has a vested right to this kind of license; that's the legal issue that would be argued over, whether or not that's the case. Way questioned if at some point they gain a vested right when the Board starts acting on it. Dregne said that once the license is actually granted to an applicant, they have a significantly heightened interest in that license and it can only be taken away, not renewed, or revoked with due process of law and for a cause set forth in the statute. So once the license has been granted, there are significant legal protections that attach. Staton summarized that if someone on the Board wants consideration of this request, they would have to ask to have this come before on June 21st with the possible action on changing the wording of the Moratorium to cover this situation.

Lourigan stated that we changed the Ordinance recently regarding reconsideration for votes. Dregne explained that the reconsideration language in the Ordinance was revised to make clear the exclusive procedure for reconsideration of an item. The only way that the Board can reconsider a matter decided at that meeting or the next subsequent meeting is through a motion for reconsideration. Once you get past that next meeting, you're not tied to the reconsideration process; the issue can be considered without regard to reconsideration. **Lourigan made a motion to include on the June 21st agenda a discussion and possible action on repealing the Moratorium Ordinance. Second by Groenier.**

There was more discussion on the details of considering an issue at a future meeting. It was questioned as to whether the motion should involve amending the Moratorium versus completely repealing it. Staton explained that if it is repealed, it is a whole different issue than DeBroux's request. Lourigan responded that he would still get his renewal. DeBroux responded that that's not what he wants; he wants to be able to compete in this tough economy. He needs help to try and stay in business and needs something to compete with. Staton stated that the motion should include repealing or amending the Moratorium so that we have that option. Donovan stated that he agrees 100% with DeBroux and that he needs all the help he can get, but the fact of the matter is that this is exactly why we took the votes we did last time and we penalized Walgreen's and now we're finding that we were penalizing other people at the same time. Donovan agreed with Lourigan that we need to repeal the entire Moratorium. We haven't laid out a plan on how we would deal with the Moratorium yet. He explained that we need to deal with this situation on a more honest basis, remove the Moratorium, deal with those licenses, and then if we still want to pursue something as a Board with regards to a message or an actual action on dealing with the use of alcohol in the Village, we do that separate from the Moratorium that's in place. Staton responded that, to him, the Moratorium is a lot more than just a message. It's a chance to set some guidelines that would be beneficial to have an impact on the alcohol culture in this state, this community, and so on. There are guidelines that can be in place that would be helpful to us that we can discuss as far as the Moratorium before we issue licenses that make it difficult to have those regulations in place. Once a license is issued, unless there are significant violations, it's in place for a very long time. **Poole**

made a motion to amend the previous motion and made a motion to repeal or amend the Moratorium. Second by Harms. Pettit explained that there were no changes in DeBroux's license when the name of the business changed; he's the same agent for the Class A license that is applying for the Class B license. There was clarification given regarding DeBroux's license and type.

Way made a comment that the Moratorium, in his opinion, is not symbolic. The material and intent is to give the Board time to study this issue and put policies in place to deal with an issue that we've identified. If our intent is to study the issue and come up with legislation to try and address it, I don't see it being appropriate to amend the Moratorium. We're here to study the issue and come up with legislation. It shouldn't matter who's asking, what should matter is the issue at hand. We should try to address the issue with the legislation so I won't support any change in the Ordinance. I think our efforts would be better spent tackling the core issue than furthering manipulating the Moratorium. Poole clarified that he didn't realize that it would stop a current person that had a license from getting an upgraded one.

Dregne described the legal issues that we're trying to sort through that relate to the renewal application for DeBroux. There is an actual legal issue that we don't know the answer to right now: whether or not the change in management is something that would require the issuance of a new license as opposed to simply the renewal of an existing license. If that's the case and a renewal is not possible, given the change in ownership and the ownership structure, then the new owner so to speak may be required to apply for a new license and would therefore be subject to the Moratorium. That's another fact that you should be aware of at this point. We may not be able to answer that question tonight because it raises a fairly interesting legal question. We have a separate legal entity operating the business now than the entity that was operating it previously. Now we have a sole proprietor that basically bought the business from an S-corporation and he may need a new license. Harms asked if, when a business changes hands, the liquor license is a part of that business. Pettit stated that there's a transfer of license and this is something he'll need to discuss with Roger Johnson (Department of Revenue – Alcohol and Tobacco). Dregne responded that when he's looked at these issues in the past, although people speak in terms of "transferring licenses," that's not typically what happens. Technically, there's an application for a new license by the new operator and the old license is relinquished. Way asked for clarification that DeBroux will have to get a new liquor license. Dregne answered that there is a distinct possibility that he does. Way responded that, based on that fact, he'll retract his former statement and will consider amendments to the Moratorium.

Lourigan made a motion for Staton to request a Special Board Meeting to address this issue and repeal the Moratorium as soon as possible after we have an opinion and take care of this license issue for this petitioner. Donovan stated that it appears that we're trying to show favoritism to one business over another and it's not appropriate. Staton responded that he disagrees because it's an existing business that had a change in ownership and that Walgreen's didn't have a license to begin with. Donovan stated that while this is true, Walgreen's is an existing business in the community. We're willing to do what's necessary to make sure that a restaurant get its but we're not willing to do

what's necessary to make sure that another existing business gets it. Staton disagreed with this and stated that he would like to see this deal with the Class A licenses because those are the ones he had concern about. I did not want this to have an impact on a restaurant and I made this statement more than once during previous discussions: I do not want the Moratorium to impact a restaurant. Donovan responded that that is the appropriate way to do it; if you're going to try and regulate the status of the license or who gets the license, everyone should be treated the same. I agree that we should give it to DeBroux but we're treating him different than we are Walgreen's. Staton said that by and large while everyone should be treated the same, the licenses are not the same. DeBroux stated that a retail license is different than a restaurant license; we have to be careful and not over-serve. If someone wants to go in and buy 12 cases of wine at Walgreen's, they could sell it; it's not the same thing. Retail is not the same as consumption on site. Staton agreed that there are differences within the licenses. **Role call vote to amend the main motion to include on the next agenda consideration of repealing or amending the Moratorium : Harms-no; Groenier-yes; Way-yes; Poole-yes; Donovan-no; Lourigan-no; Staton-yes. Motion carried 4-3.**

Lourigan stated that he would like to amend his motion to have a Special Board Meeting to address the liquor licensing for this petitioner to the soonest day possible. Second by Way. Dregne stated that we have to check the statute to make sure we can provide the appropriate legal notice that the license application is being considered. Gracz explained that if Pettit talks to Roger Johnson and if the concerns are correct that, because DeBroux's business changed, that notice takes longer than a week. To give him his current license he already has, you'd have to do a notice for that. Dregne explained that right now the Village has published notice that his combination Class B license is on the agenda for consideration tonight and notice has been given that renewal would be considered. What I'm not sure about is if you are to schedule another meeting a week from now to consider either issuing a new combination Class B license or a new Class B and Class C license, whether we'd have to have a public notice again of that meeting. You may recall we had a notice problem with the Walgreen's application, so we want to make sure we publish the notice correctly. Assuming we need to publish an additional notice, the meeting could be held no sooner than a week from Thursday. Dregne specified that the Moratorium can be done sooner and that it's only the action on the license that has to be properly noted. He stated that based on what he's seeing in the statute right now we could have a Special Meeting this week.

Lourigan brought up that the actual application that was published says "original alcohol and beverage application." We have actually published an application for a new (not a renewal) Class B/Class C license; we've been treating it as a renewal of an existing license. Way said that essentially we could discuss this Wednesday night and make a decision on the Moratorium and the license. Dregne said that yes, we've met the publication requirements. There was discussion about previous motions that were brought forth in this discussion. **Lourigan made a motion to hold a Special Meeting, at a date that has been yet been specified, to consider issuing the license for the applicant and to address the Moratorium. Second by Donovan.** Dregne stated that it is still not clear as to the date of the meeting and which applications could be considered at this Special Meeting. **Lourigan made an amendment to the main motion to have a Special**

Meeting on Wednesday, June 9, 2010 for the consideration of the DeBroux's Diner liquor licenses (the existing license and the new license) as presented tonight and to discuss the issue of repealing or amending the Moratorium. Second by Donovan.

Dregne summarized the previous motions by stating that the main motion was to put on the next meeting agenda considering the amendment or repeal of the Moratorium. The proposed amendment to that would provide for having that at a Special Meeting on Wednesday, consider amendment or repeal of the Moratorium, and include on the agenda the consideration of the two applications that DeBroux has made to the Village for alcohol and beverage license. Staton asked for any further discussion. **Roll call vote : Poole-yes; Donovan-yes; Groenier-yes; Harms-no; Lourigan-yes; Way-yes; Staton-yes. Motion carried 6-1.** Dregne stated that now the main motion must be brought forth and voted on. **Main motion carried 6-1. The Special Meeting will be held Wednesday, June 9, 2010 at 6:00pm.**

b) Discussion and Possible Action re: Request from Chuck Elliot's for Reserved B Combo License

Chuck Elliot provided background information: I'm asking for a liquor license for 218 Wolfe Street, 101 Elliot Lane where I've got approximately 23,000 sq feet of commercial area. I've been in the village for about 7 years, had 11 duplex lots and a 75-unit project on the west side, Alpine Meadows, and I've got the Villages of Foxboro which is a 43-unit project, and this commercial project which has been sitting there about 3 ½ years. So far I haven't had a tenant in the commercial area and changed (with permission) the residential from condos to rental property. I think having a liquor license would give me a chance to bring something in there, especially with the absence of Hawthorne's on the east side. In conjunction with this I would ask for an economic development grant to return the cost of the liquor license when I do open up a place there. I would like to meet with the representatives to review the TIF District and I've got a meeting lined up on Wednesday at 10:00 to try and bring some people into the establishment. As of today I haven't had anybody in there. The financing institution is getting at a point where we either have to do something or not. We are renting: we've probably got 2 vacancies in the first 20 unit building and about 6 left in the second building. I will be talking to residents and individuals running businesses here in town to see if they want to go in there or want to work with us.

Pettit responded that when Elliot came to make an application he had a conversation with Roger Johnson to ask whether or not an application could be received and issued to someone who actually doesn't have an established business running. He stated that with a location, name and agent, the Village could issue the license but not actually provide the license to the applicant until the business is ready to open. Johnson indicated that typically a municipality will put a time limit on when that business has to open. In other words, they have to establish a business there within a certain amount of time and if they don't, the municipality pulls the liquor license. Elliot stated that we have a 6 foot by 12 foot chase that goes completely to the roof from the main floor in both buildings so you can vent things. Pettit clarified that the application shows the entire building and that would need to be amended to more specifically illustrate where the license is going to be issued. Elliot said that it could only be on the first floor; that's the only commercial area

that's zoned for that. Dregne reminded members that this application would be subject to the Moratorium.

Poole asked if Elliot was looking for someone else to come into the building to operate. Elliot responded that he will not be the owner of the establishment but he wants to apply before the Moratorium comes on. Dregne stated that this would bring up the same issues we are currently facing with DeBroux. You'd be issuing the license to one party who's essentially proposing just to hold it and then when he does find another party that is interested in operating the business, he would structure his transaction so his sale of the property or conveyance of the interest in this area that would allow for operation of the business would probably be structured so it would be contingent upon the Village issuing a license to that party. You can't transfer it; he doesn't have the legal right to simply transfer a license to a third party. What would happen is he would come to the Village to say that he has someone that wants to operate a bar or restaurant here. He'd be the one who holds the license and would ask to relinquish it so it can be re-issued to this party. If the Board did re-issue the license to this other party, that condition would be satisfied and the transaction would go through. The practical effect of this application is to allow him to hold the license until such a time when he has another party available to operate. Staton clarified that they would first have to approve the other party in order for them to get the license. Dregne also mentioned that he has not seen a license issued under these circumstances to someone who has no intent to operate the actual establishment. Elliot clarified that as the agent he would have the right to the license and could operate it if he wanted. Dregne stated that while he could, that is not what he is currently saying. Elliot responded by saying that he's not sure if he'd be a partner in it, operate it, or if someone else would come in and use it or operate it. I don't intend that any of that could be possible until December 1st by the time we would build it out. We first need to go in and establish dimensions and size and go forward from there. Staton brought forth the fact that, as it stands, the Moratorium goes until the end of November.

Dregne stated that there would be a series of questions that would have to be addressed with respect to this application. First, the issue of the Moratorium, second, whether to issue a license under these circumstances to someone who's not ready to operate and third, there are a number of fees that would have to be addressed, including how to handle the \$10,000 fee that applies to a Reserved Class B license and how that would be structured in terms of both the payment of the fee and then the economic development grant and how that would apply initially and with respect to potential transfer to a new business. Then we also have unpaid, delinquent property taxes that, by Ordinance, would also have to be paid prior to the license. Gracz stated that, with the Moratorium in place, the first issue is to determine what to do with this situation. This is truly a new license that fits under the Moratorium as passed. Lourigan questioned whether or not there was an amendment in the land use and building plan to allow for residential housing on the first floor commercial space for a set term. Elliot stated yes, for the second building except for the south 2,056 sq feet. There would still be 11,259 square feet of commercial space in building 1 (218 Wolfe Street main floor) and 2,056 sq feet of 101 Elliot Lane. Pettit stated that whether we issue this license or not, when the Moratorium is lifted or ends, he's first in line for this reserved license. In effect, he is holding this license now even without the issuance of it.

Dregne clarified that the other thing is the person that's first in line right now is Elliot. We could have 3 or 4 more applications coming in the mean time and if the entity that's actually going to apply for the license and operate is different because it's a different ownership, they won't be first in line anymore. Staton suggested waiting to see what's decided on Wednesday, which Elliot agreed to. Way stated that there's nothing we can do tonight so we should see what happens Wednesday and go from there. Gracz stated, to hold his spot, Elliot should clarify the property description and pay the \$10,000 fee + \$600. There was a concern that, since we've allowed for residential space in those suites, it could create an issue. Technically, it's now zoned as commercial/residential. Pettit responded that he doesn't believe so: we have another business in town that's a Class A Combo and has residents above it. Elliot stated that if it were to go in 101 Elliot Lane, there's a completely locked corridor and entry that goes into the residential area that would not be accessible from that 2,059 square feet. It would be all by itself and isolated from the rest of the building; there would be no dual access or no way patrons could get in the public area for the people that are living in it. Lourigan thanked Elliot for his explanation. It was determined that Elliot has some things to clear up and it depends what happens with the Moratorium before the next step can be discussed. This item will possibly be discussed at Wednesday's meeting. Gracz stated that, depending on what happens at the Special Meeting, if Elliot pays the \$10,600 fee that he would place him on the June 21st meeting. There was no further discussion. Elliot was thanked for his time.

c) **Orcon, LLC (Michael White / Pizza Pit) Discussion and Possible Action re: serving alcohol in the outdoor seating area.**

Gracz explained that the Board just recently approved for White to do this; he's now asking to be able to serve out in this area. Staton clarified that they've approved the outdoor seating and questioned his license; it's a Class B. Pettit states that he has no concerns as long as it's managed properly. We have other businesses that are also serving in outdoor seating and we haven't had any issues with those businesses nor have we had any issues with this particular business. He has a license for beer already and is requesting to serve the outdoor seating area. **Lourigan made a motion to approve the application that is presented for serving the outdoor area. Second by Groenier.** Groenier also mentioned that White owns the area that the seating is going to be on. **Motion carried 7-0.**

d) **Discussion of Oregon Community Sports Arena Liquor License**

Lourigan stated that he initially had an issue with this because there is a school in the building and the license originally approved was for the whole structure, including the school. Staton explained that it is desired to restrict alcohol exposure to youth and this is an at risk school as well as a community center where youths are frequently at. If the policy you want to have is to try and restrict exposure and alcoholic signs, etc. than there are some concerns. Lourigan explained that he agrees with Staton's ideas to limit exposure of alcohol to youth and he is concerned that this type of establishment exists in the community. Lourigan stated that he supports the Arena having a liquor license as long as a school is not there. If the school is there he feels the Hockey Arena should surrender their license; it's one or the other. It's an incompatible use for the facility.

Jeff Groenier was present to speak on behalf of the Sports Arena. He began by saying that he has concern with this because they have never had any violations in the year they have had their license. He received a call from Pettit on Thursday that this was under review even without having any violations. Groenier explained that it gets to be concerning when we're picked out or chosen for this when there is a facility on the north end of town that has a full Class B/C liquor license that had a church and daycare in it and they don't get "picked on." Groenier expressed that he feels this is almost vindictive of somebody that has been voting against this project since it started. We've never done anything that we haven't said we weren't going to do, we follow the rules, we do everything we have to do, we paid our \$100,000 for our attorney fees and building permits, we have to raise our own money; we said we'd do that and we did it. We need the liquor license because we have to be able to go out and get all our other facilities. Without a liquor license like this we cannot support ourselves.

Pettit responded by explained that the fundamental question is whether or not a School District property can co-exist where a liquor license has also been issued. Dregne's memo points out very clearly that there is an exemption for that under statute, especially given the fact that they have a separate entrance into Oasis (the school), alcohol is not served within the area that the school leases from the ice arena, and alcohol is not sold in the building within the hours the school is operating. Pettit stated that he sees Groenier's points but there are fundamental questions that should be answered under Chapter 125 that have now been answered for the future of the facility. Staton questioned if the officers are satisfied with how they've handled this. Pettit responded that absolutely, we haven't had any issues related to that facility in terms of how they're operating and dispensing beer. I'm not sure they even sell alcohol all that often in the building other than when they have special events or when the minor league hockey team is actually there. Staton clarified that it's not sold at all when the school's open and never has been. The School District has also never expressed concern or questioned the alcohol sales since there is a separation.

Lourigan responded that the letter present in the packet answered his questions but that he was just concerned with the situation. He doesn't think that he denied supporting the hockey rink. He posed a question for Gracz and then the attorney drafted a detailed memo that clarifies the issues at hand. Gracz explained that the issue was also raised in the public and that there was a letter to the editor that was responded to. Overall, the memo really explains that there are no issues. Groenier stressed that they are not a youth facility; they are a non-profit organization that rents ice to everyone from adults to kids to speed skaters and figure skaters. We have to be able to match our client's needs and some of those involve serving alcohol.

e) **Discussion and Possible Action re: 2010/2011 Liquor Licenses as follows:**

Class "A" Beer: (fermented malt beverage)

Kwik Trip Inc., by Patricia R. Burgess, Agent, d/b/a Kwik Trip #302, 856 N. Main Street,
Oregon, WI 53575

Kwik Trip Inc., by Stephanie A. Brady, Agent, d/b/a Kwik Trip #372, 916 Janesville Street, Oregon, WI 53575

Kwik Trip Inc., by Sheila M. Mickelson, Agent, d/b/a Kwik Trip #731, 135 N. Main Street, Oregon, WI 53575

Stop-N-Go of Madison Inc., Andrew J. Bowman, Agent, d/b/a Stop-N-Go #200, 856 Janesville Street, Oregon, WI 53575

Discussion: Pettit explained that we have some licenses that the Board will approve that we will not issue until these particular issues on the building inspection report are completed. Gracz said that they have been re-inspected twice already and a lot of the businesses became in compliance once they came out the second time. There was discussion on the process and organization of motions and approvals for the above liquor licenses. **Poole moved to approval Class “A” Beer for fermented malt beverage for three Kwik Trips and Stop-N-Go. Second by Groenier.** Lourigan explained that following the discussions about the Moratorium in regards to alcohol retail sales and after reviewing the document “Alcohol Culture and the Environment Workgroup Recommendations” from the State of WI and Council on Alcohol and Other Drug Abuse, page 8 (which would be 93 in the documents), states #1: the sale of alcohol and gasoline at the same location is incompatible and continues to impose threat to public safety. Recommendations included in this report touch base on preventing the selling of alcohol and gasoline at the same place. By this report and the Moratorium, I would expect that we would consider revoking these licenses. Dregne made it clear that we can’t do that with a license that’s in place. Pettit explained that that is not a criteria for revocation, I think what this document contains are recommendations that some municipalities have gone to in terms of what they think are compatible mixes in terms of gas stations and issuing licenses; these are licenses that have already been issued, this is a renewal. Dregne further stated that the Moratorium does not apply to any of these because they’re all renewals and legally we can only chose to not renew a license if we have legal grounds for non-renewal, meaning they failed to operate in compliance with Chapter 125 (The Alcohol and Beverage Licensing Regulations). We would then go through a due process hearing. The kind of regulations you’re referring to that might suggest that you would not issue a license to a gas station, those could apply prospectively as to new applications if they’re adopted but we cannot take away a license from an existing license holder. Lourigan responded that we’re invalidating this document because it did say “when appropriate, revoke or decline to renew an alcohol license to an establishment that sells gasoline.” Dregne stated that he doesn’t think we can legally do that. Donovan asked what legal criteria under 125 allow us to revoke a license. Dregne explained that the grounds for nonrenewal are the same as the grounds for revocation and discussed the situations in which nonrenewal or revocation would be validated. Lourigan questioned if we could adopt a regulation that applies to how these establishments operate or could adopt an ordinance that says that certain kinds of places are not eligible to have a license (such as if you sell gasoline). Dregne stated that the answer is probably no, at least not with respect to that kind of regulation. **Motion carried 7-0.**

“Class A” Combination: (fermented malt beverage and intoxicating liquor)

Bill's Food Center of Oregon Inc., by William W. Faust, Agent, d/b/a Bill's Food Center, 787 N. Main Street, Oregon, WI 53575

Way made a motion to approve the liquor license once the inspection concerns are cleared up. Second by Poole. Motion carried 7-0.

OWLS LLC., by Ross B. Berge, Agent, d/b/a Oregon Liquor, 1015 N. Main Street, Oregon, WI 53575

J.L. Richards Meats & Deli, by Richard C. Wisden, Agent, d/b/a J.L. Richards, 668 Janesville Street, Oregon, WI 53575

Motion by Poole to approve liquor license for Oregon Liquor on N Main Street and J.L. Richards Meats & Deli. Second by Groenier. Motion carried 7-0.

"Class B" Combination: (fermented malt beverage and intoxicating liquor)

Hack's Sports Page Inc., by Jerry Hackbart, Agent, d/b/a Hack's Sports Page, 126 Braun Road Oregon, WI 53575

Oregon Bowl LLC, by Jack D. Henriksen, Agent, d/b/a Oregon Bowl, 214 Spring Street, Oregon, WI 53575

Oregon Family Restaurant LTD, by Shukri Shabani, Agent, d/b/a Oregon Family Restaurant, 768 N. Main Street, Oregon, WI 53575

Rosie's Main Tap Inc., by Samuel C. Ace, Agent, d/b/a Rosie's Main Tap, 121 S. Main Street, Oregon, WI 53575

Mulligan's Bar & Grill LLC, by Steven L. Alt, Agent, d/b/a Mulligan's Bar & Grill, 830 Oregon Center Dr., Oregon WI 53575

The Legend at Bergamont LP, by Jack Gaudion, Agent, d/b/a The Legend at Bergamont, 699 Bergamont Blvd., Oregon, WI 53575

Magaly Richter, d/b/a Señor Peppers, 113 S. Main St., Oregon WI 53575

Lourigan made a motion to approve "Class B" combination license for those listed above. Second by Poole. Motion carried 7-0.

Union Sport Club LLC, by Jose A Razo, Agent, d/b/a Union Sport Club, 155 Braun Rd., Oregon, WI 53575

Way made a motion to approve the "Class B" combination liquor license for the Union Sport Club LLC contingent upon meeting the inspection on the capacity sign and payment of an outstanding bill. Second by Poole. Lourigan questioned his

compliant to the Police Chief regarding the patrons of this establishment and their inappropriate parking. I found that they were a nuisance to the subjective businesses in the area and then we had a recent letter from a resident complaining about noise. Seeing as how we have a violation of outstanding debt to a vendor and two complaints, is there compatibility for denial of a license because of complaints about the establishment? Dregne responded with his legal analysis : they've applied for renewal, the failure to pay the bill is not grounds for nonrenewal and just means we can't issue the license until they've paid it and I think we're treated this sign capacity issue the same way, neither of those things are grounds for nonrenewal. The parking issue that people complained about is not grounds for nonrenewal. And the noise complaints again are not independently grounds for nonrenewal, unless they were part of a claim that this is a disorderly or otherwise indecent establishment. My sense is that we've just got a noise complaint on one occasion so it probably will not rise to that level. Based on what I've heard, I don't see anything for grounds of nonrenewal. The other point I would like to make to file away for next year : in order to not renew a license, we have to issue a summates of complaint and go through a due process, we have to prove our charges and they have a right to be represented and all of that has to happen; that takes time. We don't have time for nonrenewal because, if we didn't renew between now and the end of June, they would not have a license and we would've effectively suspended their license without due process. In the future, if the Village wishes to consider nonrenewal, it's my advice that potential consideration for nonrenewal of a license be put on the agenda at an early enough time that would allow us to go through the nonrenewal process and have it completed before the end of June. Staton summarized by saying that nonrenewal cannot be arbitrary. **Motion carried 6-1 (Lourigan in opposition).**

Class "B" Fermented Malt Beverage & "Class C" Wine:

George G. DeBroux, d/b/a DeBroux's Diner, 101 S. Main Street, Oregon, WI 53575

Tabled. To be discussed at Special Board Meeting this Wednesday.

Maria's Pizza Inc., by John Indelicato, Agent, d/b/a Maria's Pizza, 134 S. Main Street, Oregon, WI 53575

Keehn Beans LLC, by Michael A. Weidler, Agent, d/b/a Firefly Coffeehouse, 114 N. Main Street, Oregon, WI 53575

The Loco Gringo LLC, by Scot R. Cameron, Agent, d/b/a The Loco Gringo, 787 N. Main Street #166, Oregon WI 53575

Lourigan made a motion to approve Maria's Pizza, Firefly Coffeehouse and The Loco Gringo for a Class "B" Fermented Malt Beverage and "Class C" Wine license. Second by Poole. Motion carried 7-0.

Class "B" Fermented Malt Beverage

Orcon LLC, by Jennifer L. White, Agent, d/b/a Pizza Pit, 130 N. Main Street, Oregon WI 53575

Poole made a motion to approve Orcon, LLC Class “B” license. Second by Lourigan. Motion carried 7-0.

Oregon Community Sports Arena Inc., by Jeff Groenier, Agent, d/b/a OCSA, 100 N. Perry Parkway, Oregon WI 53575

Poole made a motion to approve the Oregon Community Sport Arena Inc. Class “B” license contingent upon meeting the requirements of inspection concerns. Second by Way. Motion carried 7-0.

- f) Discussion of Possible New Alcoholic Beverages Licensing Regulations (Moratorium of Liquor Licenses)
- 1) Information from City of Madison regarding processing of Walgreens Applications
 - 2) From Beth Cox – Alcohol, Culture and Environment Workgroup Recommendations
- Lourigan requested to have a brief discussion on this issue. While we’ve thoroughly discussed the Moratorium, he wanted to discuss how the City of Madison was handling applications for the various Walgreen’s in the city. It was indicated that they were doing it by district. Depending on the location of the Walgreen’s they should be handled separately, depending on the crime rate in the area and other alcohol outlets in the area and things come into consideration as to whether they will issue it. The information was passed along to demonstrate how the City of Madison is handling it.
- g) Discussion regarding Possibly Creating a Minimum Property Maintenance Program for Historic Districts (from Historic Preservation Commission)
- Item has been tabled.* Lourigan wanted to ask if any Board members had taken the time to review this in detail and were willing to discuss it. Staton responded that he’s read it but would prefer not to discuss it tonight. Lourigan explained that after reviewing it, he thinks it sets a lot of guidelines and policies that are needed. This particular item was placed on the agenda to remind members that we had a copy of it so we don’t reinvent the wheel; they’re starting points and we’re not the first ones who have done this. Staton further explained that it’s not presented on the agenda for discussion at this meeting. Gracz offered to provide members with another hard copy of the document.

15. Public Appearances and Public Hearings

- a) Public Hearing -- Ordinance No. 10-06, amending Section 18.04 of the Village Code of Ordinances relating to the maximum density of land divisions within the Village’s extraterritorial jurisdiction. **(From the April 1st Planning Commission Meeting – Trustee Harms)**
- 1) Discussion and Possible Action regarding consideration of amending Chapter 18 of the Oregon Municipal Code regarding the extraterritorial land division policies—Ordinance #10-06. **Recommended Motion: accept the first reading, waive the second and adopt Ordinance #10-06 amending Chapter 18 of the Oregon Municipal Code regarding the extraterritorial land division policies.**

Harms made a motion to accept the first reading and waive the second. Second by Poole. Motion carried 7-0.

- 2) Discussion and Possible Action regarding the rezoning at 836 Glenway Rd. in the Town of Oregon. **Recommended Motion: approve the rezoning at 836 Glenway Road in the Town of Oregon contingent upon the requirements in Village Planner Mike Slavney's memo dated March 25, 2010 are met.**

Harms made a motion to approve the rezoning at 836 Glenway Road in the Town of Oregon contingent upon completed requirements. Second by Poole. Harms stated that this has all been taken care of and Slavney has no issues with it. **Motion carried 7-0.**

- 3) Discussion and Possible Action regarding the Preliminary Certified Survey Map for 869 Glenway Rd in the Town of Oregon. **Recommended Motion: approve the Preliminary Certified Survey Map for 869 Glenway Road in the Town of Oregon contingent upon the requirements in Village Planner Mike Slavney's memo dated March 25, 2010 are met.**

Harms made a motion to approve the Preliminary Certified Survey Map for 869 Glenway Road in the Town of Oregon contingent upon completed requirements. Second by Lourigan. Harms mentioned that this is a division of Jerry Jensen's property. **Motion carried 7-0.**

16. **Approval of Minutes**

- a) Village Board meeting with Downtown Ad Hoc Committee -- November 17, 2008. **Harms made a motion to approve. Second by Lourigan. Motion carried 7-0.**
b) Regular Board – March 15, 2010
Poole made a motion to approve. Second by Groenier. Motion carried 7-0.

17. **Approval of Vouchers** : Poole moved to approve the vouchers in the amount totaling \$108,242.72. **Second by Harms. Roll call vote – Harms-yes; Poole-yes; Groenier-yes; Donovan-yes; Way-yes; Lourigan-yes; Staton-yes. Motion carried.**

18. **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.
None.

19. **Proclamations and Announcements**

- a) **Board Comments** : *None.*
b) **Staff Comments**
1) Scheduling Special Personnel Meeting for Village Clerk Interviews during the week of June 14th (**Gracz**)
Gracz explained that we've received all of the applicants for the Village Clerk position and we received about 35. Gracz asked if he should go through and choose

applicants to interview or if the Board would prefer to meet and go through all of the applications together. Way suggested that Gracz go through applications first. It was the consensus of the Board to carry out this suggestion. Gracz explained that they'd like to get the individual here by the beginning of August so they're here a month before the September 11 primary election. He stated that he thinks there are 5 or 6 people to interview. Gracz was considering starting the first interview at 9:00am and doing a couple in the morning, taking lunch and then coming back and finishing in the afternoon (next Thursday). Gracz stated that last time Staton and one other member of the committee were present for interviews, in addition to himself. It was concluded to meet on Thursday, June 17th starting at 8:45am.

- 2) Joint meeting (6:00 PM) with the Planning Commission June 21,2010 to review final draft of Chapter 22, Storm Water Ordinance (**Gracz**)
FYI: beginning to wrap up.
- 3) June 14th Finance Meeting (6:00 PM) – Board Members are encouraged to attend committee meeting for an initial 2011 Budget and Debt Service Discussion (**Gracz**)
FYI for members.
- 4) Discussion of July Meeting Schedule (**Gracz**)
Gracz thanked individuals for responding to his e-mail a couple of weeks ago trying to figure out when to meet in July. Heoft and I are thinking of trying to have a meeting on the 12th and the 19th, with one of them being Finance and one of them being a Board meeting. Typically when there are 2 meetings in July it works out. No questions, comments or discussion.
- 5) Oregon Police Business Watch Newsletter (**Pettit**)
Pettit explained that starting this last month we got our Business Watch Newsletter sent out to the businesses (working through the Chamber) and this is something we're going to be doing on a monthly basis; sending out tips to the businesses on what the trends are, what's happening in the region, there were some tips in there and some information about the local scams that have been happening lately through e-mail and those kinds of things. We'll be providing that to the Board every time we produce one so you can see what businesses are receiving. They're just helpful crime prevention tips.

20. **Communication and Miscellaneous Business**

- a) Discussion and Possible action re: Approval of Permit for Oregon Chamber of Commerce to be present in the swimming pool area after posted hours for Summer Fest Event
Made a motion to approve a permit for the Oregon Chamber of Commerce to be present in the swimming pool area after posted hours for Summer Fest Event. Pettit clarified that this is the annual authorization to allow the Chamber to use the Village park later than 10:00pm; otherwise no one can be in the Village parks after 10:00pm. **Second by Lourigan.** Lourigan asked for a correction to be made in the future; the Village no longer owns the pool property so it should be taken out of document 9.18 (p. 159). Pettit further stated that this application was from when the Village actually owned the public

pool, but the result is the same and we're still asking that the Board authorize use of the park area. **Motion carried 7-0.**

b) Discussion and Possible action re: Approval of Class B Picnic License for Beer for Summer Fest Event Issued – Event Dates June 24th through June 27th

Information on pages 156-158. **Motion by Harms to approve Class B Picnic License for Beer for Summer Fest Event.** Lourigan noticed that they're asking for 3 beer tents this year in 3 different locations and he asked for clarification because we haven't done this in the past. Pettit stated that last year they had 3 different selling areas. In previous years they've used the Diamond 2 shelter and of course the primary beer tent. Last year they also had the beer tent that's located just north of the main beer tent, near Diamond 1 (right in back of the back stop). This was actually started last year. Lourigan asked for a formal sub vote on Chapter 129, giving the permission to allow liquor to be sold within 300 feet of the school doors. If you look at where the pool is, that door is within 300 feet of the main beer tent; he asked for that rule to be waived. Staton questioned if approving that rule automatically waives the 300 foot rule. Gracz explained that if the Village determines that that is true, the Board has to waive that. Pettit stated that we've never done that before and he's not sure whether a temporary license is part of that restriction. **Second by Way. Motion 7-0. Way made a motion to waive the 300 feet from a school requirement. Second by Groenier. Motion 7-0.**

c) Discussion and Possible Action re: Providing Ideas and Issues for Strategic Planning Community Survey

Gracz explained that this is coming from Bill Rizzo saying that now is the time for the Board to think about ideas and issues that you want to have included in the survey questions. Gracz suggested putting this item on the next board meeting agenda (due to the time) and confirmed it could be placed on the June 21st agenda.

Lourigan asked if Board members had any other pressing issues for tonight. **Lourigan made a motion to adjourn the Village Board meeting at 11:40pm on Monday, June 7, 2010. Second by Donovan.** There was clarification that item 24 could be postponed until Wednesday's meeting. **Motion carried 7-0.**

Per the length of the meeting, the remainder of the items on the June 7, 2010 Board Meeting Agenda were postponed and not discussed at this time.

Submitted by:
Tracey Berman
Village Clerk