

**Special Village Board Meeting
Monday, June 14, 2010**

1. **Call to order:** Village President Steve Staton called the Special Village Board meeting to order at 6:00 pm, on Monday, June 14, 2010.
2. **Roll call:** Present: Jon Lourigan, Eric Poole, Darlene Groenier, Randy Way, Phil Harms, and Steve Staton. Absent David Donovan. Also Present: Village Administrator Mike Gracz, Director of Public Works Mark Below left at 6:45 pm, Finance Director Renee Hoeft, Chief of Police Doug Pettit, and Village Attorney Matt Dregne arriving at 6:43 pm.
3. **Discussion and Possible Action re: Approving 2009 Consumer Confidence Report:**

Harms moved to approve the 2009 Consumer Confidence Report, second by Groenier. Motion Carried 6-0.

4. **Discussion and Possible Action re: Sewer Backup insurance claim (369 Jefferson Street):**

This was at the May Finance meeting and additional information was requested. The total carpet damage was \$1,621.91. Harms stated we always have this problem when our insurance company denies a claim. It was noted that this property is not the first house that usually gets a backup on Jefferson St. Trustee Way asked what happens if we recommend to pay the claim. It was noted that this happened with the Mulligan's claim. Gracz stated he believes the Village paid the Mulligan's claim. The Board requested more information. They want to know if the insurance company would reconsider the denial since there is no documentation that we cleaned the sewer since 2007. The Board also wants to know what would happen if they vote to send it back to the insurance company for review and whether or not there would still be another chance to deny the claim in response. **Poole moved to table action on the Sewer Backup insurance claim to the June 21st or 28th meeting, seconded by Groenier. Motion Carried 6-0.**

5. **Discussion/Update regarding Mowing of Village Parks and Greenways:**

Below noted they have mowed everything, but keeping up with it is hindering street repairs. The Center Greenway on Nygaard and the Florida Avenue areas still have not been mowed. Staton asked about feedback from residents. Below said he has received complaints about the Nygaard/Kennedy and Florida Avenue areas not being mowed. Harms said he has especially received complaints from the Nygaard area. Staton noted one resident suggested not mowing the Nygaard/Kennedy area, but they do not have the support of the neighborhood at this point. It was mentioned that this would be on the agenda again next month, including the issue of what to do about the park equipment at Dega Park on Florida Ave. Below summarized that the difficulty in keeping up has to do with a shortage of staff and rain.

6. **Discussion and Possible Action re: Awarding of Contract for Market Street:**

Harms moved to award the contract for Market Street to E & N Hughes in the amount of \$230,129.25, seconded by Way. Harms asked what the budget was for this project. Below stated \$250,000. Gracz stated the funding for this project is coming from TIF #3 bonding and the sewer utility. **Motion carried 6-0.**

7. **Discussion and Possible Action re: Authorizing Pavement of Composting Site in the amount of \$10,440 (Note: There was no official motion made on this item at the special June 9th Board meeting):**

Poole moved to approve the Dane Co. Hwy proposal of \$10,440 to pave the Composting Site, seconded by Groenier. It was noted that millings from Market Street will be used for this project and that the driveway will be paved in and out with a gravel loop. Lourigan noted this will come out of the streets budget. Staton noted this will improve the entrance to the Ice Arena's south parking lot and make it more welcoming. **Motion carried 6-0.**

8. **Discussion and Possible Action re: Authorizing Village President to Sign Addendum to Ruckert and Mielke's Braun Road Phase II Agreement for Installing Signals at North Main and Braun Road:**

Poole moved to authorize the Village President to sign addendum to Ruckert and Mielke's Braun Road Phase II agreement for installing signals at North Main and Braun Road for, second by Groenier. Poole amended motion not to exceed \$23,800, Groenier approved amendment. There was some discussion on the difference of a lump sum contract or a not to exceed contract. It was noted the motion was for a not to exceed. **Motion carried 6-0.**

9. **Discussion and Possible Action re: Authorizing Village President to Sign Addendum to Ruckert and Mielke's Braun Road Phase II Agreement for Installing Street Trees:**

Harms moved to authorizing Village President to sign addendum to Ruckert and Mielke's Braun Road Phase II agreement for installing street trees, seconded by Way. Poole requested the price of \$2,700 be added to the motion. Harms and Way agreed. Harms asked if this price includes the trees. Below stated no. Harms asked for the number of trees. Staton asked if this is typical for municipalities to include in the contract. Below stated yes, it is for other municipalities and that the contract puts a warranty on the trees. Lourigan asked for an engineer's estimate on the cost of the trees. Below stated that's what the contract is for and that a 2 inch tree typically runs from \$150, \$250 to \$300. Gracz stated the trees are not as important as the lights so if it doesn't happen along with the project, it can always be done another time. **Motion carried 4-2.**

10. **Discussion and Possible Action re: Approving Chase Fee Increase of approximately \$20.00 per month for October, 2010 to October, 2013**

Poole moved to approve the Chase Fee Increase of approximately \$20.00 per month for October 2010 to October 2013, seconded by Groenier. It was noted at the May 17th Finance Meeting the Board approved extending Chase's contract for another three years. **Motion carried 6-0.**

11. **Discussion and Possible Action re: PSN Agreement (allow online utility bill viewing and payment)**

Way moved to approve the PSN agreement, seconded by Groenier. Hoefft noted this would allow utility customers to view their utility bills and pay online. The cost to pay online would be \$2.99 per payment. Customer's current cost to pay online is \$5.95. The hope is that it will cost the Village \$50.00 a month versus the \$900 a month that is now being spent mailing bills from month to month. **Motion carried 6-0.**

12. **Discussion of Scheduling Special June 28th Finance Meeting**

Hoefft noted the Finance meeting for tonight (June 14th) was cancelled because of the Special Board meeting. She would like to have a finance meeting on June 28th. There are a few items staff does not want to hold until July 19th. The committee members noted they were available on June 28th.

13. **Discussion and Possible Action re: Ordinance #10-11 relating to limiting the sale of intoxicating liquor by the holders of certain "Class A" licenses to wine (Draft Ordinance will be available at Special Board Meeting):**

Attorney Dregne handed out and gave an overview of the ordinance he prepared for tonight's meeting. He stated as an introduction to the ordinance that Walgreen's indicated early on in the process that it was willing to agree that it would sell beer and wine but no intoxicating liquor other than wine. While that type of condition is allowable, in order for the Village to take enforcement action in the event of the violation of that condition (such as suspension of a revocation of a license), it would be necessary to adopt an ordinance that provides for that type of condition. Key things to note regarding the actual regulation are explained in the paragraph at the bottom of the first page of the ordinance. Dregne read the following from the ordinance "No new 'Class B' or 'Class A' license authorizing the retail sale of intoxicating liquors shall be issued to any pharmacy or other establishment that also sells prescription medication, unless the licensee agrees to the condition that the establishment will limit sales of intoxicating liquors to wine. This will not apply to the renewal of licenses that existed on the date this section was adopted". Dregne stated that it is questionable whether or not this kind of condition could be applied to the renewal of an existing license. He also noted that he heard recitals 1-4 stated by Board members at past meetings. Recital number 5 is blank because he had not heard any specific rational for supporting Beer and Wine sales but not other intoxicating liquors out of a pharmacy. Dregne stated it would be helpful if the Board could provide rational for this section explaining why it would make a difference to sell only Beer and Wine versus selling all intoxicating liquors, especially relating this idea to concerns about alcohol abuse. Dregne explained that the Board could grant the license without having the ordinance adopted, but if Walgreen's started to serve other intoxicating liquors, it would not be possible to revoke or suspend the license without the ordinance. Way asked why the selling of liquor is not compatible with the sale of prescription medications in the same occupancy. Staton stated that he felt no liquor should be sold in a pharmacy because a pharmacy is about health and well-being. He further asked what options were available. Dregne summarized with the following:

1. Limit the sale of alcohol higher than 14% if the establishment sells prescriptions,
2. Prohibit the sale of alcohol of any kind,
3. Provide a distinction and allow the sale of strictly beer and wine,
4. Do nothing with the ordinance and deal with each application on its merits.

Way moved to adopt ordinance 10-11, striking recital #5, and altering the last paragraph so that no business selling prescriptions may be issued a liquor license, Harms seconded. Attorney Dregne revised the last paragraph to read “No new ‘Class B’ license or ‘Class A’ license authorizing the retail sale of beer, wine or intoxicating liquors shall be issued to any pharmacy or other establishment that also sells prescription medication. This section shall not apply to the renewal of licenses that existed on the date this section was adopted”.

Attorney Jenny Yuan for Walgreens expressed Walgreens experience in selling highly regulated products. She further explained that the Police Chief reviewed their security and felt comfortable with it. She also mentioned DeBroux restaurant’s application and stated that she didn’t feel the arguments in opposition were a concern for any of the Board members regarding a restaurant where people come in and consume beer or wine and liquor and then drive home. Yuan stated that Walgreens wants the same treatment that all other businesses in Oregon are receiving. She mentioned that 225 customers signed a petition in one week’s time in support of Walgreens request for a liquor license.

Lourigan stated he would not support this and feels it is anti-business. Board members discussed options such as a separate entrance and exit for the sale of alcohol and how that would be handled. Way asked if Walgreens liquor license is denied if they could come back and apply again or if a time limit would be enforced. Staton stated if Walgreens is denied a license that we need to make a commitment of getting a policy done as soon as possible. Staton stated there are other things not in the ordinance like the denial or acceptance of tastings, how advertising in windows and in the store would be handled, the sale of singles, etc. **Way moved to table Ordinance 10-11, seconded by Harms. Roll Call Vote Poole – yes Staton – yes Harms – yes Way – yes Groenier – no Lourigan – no. Motion carried 4-2.**

14. Discussion and Possible Action re: Walgreen’s Liquor License:

Dregne stated if the license is denied we need to send a letter and state why it was denied. If a Board member is going to vote against this license, they should state why they are voting against it during discussion. It was noted this was tabled at the May 17th Board meeting so we first need a motion to remove this from the table. **Lourigan moved to remove this from the table, seconded by Groenier. Roll Call Vote Staton – yes Way – yes Lourigan – yes Harms – yes Groenier – yes Poole – yes. Motion carried 6-0.** It was noted that on the May 17th Board meeting the motion to the Board was to approve the Walgreens license. Staton said he was voting no because of the density of licenses in this area; not a positive for the community; impact on kids; incompatibility; ordinance did not cover all aspects, especially in regards to tastings - licensed bartender required, advertising, special events, or sales of singles. Staton stated we need to deny the license and give time to develop answers and proper regulations as we go forward. Poole will vote no for a lot of the same reasons as Staton and also based upon phone calls he has received from residents. Lourigan feels the application meets the merits under the state statutes and feels a community should not take a harder stance than the state. Harms will vote no for a lot of the same reasons as Staton. In addition, he said that if Walgreen’s wants to sell alcohol, it should open a liquor store. Way will vote no for reasons based on items 1 to 4 in the previous ordinance table. He further stated that our current controls are too loose and we need time to develop

more specific controls and come up with set definitions. Way explained there is the potential, even if Walgreens wants to go forward in good faith and run the store in a way that is not incompatible under the current license, there would be the possibility that in the future they could become incompatible because people change and good faith can change at any time. Staton read from page 4 of the Alcohol, Culture and Environmental Work Group: Recommendations Changing Wisconsin's Alcohol Environment to Promote Safe and Healthy Lives April 2010 by Wisconsin State Council on Alcohol and Other Drug Abuse, Prevention Committee, Alcohol, Culture and Environment Workgroups, "Wisconsin residents are largely unaware of the significant power communities have over the alcohol environment. Such alcohol is regulated and controlled locally, changes must occur incrementally in each community. Wisconsin's elected and appointed officials have the responsibility and authority to regulate the community alcohol environment, but often lack the information and support needed to understand the legal and municipal issues of policy. Elected and local officials need an ongoing independent source of information and training on alcohol policy with the tools for municipalities to create a moderate alcohol environment and police protocols that remediate alcohol related problems economically and without disruption to the community at large. There is no single cause of remedy for Wisconsin's alcohol-related problems. Action by both the Wisconsin Legislature and municipal government is needed to successfully make the changes that will improve the state's alcohol environment. Every level of government and community institution has a role in reforming our culture of alcohol". (Motion from May 17, 2010 meeting) **Lourigan moved to approve the Walgreen's Liquor License as submitted. Second by Groenier. Roll Call Vote:**

**Poole - no Way – no Groenier – yes Lourigan – yes Harms
– no Staton – no. Motion failed 4-2.**

15. Discussion of Drafting Liquor License Polices at June 21st Board Meeting:

Gracz just wanted to confirm that it was okay to put this on the agenda for June 21st even though one Board member would not be present. It was okay.

16. Reminder about June 29th – 6:30 PM Downtown Ribbon Cutting in Waterman Park

A program for the June 29th downtown ribbon cutting will be mailed out next week. Village President Steve Staton will speak. Chamber President Steve Peotter will also speak. They are looking for a downtown business member to speak.

17. Village's Strategic Outreach & Planning Community Survey will be mailed in early July (FYI Only)

Staton stated the survey will be mailed in early July and we need 372 out of the 1,400 surveys returned in order to have valid scientific data. If Board members are asked about it, please encourage recipients to return the survey.

18. Adjournment: Lourigan moved to adjourn the Special Village Board meeting at 7:56 pm on Monday, June 10, 2010. Second by Poole. Motion carried 6-0.

Submitted by,
Renee Hoeft