

**Village Board Meeting  
Monday, June 21, 2010**

1. **Call to Order:** President Steve Staton called the regular Village Board meeting to order at 6:00pm on Monday, June 21, 2010.
2. **Roll Call:** Present: Phil Harms, Darlene Groenier, David Donovan, Jon Lourigan, Eric Poole, Steve Staton. Absent: Randy Way. Also Present: Village Administrator Mike Gracz, Director of Public Works Mark Below, Chief of Police Doug Pettit, Village Attorney Matt Dregne, and Deputy Clerk/Deputy Treasurer Tracey Berman.
3. **Swearing in of Police Officer Cole Miller:** Staton welcomed and swore in new Village of Oregon Police Officer Cole Miller.
4. **Public Appearances:**
  - a) **Discussion and Possible Action re: Request from George G. DeBroux, d/b/a DeBroux's Diner, 101 S. Main Street, Oregon, WI 53575 request for a B Combo license (current license B Beer C Wine):** Gracz gave an overview regarding the Department of Revenue and the change in the corporation name. The Department of Revenue rescinded their letter and DeBroux' Diner is up to speed with the State. Greg DeBroux was in attendance and gave a brief explanation as to what he would like to do with his restaurant. DeBroux's initial plan is to offer a cocktail with dinner to compete with other restaurants within the Village. DeBroux does not intend to become a bar of any sort and will not be open until bar time. Staton questioned Pettit with regards to DeBroux's current alcohol license and if the Police Department has had any problems? Petti noted there was one instance during compliance checks and that employee per DeBroux was terminated immediately. There were no other issues. There was discussion regarding serving laws. It was noted DeBroux is applying for the new license to extend to the description of his establishment now, which includes the outside service area, alcohol could be served outside. Harms noted the server has to bring the alcohol beverage outside; customers cannot carry the beverage outside. Pettit affirmed Harm's statement. **Lourigan moved to approve the request from George G. DeBroux, d/b/a DeBroux's Diner, 101 S. Main Street, Oregon, WI 53575, for a B Combo license. Second by Poole.** Donovan thought all new liquor license request were going to be tabled until the Board has had a chance review the liquor license process. Staton felt this circumstance is different due to the current applicant has a liquor license and is requesting a different license. Staton explained there is a gray area here and it is up to each of the board members to decide where they are with this. Donovan noted his support for this, but felt he needed to raise the question. **Motion carried 6-0.** DeBroux thanked the board for the opportunity to enhance his business.
  - b) **Discussion and Possible Action re: Class "B" Fermented Malt Beverage & "Class C" Wine: George G. DeBroux, d/b/a DeBroux's Diner, 101 S. Main Street, Oregon, WI 53575 (Note: The Board would consider this license if 4 (a) is not approved.)** This item was not discussed due to action in item 4 (a).
  - c) **Public Hearing for Special Assessment for Sidewalks on N. Main St. and Braun Rd. and Adoption of Resolution #10-14 Amending Special Assessments Against Benefited Property:** The public hearing was opened by Staton. Below gave an overview stating what happened was when the Village went out for bids, the survey work was already done. The board now needs to decide if the survey and engineering charges will be passed along to property owners. Jerry Hackbart was in attendance for his property located at 116 Braun Road. Hackbart questioned the charges. Gracz reviewed the charges, noting the Finance Committee consensus was to charge property owners for the survey work and the Village pay for the engineering fees. Harms noted Hackbart's bill was originally \$955 and the Village reduced the cost down to \$155.16. This fee is

only for the survey work not any engineering. Staton closed the public hearing. **Harms moved to adopt Resolution #10-14 Amending Special Assessment Against Benefited Property. Second by Poole.** There was discussion regarding the spreadsheet explaining the charges. It was noted the charges being passed on are only for the surveying charges. The document including the surveying charges should be attached to the report and put in the file for future reference and clarification. **Motion carried 6-0.**

- d) Discussion and Possible Action re: Consideration of Extending the Outdoor Patio Boundary for Mulligan's Bar on July 24<sup>th</sup>, 2010 for a Special Event with the Music to End at 10PM and Granting a Temporary Picnic License: The owner of Mulligan's was present to explain their proposed outdoor patio area. They are looking to extend the outdoor patio boundary for the special event. Pettit noted last year there were concerns last year with regards to noise from the band. Pettit questioned which direction the band would face? The owner of Mulligan's explained the band will be facing towards the building to minimize noise for bordering residents. Staton suggested Mulligan's try and notifying residents regarding the event. **Harms moved, Second by Lourigan to approve Extending the Outdoor Patio Boundary for Mulligan's Bar on July 24<sup>th</sup>, 2010 for a Special Event with the Music to End at 10PM and Grant a Temporary Picnic License.** It was noted all alcohol beverages will be contained within the fenced in area. **Motion carried 6-0.**
- e) Discussion with Tim Vowell from Charter and Possible Action re: Cable Fees Paid to Town of Oregon and Other Cable Matters: Tim Vowell was in attendance to address the cable fees. Vowell gave a brief background regarding addresses that were recorded in their data base as Town of Oregon properties instead of Village properties. Vowell noted there were not substantial changes, however there were properties being listed in the Village when they should have been in the Town and vice versa. Vowell noted there was approximately a \$3,000 difference in favor of the Village. Vowell was looking for a settlement between \$0.00 - \$3,000 and offered to pay \$1,500. Vowell noted if settled they would not pass those charges along to consumers. Staton felt passing the charge along would be cumbersome. Donovan questioned if everything has been corrected. Vowell stated yes. Harms questioned if they have a check in place for any future customers to know if they are Town or Village residents. Vowell explained each year the database can be analyzed to ensure the integrity is maintained. **Donovan moved to accept the compromised solution of \$1,500.00 payment to address the outstanding issue with regards to the Charter Cable payment and that cost not be passed along to the impacted customers. Second by Groenier. Motion carried 6-0.**
- f) Discussion with Sam Ace regarding Rosie's Main Tap Request for Outdoor Service Area: It was noted Sam Ace was not in attendance. Harms noted he spoke with Ace in the morning, and he noted that Ace had to work until 6:00 pm and would come after work. Staton noted the Board will hold until Ace can attend. Staton moved to agenda item # 10.

5. **Approval of Minutes**

- a) Regular Board – None

6. **Approval of Vouchers:** **Poole moved to approve the vouchers in the amount totaling \$120,099.50. Second by Lourigan. Roll Call Vote: Harms -yes; Lourigan -yes; Poole –yes; Groenier - yes; Staton - yes; Donovan – yes. Motion carried 6-0.**

7. **Community Input.** **The Village Board has established an opportunity for the public to address the Board. In the event community members wish to address the Board, 15 minutes will be provided; otherwise the agenda will proceed as posted.** There was no community input.

8. **Proclamations and Announcements**

a) Board Comments

1) **Discussion of attending Dane County Meetings for Bike Paths (President Staton):** Staton wanted to make the Board aware that he was attending these meetings. Donovan noted if Staton picks up any information he would like to see it. Groenier commented on bicycle licenses in the Village of Oregon. Pettit gave an overview of the Village's licensing program for bikes. There was discussion regarding forwarding this item to the Personnel Committee for more discussion and surveying other communities to see what types of programs are in place within their communities.

b) **Staff Comments**

1) **Discussion of Meeting Schedule (Gracz):** Gracz gave an overview regarding the July meeting schedule. There was minimal discussion regarding what works for Board members. The consensus was the proposed meeting dates work.

- a) June 28<sup>th</sup> Special Finance meeting. Board members are encouraged to attend to hear discussion of the Audit Report:
- b) June 29<sup>th</sup> at 6:30 pm – Downtown ribbon cutting in Waterman Park
- c) July 6<sup>th</sup> and/or July 8<sup>th</sup> – Possible Board Meeting to continue discussing Liquor License Policies
- d) July 12<sup>th</sup> – Board Meeting
- e) July 19<sup>th</sup> – Finance Meeting
- f) July 26<sup>th</sup> – No night meeting

9. **Communication and Miscellaneous Business**

- a) **Discussion and Possible Action re: Providing Ideas and Issues for Strategic Planning Community Survey – Surveys will be mailed out in early July:** Staton explained the surveys are intended to go out in early July with about a month turnaround to return them. There will be 1,400 random surveys mailed out. Staton stressed the importance of returning the survey. Staton summarized the goals of the Strategic Planning Committee. Gracz suggested adding something into the survey regarding annexing on the other side of Highway 14. Gracz felt this is a significant issue within the community and has continually seen this particular item before the board over the last 10 years. There was discussion regarding generalizing annexation or being specific to the Highway 14/138 area. The Board's consensus was to add this item to the survey if it was still possible.
- b) **Status of Elliot's Liquor License Request:** Gracz met with Chuck Elliot and explained if Elliot were to request to hold a liquor license, he suggests on allowing a hold for 3 months. Gracz explained this is the last license available and if Elliot paid the \$10,000 fee, the Village cannot give the \$10,000 fee back unless jobs are created. Elliot could lose that money. Gracz noted Elliot will come back when the business is up and running.
- c) **Update re: Lease Proposal for Merri Hill Phase III (Below):** Below explained Lease has decided to extend Thompson Drive from Netherwood to Richards Road verses extending North Perry Parkway. Lease is working on acquiring the right of way for this to happen. This will go before the Planning Commission.
- d) **Discussion and Update re: Applying for STP Urban Road Program (Below):** Below noted as he researched this further, the program is not for constructing roads it is for rehabilitating roads and bike paths and the Village is not eligible at this time.

- e) Discussion and Possible Action re: Directing Staff to receive Quotes for removing Florida Avenue and Vacating the Street (Public Works Director Mark Below will provide a status report on Dega Park and the reuse of the playground equipment. This is related to Agenda Item 10 (a) (3)). Below discussed the water and sewer utilities being disconnected. The Public Works Department feels there is no use sticking any money into repairing the street. Groenier questioned what becomes of Dega Park? Below noted the land will stay there, however the park equipment will be taken out and reinstalled in a different park. Below noted how saturated the ground currently is in that area. It was noted the manhole in that area will need to remain in place. **Donovan moved to direct staff to receive quotes for removing Florida Avenue and vacating the street. Second by Poole.** Lourigan questioned where the funds would come from. Gracz noted once the quote is received, staff will need to look in Fund 405 (street fund) and if the cost estimates are too high this will be budgeted for in 2011. Below felt this may run \$5,000-\$10,000. **Motion carried 6-0.**
- f) Discussion and Possible Action re: Proposal for Resurfacing Public Safety Building Parking Lot: Pettit explained in the budget discussions the Board approved money for the Public Safety building's parking lot to be resurfaced. Pettit noted the rough condition of the current lot. Pettit discussed the bids received, commenting that only one company bid with what was asked to do. The other two companies proposed taking the parking lot out and put a new base down. Disch and Pettit met with Faherner (the asphalt company) and determined they could stop the deterioration of the parking lot for about 5-6 years before the parking lot needs to be resurfaced. Faherner came in under budget. The total bid was \$5,660. **Poole moved, second by Groenier to approve the proposal for resurfacing the Public Safety Building parking lot at the total cost of \$5,660.00. Motion carried 6-0.**
- g) Village received Certificate of Appreciation presented by Oregon Area Historical Society for their 2010 Business Level Membership (FYI Only): Harms encouraged businesses to join the organization.
- h) Resignation of Jennifer Skibba from Park Board: Gracz noted Skibba will be missed. Staton thanked Skibba for her years of service on the Park Board. There was discussion regarding the opening on the Park Board.
- i) Update regarding K-9 Fundraising: Pettit reported the success of the fundraising events. Pettit explained Kohl's Department Store has donated over \$6,000 toward the K-9 and the Village has reached the fundraising goal. The Police Department is currently in the process of selecting an officer as well as looking all the various equipment and trainers needed. The dog will be purchased in the fall. Staton and Pettit thanked residents and all persons who contributed to the K-9 Program. Pettit noted the overwhelming support for the program.
- j) Homeland Security Grant (\$3,400) for a Command Vehicle Public Safety Radio: Staton noted a letter from Governor Doyle regarding the grant received. Craig Sherven from the police department is in charge of this program. Pettit noted this radio comes equipped, installed and is able to communicate on all frequencies with in the State. **Poole moved to authorize Village President to sign the Homeland Security Grant. Second by Poole. Motion carried 6-0.**

- k) Discussion and Possible Action re: Gypsy Moth Problems in Wisconsin: Below received a letter in the mail from the DNR. Below noted the concerns he received from residents. Below explained if the Board wishes to participate in the spraying the letter reviews the process to be considered. It was noted the Gypsy moths are in the Hayler Court area. The cost to be involved is \$32-\$45/acre and a minimum of 20 acres. Below noted it is only limited to the Hayler Court area and isn't aware of any other areas in the Village Gypsy Moths are affecting. There was discussion regarding where the funding would come from. There was discussion regarding other programs used to trap Gypsy Moths. Those programs are through the DNR. Harms felt this needs to be dealt with. Below explained there is nothing that can be done this year and this would be to spray in the spring. The Board recommended residents to contact the Village if they have Gypsy Moth problems so the Village can have the County & DNR spray the areas needed. Below noted if Dane County does not participate the Village will not be able to spray, it cannot be done individually by municipality. The Board consensus was to look at putting this in the 2011 budget.

10. Report of Committees

a) Park Board 6/02/10 (Trustee Donovan)

1. Discussion and Possible Action re: Sasha Bohlman requesting to sell ice cream in parks. Recommended motion to approve the selling of ice cream in Jaycee, Alpine Meadows and Kiser Parks from noon to dusk through Labor Day as a pilot program for the Summer of 2010. With the stipulation that they will not compete with other vendors and obtain the proper Village and State Permits. Donovan moved to approve the selling of ice cream in Jaycee, Alpine Meadows and Kiser Parks from noon to dusk through Labor Day as a pilot program for the Summer of 2010. With the stipulation that they will not compete with other vendors and obtain the proper Village and State Permits. Second by Poole. Sasha Bohlman was in attendance and briefly explained their request. Bohlman explained they do have a State Permit. Bohlman explained they will not compete with any park events. Donovan noted the Park Board presentation was very well done and appreciated the intent. It was noted the intent is to learn business skills as well as save money for college. **Motion carried 6-0.**
2. Discussion and Possible Action re: Pat McGuine/Oregon Youth Baseball selling Pepsi products in and around Jaycee Park on tournament weekends 6/11, 6/18 and 7/23. Recommended motion to approve the Pepsi trailer being located at the site on the map with all damages being covered by Youth Baseball. Donovan recapped the discussion that occurred at the Park Board. **Donovan moved to approve Youth Baseball to use the Pepsi trailer to be located at the site on the map with all damages being covered by Youth Baseball. Second by Groenier. Motion carried 6-0.**
3. Discussion and Possible Action re: Dega Park Playground Equipment. Recommended motion to direct staff to remove playground equipment and place it into storage until further decisions are made.; Donovan moved to direct staff to remove the playground equipment and place into storage until further decisions are made. **Second by Lourigan.** There was discussion regarding the condition of the equipment. **Motion carried 6-0.**

b) Historic Preservation Commission 05/19/10 (Trustee Harms)

- 1) Discussion regarding Possibly Creating a Minimum Property Maintenance

Program for Historic Districts: Harms explained the discussion regarding possibly creating a minimum property maintenance program for the Village Historic Districts. Village Attorney Matt Dregne prepared a memo. The question arose if the Village could do this only for the downtown district. Dregne stated yes. Dregne provided some general reaction to the Hales Corner's minimum property code in his memo. There was discussion regarding the condition of the property located at 119 S. Main Street. The Historic Preservation Commission discovered unless there is a public safety matter the Village cannot do anything. Below noted the only way the Village get involved the building would need to be in such disrepair it would need to come down. The Commission wants to prevent disrepair from happening to historic buildings. It was noted this would only deal with the maintenance of the property not how the property is used. If the property owner does not comply with this ordinance they could be subject to prosecution for failure to comply. Dregne gave a brief history of his experience with property maintenance codes. Below felt the sample ordinance would cover the issue with the property at 119 S Main St. Commercial versus residential property maintenance codes were discussed. Lourigan preferred to see just the downtown historic district addressed and use the language from Madison's code for the historical residential area. Dregne suggested the Historic Commission pull the standards from other communities and give to Dregne to put together a draft ordinance for the Village. Staton noted the Board's consensus was to go ahead with the code and explore the options, but share concerns regarding hardships on property owners.

c) **Minutes Not Requiring Action**

- 1) Library Board Meeting Minutes - May 12, 2010 – This is for informational purpose only.

11. **Unfinished Business**

a) Discussion and Possible Action re: Development of Liquor License Policies by Board and Authorizing Legal Work up to \$3,000 (Approximately 17 Hours of Work): Staton pointed out a memo from Dregne giving the Village a \$550 discount for the Walgreen's liquor license issue. **Harms moved, Second by Poole to authorize legal work up to \$3,000 for development of liquor license policies.** These fees will come out of the legal fee budget. Dregne suggested the board and or committee to develop a list of what kind of policy changes they would like to see and get as far as possible with that, before Dregne starts doing the work. Dregne noted the efficiency doing it this way. It was noted this would be discussed at the Board level versus a committee level. **Motion carried 6-0.**

- Copy of April, 2010 Alcohol, Culture and Environment Workgroup Recommendations Changing Wisconsin's Alcohol Environment to Promote Safe and Healthy Lives Report.
- Copy of Waupaca's Regulations
- Copy of Mayville's Ordinance

Staton referenced the sample regulations and ordinances in the packet. Staton summarized Waupaca's regulation's noting the separation at of the alcohol check outs in grocery stores. There was discussion regarding the City of Madison's decision with regards to Walgreen's liquor license. Dregne briefly summarized the City of Madison's ordinance with regards to selling alcohol. There was discussion regarding retroactively applying an ordinance. Dregne felt legally retroactively applying ordinances can be more difficult. Donovan felt the full alcohol spectrum should be looked at (beer, liquor, & wine), not just one specific type of alcohol. Donovan felt binge drinking is cause by all types of alcohol. Harms wanted to know the legal opinion regarding retroactively fitting this ordinance to current businesses. This would help clear up the discussion on July 6<sup>th</sup>. Dregne gave the board a sense of the two kinds of issues and how the retroactivity issue applies to each. Donovan would also like to know if there is any uniqueness between the grocery store situation versus a convenience store. Staton noted the Board consensus was to direct Dregne to explore the legal

implications of retroactivity. Pettit gave a brief overview of options he has seen in other communities to limit alcohol license's. Pettit explained limiting licenses per class by population is a more equitable way to move forward and address a number of issues the board has been discussing for some time. Dregne commented on the density issue explaining it is somewhat of a blunt instrument in a sense that it is community wide instead of neighborhood specific. Dregne explained the board may want to address the density by neighborhood in a different way. Pettit noted this does not preclude that all this limits is the number of license's available. As applications are reviewed the Village will still be doing that based on all the other criteria to determine if a liquor license is appropriate for that area for that particular business. Dregne noted there are many ways to approach addressing that issue. Dregne observed that the only type of license that is currently subject to quota under state law is the combination class B. Donovan questioned the costs of liquor licenses if the fees could be increase to make the license more of an asset. Pettit noted the license fees are set by the State and municipalities cannot create a separate license that the State authorizes. Dregne was not sure if the cost could be more than what the State has set. Donovan felt there may be other economic base that could help solve the issue without the Village Board having to be the decision maker in it. Staton noted there have been studies that have shown the correlation between the amount of beer tax the state has and the amount of underage drinking and the higher the tax the less underage drinking there is. The last time alcohol tax has been raised was 1969. The Village cannot change the tax amount charged on alcohol. Pettit will contact Roger Johnson from the State to see if the Village can charge more than what the State recommends. Dregne summarized the Board has directed him to evaluate the retroactivity applicability issue and has made note of other issues the Board has discussed. Staton advised the Board to give this thought and bring ideas to the July meeting. Pettit noted the recommendations in the packet that the Board might want to consider in an ordinance. There was discussion regarding compliance checks within the Village. Gracz felt it would be helpful if Dregne put the issues in ordinance form. The Board felt if they did it too early then that becomes the default and it becomes more difficult to removes things and to attempt a draft after the July 6<sup>th</sup> meeting. The Board's consensus was to continue discussion at the July 6, 2010 board meeting.

12. **Future Agenda Items**

- a) Schedule League of Wisconsin Municipalities Mutual Insurance Company's Viewing of DVD on Public Officials' Liability
- b) Update re: Mowing of Village Park's and Greenways on July 12<sup>th</sup> Board Agenda

13. **The Village Board may adjourn into closed session from time to time during the course of the meeting pursuant to Wis. Stat. sec. 19.85(1) (c) to Discuss and Deliberate regarding Candidates for the Village Clerk Position and pursuant to §19.85(1)(e) to discuss possible acquisition of approximately (14) acres of vacant property located adjacent to the Westside Community Park and Village's negotiations with hotel developer: Donovan moved to adjourn into closed session pursuant to Wis. Stat. sec. 19.85(1) (c) to Discuss and Deliberate regarding Candidates for the Village Clerk Position and pursuant to §19.85(1)(e) to discuss possible acquisition of approximately (14) acres of vacant property located adjacent to the Westside Community Park and Village's negotiations with hotel developer. Second by Lourigan. Roll Call Vote: Groenier - yes; Harms - yes; Poole - yes; Lourigan - yes; Donovan – yes; Staton – yes. Motion carried 6-0.**

14. **Adjournment: Lourigan moved to adjourn the regular Village Board meeting at 8:43 pm on Monday, June 21, 2010. Second by Harms. Motion carried 6-0.**

Submitted by,  
Tracey Berman  
Deputy Clerk