

**VILLAGE OF COTTAGE GROVE  
VILLAGE BOARD OF TRUSTEES  
Monday, March 18, 2019**

**MINUTES**

**1. Call to order**

The March 18, 2019 regular meeting of the Village Board of Trustees was called to order at 6:30 p.m. by Village President Jack Henrich.

**2. Determination of quorum and that the agenda was properly posted.**

It was determined that there was a quorum of members present and that the agenda was properly posted. Village Board members present were: Troy Allen, James Elmore, Jack Henrich, Jeff Lennberg, Melissa Ratcliff, Jon Russell and John Williams. Staff present were Village Administrator Matt Giese, Village Clerk Lisa Kalata, Village Treasurer Deb Winter, Village Planner Erin Ruth, Public Works Director JJ Larson, Parks, Recreation & Forestry Director Sean Brusegar, Village Engineer Mike Maloney, Police Chief Dan Layber, and Village Attorney Leighton Boushea.

**3. Pledge of Allegiance.**

**4. PUBLIC APPEARANCES – Public's opportunity to speak about any subject that is not a specific agenda item.**

Larry Gundlach-111 Arbury Ct- was present to express his concerns with TDS and safety issues along the sidewalks. They have dug holes and do not have them covered, and children walk pass these areas everyday to school. He would like the Village to take care of the safety issues.

Jeff Hanson- 104 Arbury Ct- was present to discuss concerns with TDS and the subcontractors that had continued work when the permit was pulled by the Village Board. Communication from TDS to the subcontractors does not seem to be happening in the Arrowwood and Forest Ridge subdivisions. Giese indicated that they have been very direct with TDS both in writing and by phone.

**5. Discuss and consider the minutes of the regular Village Board meeting of March 4, 2019 and Joint Village/Town Board meeting of February 25, 2019.**

**Motion** by Ratcliff to approve the minutes from March 4, 2019 and February 25, 2019, seconded by Allen. **Motion** carried with a voice vote of 7-0-0.

**6. New Business**

**a. Discuss and consider new operator's license for year July 2018-June 2019 for Maxwell Grorich and Christopher Thornell.**

Chief Layber indicated there are issues with both applications. Attorney Boushea commented that more information is needed from both applicants and the owner of Village Liquor. **Motion** by Henrich to table item 6.a. to the next meeting so more information can be gathered and have staff give proper notifications to applicant and Village Liquor owner to appear at the April 1, 2019 board meeting, seconded by Ratcliff. **Motion** carried with a voice vote of 7-0-0.

**7. Reports from Village Boards, Commissions & Committees**

**7. I. Public Works & Properties Committee**

**a. Discuss and consider recommendation from the Public Works Committee to initiate a traffic impact study and implementation not to exceed \$30,000.**

Williams reported that the committee met on March 5<sup>th</sup> and discussed the bike path that will be on Main Street, Conservancy Court and the work to be completed this Spring, solar panels on the MSB and a traffic study. More information will be provided at the April 2<sup>nd</sup> meeting on the solar panels. The traffic impact fee would need to go through the budget cycle and the priorities process. Henrich asked the cost of the study versus the amount it would recoup? Larson indicated that they are aware of two traffic impact fees in the state and you would need several roof tops to get the cost of the study back. Giese also commented that it depends on the size of improvements, in Sun Prairie it was \$750 per house, Oconomowoc it was about \$150 per house, so it varies widely. Development is required to make improvement adjacent to the property, so cannot have both a traffic impact fee and impact fees on building permits. Attorney Boushea indicated that you would need to build in legal costs as well to defend the ordinance, because there may be lawsuits that would come with a traffic impact fee.

**Motion** by Williams to table the traffic impact study for the budget cycle, seconded by Lennberg. **Motion** carried with a voice vote of 7-0-0.

**7. II. Emergency Government Committee**

Allen reported they met on March 7<sup>th</sup> and introduced the new EMS Chief and new Fire Chief. David Bursack from Dane County Emergency Government was present and mentioned that they are more prepared than other municipalities in Dane County, and Cottage Grove is unique in respect to the joint committee and the Village may want to appoint an Emergency Government Director. They are working on having a tabletop exercise with Landmark dealing with propane. They also discussed the emergency response standard operating guidelines; the Town approved the draft in 2011 and was updated in 2014 and has not been approved by the Town or Village. They are working on getting the contacts updated. Monona Grove Schools will be doing safety drills this spring. The next meeting will be April 4<sup>th</sup> at 6:30p.m.

### **7. III. Community Development Authority**

#### **a. Discuss and consider Ordinance 01-2019: For the purpose of enabling the creation of a Tourism Commission.**

**Motion** by Williams to approve ordinance 01-2019, for the purpose of enabling the creation of a Tourism Commission, seconded by Elmore. **Motion** carried with a voice vote of 6-1-0 with Ratcliff voting No.

#### **b. Discuss and consider Ordinance 02-2019: amendment to Ordinance 16-9, the Village's Room Tax Ordinance.**

**Motion** by Williams to approve ordinance 02-2019, amendment to ordinance 16-9, the Village's room tax ordinance, seconded by Allen. **Motion** carried with a voice vote of 5-2-0 with Ratcliff and Russell voting No.

Williams reported that they met on March 11<sup>th</sup> and discussed the proposed ordinances in preparation for a hotel and also to update the current ordinance. They discussed the room tax on whether it should be changed and how the tourism commission would work. Ratcliff commented that she does not understand the point of the tourism commission at this point considering we do not have a hotel. Williams indicated it was to prepare for growth and have this in place when a development happens. Allen asked if a developer would they be concerned about the room tax being higher than surrounding area and would that deter them from building? Giese indicated that they have not heard from developers that the room tax rate would be a deterrent, however if it was they would bring it back to the board. Russell indicated that he has talked with two developers and they did indicate that the room tax is a concern. Lennberg indicated that at CDA they discussed that if hotel developers are coming and they indicate that the rate should be changed then they could look at it again at that time. Williams also indicated that the CDA wants to get this done so if they have a hotel developer interested, this portion of it is done.

### **7.IV. Plan Commission**

Henrich indicated they met on March 13<sup>th</sup> and they discussed the potential changes with Act 243 to the Village Ordinance. Ruth indicated there were several changes with the Act along with the protest petition there were changes to the surety, subdivisions and conditional use permits, although the conditional use portion of the Village ordinance would not need to be changed. There will be a public hearing at the April Plan Commission meeting for the ordinance changes.

### **8. Reports from Village Officers:**

- a. Troy Allen- No report
- b. James Elmore- 3 days to Spring
- c. Jeff Lennberg- No report
- d. Melissa Ratcliff- No report
- e. Jon Russell- Questioned how they remedy the issues that have been discussed by Larry Gundlach? Attorney Boushea recommended to have the Board direct staff to contact TDS and have them come to the board with a plan to remedy the issues. Giese indicated that he asked them to come to tonight's meeting, but they were not ready. Public works will cover the holes to address the safety issues.
- f. John Williams-Shout out to the Volunteer Fire Fighter had there St. Patrick's Day dinner and it was a great turnout.
- g. Jack Henrich- No report
- h. Attorney Lee Boushea

#### **i. Legal briefings/status updates.**

The driveway access agreement has been signed and recorded with Dane County. When Summit Credit Union had their grand opening, he spoke with their Attorney and the Village is fortunate that they built here because they wanted to build in Madison, however the City did not embrace the project, but then they came to Cottage Grove and staff was great and everything was timely, so it was a nice congratulations to the Board and Staff. There has been a series of articles in the paper concerning Fitchburg with open meetings violations by texting board members. It is important not to

respond with reply all, as this will violate the open meetings law. Chief Layber and Attorney Boushea have been working on the sexting ordinance and pod ordinance and plan to have them at the next board meeting.

- i. Administrator Matt Giese- BB Jacks will be opening mid-May.
- j. Director of Planning and Development Erin Ruth- No report
- k. Police Chief Dan Layber- No Report
- l. Public Works & Properties Director JJ Larson
  - i. Review of MS4 Annual Report

Larson explained the annual report in the packet that is submitted to the DNR annually.

- m. Parks, Recreation & Forestry Director Sean Brusegar – Hydrite has donated \$1,000 and it will be presented on May 22<sup>nd</sup> at 3:00 p.m. at Hydrite.
- n. Clerk, Lisa Kalata- Badger Books are here and if you would like to see an overview after the meeting, it can be viewed.
- o. Treasurer, Deb Winter- The audit is almost complete, this year an actuarial study was required and that needed to be done by an 3<sup>rd</sup> party and should be completed in a few weeks, and there should be no issues with a village of this size.

**10. Communications and Miscellaneous Business**

**a. Consider approval of vouchers.**

**Motion** by Ratcliff to approve the Village portion of the vouchers in the amount of \$190,214.22 seconded by Lennberg. The check sequence goes from check #45130 to check #45191 **Motion** carried with a voice vote of 7-0-0.

**b. Correspondence-None**

**c. Upcoming community events-** Election Day is April 2, 2019, The Optimist Club meeting tomorrow at 6:30 p.m. at Black Bear Inn

**d. Future agenda items-**TDS update, sexting ordinance and pod ordinance.

**11. Closed Session: The Village of Cottage Grove Village Board will enter into Closed Session pursuant to Wisconsin State Statute §19.85 (1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. This closed session is to negotiations with United Madison Rugby club and discussion on boundary agreements.**

**Motion** by Henrich to enter into closed session at 7:34 p.m., seconded by Allen. **Motion** carried with a roll call vote of Allen AYE, Elmore AYE, Henrich AYE, Lennberg AYE, Ratcliff AYE, Russell AYE, Williams AYE.

**12. Reconvene into open session and possible consideration of closed session items.**

**Motion** by Allen to reconvene into open session at 8:01 p.m., seconded by Elmore. **Motion** carried with a roll call vote of Allen AYE, Elmore AYE, Henrich AYE, Lennberg AYE, Ratcliff AYE, Russell AYE, Williams AYE.

No other action was taken from this closed session.

**13. Adjournment**

**Motion** by Williams to adjourn at 8:01 p.m., seconded by Ratcliff. **Motion** carried with a voice vote of 7-0-0.

**Lisa Kalata, Clerk  
Village of Cottage Grove  
Approved:**

**These minutes represent the general subject matter discussed in this meeting but do not reflect a verbatim documentation of the subjects and conversations that took place.**