

**VILLAGE OF COTTAGE GROVE
VILLAGE BOARD OF TRUSTEES
Monday, April 15, 2019**

MINUTES

1. Call to order

The April 15, 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, Police Lieutenant Matt Wagner, Village Engineer James Bongard 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.*

None

5. Discuss and consider the minutes of the regular Village Board meeting of April 1, 2019 and Special Village Board meeting on March 25, 2019.

Motion by Ratcliff to approve the minutes from April 1, 2019 and March 25, 2019, seconded by Allen. **Motion** carried with a voice vote of 6-0-1 with Williams abstaining from the March 25, 2019 meeting.

6. Unfinished Business

a. Discuss and consider reinstatement of TDS right-of-way permit.

Drew Peterson from TDS was present to discuss the fiber optic build out in Cottage Grove. They have redesigned the Forest Ridge subdivision and provided a map to outline the lots that would have no service, pedestals moved to the back yard and pedestals that will remain in the front yard. They will be restoring and capping the areas where the pedestals will be removed. Russell asked if the homes in the yellow have been contacted to inform them that the pedestals will remain in the front. Drew Peterson indicated that there have been few complaints in that area and they are following the public utility easements that are located in the front because there are no rear easements. Williams asked with the lessons learned in this neighborhood, moving forward what are the take a ways? Drew Peterson indicated that it would be more communication with the Public Works department and the focus on building out in the winter has proven to be a challenge and they have learned valued lessons and will put them to good use moving forward. Lennberg commented that he appreciated the work they are doing to correct the issues with the placement of pedestals. **Motion** by Henrich to reinstate the permit based on the plan presented by TDS with the restoration of landscaping, seconded by Williams. **Motion** carried with a voice vote of 7-0-0.

b. Discuss and consider Resolution 2019-02 re: DNR stewardship grant application for the shelter in Phoebe Bakken Park.

Brusegar reported that they could apply for a stewardship grant for the shelter at Phoebe Bakken park that could pay up to 50% of the shelter. **Motion** by Williams to approve resolution 2019-02, seconded by Lennberg. **Motion** carried with a voice vote of 7-0-0.

7. New Business

a. Discuss and consider new operator's license for year July 2018-June 2019 for Janvier Cooper, Ryan Harvey and Paul McQuillan.

Motion by Allen to approve the operator license for year July 2018-June 2019 for Janvier Cooper, Ryan Harvey and Paul McQuillan, seconded by Russell. **Motion** carried with a voice vote of 7-0-0.

b. Discuss and consider the award of contract for the 2019 Cottage Grove Road Rehab project.

Larson explained the bids for the road project on County BB with the two alternate bids to include the ADA and bike path upgrades. James Bongard from MSA indicated that they are recommending doing both the alternates to the project. **Motion** by Williams to award the bid to Payne and Dolan, Inc. with both alternatives for \$768,594.07, seconded by Henrich. **Motion** carried with a voice vote of 7-0-0.

8. Reports from Village Boards, Commissions & Committees

8.I. Public Works & Properties Committee

Williams reported that they discussed solar panels for the Municipal Services Building more information is needed and they will continue to work on that. The bike path upgrades for County N are out for bid and this will help with the connectivity of the bike paths to Madison. They were updated on Conservancy Court wetland scrape project; the weather needs to improve. They discussed the repaving projects for 2019 and County BB project.

8.II. Ad Hoc Architectural Review Committee

Elmore reported they discussed the site plan changes for Oakstone and the Greywolf monument sign that would be placed toward the interstate.

8. II. Emergency Government Committee

Allen reported they updated the appendixes in the plan, discussed a future tabletop exercise with Landmark, they will updating plans with retirement facilities, and will have election of board at the next meeting.

8.IV. Utility Commission

Russell reported they discussed a sewer credit for an account that had a leaky outside spigot and will work on a policy for future problems, they discussed the lighting for the water tower and the meeting time will be moved to 5:15 p.m. starting with the May 8th meeting date.

8.V. Plan Commission

a. Discuss and Consider request from Dwight and Dale Huston for Approval of an ETJ CSM creating a 2 acre parcel on Uphoff Road in the Town of Cottage Grove.

Ruth indicated there are no concerns and it was recommended. **Motion** by Henrich to approve the request from Dwight and Dale Huston for approval of an ETJ CSM creating a 2-acre parcel on Uphoff Road in the Town of Cottage Grove, seconded by Elmore. **Motion** carried with a voice vote of 7-0-0.

b. Discuss and Consider Proposed Amendments to Ch. 198 regarding Impact Fees, Ch. 274 regarding Subdivision of Land, and Ch. 325 regarding Zoning Related to 2017 Wisconsin Act 67 and 2017 Wisconsin Act 243.

Ruth explained the staff report and indicated that the Plan Commission did pass the proposed amendments to the zoning. Steve Tinker – 728 Weald Bridge Rd was present to speak against the zoning ordinance change for section 325-110(g) relating to protest petitions. He would like the board to give this serious thought and asked the board to not change the current ordinance. Tina McFadden – 100 Heather Drive indicated that the zoning section should not be changed as this affects people and it should not be decided by one person and the board should listen to the residents of the Village. The following people also registered against the change to the protest petition. Brian Thorson-724 Weald Bridge, Nancy Raabe – 708 Weald Bridge Rd, Sandy Brandmeier-308 Erin Ct, Michael Brandmeier- 308 Erin Ct, Sue Trentadue- 2850 Alydar Way, Jeff Trentadue- 2850 Alydar Way, Viola Rathert – 612 Westlawn, Aaron Rembisz- 138A West Main St, Duane Rathert-612 Westlawn Dr, Eric Hallingtal- 204 Maria Ln, Cindy Block Boland-744 Weald Bridge, Barry Boland-744 Weald Bridge Rd, Kyle Wojta-314 Erin Ct, Gary Ribble- 520 Southing Grange, Michele Ribble – 520 Southing Grange, Paul & Tanya Haase-732 Weald Bridge, Carrie Thome – 740 Weald Bridge, Daniel O'Brien-304 Watercress Ct, Cheryl Halverson – 726 Weald Bridge Rd, Bruce Halverson-726 Weald Bridge Rd, Rick Smith – 100 Heather Dr, Toni Connor- 200 Heather Dr., Tom & Mary Sullivan-724 Weald Bridge Rd, Loretta Johnson- 712 Willow Run, Carol Yoemans- 715 Willow Run, Doug Clark – 505 Weald Bridge, Carol Clark- 505 Weald Bridge, Kathryn Mackesey- 306 Watercress Ct, Tom Earleywine- 323 Southing Grange, William Wiedenbeck-509 Southing Grange, Rita Rice- 505 Southing Grange, John Rice-505 Southing Grange. Henrich indicated that the Plan Commission recommended approval to take out the protest petition language because of Shady Grove. Allen asked if we had information from other communities that have protest petition language in their ordinances? Attorney Boushea indicated it was driven by the change in legislation and that he was not sure what other communities are doing with the change. Lennberg indicated he would like more information from other communities that have the protest petition language in their ordinances. **Motion** by Lennberg to table the zoning changes until further information is provided by staff, seconded by Henrich. **Motion** carried with a voice vote of 5-2-0 with Allen and Elmore voting No.

c. Discuss and Consider Request from Homburg Equipment Inc. to Rezone Four Parcels (#0711-081-4181-1, #0711-081-4192, #0711-081-4203-1, and #0711-081-4439-1) in the Coyle Highlands South Subdivision along W. Cottage Grove Road from NO, Neighborhood Office to PB, Planned Business.

Ruth indicated that the Planned Business zoning would give more flexibility on the type of building and may help to spur business and the zoning classification is consistent with the Comprehensive Plan. **Motion** by Henrich to approve the request for Homburg Equipment Inc. to rezone four parcels #0711-081-4181-1, #0711-081-4192,

#0711-081-4203-1 and #071-081-4439-1 in the Coyle Highland South Subdivision along W. Cottage Grove Road from NO, Neighborhood Office to PB Planned Business, seconded by Lennberg. **Motion** carried with a voice vote of 7-0-0.

d. Discuss and Consider Request from Homburg Equipment Inc. for Approval of Three Certified Survey Maps to reconfigure lots in the Coyle Highlands South Subdivision for the Purpose of Eliminating One Lot and Increasing the Size of the Others.

Ruth indicated that the applicant is seeking to alter the lot lines of the unbuilt portion of the subdivision to better accommodate the homes to be built. The 50' setback along the western boundary would remain. **Motion** by Williams to approve the request from Homburg Equipment Inc, for approval of three certified survey maps to reconfigure lots in the Coyle Highlands South Subdivision for the purpose of eliminating one lot and increasing the size of the others, seconded by Ratcliff. **Motion** carried with a voice vote of 7-0-0.

e. Discuss and Consider Ordinance 03-2019 re: Petition for Direct Annexation by Unanimous Consent from Homburg Equipment Inc. and Ellery and Margaret Jensen for annexation of approximately 228 acres from the Town of Cottage Grove into the Village of Cottage Grove.

Henrich indicated that the annexation would include Buss Road and Gaston Road. Allen indicated that there are currently several lots that have been annexed and have not developed so why are we annexing more that we will have to maintain? Andrew Homburg explained that it is their intention to develop the land. Westlawn is sold out and at the moment there is no lots in the Village, and their business plan is to work around the market and the next phase will be coming soon. Allen questioned if the development will happen in phases then why not annex in phases. Andrew indicated that the processes are difficult, and the Town and Village visions do not align. The Town has tried to block growth with previous development and we want to make sure that we can develop the complete acreage. Giese indicated that the water utility has extended the water main for this area already. Andrew Homburg indicated that there will be a site for a well that will replace the site in Coyle Highlands South Subdivision. **Motion** by Lennberg to approve Ordinance 03-2019 as presented, seconded by Williams. **Motion** carried with a voice vote of 7-0-0.

f. Discuss and Consider Request from Oakstone Recreation for Approval of an Amended Site Plan for the Proposed Bar, Restaurant, and Volleyball Facility Located at the NE Corner of Commerce Parkway and Erb Road.

Ruth reported that the site changes were because of cost of the project and the main changes are the orientation of the building, and the exterior materials by taking out some of the masonry and adding landscaping, all of which meet the ordinance and covenants of Commerce Park and all have been approved by the Architectural Review Committee with conditions as indicated in the action report. **Motion** by Henrich to approve the amended site plan for the proposed bar, restaurant and volleyball facility located at the NE corner of Commerce Parkway and Erb Road with conditions in the action report, seconded by Elmore. **Motion** carried with a voice vote of 7-0-0.

9. Reports from Village Officers:

- a. Troy Allen- No Report
- b. James Elmore- He enjoyed his time on the board and has a new appreciation for the staff, the ethics of staff and has been a pleasure working with everybody.
- c. Jeff Lennberg- No report
- d. Melissa Ratcliff- Easter egg hunt was a success
- e. Jon Russell- No report
- f. John Williams

i. Appointment of Board of Review Members

He would like to appoint Heidi Murphy and Alex Jushchyshyn to Board of Review committee.

Motion by Williams to appoint Heidi Murphy and Alex Jushchyshyn to Board of Review committee, seconded by Henrich. **Motion** carried with a voice vote of 7-0-0.

- g. Jack Henrich- It has been a long 15 years and the staff here is awesome and one thing I can leave you with is if it isn't broken don't fix it.
- h. Attorney Lee Boushea

i. Legal briefings/status updates.

Explained the term Lame Duck and how it refers to the change of board members. Thanked everyone that as served on the board and the time commitment it takes to be a board member.

- i. Administrator Matt Giese- There is a lot that goes into being a board member so thank you to all that serve, and the staff appreciates it.

- j. Director of Planning and Development Erin Ruth- No report
- k. Lieutenant Matt Wagner- There has been a notice to the Chamber on the fake \$100 bills that have been circulated and they do have the individuals identified.
- l. Public Works & Properties Director JJ Larson
 - i. **Discuss and consider right-of-way permit request from Alliant Energy for pole upgrades.**
Larson explained the right-of-way permit request from Alliant Energy for pole upgrades to accommodate TDS infrastructure. **Motion** by Allen to approve the right-of-way permit for Alliant Energy, seconded by Elmore. **Motion** carried with a voice vote of 7-0-0.
- m. Parks, Recreation & Forestry Director Sean Brusegar – No report
- n. Clerk, Lisa Kalata- No report
- o. Treasurer, Deb Winter- Reported that an application has been submitted to Department of Revenue to work with the State debt collection agency for court and this can also be used to collect personal property taxes that are delinquent.

10. Communications and Miscellaneous Business

a. Consider approval of vouchers.

Motion by Russell to approve the Village portion of the vouchers in the amount of \$191,190.35 seconded by Williams. The check sequence goes from check #45199, check #45226 and check #45227, check #45228 is voided, check #45229 to check #45282 **Motion** carried with a voice vote of 7-0-0.

b. Correspondence-None

c. Upcoming community events- None

d. Future agenda items-Zoning amendments, sexting ordinance and pod ordinance.

11 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.