

**VILLAGE OF COTTAGE GROVE  
VILLAGE BOARD OF TRUSTEES  
Monday, June 3, 2019**

**MINUTES**

**1. Call to order**

The June 3, 2019 regular meeting of the Village Board of Trustees was called to order at 6:30 p.m. by Village President John Williams.

**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, Jeff Lennberg, Heidi Murphy, Melissa Ratcliff, Jon Russell, Sarah Valencia and John Williams. Staff present were Village Administrator Matt Giese, Village Clerk Lisa Kalata, Village Planner Erin Ruth, Public Works Director JJ Larson, Village Treasurer Deb Winter, Police Chief Dan Layber, Village Engineer Mike Maloney 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 May 20, 2019.**

**Motion** by Ratcliff to approve the minutes from May 20, 2019 with the correction of the reconvene time in item #13 to 8:53 p.m. and item #9 to read additional funds to go to Deer-Grove EMS, seconded by Murphy. **Motion** carried with a voice vote of 6-0-1 with Russell abstaining.

**6. Presentations to The Board**

**a. Review of the 2018 audit with Baker Tilly.**

Amanda Bloomberg from Baker Tilly was present to explain the highlights in the 2018 financial audit. A handout was provided with explanations along the way, the 2018 general fund balance was \$1,600,928.

**7. Unfinished Business**

**a. Discuss and consider proposed amendments to Ch. 325 regarding Zoning Related to 2017 Wisconsin Act 67 and 2017 Wisconsin Act 243 (This item was tabled at the Village Board meeting on May 20, 2019).**

**Motion** by Murphy to take off the table, seconded by Ratcliff. **Motion** carried with a voice vote of 7-0-0.

Attorney Boushea explained the changes in State Statutes specifically eliminating section 62.23 (7)(a), however this does not mean that the village ordinance would need to be changed but could be changed if the Village Board decides to do so. **Motion** by Ratcliff to remove ordinance 325-110 (G) regarding protest petition from the Village code, seconded by Valencia. **Motion** carried with a roll call vote of Allen, NO, Lennberg, AYE, Murphy, AYE, Ratcliff, AYE, Russell, NO, Valencia, AYE, Williams, NO. Valencia indicated that the protest petition is for zoning changes, and we have the Comprehensive Plan that has the zoning already laid out and there are processes in place if residents have a concern with the zoning, the ordinance language was put in place before comprehensive plans were a requirement. Steve Tinker-728 Weald Bridge Rd was present to speak against changing the ordinance. Russell asked if the language could be changed concerning the vote requirement, which Attorney Boushea indicated that it could. Valencia indicated that the Village already approved for example the Farm that it should be residential zoning in 2014 when the Comprehensive Plan was approved, so if there are issues we should be hearing about them at the planning stages so that it is worked out before a developer is before the board. Allen questioned that Shady Grove did not follow the comprehensive plan, and that it does not allow for citizens' concerns to be heard. Valencia would like for the concerns to be heard during the comprehensive planning processes, so it can be addressed at that time, not when a developer is before the board. Lennberg indicated that rights are not being lost, residents can come to the meetings and public hearings as they have always been able. Ratcliff indicated that residents came and spoke against Casey's and it was not approved.

**b. Discuss and consider revised public comment form.**

Williams indicated that the revised form has a comment section and signature line. **Motion** by Russell to approve the revised form, seconded by Lennberg. **Motion** carried with a voice vote of 7-0-0.

**c. Discuss and consider Second Amendment to Agreement Involving Recreational Facilities with Madison United Rugby.**

Attorney Boushea indicated that an agreement with Madison United Rugby would be to release the requirement of public access to ADA compliant bathrooms and limited park storage with the payment of \$50,000 within sixty days of the effective date of the second amendment. **Motion** by Ratcliff to approve the second amendment to agreement involving recreational facilities with Madison United Rugby subject to edits by attorneys, seconded by Murphy. **Motion** carried with a voice vote of 7-0-0.

## 8. New Business

### a. Discuss process for establishing board priorities for Village operations.

Giese explained the packet information and asked for board members to submit four to six priorities by June 12<sup>th</sup> and they can continue the process at the June 17<sup>th</sup> Village Board meeting.

### b. Discuss and consider the Award of Contract of Badgerland Excavating Corp for the Main Street PARC Grant Path Construction-Phase 1.

Maloney explained the bid information and recommended approval of the award to Badgerland Excavating Corp in the amount of \$367,843.87. **Motion** by Ratcliff to approve the award to Badgerland Excavating Corp in the amount of \$367,843.87 for the Main Street PARC Grant Path Construction-Phase 1, seconded by Valencia.

**Motion** carried with a voice vote of 7-0-0.

### c. Discuss and consider Liquor License applications for licensing year July 2019-June 2020 for the attached list.

**Motion** by Ratcliff to approve the Liquor License for licensing year July 2019- June 2020 for the attached list, seconded by Russell. **Motion** carried with a voice vote of 7-0-0.

### d. Discuss and consider Amusement Device permit applications for licensing year July 2019-June 2020 for the attached list.

**Motion** by Allen to approve Amusement Device permit for licensing year July 2019- June 2020 for the attached list, seconded by Murphy. **Motion** carried with a voice vote of 7-0-0.

### e. Discuss and consider Cigarette License applications for licensing year July 2019-June 2020 for the attached list.

**Motion** by Russell to approve Cigarette License for licensing year July 2019- June 2020 for the attached list, seconded by Allen. **Motion** carried with a voice vote of 7-0-0.

### f. Discuss and consider Resolution 2019-03: Resolution Authorizing a Cooperation Agreement with Dane County for Housing and Community Development Grants.

Ruth reported the resolution would be to join Dane County Housing Consortium. **Motion** by Ratcliff to approve resolution 2019-03 authorizing a cooperation agreement with Dane County for housing and community development grants with attorney edits if needed, seconded by Valencia. **Motion** carried with a voice vote of 7-0-0.

### g. Discuss and consider appointment of alternates to joint committees.

Ratcliff is asking to appoint alternates to the joint committees, as there are times when a regular member cannot attend the meetings. Valencia asked if there is a substitute at the joint committee meeting are they allowed to vote? Attorney Boushea indicated that this has come up in the past, and the biggest issue is the joint committees because of the makeup of the boards. Currently the Village President can appoint a member with confirmation of the board, however timing is a factor. Allen does not understand the purpose of having alternates. **Motion** by Valencia to appoint village board member as alternates to the joint committees of Deer-Grove EMS, Joint Fire, Emergency Government and Natvig Landfill, seconded by Ratcliff. **Motion** failed with a roll call vote of Allen, NO, Lennberg, NO, Murphy AYE, Ratcliff, AYE, Russell, NO, Valencia, AYE, Williams, NO. Murphy liked the idea of a single alternate per joint committee, so they are up to date on the agenda items. Williams indicated that the trustees are dedicated so this has not been an issue. Attorney Boushea indicated that they could do it several ways, but as a courtesy they should notify the Town of the Village policy. Valencia questioned the process, that the Village President would appoint a trustee and then would have to bring it to the Village Board for approval? Attorney Boushea indicated that is correct and would like to get away from that policy because it is hard to do depending on timing of the meetings. Allen indicated that any trustee can go to any meeting but may not have a voting voice if not on the committee. Russell questioned if a future agenda item could be to give the Village President the authority to appoint an alternate without going to the Village Board for confirmation.

Attorney Boushea indicated that it could be done, but the ordinance would need to reflect that language. **Motion** by Valencia to appoint an alternate to joint committees of Joint Fire, Deer-Grove EMS, Emergency Government and Natvig Landfill and that person will make most reasonable effort to attend meetings, seconded by Ratcliff. **Motion** carried with a roll call vote of Allen, NO, Lennberg, AYE, Murphy, AYE, Ratcliff, AYE, Russell, NO,

Valencia, AYE, Williams, AYE. **Motion** by Williams to have Williams attend the Emergency Government meeting on June 6, 2019, seconded by Russell. **Motion** carried with a voice vote of 7-0-0.

**h. Confirm quorum and discuss potential agenda items for the June 27<sup>th</sup> Joint Town and Village meeting.** Williams would like to confirm that June 27<sup>th</sup> is available for a Joint Town/Village Board meeting at the Town Hall at 6:30 p.m. on June 27<sup>th</sup>. Lennberg, Murphy and Ratcliff will not be in attendance. Agenda items for the Village will be Flynn Hall agreement, Boundary agreements, economic development, permit needed to connect Mourning Dove and Pheasant Run Streets, Towns business park off of North Star and what developments are happening and census.

## **9. Reports from Village Boards, Commissions & Committees**

### **9.I. Peer Court Steering Committee**

Lennberg reported that Russell was in attendance to ask about potential of volunteers for Market Dayz, the reports were discussed which will be attached for the future agendas for all to see. There are several events coming up in June for juror training, and June 8<sup>th</sup> will be a talent showcase. They are also looking for a new logo for Teen Court. The next meeting will be July 16<sup>th</sup> at 5:15 p.m.

### **9.II. Parks, Recreation & Forestry Committee**

Murphy reported they discussed parkland dedication for Shady Grove and 5<sup>th</sup> addition to Westlawn sub divisions, they also discussed allowing a lease for Miracle League at Bakken Park.

**a. Discuss and consider allowing the Miracle League to occupy up to 43,968 square feet (1.01 acres) of land at Bakken Park.**

**Motion** by Murphy to pursue a lease agreement with Miracle League to occupy 43,968 square feet of land at Bakken Park, seconded by Ratcliff. **Motion** carried with a voice vote of 7-0-0.

**b. Discuss and consider waiving alcohol in the parks requirements for Music in the Grove events for 2019 season.**

**Motion** by Allen to waive alcohol in the parks requirements for Music in the Grove events for 2019 season, seconded by Lennberg. **Motion** carried with a voice vote of 7-0-0.

**c. Discuss and consider approval of Sound Amplification application for Music in the Grove events for 2019 season.**

**Motion** by Allen to approve the Sound Amplification for Music in the Grove events for 2019 season, seconded by Lennberg. **Motion** carried with a voice vote 7-0-0.

### **9.III. Law Enforcement Committee**

Chief Layber reported there was a search warrant in the Village that resulted in a State nuisance letter to evict them, the department will be receiving an asset forfeiture, they discussed the prescription drug collection process in the village. The department has received a donation of a bike and an officer has been training for a Bike Patrol. They also discussed the department activity reports.

### **9.IV. Natvig Landfill Monitoring Review Committee**

Lennberg reported they reviewed the bills, and everything is in line and the next meeting will be July 22<sup>nd</sup> at 6:00 p.m.

### **9.V. Joint Fire Department Committee**

Ratcliff reported that they elected officers and Kris Hampton is the chair, they approved the HVAC repairs, they are waiting on quotes for the LED lighting, they are looking into changes with Frontier for phone and internet services. The calls are down a little from last year.

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

### **a. John Williams**

**i. Discuss and consider nomination of Jon Russell to Joint Fire Department Committee, Law Enforcement Committee, Natvig Landfill Monitoring Review Committee, Ordinance Review Committee.**

**Motion** by Ratcliff to approve nomination of Jon Russell to Joint Fire Department Committee, Law Enforcement Committee, Natvig Landfill Monitoring Review Committee, Ordinance Review Committee, seconded by Allen. **Motion** carried with a voice vote of 7-0-0.

### **b. Attorney Lee Boushea**

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

When there are new members to the board Giese provides an orientation with the Department Heads and as members are assigned to committees there are certain contracts or agreements that are associated with the committees and if the board would like copies that can be provided.

**11. Communications and Miscellaneous Business**

**a. Consider approval of vouchers.**

**Motion** by Murphy to approve the Village portion of the vouchers in the amount of \$81,457.38 seconded by Allen. The check sequence goes from check #45404 to check #45453. **Motion** carried with a voice vote of 7-0-0.

**b. Correspondence-**A plaque was presented to the Village from Colonial Club.

**c. Upcoming community events-** Fireman's Festival, Sunday pancake breakfast with the Lions Club, Optimist will have a food stand at Fireman's Festival, Miracle League will have a fundraiser at Madison Mallards on July 9<sup>th</sup>, Rugby will have an event on June 22<sup>nd</sup> and 23<sup>rd</sup>.

**d. Future agenda items-** Joint Committee appointments, Ehlers Financial report, Census, Priorities list.

**12. 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 for negotiations in Commerce Park TID #5.**

**Motion** by Williams to enter into closed session at 8:59 p.m., seconded by Allen. **Motion** carried with a roll call vote of Allen AYE, Lennberg AYE, Murphy AYE, Ratcliff AYE, Russell AYE, Valencia AYE, Williams AYE.

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

**Motion** by Murphy to reconvene into open session at 9:25 p.m., seconded by Allen. **Motion** carried with a roll call vote of Allen AYE, Lennberg AYE, Murphy AYE, Ratcliff AYE, Russell AYE, Valencia AYE, Williams AYE.

**Motion** by Williams to have Ruedebusch move forward with offer in TID #5, seconded by Ratcliff. **Motion** carried with a voice vote of 7-0-0.

**14. Adjournment**

**Motion** by Allen to adjourn at 9:26 p.m., seconded by Murphy. **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.**