

**VILLAGE OF COTTAGE GROVE  
VILLAGE BOARD OF TRUSTEES  
Monday, March 21, 2016**

**MINUTES**

**1. Call to order**

Clerk Treasurer Deb Winter called the March 7, 2016 meeting of the Village Trustees to order at 6:31 p.m.

**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: Kyle Broom, Jack Henrich, Alex Jushchyshyn and Harvey Potter. Trustees Jennifer Pickel and John Williams were absent and excused. Staff present were Clerk Treasurer Deb Winter, Administrator Matt Giese, Village Planner Erin Ruth, Chief of Police Dan Layber, Director of Public Works and Properties JJ Larson, Director of Parks, Recreation & Forestry Sean Brusegar, Village Engineer Mike Maloney and Village Attorney Leighton Boushea.

**3. Pledge of Allegiance.**

**4. Nominations for Chairman Pro Tem for the March 21, 2016 Village Board meeting.**

**Motion** by Potter to nominate Jack Henrich as Chairman Pro Tem for the March 21, 2016 Village Board meeting, seconded by Boom. **Motion** carried with a voice vote of 4-0-0.

**5. PUBLIC APPEARANCES – *Public's opportunity to speak about any subject that is not a specific agenda item.***  
None

**6. Discuss and consider the minutes of the regular Village Board meeting of March 7, 2016.**

**Motion** by Jushchyshyn to approve the minutes of the regular Village Board meeting of March 7, 2016 with one noted change, seconded by Broom. **Motion** carried with a voice vote of 4-0-0.

**7. CLOSED SESSION. The Village of Cottage Grove Village Board will enter into Closed Session pursuant to Wisconsin State Statute §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; Village Clerk Position.**

**Motion** by Henrich to enter into closed session at 6:31 p.m., seconded by Potter. **Motion** carried with a roll call vote of 4-0-0.

**8. Reconvene into open session.**

**Motion** by Potter to reconvene into open session at 6:43 p.m., seconded by Jushchyshyn. **Motion** carried with a roll call vote of 4-0-0.

**9. Presentations to the Board**

None

**10. Unfinished Business**

**a. Discuss and consider potential citizen appointments to openings on various Village committees and commissions.**

**i. Discuss and consider the appointment of Jennie Lueder to the Police Commission.**

**Motion** by Potter to approve the appointment of Jennie Lueder to the Police Commission, seconded by Jushchyshyn. **Motion** carried with a voice vote of 4-0-0.

**b. Update on Gaston Road ROW permit.**

Boushea reported that he has been in contact with the PSC but we are still waiting for a timeline and have a hearing scheduled in April.

**c. Identify, Discuss and Prioritize Village Ordinances requiring updating and revising.**

Boushea reported that this agenda item is a standing item. If staff or Trustees have any they would like to address, we will forward the requests on to the Ordinance Review Committee.

**11. New Business**

**a. Appointment of Village Clerk.**

Giese welcomed Lisa Kalata to the Village as part of the strong leadership program being built here.

Giese added that Lisa comes to us with 20 years of experience. Winter then administered Kalata's oath for Village Clerk.

- b. **Swearing in of Lieutenant.**  
New Police Lieutenant Matthew Wagner and Chief of Police Dan Layber came forward. Winter then administered the swearing in of Lieutenant Wagner.
- c. **Discuss and consider 2<sup>nd</sup> Amendment to Fourth Addition to Westlawn Estates.**  
Boushea reported. Fourth Addition to Westlawn Estates is a phased development. Phase II is almost full. This 2<sup>nd</sup> Amendment is to release Phase III. **Motion** by Henrich to approve the 2<sup>nd</sup> Amendment to Fourth Addition to Westlawn Estates, seconded by Jushchyshyn. **Motion** carried with a voice vote of 4-0-0.
- d. **Discuss and consider operator license application for:**
  - i. **Garrett Mathison: Kwik Trip**  
**Motion** by Jushchyshyn to approve an operator license for Garrett Mathison; Kwik Trip, seconded by Broom. **Motion** carried with a voice vote of 3-0-1 with Potter abstaining.

## 12. Reports from Village Boards, Commissions & Committees

- a. **Ad Hoc Architectural Review Committee**  
Ruth reported that the committee met to review the Culvers site plan which he will discuss in depth during the Plan Commission report.
- b. **Community Development Authority**  
Potter reported that they discussed how and what businesses they would like to see come to the Village. Ruth added that the Authority is working on developing a more comprehensive development strategy which will be worked into the Village's Comprehensive Plan. The Authority also worked on a list of desired businesses and creating a matrix listing the desired criteria for each business.
- c. **Deer Grove EMS**  
Potter reported that the commission received a draft copy of the 2015 financial statements. There is a request to hold a joint meeting of the three municipalities on April 21<sup>st</sup> for the purpose of approving the audit and discussing the potential purchase of one or two ambulances and other needed equipment. 2016 run rates have been slightly down over last year.
- d. **Joint Public Works Committee and Utility Commission**
  - i. **Discuss and consider Adaptive Management IGA.**  
Trustee Jushchyshyn gave a presentation on the Adaptive Management IGA program, goals and cost structure. Potter asked if this program was originated by Madison Metro Sewerage Department to which the answer is yes. Boushea added that agreements like this are difficult because there is no guarantee and costs and results are estimated. Henrich asked how they measure this to make sure municipalities upstream aren't effecting our results to which the answer was that measurements are taken into consideration along the way but the main readings are at the Yahara Watershed. **Motion** by Potter to approve participation in the Adaptive Management IGA, seconded by Henrich. **Motion** carried with a voice vote of 4-0-0.
- e. **Parks, Recreation & Forestry Committee**  
Brusegar reported that Governor Taylor Park is now open again. There is a potential Eagle Scout project in the works that would be replacing the dugouts at Huston Park. The concrete at Dublin Park footing slab did just what it was supposed to do over the winter. We will be submitting for approval to allow alcohol in the parks during the Music In The Grove events this summer.
- f. **Peer Court Steering Committee**  
Potter reported that through February there were 18 cases referred. The reports from Briarpatch are very good and the jury and defendants are working well together.
- g. **Plan Commission**
  - i. **Discuss and consider recommendation for approval from the Plan Commission to approve an ETJ Certified Survey Map from Mark Fredenburg to adjust lot lines between two existing parcels located at 2445 Gaston Road and 2435 Gaston Road in the Town of Cottage Grove.**  
Ruth gave a brief background of the request noting that the boundary straddles the Town of Cottage Grove and the Town of Sun Prairie. **Motion** by Henrich to approve the recommendation for approval from the Plan Commission to approve an ETJ Certified Survey Map from Mark Fedenburg to adjust lot lines between two existing parcels located at 2445 Gaston Road and 2435 Gaston Road in the Town of Cottage Grove with the conditions as set forth in the Village Action Report dated March 10, 2016, seconded by Broom. **Motion** carried with a voice vote of 4-0-0.

- ii. **Discuss and consider recommendation for approval from the Plan Commission to approve a Conditional Use Permit application from Culver's for an 'in-vehicle sales and service' accessory land use on Parcel #071104120201.**

Ruth gave a brief background of the request. The builder was present to answer any questions. Jushchyshyn commented that he was surprised to see the dumpster still located on the Hwy N side of the lot to which the builder responded that the way the property is laid out, there weren't any other options. Ruth added that they are including more buffer landscaping to cover that area as much as possible. **Motion** by Henrich to approve the recommendation for approval from the Plan Commission to approve a Conditional Use Permit application from Culver's for an 'in-vehicle sales and service' accessory land use on Parcel #071104120201 with the conditions as set forth in the Village Action Report dated March 10, 2016, seconded by Broom. **Motion** carried with a voice vote of 4-0-0.

- iii. **Discuss and consider recommendation for approval from the Plan Commission to approve a Certified Survey Map application from Culver's to separate a 2.179 acre parcel from existing Parcel #071104120201.**

Ruth stated that Culver's is looking to purchase a portion of the lot, not the entire lot, so a CSM is needed to split the lot into the size they desire. **Motion** by Potter to approve the recommendation for approval from the Plan Commission to approve a Certified Survey Map application from Culver's to separate a 2.179 acre parcel from existing Parcel #071104120201 with the conditions as set forth in the Village Action Report dated March 10, 2016, seconded by Henrich. **Motion** carried with a voice vote of 4-0-0.

- iv. **Discuss and consider recommendation for approval from the Plan Commission to approve a Site Plan application from Culvers' to build an approximately 5,000 square foot restaurant on Parcel #071104120201.**

Ruth went over the listed conditions. **Motion** by Potter to approve the recommendation for approval from the Plan Commission to approve a site Plan application from Culvers' to build an approximately 5,000 square foot restaurant on Parcel #071104120201 with the conditions as set forth in the Village Action Report dated March 10, 2016, seconded by Broom. **Motion** carried with a voice vote of 4-0-0.

- v. **Discuss and consider recommendation for approval from the Plan Commission to approve a Conditional Use Permit application from AJ Regali to operate a 'personal storage facility' land use at 375 Progress Drive.**

Ruth gave a brief background on this request. AJ Regali and Andrew Homburg were both present to answer any questions. Henrich asked if this was going to be 24 hour access to which Mr. Regali answered yes as it will not be fenced. Jushchyshyn asked if there is electricity and will it have sprinklers to which the answer was no to both and there will not be heat either. **Motion** by Henrich to approve the recommendation for approval from the Plan Commission to approve a Conditional Use Permit application from AJ Regali to operate a 'personal storage facility' land use at 375 Progress Drive with the conditions as set forth in the Village Action Report dated March 10, 2016, seconded by Jushchyshyn. **Motion** carried with a voice vote of 4-0-0.

- vi. **Discuss and consider recommendation from the Plan Commission to approve a Site Plan application from AJ Regali to build a personal storage facility at 375 Progress Drive.**

Jushchyshyn asked what the current zoning for this property was to which the answer was planned industrial. Potter asked if the addition of the second building would then make the structure large enough to require sprinklers to which the answer was no because they will be two separate buildings. **Motion** by Potter to approve the recommendation from the Plan Commission to approve a Site Plan application from AJ Regali to build a personal storage facility at 375 Progress Drive with the conditions as set forth in the Village Action Report dated March 10, 2016, seconded by Henrich. **Motion** carried with a voice vote of 4-0-0.

- vii. **Discuss and consider recommendation from the Plan Commission to approve a Certified Survey map from Rainbow Child Care to shift the southern lot line of Parcel #071104300502 ten feet to the south.**

Ruth gave a brief background on this request. The project architect along with Andrew Homburg were present to answer any questions. Broom made a comment regarding the displeasure from some of the current daycares in the area with the addition of another daycare. Broom stated that it is not the Village Boards job to determine what businesses come into the Village, just if the business meets our ordinance and zoning requirements to which Giese added that unless the property is owned by the Village, then we may have a little more say. Potter asked if the previous fence and Charter issues were taken care of to which the answer was yes. **Motion** by Potter to approve the recommendation from the Plan Commission to approve a Certified Survey Map from Rainbow Child Care to shift the southern lot line of Parcel #071104300502 ten feet to the south with the conditions as set forth in the Village Action Report dated March 17, 2016, seconded by Jushchyshyn. **Motion** carried with a voice vote of 4-0-0.

**viii. Discuss and consider recommendation from the Plan Commission to approve a Conditional Use Permit application from Rainbow Child Care Center for a ‘group daycare center (9+ students)’ land use on Parcel #071104300502.**

Ruth gave some more details regarding the project and commented that he and staff always try to look at the fit with the uses of the property. There are some concerns regarding noise however Rainbow has stated that not more than one class will be outside at one time to alleviate noise levels. There is also some concern with the traffic volume on HWY N to which Rainbow has stated that there is adequate fencing and the outside play areas will not backup to the highway. Ruth also mentioned that a stoplight at Hwy N and School Road has been talked about in the past and is a part of the TID #5 project plan. **Motion** by Potter to approve the recommendation from the Plan Commission to approve a Conditional Use Permit application from Rainbow Child Care Center for a ‘group daycare center (9+ students)’ land use on Parcel #071104300502 with the conditions as set for in the Village Action Report dated March 17, 2016, seconded by Henrich. **Motion** carried with a voice vote of 4-0-0.

**ix. Discuss and consider recommendation from the Plan Commission to approve a Site Plan application from Rainbow Child Care Center to build an approximately 11,000 square foot daycare center on Parcel #071104300502.**

**Motion** by Henrich to approve the recommendation from the Plan Commission to approve a Site Plan application from Rainbow Child Care Center to build an approximately 11,000 square foot daycare center on Parcel #071104300502 with the conditions as set forth in the Village Action Report dated March 17, 2016, seconded by Jushchyshyn. **Motion** carried with a voice vote of 4-0-0.

**x. Discuss and consider recommendation from the Plan Commission to approve ‘RESOLUTION 2016-03; Approval of a Waiver of Extraterritorial Plat Approval Jurisdiction for Subdivision Area in the Town of Cottage Grove.’**

Ruth gave a brief background of the request. Town Chairman Kris Hampton was present to answer any questions. Broom added that the Board has previously talked about having some joint meetings. I have talked to the Chamber of Cottage Grove about having a joint meeting with both the Village of Cottage Grove and the Town of Cottage Grove. They are available April 12<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup> for possible meeting dates. The purpose of these joint meetings are priorities and plans such as this one. Boushea stated that the language in this Resolution was changed to make clear that this is for one piece of property exclusively. **Motion** by Potter to approve the recommendation from the Plan Commission to approve Resolution 2016-03; Approval of a Waiver of Extraterritorial Plat Approval Jurisdiction for Subdivision Area in the Town of Cottage Grove, seconded by Jushchyshyn. **Motion** carried with a voice vote of 4-0-0.

**13. Reports from Village Officers:**

**a. Kyle Broom**

I went to the question and answer for the school referendum. There were about 23 residents there. The school district is around 70% Cottage Grove with 300 open enrollment kids. The current school mil rate is \$12.89 which is lower than 2009 and 2010. I also think it would be good to meet with the officials from the City of Monona to talk about planning, TIDs and school enrollment.

**b. Jack Henrich**

No Report

**c. Alex Jushchyshyn**

I was also at the referendum question and answer. I thought it was a good meeting with a lot of information.

**d. Jennifer Pickel**

No Report

**i. Update of current activities involving the Monona Grove School District.**

**e. Harvey Potter**

No Report

**f. John Williams**

No Report

**g. Attorney Lee Boushea**

No Report

**h. Administrator Matt Giese**

We are in the process of hiring a Public Works technician and hope to have someone on board late April, early May.

**i. Director of Planning and Development Erin Ruth**

**i. Update on application for Urban Service Area Amendment**

I have been working through the Urban Service Area Amendment information. The hearing is scheduled for April 14<sup>th</sup>. The CARPC report is recommending approval.

**j. JJ Larson**

**i. Review of MS4 Annual Report**

The MS4 report is submitted every year. We are looking at a more comprehensive street sweeping program and improved water quality outreach with our new website. I am looking to have the entire department do more training on outfall inspections.

**14. Communications and Miscellaneous Business**

**a. Consider approval of vouchers**

**Motion** by Jushchyshyn to approve the Village portion of the vouchers in the amount of \$249,015.28, seconded by Potter. The check sequence goes from check #40269 to check #40328. **Motion** carried with a voice vote of 4-0-0.

**b. Correspondence**

**a. League of WI Municipalities: Local Government 101 training opportunity for Village Officials.**

Winter announced the availability of this training opportunity for the Village Board members.

**c. Future agenda items**

None

**15. Adjournment.**

**Motion** by Jushchyshyn to adjourn at 8:03 p.m., seconded by Potter. **Motion** carried with a voice vote of 4-0-0.

**Respectfully Submitted,**

**Deb Winter, Clerk Treasurer**

**Village of Cottage Grove**

**Approved: April 4, 2016**

**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.**