

**VILLAGE OF COTTAGE GROVE
VILLAGE BOARD OF TRUSTEES
Monday, May 6, 2019**

MINUTES

1. Call to order

The May 6, 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, 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, Parks, Recreation & Forestry Director Sean Brusegar, 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.*
None

5. Discuss and consider the minutes of the regular Village Board meeting of April 15, 2019.

Motion by Ratcliff to approve the minutes from April 15, 2019. **Motion** carried with a voice vote of 4-0-2 with Murphy and Valencia abstaining.

6. Unfinished Business

a. 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. (This item was tabled at the Village Board meeting on April 15, 2019).

Motion by Allen to take item 6.a. off the table, seconded by Murphy. **Motion** carried with a voice vote of 6-0-0. The following people registered to not speak but are against the proposed amendments to Ch. 198 regarding Impacts Fees, Ch. 274 regarding Subdivision of Land, and Ch. 325 regarding Zoning Related to 2017 Wisconsin Act 67 and 2017 Wisconsin Act 243.

Kyle Wojta-314 Erin Ct-Against
Duane Rathert-612 Westlawn Dr-Against
Eric Hallingstad-204 Maria Ln-Against
Cheryl Hallingstad-204 Maria Ln-Against
Viola Rathert-612 Westlawn Dr-Against
Steve Tinker-728 Weald Bridge-Against
Deborah Tinker-728 Weald Bridge-Against
Douglas Clark-505 Weald Bridge-Against
Daniel Dyer-613 Nightingale Ln-Against
Chad Ford-305 Southing Grange-Against
Amy Kudrna- 400 Meadow Crest-Against
Janet Koivisto- 133 Maria Ln- Against
Diane Martinson- 4181 Vilas Rd- Against
Craig Hatfield-400 Meadow Crest Trl- Against
Michelle Stodola – 305 Southing Grange- Against
Gary Ribble – 520 Southing Grange-Against
Michele Ribble – 520 Southing Grange- Against
Timothy Musick-1109 N Parkview St- Against
Cara Musick-1109 N Parkview St- Against
Paul Haase- 732 Weald Bridge- Against
Sally Bries & Jeffrey Wiggen-310 Erin Ct- Against
Tina McFadden- 100 Heather Dr- Against
Rick Smith-100 Heather Dr. – Against

Toni Connor-200 Heather Dr.- Against
Barry Boland-744 Weald Bridge-Against
Cindy Block Boland-744 Weald Bridge -Against
Rod & Lisa Marron-734 Weald Bridge-Against
John Rice-505 Southing Grange-Against
Rita Rice-505 Southing Grange-Against
Gail Rockeman-127 Glenn Dr-Against
David & Barbara Crockett-131 Glenn Dr-Against
Amanda Klein-1107 N Parkview St- Against
Zachary Klein-1107 N Parkview St-Against
Lee & Jennifer Emmons-406 Limerick Dr-Against
Sharon Akin-118 Glenn Dr- In favor

William Dennis-521 Southing Grange spoke against the amendments to the zoning changes. He has been a resident for 20 years and was part of a protest about 13 years ago with property adjacent to Piggly Wiggly. He feels that people should be able to express their views and that it is important that the Village has representatives that look for public input and citizens are very important.

Giese indicated that he provided the information for the packet that was requested last meeting on surrounding communities and the changes with the zoning protest petition. Giese also commented that this does not take away the protest petition it would just change the vote that it would take either majority or super majority. Ruth also commented that they recently expanded the notification to 400 feet within the changed area. Ratcliff asked about the yellow sheet of paper that was turned it with the form to speak on an agenda item. Her concern is that people may not understand the agenda topic because they just indicate that they are against and do not hear the discussion of the topic. Ratcliff explained that the amendment was because of changes in the State Legislation and that the Plan Commission looked at the Village ordinance and how the protest petition language was before comprehensive plans were a requirement for the municipality. Ratcliff's concern with the protest petition is that Board members then do not just represent the Village residents they represent any landowner within a certain distant to the land that has the proposed development and the one land owner could potentially stop development within the Village and also having the super majority vote it is giving the power to two board members and therefore she will be voting to remove the language from the Village ordinance. Allen indicated that he did not want to take away the rights of residents. **Motion** by Allen to approve the proposed amendments except the protest petition language, seconded by Williams. **Motion** failed with a voice vote of 2-4-0. **Motion** by Valencia to approve amendments to Chapter 198 impact fees, Chapter 274 Subdivision of Land as presented, seconded by Ratcliff. **Motion** carried with a voice vote of 6-0-0. **Motion** by Lennberg to have Village Attorney and Village Staff look into the legality of the changes to the protest petition to Village residents and voting to 2/3 vote, seconded by Williams. **Motion** carried with a voice vote of 6-0-0.

b. Discuss and consider amendment to Punzarella LLC dba Oakstone Recreational Facility developer agreement.

Giese explained that the amendment was because of the increase in guaranteed value for the project of \$2.5 million with reimbursement of incentive payments. Giese also indicated that this would be revenue the Village would not have if the development did not happen. Murphy questioned if there is a deadline for the completion and it is on page 5 of the developer agreement. **Motion** by Ratcliff to approve the amendment for Punzarella LLC dba Oakstone Recreational Facility developer agreement, seconded by Lennberg. **Motion** carried with a voice vote of 6-0-0.

c. Discuss Flynn Hall agreement.

Giese indicated that this was discussed at budget time and was requested to be put on an agenda six months from the renewal date of the agreement. Allen indicated that it was to be discussed at a Joint Village/Town meeting, as they may come back with a different proposal because the Town currently keeps all the revenues, yet the Village pays 1/3 of all expenses. Murphy and Ratcliff both agreed that they thought that the Town was under the understanding that the Village would not be renewing the agreement at the last Joint Village/Town meeting. Jon Russell-311 Southing Grange-registered in favor of the Flynn Hall agreement.

Motion by Valencia to have the Village President provide notice to the Town of Cottage Grove of termination of the current Flynn Hall agreement, with the understanding that a new proposal could be considered, seconded by Ratcliff. **Motion** carried with a voice vote of 6-0-0.

7. New Business

a. Discuss and consider renewal operator's license for year July 2019-June 2020 for The Farm Golf Course: Michael Jeffers, Joshua Hammer, Michael Vesperat, Michelle Okeson, Amy Fosdick.

Motion by Allen to approve the operator license for year July 2019-June 2020 for Michael Jeffers, Joshua Hammer, Michael Vesperat, Michelle Okeson and Amy Fosdick, seconded by Murphy. **Motion** carried with a voice vote of 6-0-0.

b. Discuss and consider Right-of-Way permit from Alliant Energy for a fiber line.

Larson explained the permit and the review by the Village Engineer and that the Village utilities would be protected and there would be little impact to the right of way. Lennberg questioned how residents will be notified, which Larson indicated that they could spell it out in the permit. **Motion** by Allen to approve the right-of-way permit for Alliant Energy for a fiber line along with proper notification to citizens, seconded by Lennberg. **Motion** carried with a voice vote of 6-0-0.

c. Discuss and consider change regarding how "reports from Village Officers" are handled on the agenda.

Williams explained that he would like to change "reports from Village Officers" to only be listed if a specific item and back up reports are added to the agenda is requested by a board member or staff. If the topic is a true agenda item, then it would be added to the agenda under unfinished business or new business. This would eliminate the risk of violating the open meeting laws. Attorney Boushea agreed with Williams' request as it is more inline with the Attorney General's opinion given on open meetings. **Motion** by Allen to delete the "reports from Village Officers" on the agenda, seconded by Valencia. **Motion** failed with a voice vote of 1-5-0 with Allen voting Aye, Lennberg, Williams, Murphy, Ratcliff and Valencia voting No. Murphy expressed concern with eliminating the item and also the costs associated with having to change the Village ordinance to update the language. Ratcliff would also like the reports to remain available but with the policy that it would be listed on the agenda with a report from the board member to be submitted to Giese. **Motion** by Lennberg to keep "report from Village Officers" with the policy that board members or staff are responsible to submit a report in advance to Giese, seconded by Williams. **Motion** carried with a voice vote of 6-0-0.

d. Discuss and consider process for filling vacant Village Trustee position.

Attorney Boushea explained the memo on filling a vacant Village Trustee position and the different methods used by the Board. Allen indicated that there was just an election and the last time there was an appointment it did not go that well. Jeff Hanson -104 Arbury Ct was present to speak in favor of appointing Jon Russell to the vacant trustee position. Michele Ribble-520 Southing Grange register in favor of appointing Jon Russell. Gary Ribble-520 Southing Grange register in favor of appointing Jon Russell. Douglas Clark-505 Weald Bridge register in favor of appointing Jon Russell. Mark Sponem emailed with support of appointing Jon Russell. Paul Haase emailed with support of appointing Jon Russell. Kyle Broom emailed with support of appointing Jon Russell. Murphy expressed that she has an issue with appointing the position versus leaving it vacant. Ratcliff expressed she is not in favor of appointing as the process has not been executed smoothly, and those that have been recently appointed were not re-elected, so the board appointment may not be the best process. Williams explained that there was just an election and Jon Russell was the fourth highest on the ballot. Lennberg expressed that he is in agreement in appointing but opening it up to taking applications. **Motion** by Allen to appoint Jon Russell to the vacant Trustee position to fulfill the existing term of John Williams, seconded by Williams. **Motion** failed with a voice vote of 3-3-0 with Allen, Williams, Valencia voting Aye and Lennberg, Murphy, Ratcliff voting No. **Motion** by Lennberg to take applications for the vacant Trustee position, seconded by Williams. **Motion** failed with a roll call vote of Allen Abstaining, Lennberg Aye, Murphy No, Ratcliff No, Valencia Aye, Williams Aye. **Motion** by Murphy to keep the Village Trustee position vacant until the next scheduled election in the Village, seconded by Ratcliff. **Motion** failed with a roll call vote of Allen No, Lennberg No, Murphy Aye, Ratcliff Aye, Valencia Aye, Williams No. **Motion** by Lennberg to table until the next meeting, seconded by Ratcliff. **Motion** carried with a roll call vote of Allen Aye, Lennberg Aye, Murphy Aye, Ratcliff Aye, Valencia Aye, Williams Aye.

e. Discuss and consider Trustee Committee & Commission appointments.

Williams indicated that there was one change from the list in the packet with Ratcliff being moved to Plan Commission replacing Murphy and Murphy being moved to Ordinance Review Committee replacing Ratcliff. Ratcliff indicated that CDA should be changed as well. Attorney Boushea indicated that he reviewed the ordinance for the Community Development Authority and it refers to terms and terms would start with each election if the board member is willing to step off the committee. Lennberg indicated that he is not willing to step off of CDA. Ratcliff handed out a listing of committees with Williams' proposal of committee appointments and

how many monthly meetings each member would have pointing out that she would have no monthly meetings and Lennberg would have one monthly meeting, she then made a proposal of potential changes to the committee appointments for Trustees. Williams indicated that ordinance review will be meeting on a monthly basis and was trying to move folks around to increase the bench strength and then would be moved around again next year. Allen indicated that he does not have an issue with the changes as all members are being moved to different committees. Lennberg indicated that he wishes to stay on CDA and was asked about committees and he indicated that he is not available on Wednesday and Thursday evenings. Valencia was fine with either of the proposals, but it may not be balanced if some have 3 monthly meetings and others have none. Williams indicated that he would swap Lennberg out for EOC to CDA with Allen and Ratcliff for Plan with Murphy and Murphy on Ordinance Review and Williams will fill other vacancies until appointed. **Motion** by Williams to appoint Trustees to the committees as indicated on the list with the exception of the changes to Plan Commission with Ratcliff replacing Murphy, Ordinance Review with Murphy replacing Ratcliff, EOC with Allen replacing Lennberg, CDA with Lennberg replacing Allen, seconded by Valencia. Motion carried with a voice vote of 6-0-0.

f. Discuss and consider Citizen Committee & Commission appointments.

Ratcliff handed out a document with men and women on the committees and the changes with the proposed appointments and would like to have more discussion on how to get citizens involved with committees and how they could better inform citizens on how to apply for appointments. Ratcliff also questioned why Phyllis Jones-Morrison was removed from Plan and replaced with Alex Jushchyshyn when there are two men on the committee that are not consistently attending the meetings as to why she did not remain on the committee and Alex Jushchyshyn could then have replaced one of the other members. Allen asked the Village President of the process he used to compile the proposed list of committee members. Williams indicated he did reach out to members to see if they were still interested in serving on the committees and then drafted the proposed list. Murphy asked if Phyllis Jones-Morrison indicated that she did not wish to remain on Plan Commission, which Williams indicated that he asked her if she would be interested in other committees. Ratcliff indicated the Phyllis Jones-Morrison was not asked to be on Plan, and Williams confirmed that he indicated that others had expressed interest on Plan Commission and asked if Phyllis Jones-Morrison would be interested in other committees. Ratcliff commented that Phyllis Jones-Morrison indicated that she would like to remain on Plan Commission. Williams indicated this was an act by the Village President and the reason to do this is to move forward and if there are interests by citizens they can reach out to him. **Motion** by Allen to approve the proposal of the Village President to appoint the citizen members to the committees as indicated on the list provided, seconded by Williams. **Motion** carried with a roll call vote of Allen Aye, Lennberg Aye, Murphy Aye, Ratcliff No, Valencia Aye, Williams Aye.

g. Discuss and consider Weed Commissioner appointment.

Motion by Allen to appoint JJ Larson as weed commissioner, seconded by Williams. **Motion** carried with a voice vote of 6-0-0.

h. Discuss and consider the Award of 2019 street repaving work.

Larson reported that this if the first year that they did capital planning for repaving and with the online bidding process through MSA Wolf Paving came in with the lowest bid and that it may be possibly to get another block done because the bid was under what was planned. **Motion** by Allen to award the bid to Wolf Paving in the amount of \$76,658.40, seconded by Lennberg. **Motion** carried with a voice vote of 6-0-0.

8. Reports from Village Boards, Commissions & Committees

8.I. Deer-Grove EMS Commission

Allen reported that calls are down from last year, there will be a presentation from Johnson Block on Thursday, May 16th at the fire station, there are some changes to the IT policy and Vehicle Use policy and elections will be held at the next meeting on May 16th.

8.II. Board of Review

Williams reported that they had no concerns. Murphy indicated that they met for the required two hours.

8. II. Emergency Government Committee

Allen reported they will be working with Aster to update the emergency plan, and they continue to work on updating the emergency standard guide, they approved the purchase a computer for \$1,200, elections will be at next meeting.

9. Reports from Village Officers:

- a. Troy Allen- No Report
- b. Jeff Lennberg- Received an email from Mr. Cardinal and the billing process for Water & Sewer utilities, which Larson has already addressed.

- c. Heidi Murphy- would like to post on Facebook or website to inform residents of online payments for utility bills.
- d. Melissa Ratcliff- No Report
- e. Sarah Valencia- No Report
- f. John Williams- No Report
- h. Attorney Lee Boushea
 - i. **Legal briefings/status updates.**
Will be out but will be available by cell phone and will be returning next week.
 - ii. **Update on sexting ordinance and pod ordinance.**
Attorney Boushea asked if they wish to have him continue to work on these two ordinances or wait until the Ordinance Review committee meets. Murphy indicated to continue working on them to not delay the process.
- i. Administrator Matt Giese- Thank you to Lisa for her work on Friday when the computers were down and still completed all that was needed.
- j. Director of Planning and Development Erin Ruth- No Report
- k. Chief Dan Layber- No Report
- l. Public Works & Properties Director JJ Larson- No Report
- m. Parks, Recreation & Forestry Director Sean Brusegar – No report
- n. Clerk, Lisa Kalata- No report
- o. Treasurer, Deb Winter- Absent and excused

10. Communications and Miscellaneous Business

a. Consider approval of vouchers.

Motion by Allen to approve the Village portion of the vouchers in the amount of \$50,045.83 seconded by Murphy. The check sequence goes from check #45284 to check#45289, check#45290 is voided, check #45291, from check#45293 to check#45241. **Motion** carried with a voice vote of 6-0-0.

b. Correspondence-None

c. Upcoming community events- Senior Health Fair at Drumlin Residents on Thursday, May 16th from 9am to noon. Colonial Club annual dinner will be on May 23rd, Hydrite will be presenting money to the Parks & Recreation and Emergency Government on May 30th at 3:00 p.m.

d. Future agenda items-Trustee position and there will be a presentation on Safe Communities.

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 terms with United Madison Rugby Club and 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**

Motion by Allen to enter into closed session at 8:35 p.m., seconded by Ratcliff. **Motion** carried with a roll call vote of Allen AYE, Lennberg AYE, Murphy AYE, Ratcliff AYE, Valencia AYE, Williams AYE.

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

Motion by Ratcliff to reconvene into open session at 9:16 p.m., seconded by Murphy. **Motion** carried with a roll call vote of Allen AYE, Lennberg AYE, Murphy AYE, Ratcliff AYE, Valencia AYE, Williams AYE.

Motion by Valencia to adjust Village Clerk salary to \$71,500 based on market analysis and additional duties, seconded by Lennberg. Motion carried with a voice vote of 6-0-0.

13. **Adjournment**

Motion by Allen to adjourn at 9:18 p.m., seconded by Lennberg. **Motion** carried with a voice vote of 6-0-0.

Lisa Kalata, Clerk
Village of Cottage Grove
Approved: May 20, 2019

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.