

**VILLAGE OF COTTAGE GROVE  
VILLAGE BOARD OF TRUSTEES  
Monday, March 4, 2019**

**MINUTES**

**1. Call to order**

The March 4, 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.*

None

**5. Discuss and consider the minutes of the regular Village Board meeting of February 18, 2019.**

**Motion** by Ratcliff to approve the minutes from February 18, 2019, seconded by Lennberg. **Motion** carried with a voice vote of 7-0-0.

**6. Presentations to The Board**

**a. Presentation by Jacob Klein, JT Klein Company-How economic development breeds further economic development.**

Jacob Klein-President of JT Klein Company was present to discuss affordable housing in Dane County. They have completed several projects in Dane County and the driving force is economic development and the need for affordable housing. The projects that they have built have been a mix of affordable housing and market rate housing and all units are built with the same finishes. Dane County has a low unemployment rate and high population growth, while we continue to have more housing and the cost go up this makes for a greater need for middle class housing. Russell asked if looking at Cottage Grove what would be the ideal location. Jacob Klein indicated that between the grocery store and the golf course on W. Cottage Grove Road would be a centralized area and you have traffic there already. Lennberg asked about growth after the housing units are built, if they see more development come along? Jacob Klein indicated that most of the time the places that they are developing already have that element, but in Middleton they did build a public market for retail. Ratcliff asked how they know when to go into a community? Jacob Klein said it really has been time because they are so busy but with Dane County making a commitment and because there is county help and the need is there for this type of housing now is the time. Giese asked if the land they developed is municipal land or is it land you purchase. Jacob Klein said they have done both ways. Allen asked about public transportation and if that is a priority for the location of a project. Jacob Klein indicated that it is nice to have a bus stop, but most of the people that are in this area already have cars and if it is a senior living they usually buy a bus for their needs. Lennberg commented that this type of housing would be a great fit for the development north of I-94 as this will produce a need for workforce housing.

**7. Unfinished Business**

**a. Discussion with TDS regarding their fiber optic build-out in the Village.**

Josh Worrell from TDS was present to address the issues that are happening within the Village. They have worked in several communities and have been successful in bringing this service. When TDS enters a community, these are long term investments. In the Village there are a few neighborhoods that TDS will be placing front lot pedestals, and this is for two reasons, one that the backlot easement was not made available to TDS or it was not economically feasible to use the back lot due to design constraints. TDS is hoping to work through the issues, so the Village can see the long-term value of fiber. If the board decides that aesthetics is important for these neighborhoods, then TDS will not place fiber in these areas and the service will not be available to those homes. The following people registered to speak on this item.

Tina McFadden & Rick Smith- 100 Heather Drive- Where present to complain about the placement of the pedestal being in the front of their lot and not in the back of the lots. They did not have notification that this work was happening, and TDS had cut the lines of other carriers while installing the fiber.

Robert Klubertanz- 409 Tiarella- Wanted to know how they can come on his property and put this in when he does not want it. He will be taking out the pedestal when the weather is better.

Abbie McDowell-208 Heather Dr- Does not understand how this will increase the value of her property. They did not receive notification of the work and the placement of the pedestals in the front yard are not acceptable when there are pedestals in the backyard. They are also upset because the Village did not give notification of this work.

Scott Schuerman-526 Hawthorn Ct- Indicated that when he was aware of the project he talked with TDS contractors and they had shown him the plan of where the fiber was going, however that is the not the plan they are following currently. He would like to know who authorized the change to the plan?

Matt Dunning-303 Forreton Dr- He indicated that he did not appreciate the attitude of TDS referring to pet issues. He asked why the pedestals could not be vaults in the ground? He has talked with the assessor and this will not be an increase in property value and he has spent a lot of money on landscaping.

Scott Jononvic- 315 Forreton Dr- He was not happy with the quality of work that has been done by TDS. He provided pictures of the work that has happened, and it does not look like the quality of work that is shown on the TDS website. There was no notification, and this is not a pet project.

Suzanne Worborg-229 Forreton Dr- Asked why there were no notifications or a public forum to explain other options that the property owner could have. Can we make changes other than you have it or not and what is the plan for the rest of the community?

Cynthia Kelm-Nelson- 233 Forreton Dr- Indicated she is concerned with no notification, boxes in the front yard when there are easements in the back yard, the approval process and how her street looks and what options they have moving forward.

Jeff Hanson-104 Arbury Ct- Would like the project shut down until there is a developer agreement. He also takes offense when someone says it is a pet project, Aubury Ct was a parade site and it was done correctly with all utilities in the back yard.

Larry Gundlach- 111 Arbury Ct- Indicated that he put a list of 7 items that he would like answer to questions which was sent out to board members. He is concerned with the location of the boxes and in previous minutes it was recorded that the boxes would be in the back yard. He is also concerned with the quality of work being done in the winter time and how it will be restored to the original state.

Giese indicated that the minutes from May 7, 2018 when Drew Peterson from TDS was present, and the question was asked what type of construction you do and how disruptive this work is and he responded by saying they simply bring the fiber from a neighboring community and it is connected to the green boxes to the backyard and it comes into the home. Giese also indicated that he and JJ have met with TDS and they eluded that it is their preference that the box is in the backyard. Henrich asked TDS representatives if they could address the concerns that were just heard. Josh Worrell from TDS then expressed his apologizes for offending the residents with his comments earlier and he will get the names and addresses of the residents to address the issues. Lennberg indicated that this in not a good way to introduce TDS to the village and was taken back by the comments made by TDS and would like to see a change in attitude. Allen indicated that he does not understand why the boxes would not be next to the boxes that are already in the backyard and why you would not notify residents that this process is going to happen in their neighborhood. Kevin from TDS explained that it comes down to permits and if there are easements to be in the backyard and if not then then can not build in that area. When they have projects, they work with the municipality and obtain the permit, then communicate with the residents with doorhangers and partner with the community to complete the projects. They also retain a portion of the contract for damages and they clean up and will not leave a community until it is cleaned up. They prefer to be in rear easement but if they do not have easements then they must build on both sides. Giese indicated the problem from the Village standpoint is expectations have not been met from what was presented to the Village Board. The Village was sold on this would not be disruptive, the work would be in the backyard and we did not think we would have a whole neighborhood in complaining of the work. Lennberg indicated that the door hangers do not work, they blow off so maybe there is another way of communication. **Motion** by Williams to direct staff to a full stop of the TDS project until all the issues are addressed, seconded by Henrich. **Motion** carried with a voice vote of 7-0-0. Ratcliff also commented that the work being done with the current contractors in the winter has not helped the project as they have not been very congenial to residents.

## 8. New Business

**a. Discuss and consider new operator's license for year July 2018-June 2019 for Marcela Kushner, Christopher Huggett, Jacianne Kreitling, Dylan Rogers and Donald Lord.**

**Motion** by Russell to approve operator's license for year July 2018-June 2019 for Marcela Kushner, Christopher Huggett, Jacianne Kreitling, Dylan Rogers and Donald Lord, seconded by Elmore. Motion carried with a voice vote of 7-0-0.

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

**9. I. Deer-Grove EMS Commission**

Allen reported that they met on February 21, 2019 and the calls are down for the month from last year, they have one new member, they are applying for a grant, the employee handbook has some updates, they will contract with Airgas and they are looking into credit card limits, so they can take advantage of cash back offers. The next meeting will be March 21, 2019 in Cottage Grove.

**9. II. Joint Town of Cottage Grove Board of Supervisors and Village of Cottage Grove Board of Trustees**

Henrich reported that they discussed the minutes and why there are two sets of minutes. Attorney Boushea handed out a memo that was written September 24, 2018 explaining the reason why there are two sets of minutes. There is not a government body made up of Town and Village so when they meet jointly each board is called to order and actions are voted on separately by each governmental body and therefore each government entity will have their own minutes. Henrich also reported that Dan Olson was present as well to discuss the school district plans for the new school. There will be more information coming on Flynn Hall, the emergency plan was discussed, update was given on Shady Grove, Widen development and the bike path. The next meeting date was set for June 27, 2019.

**9. III. Law Enforcement Committee**

Chief Layber explained that two ordinances were proposed for sexting and portable storage containers. We are looking for an ordinance for sexting, as this will help the school resource officer. The portable storage container ordinance would help with controlling the issue of portable storage containers that are not removed in an acceptable time frame. Chief Layber does have examples of the two ordinances and will work with Attorney Boushea to get drafts for the new ordinances.

**9.IV. Parks, Recreation & Forestry Committee**

**a. Discuss and consider suspending ordinance 230-3 for Fireman's Park on April 12, 2019.**

Elmore reported that they have tournaments and will need to keep the park open until midnight. Brusegar indicated that he will notify the neighbors that this event will be taking place on April 12, 2019. **Motion** by Allen to approve suspending ordinance 230-3 for Fireman's Park on April 12, 2019, seconded by Elmore. **Motion** carried with a voice vote of 7-0-0.

**10. Reports from Village Officers:**

- a. Troy Allen- Noted that the upcoming meeting for Emergency Government is March 7, 2019 not March 6, 2019.
- b. James Elmore- No report
- c. Jeff Lennberg- No report
- d. Melissa Ratcliff

**i. Discuss recording meetings with presentations.**

Ratcliff was asking if presentations at other committee meetings can be recorded if possible. Giese indicated that we record for Board, Plan, EMS or if there is a neighborhood meeting and that when asked he can not take direction from one board member, but it is not an issue to have it recorded. The board agreed that it was not an issue to have them recorded if possible with the cable staff.

- e. Jon Russell-Thank the Chamber of Commerce for the candidate forum. He was also notified that there was no sound on the cable channel and some of the microphones are not working. Giese indicated that he will be meeting with the AV staff to see what can be done.
- f. John Williams-No report
- g. Jack Henrich- No report
- h. Attorney Lee Boushea

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

It was wonderful to see the results of the Board and Village's efforts with the Summit building, it is a magnificent structure.

- h. Administrator Matt Giese- Was at a conference and the Summit news is statewide and have been congratulated on the project in the Village. We received a complaint on the parking lot and

driveways at Marketplace by Piggly Wiggly, and we have investigated. There is not an ordinance in place that we can force them to repair, however they do usually fix it in the spring. Recognized Lisa Kalata and Deb Winter for picking up the extra work from the transition of Cynthia's retirement.

**i. Report on property value breakdowns for comparable Dane County municipalities.**

Giese explained the information in the packet. The report is a breakdown of 10 municipalities in Dane County for four years of values.

- j.** Director of Planning and Development Erin Ruth- No report
- k.** Police Chief Dan Layber- Has been contacted about the parking lot of Piggly Wiggly and the senior residents and the driveway and parking lot are in need of major repair.
- l.** Public Works & Properties Director JJ Larson- No report
- m.** Parks, Recreation & Forestry Director Sean Brusegar – There as a basketball tournament this past weekend that was sponsored by Culvers so thank you Culvers.
- n.** Clerk, Lisa Kalata- Badger Books are here and will be attending training tomorrow with WEC and then training will be conducted with the poll workers so they can be implemented for the April election.
- o.** Treasurer, Deb Winter- No report

**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 \$318,296.96 seconded by Russell. The check sequence goes from check #45078 to check #45129 **Motion** carried with a voice vote of 7-0-0.

**b. Correspondence-None**

**c. Upcoming community events-** Cottage Grove Volunteer Fire Department is having their St. Patty's luncheon on March 16, 2019, The Optimist Club is having and Euchre Tournament at VFW on March 9, 2019.

**d. Future agenda items-**follow up with TDS, review of the committees after the election.

**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 discuss boundary agreements.**

**Motion** by Henrich to enter into closed session at 8:32 p.m., seconded by Lennberg. **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 8:47 p.m., seconded by Williams. **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 8:48 p.m., seconded by Allen. **Motion** carried with a voice vote of 7-0-0.

**Lisa Kalata, Clerk  
Village of Cottage Grove  
Approved: March 18, 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.**