

VILLAGE OF COTTAGE GROVE
VILLAGE BOARD OF TRUSTEES
Monday, February 18, 2019

MINUTES

1. Call to order

The February 18, 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 (appeared by phone) 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, 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.

Matt Dunning-303 Forreston Dr was present to express his concerns and dissatisfaction with TDS in the neighborhood he lives in. There was no notification of the work, the work was not completed to satisfaction, they left the front yard a mess and the box is located in the front while all other utilities are located in the back yard.

Scott Jonovic-315 Forreston Dr was present to express his concerns with TDS and the location of the utility, it looks horrible and can this issue be fixed.

Jim Nelson- 233 Forreston Dr was present to express his concerns with TDS and the easements and why this is not located in the backyard.

Larry Gundlach- 111 Arbury Ct was present to express his concerns with TDS work. Will the site be cleaned up and put back to same or better than it was before? He would like sod to be put in to replace the grass that has been destroyed. This work should have been done in the spring not winter.

Michelle Benedict-108 Arbury Ct was present to express her concerns with TDS. She has the same concerns, no notification, muddy mess in front yard and the boxes need to be put in the backyard.

Jeff Hanson- 104 Arbury Ct was present to express his concerns with TDS and a handout was provided. There is no developer agreement with TDS. He believes the Village in in breach of contract with STC by allowing TDS in the Village. He is asking that the Village Board direct JJ Larson to contact TDS and direct them to remove the pedestals out of his lawn.

Suzanne Warborg- 229 Forreston Dr was present to express her concerns with TDS. There was no notification, the lack of clean up and would like options for the homeowner. I called and was told that it was probably TDS, but did not get any real answer, so how do we prepare moving forward and do we have options?

Cynthia Kelm-Nelson-233 Forreston Dr was present to express her concern with TDS. There was no notification from the Village and only marketing from TDS. The work should be in the backyard and the work was a sloppy job and they did damage their electric dog fences.

Leonard Indovina- 100 Arbury Ct was present to complain about TDS and parking equipment in front of his drive way, he had to find them to move it, so he could get out of his driveway.

5. Discuss and consider the minutes of the regular Village Board meeting of February 4, 2019.

Ratcliff indicated that item #9 vote count should be 6-1-0, and under Henrich report the count should be 6-1-0.

Motion by Henrich to approve the minutes from February 4, 2019 with the corrections, seconded by Elmore. **Motion** carried with a voice vote of 7-0-0.

6. Unfinished Business

a. Discuss and consider board direction for staff and committees/commissions for future action, regarding Shady Grove.

Robert Procter was present to get direction from the Village Board to move the Shady Grove subdivision along. At the neighborhood meeting it was discussed to have Buss Rd as the through road and not Fundamental Way and they will redraw to swing as far away from the trees as possible. The park issue is still the issue that we need direction to proceed with the next steps. Henrich indicated that the parks committee has already addressed this and has decided so this should not be an issue in his opinion. Elmore indicated that he would like to get input

from Allen and Williams, as they had voted no and what it would take for them to vote yes. Allen indicated that he feels the woods should be preserved and made into a park. Ratcliff does not agree with the woods being parkland. The Village already has a park that is wooded, and it takes at least \$2,000 to maintain and having a closed off park does not benefit the village residents. Robert Procter would like to bring a concept drawing for the rezone for approval that would have conditions for the preliminary and final plat approvals. Ratcliff questioned that Williams approved the plan at Public Works and Properties committee but did not at Village Board, what changed this decision? Williams indicated that he was concerned with the Comprehensive Plan and roads that can handle traffic and duplexes that are not owner occupied on the gateway to Cottage Grove. Henrich indicated that he is fine with the park as is, the 18-inch trees and make sure the intersection is safe with Buss Road going through. Robert Procter indicated that this would-be single-family homes and the larger pieces would be brought back when they have a user for a specific project.

b. Discuss and consider rescheduling joint Board meeting.

Henrich indicated that the dates could be February 25th or March 5th for the joint board meeting. **Motion** by Henrich to set the joint board meeting on February 25, 2019 at 6:30 p.m. at Village Hall, seconded by Williams. **Motion** carried with a voice vote of 6-0-1 with Lennberg abstaining.

7. New Business

a. Discuss and consider direction to staff regarding Ruedebusch contract expiring April 30, 2019.

Attorney Boushea explained the history of Commerce Park and the current contract with Ruedebusch. Williams asked if the board would like to put out an RFP for the services? Elmore indicated that he is happy with the service we have received. Allen indicated that we should sent out an RFP, so we have comparable to make an informed decision. Ratcliff does not see a benefit at this time for an RFP. Lennberg indicated that they have done a great job and we are coming to the finish line, so they should have the opportunity to finish. **Motion** by Elmore to renew the contract for two years, seconded by Lennberg. **Motion** carried with a voice vote of 5-2-0 with Allen and Williams voting no.

8. Reports from Village Boards, Commissions & Committees

8. I. Emergency Government Committee

This meeting was cancelled because of winter weather.

8. II. Community Development Authority

Williams indicated that had a presentation from Nicole Solheim on housing options to support businesses. They continued the discussion around the hotel ordinance and creating a tourism commission.

8. III. Public Works & Properties Committee

There was not a quorum.

8.IV. Utility Commission

Russell indicated that they tabled the resolution to forego payment of advance to TID#6 indefinitely, they approved the rate case for water utility not to exceed 3%, discussed solar panels for the MSB building and will look into further and the next meeting will be March 13, 2019.

8. IV. Plan Commission

a. Discuss and Consider request for approval from Michael and Linda Fonger for an ETJ CSM to modify existing parcels located at 2953 Highway BB in the Town of Cottage Grove.

Ratcliff indicated that this would make the parcels into one parcel. **Motion** by Allen to approve the request from Michael and Linda Fonger for an ETJ CSM to modify existing parcels located at 2953 Highway BB in the Town of Cottage Grove, seconded by Elmore. **Motion** carried with a voice vote of 7-0-0.

b. Discuss and Consider Request from Ciara Zimprich of Suegra Loca for approval of a Conditional Use Permit for an 'indoor commercial entertainment' land use, specifically a restaurant with bar, at 1609 Landmark Drive.

Motion by Allen to approve the Conditional Use Permit for an 'indoor commercial entertainment' land use for a restaurant with bar, at 1609 Landmark Drive with conditions in the staff report, seconded by Lennberg. **Motion** carried with a voice vote of 7-0-0.

Ratcliff indicated that they also discussed amending ordinance 325-110 which is the protest petition. The commission voted to remove the language of the protest petition and follow the state language. Williams questioned the current petition and what would happen with it, which Attorney Boushea indicated that it would be grandfathered in. Housing options were also discussed with the current Comprehensive Plan goals and they will be looking at that this at future meetings.

9. Reports from Village Officers:

- a. Troy Allen- No report
- b. James Elmore- No report
- c. Jeff Lennberg- No report
- d. Melissa Ratcliff- The Optimist Club Bingo night was very successful with about 100 people attending. March 9th at the VWF hall on Cottage Grove Road there will be a Euchre tournament sponsored by the Optimist Club.
- e. Jon Russell-No report
- f. John Williams-No report
- g. Jack Henrich- No report
- h. Attorney Lee Boushea
- i. **Legal briefings/status updates.**
No report
- i. Administrator Matt Giese- Summit Credit Union ribbon cutting has changed the time to 5:15 on March 4, 2019 and you have to RSVP. All good ideas for TDS and we can ask them to do this, but we cannot force them to do so, as we do not have an agreement, they were given a permit to work within the easements. We can invite a representative from TDS to the next meeting.
- j. Director of Planning and Development Erin Ruth- Representative Gary Hebl and Senator Mark Miller are doing a townhall listening session at Monona State Bank on Thursday from 5:00 p.m. to 6:30 p.m.
- k. Police Chief Dan Layber-
 - i. **Annual report, Use of Force report and Internal Affairs report**
Chief Layber explained the annual reports that were provided in the packet.
- l. Public Works & Properties Director JJ Larson- Will be meeting with TDS later this week. It does look like the easements are in the front of the yards and will be going to Dane County Register of Deeds to confirm this information. The main concern with TDS is the pedestals in the front yard and will see if there are any options.
- m. Parks, Recreation & Forestry Director Sean Brusegar -absent and excused.
- n. Clerk, Lisa Kalata- The new Administrative Assistant Joy McClain will be starting on Monday, February 25, 2019.
- o. Treasurer, Deb Winter- No report

10. Communications and Miscellaneous Business

a. Consider approval of vouchers.

Motion by Williams to approve the Village portion of the vouchers in the amount of \$121,835.64 seconded by Ratcliff. The check sequence goes from check #45018 to check #45077 **Motion** carried with a voice vote of 7-0-0.

b. Correspondence-None

c. Upcoming community events- Candidate Forum on February 28, 2019 and Summit Credit Union ribbon cutting on March 4, 2019.

d. Future agenda items-TDS representative

- 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 and Wisconsin State Statute §19.85 (1)(g) Conferring with legal counsel for the government body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. This closed session is to discuss Commerce Park TID #5 land sale negotiations, and to discuss potential annexation from the Town of Sun Prairie.**

Motion by Henrich to enter into closed session at 8:41 p.m., seconded by Ratcliff. **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 9:23 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.

No other action was taken from this closed session.

13. Adjournment

Motion by Allen to adjourn at 9:24 p.m., seconded by Ratcliff. **Motion** carried with a voice vote of 7-0-0.

Lisa Kalata, Clerk
Village of Cottage Grove
Approved: March 4, 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.