

*Minutes are Draft Copy until Officially Approved*

NOTE: THIS MEETING IS BEING TAPED

TITLE: Cross Plains Village Board Meeting  
DATE: April 19, 2010  
TIME: 7:30 PM (following Joint Public Facilities/Village Board Meeting)  
PLACE: Municipal Building, 2417 Brewery Rd., Cross Plains, WI 53528-9499

- I. CALL TO ORDER - ROLL CALL: Judy Ketelboeter, Kurt Schlicht, Tom Bautch, Steve Schunk, Pat Andreoni, Paul Yochum, Mike Schutz.

Also present: Harris's, Paul Johnson, Warren Myers, Louise Klopp, Dennis Franke, Mary Devitt, Lisa Kostecki, Gene Pletzer, Chuck Shelton, Mike Schmoller, Ray Buechners, Bruce Schumann's, June Feely, Jessica Schmiedicke, Scott Harrington, Randy Case, Bob Green, Dr. Reeson, Ron Spangler, Mike Roessler, Dan Laufenberg, Kurt Welke, Tim Hillebrand, Randy Lowenberg, Tom Janssen, Amelia Williams, Briana Burns,

- II. CEREMONIAL MATTERS: Presentations, Proclamations, Awards, Guest Introductions -

- III. PUBLIC COMMENT: Members of the public may address the Village Board on any issue. Please observe the time limit of three minutes. Sign-up sheets are available at the door, and may be delivered to the Village Clerk prior to the commencement of the meeting.

Terry Buechner wants to be sure deadlines for Highway 14 are abided by and why weren't services bid out. Concerned about that contract.

Lee Sorensen has followed Schumann drainage issue for a very long time and PF recommended board take no action. Board should take no action on this he feels. Knows what flooding is but causes are/could be multiple. Village need not be the last resort to solve it. This is an isolated incidence to help one.

Mike Schutz gave an overview of the task/intent at hand with Lagoon Street.

Jessica Schmiedicke, Village Planner gave overview. On 2/8, Board directed her and Scott to do interviews with property owners as to their interest in the project. Majority in support of the property. Different concerns, of course but little strong resistance to learning more about the project. On 3/10, the Plan Comm. took up their results just as they hope to do tonight with the Village Board. Based on what they have gathered to date, Plan had recommended pursuing funding strategies and next steps. Not asking for a decision on Alts. 4 or 5 or yes or no, but should we

learn more yet. Going to get public comment, then go to closed session to talk about proprietary information for each property, then go back into open session and get recommendation from the Board.

Greg Hyer-BECWA - in writing favors open communication on this

Cathy Barman-Sisters on Main - in writing favors enhancement of some kind

Mary Devitt-Crossroads Coffeehouse - in writing favors enhancement of some kind and continuing discussion

Stefi Harris, Town of Cross Plains - has serious concerns about the incompatibility with the creek. Need a huge buffer with roads, sidewalks, parking. We will kill the goose that can lay the golden egg. We want to be a destination.

Dennis Franke, Town of Cross Plains - Caught 8 trout today and number of anglers are up along the creek. Feels Jerry Gray and his crew have heeded be cautious around the creek. Village has helped fund a monitoring system for the creek. Encourages us to continue in this regard. Businesses plow right up to creek along lagoon st. as does village.

Arnold Harris, Town of Cross Plains - Listening to cost of projects from the engineer paying for these will be something down the road. Leave Lagoon St. a grassy area for beer gardens and it won't wreck Black Earth Creek.

Randy Case, Village of Cross Plains - Improving public access to Lagoon St. is crucial to revitalization of main st. Reality is that the way the bluffs surround the Village, we'll loose street access and parking on main st. and the only way to services businesses in that area is to do something with Lagoon St. He does not view that as incompatible with the creek. Lagoon St. must be improved and without could be the death of businesses in that area.

Dr. Reeson, Village of Cross Plains - Lagoon St. is an eyesore between his business and the lovely park. Spends a good amount of his day fielding questions as to when he's going to fix it. Has gone from bad to worse. Take care of businesses you have already. Do something to help keep him here.

Mike Roessler, Village of Cross Plains - has number of properties that border Lagoon St. and for a number of years have been talking about doing something. He wants to do improvements but is waiting for Village commitment before proceeding. This is an investment in our future. Village has always been a good steward of the creek and will work hand in hand with DNR. Can enhance park and make area safe for businesses.

Kurt Welke, DNR - owns much land within the Cross Plains area.

Concerned with bed and banks of creek and keeping water healthy. Dane County only has 2 Class 1 trout streams - Black Earth being one. Thru village is the nursery for the Black Earth Creek. Minimizing impervious surface is vital. Low level or urban development can damage the area. That narrow band of land is critical to the health of the creek.

Mike Schmoller, Village of Cross Plains - #1 concern is environmental. Have a responsibility to keep creek healthy. #2 has economic concerns about how we'll pay for all this. Seems to be focus on Alts. 4 and 5. Lesser paved area is of more interest to him. Village needs to understand the economics of all this. #3 said it seems like this process goes along in fits and starts and hard to keep abreast of the process. Wants meaningful input from the public if this goes back to Plan.

Ron Spangler, Tanos Pizza - feels weeds should grow as since we cleaned out along the creek he sees less fish.

Kurt Schlicht, as public citizen, said Mike Schmoller hit it right. Concerned about adding warm water to the creek. Can support Alt 5 if stormwater mitigation is up to snuff but not the other.

IV. PUBLIC HEARING(S):

V. COMMITTEE REPORTS:

VI. GENERAL BUSINESS:

A. Discussion & Possible Action Regarding Designating No Parking Area Along EMS Property located at 2027 Park St. with Paint & Signage - EMS would like to paint curbing in front of parking and have angle marking about 3' into the street for winter. Will redo signage as well. Parking will still be in appropriate direction. Need to officially post this. Motion, Andreoni, second, Yochum, to have entire length of EMS property marked/designated no parking for anyone but EMT's. Carried.

B. Discussion & Possible Action Regarding Bruce Schumann Drainage Concerns - Paul Yochum said PF motioned to do an \$1,800 study with Quam Engineering on how to fix this problem. Would determine volumes of water and sizes of swales. Would not do any design work - just physical size. Only phase 1 of 3 prior to construction. Need to get input from a landscape engineer as phase 2 and then phase 3 would be contract bid documents.

Motion, Schlicht, second, Ketelboeter, to proceed with the study with Quam Eng. There is no funding for this project. Bautch feels this is not our problem, have no money, we assume liability

for everything if we go with this. If talking about moving forward this is only the start of costs. No discussion of joint cost participation with landowner. Once made decision at PF to put in drainage catch basin and then problems went full circle. No guarantee the remedies will work. Roll call vote: Schunk no, Andreoni no, Bautch no, Yochum yes, Schlicht yes, Ketelboeter yes, Schutz no. Motion failed.

C. Discussion & Possible Action Regarding Shelton's Bar & Grill Liquor License - Motion, Schunk, second, Yochum, to approve liquor license for Shelton's Bar and Grill. What does outdoor area include? All land owned by the LLC. Must all lands be fenced to serve alcohol? Attorney said the way worded, every inch of property can be for consumption. Motion, Andreoni, second, Yochum, to table until Chief of Police is present. Carried. If licensed, all properties are subject to the rules - fencing, etc. Outside on a licensed property there will have to be some control by license holders. Gene Pletzer said this is a private parking lot that does not lead to anything other than the side road. Fencing comes up for temporary licenses, said Chief. Licensed bartender must be able to observe who is being served whether inside or outside if serving there. All lands OK, unless someone leaves the premises with an open container. Both owner(s) and patron could get in trouble.

Motion, Schlicht, second, Andreoni, to approve liquor license for Shelton's Bar and Grill as approved by Chief. Carried. Bautch nay.

D. 8:00 PM - 9:00 PM - Closed session of the Village Board and Specific invitees pursuant to section 19.85 (1) (e) Stats. to discuss and deliberate the investing of public funds and the discussion of other specified public business regarding the Lagoon Street Corridor because competitive and bargaining Reasons require a closed session. Motion, Yochum, second, Andreoni, to go into executive session at 8:35 PM. Carried.

Back into open session at 9:00 PM - Motion, Schunk, second, Yochum, to close executive session and return to open session at 9:23 PM. Carried.

E. Potential Action Regarding Lagoon Street Project with Recommended Task Assignments - Motion, Schutz, second, Yochum, that the Village Board authorizes the Plan Commission to continue its investigation regarding the future development of the Lagoon St. corridor. The Plan Commission investigation should include, but not be limited to the following:

- 1) exploring funding options,
- 2) investigating how the Lagoon St. project will tie together

with the Highway 14 construction,  
3) developing project timelines,  
4) further developing the costs and benefits for this project,  
including land acquisition costs.  
5) recommendations regarding alternatives 4 and 5 concerning the  
future construction of Lagoon St.

Upon conclusion of its investigation, the Plan Commission is directed to issue its final recommendations regarding the Lagoon St. corridor, including its preference, if any, regarding alternatives 4 and 5 to the Village Board. This motion was written by the Village Attorney noted Schlicht and this shows lack of transparency he feels. Roll call vote: Ketelboeter no, Schlicht no, Bautch no, Schunk yes, Andreoni yes, Yochum yes, Schutz yes. Carried.

F. 9:15 PM - 9:30 PM - Closed session of the Village Board pursuant to section 19.85 (1) (e) and 19.82 (1) of the state statute - Directive from Village Board Regarding Union Contract Negotiations

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.

19.82 (1) "Governmental body" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order;.....but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining under subch. I, IV or V of ch. 111. Motion, Yochum, second, Andreoni, to go into executive session at 9:30 PM. Carried.

Back into open session at 9:30 PM - Motion, Schunk, second, Ketelboeter, to return to open session at 10:00 PM. Carried.

G. Discussion & Possible Action Regarding Dan Laufenberg CSM & Declaration - Motion, Yochum, second, Andreoni, to approve CSM and Declaration for Dan Laufenberg as amended. Mortgage consent is signed. Carried.

VII. CONSENT CALENDAR: Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items.

If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

- A. Approval of Minutes - Meetings(s) of 4/5/10
- B. Bills -
  - 1. Fire District -
  - 2. All Funds - \$182,807.37
  - 3. Other -
  - TOTAL - \$182,807.37
- C. Operator Licenses
  - 1. Teri L. Ott
  - 2. John C. Ogden - Denied by Chief of Police

Motion, Yochum, second, Schlicht, to approve consent calendar.  
Carried.

VIII. RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS:

A. Village President: Good Neighbor this Wednesday. We put a lot of trust in our Village Engineer and Mike would like to know thoughts on that for future. Schlicht wanted to see the full contract - Board would like full contracts in the future to review. Town and Country does so much gratus and has great depth of knowledge along the whole corridor.

B. Village Attorney:

C. Village Administrator:

D. Trustee Input/Announcements Audio Jan sent did not open for members.

Tom would like to see police dept. go back to 2 squads.

Kurt concerned about Shelton's license and will folks get a beer there and walk across the street and make trouble for him. Would like to learn more about this.

Chicken BBQ workers needed.

IX. OLD BUSINESS:

X. NEW BUSINESS:

XI. RECEIVE AND FILE OR REFER COMMUNICATIONS:

XII. RECEIVE AND FILE INFORMATIONAL REPORTS:

XIII. SUCH OTHER MATTERS AS AUTHORIZED BY LAW:

XIV. NEXT MEETING DATES:

- A. Fire District Meeting -
- B. Plan Commission Meeting - 5/5/10 - 7:00 PM
- C. Zoning Board of Appeals -

- D. Police Commission - 4/21/10 - 7:00 PM
- E. Public Facilities Committee - 5/17/10 - 7:00 PM
- F. EMS District Meeting -
- G. Library Board Meeting - 3<sup>rd</sup> Tuesday of Month - 5:00 PM
- H. PRC Committee Meeting -
- I. Staff Meeting -

XV. ADJOURNMENT: Motion, Yochum, second, Schlicht, to adjourn at 10:15 PM. Carried.

POSTING STATEMENT: \_\_\_\_\_

Jan Klock, Village Administrator/Clerk-Treasurer

This body reserves the right to take action on any item not specifically slated for action.

PERSONS REQUIRING ADDITIONAL SERVICES TO PARTICIPATE IN A PUBLIC MEETING SHOULD CONTACT THE VILLAGE OFFICE.

THIS AGENDA NOTICE CONSTITUTES AN OFFICIAL MEETING OF ABOVE REFERENCED GROUP. EVEN THOUGH ELECTED MEMBERS OF THE BOARD OF TRUSTEES WHO ARE NOT MEMBERS OF THE ABOVE REFERENCED COMMITTEE MAY BE PRESENT IN THE AUDIENCE, THEIR PRESENCE IS SEPARATE FROM THE COMMITTEE AND ACTIONS THAT THE COMMITTEE MAY TAKE.