

The Village Board meeting was called to order on March 10, 2014, at 6:35 p.m. by President Walsten with Trustees McCallum, Lust, McNaughton, Cutler, Klahn, Frandy present. Others present were Clerk Strause, Public Works Director Langer, Atty Christopher, Scott Girard, reporter, Oregon Observer. All stood for the Pledge of Allegiance. There were no public comments.

McNaughton moved, second Klahn, carried to approve the February 10, 2014 minutes with changes as requested by Trustee McCallum under Personnel Committee reports, last paragraph, "Chief Barger is now keeping daily logs" changed to "Chief Barger does keep daily logs". Trustee Frandy abstained and Trustee McCallum voted NAY.

President Walsten reported on several meetings she attended as follows: Wisconsin Economic Development Association Conference, February 12-13, Madison; League of Municipalities Board Meeting, held February 14, Madison; attended Oregon Area Chamber of Commerce meeting, February 20; met with Doug Sutter, Keller Construction, regarding funding options through that company, February 21; met with Paul Jadin, Executive Director, Madison Regional Economic Development Partnership, February 24, at the Village Hall for consultation on current status of business park, marketing progress; deposition for Anderson vs. Village of Brooklyn litigation, February 27, Madison; presentation to 4th grade classes on role of local government, Village President, March 3, Brooklyn Elementary School; attended deposition of Carol Strause for Anderson vs. Village of Brooklyn litigation, March 4, Madison; attended deposition of Robert Anderson for Anderson vs Village of Brooklyn litigation, March 5, Madison.

Clerk's Strause gave the January financials with total revenue of \$539,821.90, expenses \$968,873.10 (\$813,894.87 which was for tax settlement), with end of month balance of \$2,196,849.35. Strause reported on Act 134 that was signed by the Governor clarifying that utilities may continue to use postcard billing and allowing release of customer information to licensed real estate brokers, salespersons, certified or licensed appraisers in connection with real estate transactions and real property appraisals. PSC is also creating a form for municipalities to use to obtain a customer's consent to release the customer's information. Workhorse Software also added to their program security codes that are printed on the utility bill. If a customer calls regarding their account, they need to give the Clerk's Office the security code in order for staff to discuss their bill. April 1st is the Spring Election with the Village's Trustee ballot listing Zachary M Leavy and Susan McCallum. There is one open trustee position on the ballot for write-ins. No one has registered as a write-in at this time.

PUBLIC WORKS: Business Complex sign posts holes are dug, signs are planned to be put in Wed-Thurs, weather permitting. **2013 Urban Forestry Grant** in the amount of \$5,000 and the Catastrophic UFG in the amount of \$22,161.31 have arrived and are posted to 2013 expenses. **Cold weather issues with frozen laterals** continue now with problems at WWTP and another water main break is known to exist at an unknown location. Because residents are required to keep the water running to prevent their lateral freezing, the extra water is affecting the operation of the plant and putting stress on the Village's wells. This **month's utility bills were calculated using the past twelve months averaging**; however some bills appear higher than normal because there are seven extra days in the bill cycle due to early

reading of meters in January. Also outside watering last summer makes averaging of consumption larger. **Residents are told to watch the Village's website or LED sign on N. Rutland when they are allowed to stop running water.** Langer reported on **Windows XP discontinuing support in April 2014** so that all computers will need to be replaced at Public Works with the most critical operating the **SCADA system which will have to be compatible with the new software.** It is hoped to make it through the year and budget for replacement in 2015. **Mt Hope Cemetery mowing contract from Cutting Edge** was discussed. In Jan 2012, the mowing was bid out with the lowest cost three year contract awarded to Cutting Edge for \$250 each mowing. 2014 is last year of this contract. Cutting Edge offered to extend the contract another three years (2015-2017) adding \$15 for a total of \$265 for each mowing starting in 2015. This price is good for all three years as long as the price of gas in 2016-2017 remains below \$4.50 per gallon. Upon the committee's recommendation for approval, Trustee Klahn, moved, second Frandy, carried to extend Cutting Edge's contract for the next three years at \$265 for each mowing 2015-2017 unless gas prices go above \$4.50 per gallon in 2016 and 2017. A **biosolids hauling contract** was bid out last fall with the award to Bytec on a trial basis for one year. Langer reported biosolids hauling done by Bytec went well with the committee approving continuing with their four year contract which has the price locked in, tweaking a few words in the contract. Frandy moved to postpone, second McNaughton, carried until contract copies can be distributed. **A resident filed a complaint with the PSC regarding their lack of water due to a frozen lateral** and who was paying for the cost. The PSC closed out the case filing a final report with satisfaction on the Village's response. The Village is usually required to pay the first time a customer's water lateral is frozen depending on where froze and if previously notified to run water. An **open records request by the same resident requests all Village emails regarding her frozen water situation.** The **Insurance Services Office (ISO)** in a letter dated 2/24/24 thanked Leif Spilde for his cooperation during their recent Public Protection Classification survey which upon their analysis of the structural fire suppression delivery system provided to the Village, results in a **lower Public Protection Classification now at 3.** The previous rating was at 4. The lower the number, the lower the insurance rates are for residents of the Village. Spilde was responsible for working with the ISO to document the data ISO needed. Lust moved, second Frandy, carried to send a **Thank You to the Oregon Girls Softball for ball diamond landscaping repairs last fall.** Dirt was brought in, field leveled and reseeded. Some time they would like a water line put in to the diamond area. **Utilities report:** well #2 generator is being worked on, broken water main repaired, Sewer-working with Strand on Phosphorus planning requirements per new permit, 1st compliance phase due 3/31/14, final draft will go to PW this month and then will discuss the next compliance phase. Spilde is working with Britt Springer to create website pages for Public Works,-Utilities and Urban Forestry. **PW Director report:** RFP's were sent out for the Legion Park pavilion (shelter) metal roof with bids due tomorrow. Alliant is currently working on poles in the Village.

SAFETY: Chief Barger was ill and unable to attend the meeting. Chair Lust read the Chief's report with congratulations to Barger for being nominated and voted in as the Vice President of the Dane County Chief's of Police Association. Barger hosted the New World Steering Committee meeting in February; continues working on year end reports; still working on handicap accessibility contact information; working with Madison Radio Shop to have department radios prepared for DaneCom reporting; once DaneCom is operational, the department will not be able to scan both Dane & Green County

communications; responded to assist Evansville P.D. with an armed robbery call last week. Upon the committee's recommendation, Frandy moved, second Lust, carried to approve **Directive #111 for Policy and Procedures for Eye Witness Identification.**

NEW BUSINESS: Because of the difficult winter with many frozen water laterals, a **Frozen Water Lateral Policy & Procedure** has been created and was presented. The regular seasonal running water customers are called when the season starts. Britt has created a flyer that will be sent next year to those residents on our normal seasonal run water list, in addition to being called. She also created an emergency notice flyer to be sent to all residents, if another community-wide mandate to run water is initiated in the winter. Following PSC rules, Utility Supt. Spilde created this policy. Frandy moved, second Klahn, carried to accept the policy as recommended by the PW committee. The Board acknowledged a good job by Public Works during this tough winter.

UNFINISHED BUSINESS: Trustee McCallum reclused herself from items #1 & 2. **Rescission of the motion to discipline Trustees who are disruptive at Board meetings or violate closed session confidentiality/privacy principles** was discussed. Atty. Christopher and Walsten met today to discuss the motion from the Feb 10th Board meeting and he recommended rescinding the motion which would a) impose a \$1,000 fine for first disruptive behavioral episode; b) removal from the Board for second disruptive behavioral episode, and c) removal and \$1000 fine for violation of closed session confidentiality/privacy principles. Atty Christopher stated he is not aware of any legal basis to impose a fine on a trustee if certain things happen or don't happen. He recommended rescinding that action and considering a substitute. Klahn moved, second Frandy, unanimously carried to rescind the Feb 10th, 2014 motion imposing a \$1,000 fine and/or removal from the Board as stated above.

Discuss and consider action on Trustee McCallum's conduct at the 1-13-14 Board meeting. Atty Christopher outlined the procedures in WI Stats 17.16 for removal of a trustee which states a taxpayer from the Village can bring a petition to the Board's attention requesting a Trustee be removed for cause, which is defined in the Statutes.

Resolution 2014-02 regarding the Intent to Consider the Removal of Trustee McCallum was presented. Atty. Christopher outlined that trustees have adopted documents because of Trustee McCallum's behavior in the past, i.e. the Handbook for Trustees, section on Professional Conduct, was adopted 2012 (and commitment renewed each year at the April reorganization meeting), and the Procedural Guidelines for Village Board Meetings was adopted in May, 2013 so all trustees are aware of what is unacceptable conduct. The violation of confidentiality in closed sessions is the most serious or one of the most serious allegations, stated Christopher. He continued: After considering (approving) Resolution 2014-02, the Board would proceed when a verified petition is filed. The Statutes emphasize the matter should be handled quickly, "dealt with due diligence" depending on when the verified complaint is filed. A Board meeting to hold an evidentiary hearing is scheduled, and, the Statutes also say if a person is legally removed after a hearing, that person cannot hold that position either by election or by appointment in the future. The Board as an entity cannot file the complaint. Walsten asked what is "removal from office at pleasure"? Christopher stated the Board is the ultimate authority based on the complaint filed. If a trustee files a complaint, can that trustee vote?; can the Trustee that

is the subject of the removal vote on his/her removal? Atty Christopher will research those questions. "Removing a trustee is a drastic action", Christopher stated, "and the Board could censure the trustee or request the behavior stop, but it sounds like the Board is beyond that." "McCallum has been warned about her disruptive behavior before" and her behavior mutes what a closed session is all about. Christopher stated the evidentiary hearing occurs at a special board meeting and at the close of the meeting, the Board goes into closed session to make a decision. If voted to remove, McCallum would have a certain number of days to appeal to Circuit Court; and "if board decides not to remove, that is the end of it." Christopher stated the reality is Circuit Court is unlikely to overturn the Board's decision unless there was some kind of procedural problem. If there are a number of vacancies, McCallum could take the slot that is open and be elected as trustee because it is not the slot that she was removed from. "The Resolution gives a signal to McCallum that the Board means business. Alternative is to basically say to McCallum look we adopted this resolution, we adopted the Handbook, and this has to be followed through to the letter." Klahn stated he is not going to use the procedure to remove McCallum if she can take a vacant seat. Atty. Christopher will research that question.

Christopher again laid out the process: Adopt the resolution; proceed if a verified petition is filed; personally serve the petition on McCallum; McCallum would have 10 days to respond from time served with petition to answer the petition; the Board can call a special meeting to hear the evidence involved (evidentiary hearing) at least 10 days after the petition is served; go into closed session at the conclusion of the hearing, and vote on whether to remove or not. McCallum may have legal counsel and the Board could authorize to pay for her legal counsel. Christopher could lay out standards and the Board could use them to decide, as the Board essentially becomes both judge and jury. Conceivably the Board could have the meeting 11 days after the petition is served, however, the board might want to have a little time to review what McCallum's answer might be. Statutes state to move along and not drag, but do "due diligence".

Frandy moved, second Klahn to adopted Resolution 2014-02 with voice vote as follows: AYE: Frandy, McNaughton, Levi, Klahn, Walsten. ABSTAIN: Lust

Trustee McCallum returned to the Board at 8:16 p.m.

Special Event Policy-Trustee Lust reported the committee is still gathering info from questions last month and also will want to coordinate with the Community Building Policy when it is revised. Klahn moved, second Frandy, carried to postpone approval to a date to be determined. Frandy moved, second McNaughton, carried to postpone items #4 Community Bldg Policy review update, #7 Update on Ordinance Recodification, #8 Update on Shared Municipal Court System.

Vision and goal setting for a Capital Improvement Plan was discussed using brainstorming technique with Trustees listing long range goal before prioritizing capital projects list. Trustees ideas were as follows: a) sidewalks where none exist and fix existing sidewalks; b) rehabilitate 100 block of Hotel St incorporating downtown area and alley; c) outdoor swimming pool; d) library; e) school enrichment classes held at Brooklyn Elementary; f) signage; g) dog park in Legion Park; h) bike trail/walking trail between Brooklyn and Oregon; i) if railroad activated, develop "stop" opportunity; j) increase Legion

Park size for soccer fields and/or to add another entrance/exit; k) have soccer fields located at school; l) create 1 acre parking area when gravel pit becomes a lake; m) plant water gardens in our drainage basins, wetlands; n) create woodland cemetery as part of overall green space plan; o) energy conservation/renewable energy planning; p) competitive mill rate and utility billing to enhance business growth. Prioritizing resulted as follows: #1 Expand/develop partnership with the school, enrichment classes to be held in Village, etc.; #2 Create Safe Routes to School Plan to reconstruct old sidewalks and put sidewalks in where none currently exist to increase pedestrian/biking safety; #3 Add Legion Park entrance/exit, increase park land; use tractor pullers track area as possible dog park; #4 Resurface alley; #5 Support Economic Development, signage; #6 Create "green" plan: energy conservation with renewable energy, solar; create greenspace plan to include parks planning, woodland conservation, quarry/lake, walking/bike trails. Continued prioritization will be done at the next meeting. (Trustee McCallum left the meeting at 9 pm)

Chapter 32.12 Operating of Vehicles on Public Property was again presented. Trustee McCallum submitted at the last meeting excerpts from State Stats which would not allow a skid steer to travel on public highways as our proposed new ordinance would allow for snow removal. The existing ordinance was revised by Public Works Committee. Clerk Strause reported she contacted Sgt. Martin LeSueur, WI State Patrol, today who indicated the State Stats refer to State and County roads only. The Village streets are under local control. Crossing a State or County street with a skid steer/ATV would be a violation. Frandy moved, second Klahn, carried to approve the amended Ordinance 32.12 as written adding a bullet point item at the bottom that says: "this section pertains to local village-controlled streets only".

Proposed Lease for cropping land in the Business Complex, TID #2 was discussed. George Bros. have declined to crop the approximately 7.5 acres in the Business Complex. Finance Committee felt there were three options 1) pay to seed the lots and sell the crop; 2) lease with another local farmer utilizing the proposed lease agreement; 3) plant the area with no mow, low grow grasses. Trustee Klahn suggested the Village pay the alfalfa seed cost, lease to someone to plant the crop and forego the first year rent with following years having the lessee pay \$130 per acre. Alfalfa was felt to be the best low growing crop. Request for sealed bids will be sent to local farmers: Marshalls, Frautschy, Klondike Farms, Jeschke, Kerstens, and Mark Riese. Frandy moved, second Klahn, carried to approve the land lease with changes described above and to send out a request for sealed bids to local farmers as listed above, allowing public works to open the sealed bids and make the decision pending Board approval at April Board meeting.

CONSENT AGENDA: Frandy moved, second McNaughton, carried to approve paying all March bills as presented adding in a mileage check for President Walsten for \$147.84 with further discussion on the bills during the finance committee report; and approval of an operator license for Tracey A Sanner.

COMMITTEE REPORTS: **Planning & Zoning**-Zoning administrator/engineering roles for commercial construction was clarified with Strand handling engineering/stormwater issues for development and General Engineering handling the zoning matters. **Ordinance**-no meeting. **Fire/EMS**-continues to work on reorganization. **Recreation**-Trustee Frandy presented the fireworks contract from Dan Dean. Clerk

Strause will talk to Dean about the hold harmless clause in the contract that should be removed. Dean is providing a \$2M liability policy. McNaughton moved, second Cutler, carried to approve the contract. Frandy reported she does not have the band contract yet. Yoga classes are going very well. **Emergency Management**-no meeting. **Personnel**-no meeting last week but will be meeting Wed night. **Finance: WI Dept of Revenue has certified TID #2** with a base value of \$21,100 as of 1/1/14. Several **Police Department bills were questioned**. Officer Engelhart purchased non-department casual shoes at the Shoe Box in Baraboo costing \$75.60 (with discount and tax exempt) and charged it to the department. Bill was approved for payment by Chief Barger. Officer Engelhart reported to Chief Barger that he forgot his wallet when going to pay and told the Shoe Box employee to send the bill to his attention at the Village. Engelhart was directed to reimburse the Village ASAP and under no circumstances to use any Village charge account for personal purchases. Chief Barger's breakfast for the New World meeting he hosted at the Community Building for twenty-twenty five people created a food expense of \$100.81. Barger emailed a statement saying it was his turn to host the event that meets every other month. Open charge accounts were discussed at length and the Board will review the purchasing policy for all departments. A US Cellular bill for a police department air card for the squad car is charging the Village for 5 GB at \$10 per gig when the past year shows usage of less than 1 gig. Also when Deputy Clerk Brewer called to question the charges, US Cellular reps would not talk to her as Chief Barger was the only administrator name on the account. Barger reported in the same email that he has contacted US Cellular to reduce the gig size to 3 and has added Clerk Strause's name to the account. Deputy Clerk Brewer will confirm. McNaughton requests that Barger keep the finance committee informed of his pending computer specs and follow the Village's bidding policy for purchases.

McNaughton moved, second Klahn, carried to adjourn at 10:00 p.m.

Carol Strause, Clerk-Treas.
MMC, WCMC, CMTW