

**VILLAGE BOARD MINUTES
VILLAGE OF DEERFIELD**

**FOR A MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF DEERFIELD TO BE HELD AT THE
DEERFIELD VILLAGE HALL, 4 N. MAIN STREET, DEERFIELD, WISCONSIN ON
MONDAY, JULY 23, 2012 AT 7:00 P.M.**

CALL TO ORDER – NOTING OF ROLL BY CLERK

The meeting was called to order by President Kiefer at 7:00 p.m. Roll Call: Wilkinson, Tebon, Schreiber, Frutiger, Fritz, McMullen and Kiefer present. Also present: Village Administrator Patrick Vander Sanden, Mark Barden -Town & Country Engineering, David Lemke, Joseph Huston, Lisa Huston, Wilma Brouwer-Herwig, Jim Herwig, Carolyn Gorman, Leah Fritsche, Diane Wiedenbeck, Steve Krueger, Lisa Patterson, and David Dinkel.

CONSENT AGENDA/SIGN IN SHEET

Kiefer asked residents to please fill in their names to the signup sheet. Motion by Wilkinson, second by Frutiger to approve the July 23, 2012 agenda as printed. All ayes, motion carried.

APPROVAL OF MINUTES FROM JULY 9, 2012

Kiefer had a couple of changes to the minutes including the need to state that she wanted an auditor's letter in support of the use of undesignated funds for a possible new EMS vehicle. Motion by Kiefer, second by Tebon to approve the minutes from July 9, 2012 as amended. All ayes, motion carried.

APPROVAL OF VOUCHERS

The Board reviewed the vouchers. Motion by Tebon, second by Wilkinson to approve payment of check #46469 to #46518 in the amount of \$163,955.03. All ayes, motion carried.

COMMITTEE REPORTS

- 1. EMS, 7/19/12:** Frutiger reported that the EMS was busy writing off of aging accounts for collection. Lifequest collection on run fees was looking very good for this point in the year. Staffing for last month was strong again at 82.9%. Last year at this time it was 36.38%. The OJA grant came in and the Village of Deerfield share was \$2027.75 or less than was estimated. The Cottage Grove Village Board discussed the purchase of a new vehicle and they would like the staff to look into a used car vs. new.
- 2. LIBRARY, 7/20/12:** Frutiger reported that the Library Board is committed to conducting a 6-month review of Director Leah Fritsche. It will be handled by Board Members Korb and Thomas. During the record heat last week, the Library had its air conditioning break down which is getting repaired. Unfortunately, it appears that the Library will be receiving around \$1000 less in state aid next year.
- 3. PERSONNEL, 7/23/12:** Kiefer reported that the committee discussed a current employee who was on worker's compensation and then they went into closed session.
- 4. FINANCE, 7/23/12:** The items taken up in Finance are all that appear on the Board agenda tonight.

PUBLIC APPEARANCES – none.

PUBLIC COMMENTS – none.

**UNFINISHED BUSINESS, REVIEW & ACTION THERE ON
2012 VILLAGE STREET PROJECT – ENGINEER'S UPDATE**

Barden gave an update on the status of the Village Street project. He said S&L Underground is done with their work on Washington Street. They finished up on replacement of some shallow water services. They are planning to work on the storm sewer within the DNR easement off of S. Industrial Park Rd on August 3. They are also still working with John Doyle on some water valve issues in that area. After that, we would proceed with developing a punch list for S&L. Amon's part of the project is ongoing, the concrete crew hasn't been in lately, but will be in to work this week. The delay is caused by the extreme heat. The heat requires them to work at quicker pace, because concrete dries quicker as it is warmer outside. On Greenwood, the work will go a bit backwards as they will work on the sidewalk before they do curb & gutter. On Legreid, the plan is to begin pouring curb & gutter on Wednesday. Could be done with all curb & gutter this week, weather permitting. The asphalt will be installed about 7 days after the curb & gutter is installed. The paving will take about 2 weeks, weather permitting. Barden addressed the concern over the door-delivered notice that told property owners to move their vehicles out of their driveways by 6:30 a.m. tomorrow. He had talked to the contractor about this and learned that the 6:30 a.m. deadline was a boilerplate and not a "hard and fast" deadline. The contractor hopes property owners will get out as soon as possible so they can get to work. The concern over the requirement that vehicles are to stay out for 12-14 days after concrete is poured was discussed at the earlier Village meetings. This is what needs to happen to have a good product in the end. Once the curb is installed, residents can park on the street, just not on new concrete.

Comments on this item: Lisa Huston, of 16 Legreid Street stated that if the rain causes the contractor to miss a day or work, they should be required to work on Friday. Barden said that the Village cannot tell the contractor when to work. The Village has leverage if they go over the deadline stated in the contract. The contract states that Amon must be completed with their part of the contract by August 7th. Joseph Huston, also 16 Legreid, wondered if it was 60 days and they started on May 10th. Barden said S&L started on May 10th, but Amon started on June 7th. Concerns were raised about the promised watering of the street. Barden said he would follow up on that. Kiefer asked what happens if the contract goes past the contracted deadline? Barden said it is a \$1000 per day fine for any day over the deadline. However, concessions can be made due to conditions, such as heat. Barden said it is likely Town & Country would suggest some extra days due to the heat and allow an extra week to complete the work. Frutiger explained a situation from a few years ago where a member of the Rennack crew went down due to the heat. It is a serious issue and workers must be careful with it. Wilma Brouwer-Herwig, 117 S. High Street explained that the project is frustrating because five weeks have passed and they have not seen any progress made on the project. Trustee McMullen stated that like Barden explained, the Village cannot force the contractor when to work, and that would create a serious liability situation. Barden and Huston discussed how to handle an access issue into his property as his daughter was moving home that weekend. Joseph Huston said whether the disturbance on his property would be repaired, including what was caused by the gas company work. Barden said yes, it would be addressed, even though the gas company created part of the issue. Trustee Fritz asked when the surface course of pavement will be applied to Liberty Street. Barden said it will happen when the pavers come in to install asphalt on the other project streets. Barden stated that the proof roll on Liberty before the asphalt went well, and saved us a lot of undercutting.

2012 VILLAGE STREET PROJECT - PAY REQUEST #3 S&L UNDERGROUND

Barden was asked by Trustee Tebon about extra inlets installed on Washington. Barden said it was the result of a suggestion by a Washington Street resident. Motion by Schreiber, second by McMullen to approve pay request #3 to S & L Underground for the amount of \$74,437.25. All ayes, motion carried.

NEW BUSINESS

RESOLUTIONS – none.

LICENSES & PERMITS – none.

REVIEW & ACTION:

DEER-GROVE EMS – JOINT MUNICIPAL AGREEMENT

Diane Wiedenbeck, Cottage Grove Village President, appeared before the Board to talk about the Joint Municipal Agreement. She first clarified that the Cottage Grove Board wanted EMS to investigate more options for an EMS vehicle, they aren't specifically asking to get something used. On the agreement, Wiedenbeck stated that the Village of Cottage Grove will be accountable for about 51% of the costs of Deer-Grove EMS, when the Town of Deerfield officially withdraws. The Cottage Grove Board is open to compromise on the issue of approvals for contracts (which are not budgeted) over \$5000. The Cottage Grove Board suggests that the joint agreement could be approved if we include a provision that would hold Cottage Grove harmless for costs on items not approved by Cottage Grove. This would be an acceptable alternative to the position that all Boards in Deer-Grove EMS be unanimous in approving non budgeted expenses of over \$5000. Wiedenbeck explained the basis for the "unanimous approval" stance. When the OJA Grant was being proposed, the Village of Cottage Grove was concerned about "strings" attached to the grant, as they had been burned by grant strings before. They recommended that the grant be reviewed by the EMS attorney. Due to the current set up, the grant was approved despite Cottage Grove's concerns and despite the share that Cottage Grove has over the EMS Service. Wiedenbeck said that overall the proposed agreement is satisfactory to the Village of Cottage Grove, with the exception of liability issues that come with contracts and grants. A question was raised about the continued work on the EMS Joint Municipal Agreement. Was the Town of Deerfield participating in the discussions and making comments on the proposal. Frutiger answered yes, as the current agreement doesn't prevent it, but perhaps the new agreement should have a language that would prevent certain actions by a withdrawing community, including future agreements and budgets. At this time, the Joint Municipal Agreement is still being worked on and the Village Board will have the chance to review it again. The Village Board consensus was that the Commission should keep working on the agreement so the process can keep moving forward.

VENDING MACHINES IN VILLAGE PARKS

Vander Sanden explained that he discussed the potential for placement of a cold beverage vending machine in one of the Village parks. The Finance Committee reviewed the issue and directed Vander Sanden to gather further information for discussion at a future meeting.

DEERFIELD REVOLVING LOAN FUND

Vander Sanden stated that he'd been contacted by officials at Dane County about an effort by the State of Wisconsin to pool all of the local Revolving Loan Funds in to regional funds. Deerfield is one of a few communities that have local revolving funds, and to regionalize would mean access to a greater amount of money, but it may come at the expense of control. Tebon said one idea to address that would be to allow each community to have an earmarked amount of money designated for their own use. Vander Sanden said that Dane County has also discussed the possibility of created a county-only fund, and not expand it to a region. The Dane County Communities that currently have revolving loan funds are Deerfield, Mazomanie, Middleton, Fitchburg, Sun Prairie and Madison. Vander Sanden said that at this time, this issue is for information purposes only, and that further information would be shared when it is received.

CONSIDER A MOVE TO CLOSED SESSION PURSUANT TO § 19.85(1)(E) FOR THE PURPOSES OF DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION (DEERFIELD TID#3 – LIBERTY COMMONS, LLC)

Motion by Frutiger, second by McMullen to go into closed session at 8:17 pm. Roll Call: Wilkinson, aye; Tebon, aye; Schreiber, aye; Frutiger, aye; Fritz, aye; McMullen, aye; Kiefer, aye. 7-0, motion carried.

CONSIDER A MOVE TO OPEN SESSION PURSUANT TO § 19.85(1)(E) FOR THE PURPOSES OF DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION (DEERFIELD TID#3 – LIBERTY COMMONS, LLC)

Motion by Frutiger, second by Wilkinson to return to open session at 8:54 pm. Roll Call: Wilkinson, aye; Tebon, aye; Schreiber, aye; Frutiger, aye; Fritz, aye; McMullen, aye; Kiefer, aye. 7-0, motion carried.

ORDINANCES – none.

COMMUNICATIONS – none.

STAFF REPORTS

A. ADMINISTRATOR'S REPORT

Vander Sanden reminded the Board that there was some interest in some Trustees walking out to the Meadowwood Park where the question of whether to sell some of the land to an adjacent property owner was in question. He stated that the property owner and the neighbor were interested in knowing when that visit was to take place, as they were also interested in meeting there. Vander Sanden also said that the Dane County Cities and Villages Association was meeting on Wednesday morning at 7 a.m. in Middleton. Kiefer told the Board she asked Vander Sanden to put the issue of the Deerfield/Cambridge Municipal Court on the agenda for the next Board meeting. Kiefer also noted the August calendar, and asked Trustees to review it and submit any changes or additions to Vander Sanden.

ADJOURN

Motion by McMullen, second by Fritz to adjourn the meeting at 8:56 p.m.

/S/ Patrick B. Vander Sanden
Village Administrator