

**Village of Cambridge Village Board
Amundson Community Center, Community Room
200 Spring Street
Tuesday, November 9, 2021, 6:30 p.m.**

THIS IS AN IN-PERSON MEETING. DUE TO INCREASE CASES OF COVID 19 AND ITS VARIANTS, DANE COUNTY HAS REINSTATED A MASK MANDATE SO MASKS WILL BE REQUIRED AT THE MEETING. THE MEETING ROOM WILL BE SET UP FOR SOCIAL DISTANCING. THANK YOU!

Village Board Minutes

1. **Call to Order/Roll Call** President McNally called the meeting to order at 6:35 p.m. Members present: Trustees Kumbier, Wittwer, Galler, Franklin, Rose, Schaefer Weiss and President McNally. Others present: Lisa Moen, Administrator; Chrissie Brynwood, Treasurer; Kris Breunig; Dean Lund; Mike Reiber, Nick Maas, Sean Dotson Dancing Goat Distillery; Kate McGinnity, Dane County Supervisor; Brenda Newman; Tim Phelps; Tracy Fillback, Koshkonog Solar.
2. **Pledge of Allegiance**
3. **Proof of Posting** The agenda was posted in the upper and lower levels of the Amundson Community Center, Cambridge Post Office, Hometown Bank and the Village Website.
4. **Public Appearances:**
 - a. **Kate McGinnity**, Dane County Update Ms. McGinnity stated that they have developed a mission statement. The Cambridge Area Senior Resource Network has the mission of expanding and enriching services and programs for our older adult population in the Cambridge School District Attendance Area. We intend to accomplish this by:
 1. Connecting adults 55 years and older to local and county resources and programs that currently exist.
 2. Exploring the development of additional or expanding resources and programs, as prioritized by the Needs Assessment conducted in 2020.
 3. Tracking and evaluating current systems of delivery and support on an ongoing basis.
 4. Communication: Developing a viable means of communicating to our 55 years plus adult population (e.g.: email, listserv, USPS, phone tree, senior meals, etc.).Ms. McGinnity also mentioned that redistricting was completed in the 37th district and it was non-partisan. And that the Dane County Budget was passed after many meetings. Also spoke on making the Dane County parks more ADA compliant to get people with disabilities down to the lake with beach mats and the use of adaptive equipment. County parks were heavily use during the pandemic, where people go for their mental health. Also updating the broadband taskforce with the liaisons, Trustee Schaefer Wiess and Galler to kick off the project. President McNally had one question for Ms. McGinnity, it wasn't regarding anything she just spoke about but questioned the Dane County Coliseum, the Alliant Center and discussion during the budget process about having a new hotel built? Ms. McGinnity stated no but she can follow up for him.

6:50pm Tim Phelps and Brenda Newman at 716 Kenseth Way President McNally stated that they have two minutes to speak. Expressed that they have multiple issues with their Vulcan home, and are requesting that Vulcan stop building homes in the Vineyards until their concerns are resolved. Have retained an attorney due to the multiple issues with their property. They also have concerns with the village building inspectors signing off. They have had flooding in their basement as well as an issue with the hot water heater. They have had an independent inspector do a report. Five major issues at this moment: roofing, siding, gutter, windows, and architectural structure in the basement. Requests to have a meeting to address these issues as well as other neighbors' issues in the next week. President McNally questioned Administrator Moen if this issue has something to do with the building inspector. Administrator Moen explained that the building inspector doesn't inspect the siding, the inspector inspects if construction is adhering to the building code and plans, not necessarily all of the other issues. Administrator Moen stated at time of closing, final of transfer of ownership deals with the

homeowner and the builder, not necessarily the building inspector if a final has been done on the property. Brenda Newman stated that they did not have hot water for the first four days in their new home because the water heater was installed incorrectly. Also stated on Father's Day sewer backed up because test plug was never pulled. She also stated there is a crack in the wall and when it rains it leaks. Trustee Franklin questioned if they have a warranty and they responded that they do have one. Mr. Phelps stated when you try to call Vulcan after hours emergency number there is no answer or voicemail after five rings, and they do not return phone calls. Mr. Phelps stated therefore they have retained an attorney. Franklin stated he apologized for what they are going through as he is a builder, and issues need to be address. We will have discussions with the building inspector as well. President McNally stated he is sympathetic and understands they have major issues. McNally stated he needs to know of the correct personnel to handle this issue. President McNally questioned Administrator Moen which Board needs to address this. Trustee Kumbier stated that the building inspector is the last "eyes" on the project and issues occupancy, he feels that the building inspector is not doing his job. Brenda Newman also mentioned that the beams in the basement are bowing. President McNally referred to Trustee Franklin. Trustee Franklin would like this issue to be directed to the Plan Commission. They have 128 items on their punch list, including some they believe are code violations. President McNally would like to follow up to these residents as well as others. He stated they did not know about Vulcan and previous lawsuits under a different name out of Rockfield, IL. Administrator Moen stated the Village has not hired Vulcan, rather we issue permits and do inspections as needed/required. Trustee Galler questioned if this will go to the next Plan Commission meeting or will there be a special meeting. End 7:05pm.

Blake Sollenberger- 711 Kenseth Way- He stated he has issues with Vulcan as well as the other homeowners. All the houses built on Kenseth Way have berms, which are leftover piles of dirt that were not excavated properly. At the owners own expense, they have had to flattened out those berms and re seed their lawns. And now they are getting the runoff from the homes that can not take care of the extra piles of dirt. He would like to inform the board that he wants the building inspector's contract to be placed on notice and that he needs to be fired immediately. He noted that he is speaking as a resident not as a member of the plan commission. He also mentioned that there is a home on Winery Way whose deck wasn't up to code, again on the building inspector for negligence.

Nick Maas-Dancing Goat- Stated "grab your timer" and introduced himself. He stated he wanted to remind the board that the county has urged the board to give the development of the Vineyards a stop work order to be able to get these houses being built incorrectly, stopped. He also stated that the county gave him a stop work order regarding drainage issues in regards storm water runoff. None of the ponds are functional, none of the berms are where they should be. He also stated that every single home that has been built and will be built will flood. He stated that they have been bringing this up to the attention of the village for about a year. He mentioned that the other issues that like the CSM, construction, all this ties back to the issues these homeowners are having now with their homes. He bid the Board a good evening and noted that he is always there for a resource for everyone on how we can fix this as a community.

5. Approval of Consent Agenda:

- a. Village Board Minutes: October 26, 2021
- b. Joint Cambridge/Oakland Board meeting: October 27, 2021

Trustee Wittwer made a motion to approve the minutes as presented, seconded by Trustee Kumbier. Motion carried.

6. Reports:

- a. Presidents Report- President McNally mentioned that the statue of the dragon, located by the plow, has been taken down. It was not cured correctly and was deteriorated. Director Breunig mentioned that they are wanting to save the space for another statue in the future. Director Breunig also mentioned that the statue is in pieces and located at the yard waste site.
- b. Village Office Updates: Administrator/Clerk/Deputy Treasurer Moen Have had a lot of

meeting and a lot of follow up with meetings as well. Working with attorneys for the PSC items requested. The two new employees' have accepted the positions and will be starting on the 15th of November. Treasurer Brynwood is getting ready for the tax bills and adding delinquent utilities to the County. As Supervisor McGinnity mentioned the re-districting has been approved. Prepared the resolutions that pertain to the redistricting which are on the agenda for approval. The bike trail blacktop has been laid on highway 12.

- 7. Bills** Treasurer Brynwood stated the 1st round of bills were \$70,862.82 and second round that was completed today was in the amount of \$18,787.42, Grand total of \$89,650.24.

Trustee Wittwer made a motion to approve the bills as presented, seconded by Trustee Kumbier. Trustee Wittwer questioned a charge for air fresheners and answered by Director Breunig that charge was for one freshener for the F-450. President McNally also questioned the check for the Murphy Desmond asked where we were standing now on the budgeted amounts. Trustee Rose explained we are at around \$40,000 which is below the \$60,000 in which was allocated. Motion carried on a 7-0 roll call vote.

8. New Business: Discussion and Possible Action regarding:

Trustee Wittwer made a motion to move New Business agenda item 8e to 8a. Melster Site discussion with Wensy Melendez so he won't have to wait, seconded by Trustee Rose. Motion carried.

- a. **Melster Site:** Wensy Melendez-Mr. Melendez handed out a packet regarding his interest in the old Melster lot, he proposed a plan for a residential community there. He stated he has met with developers, but he doesn't want to waste any time if he knows the plan won't go anywhere. He would like the boards input but is also asking to possibly rent out the concrete slab to store some of his construction equipment that is being delivered soon. He is willing to pay a rental fee for use of the slab. Trustee Schaefer-Weiss questioned what he is wanting to build there? Mr. Melendez stated it would be an upper class possibly 8 units or 4 duplexes. He is also working with an architect out of Fort Atkinson to erect a pole barn at his current location. Trustee Galler questioned how long of a lease he is looking for: a one-year lease. Mr. Melendez acknowledged that a lawyer needs to draw up a lease but would like a start date of December 1, 2021. He also apologized he had his crew place a temporary fence up on the site to be able to take a quick picture to show his intentions to the Village, he had forgot to tell them to take it down and offered his apologies and he meant no harm. Administrator Moen stated she has spoken with Attorney Behling and was advised that after a cursory review she saw no issues with a potential lease. There was brief discussion regarding a right of first refusal for Home Again for the property. President McNally questioned Director Breunig if they place snow at that location? Director Breunig stated they do not place snow on the slab, nor do they plan on doing that in the future. Trustee Kumbier stated he would like to see some senior housing going in that area. Trustee Wittwer stated that if Attorney Behling drafts a lease that she includes our detailed obligations to Home Again.

Trustee Wittwer made a motion have Attorney Behling draft a month-to-month lease with our detailed obligations listed with Home Again, with a 60-day notice if Village needs to break lease., seconded by Trustee Rose. President McNally stated their needs to be a fair rental value placed. Mr. Melendez offered a \$300.00 monthly rental. Trustee Galler stated Board will need to find out a price. Trustee Wittwer also mentioned that the Attorney include an indemnity clause. Mr. Melendez will be erecting a standalone fence no digging required. Motion carried.

b. **Extra Territorial CSM:** Town of Christiana, Gary Rattmann, Highland Drive Memo in packet, looking to separate the home from the buildings has been approved by the Town of Christianna. Jim Lowry acting as agent for the Rattmann's to separate original farm home and a couple of out building which creates 8 acres in order to sell to a third party. It has been approved by all entities needs to be approved by the Village due to it being in our Extra Territorial Jurisdiction.

Trustee Kumbier made a motion to approve the Extra Territorial CSM in the Town of Christianna, Gary Rattmann, Highland Drive seconded by Trustee Wittwer. Motion carried.

c. **Extra Territorial CSM:** Town of Oakland, Adrian Flores, Shore Place Trustee Wittwer stated this was merging lots to build a home.

Trustee Franklin made a motion to approve the Extra Territorial CSM in the Town of Oakland, Adrian Flores, Shore Place, seconded by Trustee Schaefer Weiss. Motion carried.

d. **Resolution 2021-10, Resolution Creating Wards for the Village of Cambridge – Jefferson County.** Administrator Moen two resolutions counties finalized their plans. Wards are not changing within the Village of Cambridge.

Trustee Kumbier made a motion to approve Resolution 2021-10 Creating Wards for the Village of Cambridge Jefferson County, seconded by Trustee Schaefer Weiss. Motion carried.

e. **Resolution 2021-11, Resolution Creating Wards for the Village of Cambridge – Dane County**

Trustee Schaefer Weiss made a motion to approve Resolution 2021-11 Creating Wards for the Village of Cambridge Dane County, seconded by Trustee Rose. Motion carried.

f. **Appointment to the Work Group with Town of Oakland for Blue Jay Way** -President McNally stated this was a recommendation from our joint meeting to form a committee to possibly work out an arrangement concerning Blue Jay Way. Administrator Moen stated the motion was to look at short term solutions, then long-term goals and to apply for the LRIP Grant in the future. Trustee Rose questioned Trustee Galler regarding why she voted against this. Trustee Galler stated she was disappointed on the conversation she didn't see forming another committee to be very helpful due to the lack of cooperation. Trustee Rose and Trustee Franklin volunteered to serve on this committee.

Trustee Galler made a motion to appoint Trustee Rose and Trustee Franklin to the Work Group with Town of Oakland, seconded by Trustee Schaefer Weiss. Motion carried.

Trustee Wittwer made a motion to move Agenda item 9b Fire Commission Update to now, seconded by Trustee Rose. Motion carried.

9. Unfinished Business: Discussion and Possible Action regarding:

Fire Commission Update: President McNally stated he can't share all information due to the fact they were in closed session. Discussion was had on the building and the estimated cost per square foot of \$275.00-\$300.00. The cost was initially 6.5 million for the spring referendum. Costs for the same plans are now 7 million. The construction cycle is 15

months. McNally questioned Mobile Winterization and the Change Order policy. The architect stated that they have a change order policy but did not want to share them with him. The Commission would like a new referendum for \$5,900,000. He questioned if this is something that the board can get behind and want to authorize for the spring election? Administrator Moen questioned how can the board decide without seeing any revised plans? Trustee Galler stated that it is concerning that they are not sharing information when the Village be responsible for the costs. There was discussion regarding the equalized value component of the funding and if it changes as equalized values change. Trustee Wittwer had mentioned at last meeting that he was willing to stand behind \$2 million to address and fix safety concerns. Trustee Schaefer Weiss questioned why the Fire Department is so behind Keller as developer. Trustee Galler responded Keller has told them they are the only ones that can best address the Municipal Fire Stations and all others are substandard. Administrator Moen stated that discussion of a referendum was not on the agenda, should not be discussed now and needs to be placed on another agenda for discussion. President McNally stated he was just giving an update. President McNally stated that Cambridge's portion of the whole Fire and EMS commission had been 23.6% and now it's about 25%. President McNally stated he is aware this is not on the agenda, but he is asking the board for a straw vote if they would support going out for the referendum? President McNally said that definitive plans have not been shared, but stated the Commission wants to know by next week and that he needs to report back. Trustee Rose raised three questions: 1. would the board be able to see the plans; 2. Is the Fire Commission writing the referendum or is it on us again like last time? 3. Would the commission be against the village placing their own referendum? Trustee Franklin stated if they do agree on the 5.9 million, the need to build in contingency costs. Resident Blake Sollenberger stated this is not on the agenda and there is too much discussion that the community should be included, with advanced notice. Trustee Rose wants to know when has the Fire Commission talked with the community? President McNally stated he will stop now. No action taken.

- a. **Bike Trail:** Discussion and possible action regarding bike path construction, including consideration of Dancing Goat's proposed Conditional Consent to Proceed agreement (granting the Village a license to construct the path). Nick Mass stated he was not surprised that the Village didn't accept their proposal. Everything that was in the proposal has been discussed and has been committed to by the village and the village is delinquent. He stated he is frustrated dealing with the village. He is asking for transparency and open and honest communication. Trustee Galler asked to provide specifics: he has been trying but is directed to Administrator and Attorneys. Administrator Moen stated that our response was in the packet. Nick Maas stated that Kris Breunig, since he has taken over the water maintenance plan, has done very well. Trustee Galler stated they have to not look at the past but to the future. Nick Maas stated that the village in the past has not addressed issues. Nick Maas stated that they are "stuck here" and now the village and his business are technically married. Nick Maas wants to have them come together; he is trying to protect his business which is his child's inheritance. President McNally asked Nick Maas what does he want from the board tonight? Nick Maas stated they need to have a conversation. Trustee Franklin suggested going through the bullet points together. Fence permit needs to go through building inspector. Nick Maas stated that he was told by the "Village Engineer, Joe DeYoung, if you put up a fence, he would condemn it." Mike Reiber stated that there is a CSM from 2018 that is inaccurate and was endorsed by the Village of Cambridge. An easement needs to be abandoned first before the bike path can be finished. The incorrect CSM was submitted by the Vineyards Developer. Administrator Moen stated we are not changing the actual parcels. There was discussion as to why the County isn't

requiring an updated easement and who is responsible. The Village's attorney felt it was up to the landowners, Dancing Goat felt that it was the Village's responsibility to work with the Winery and the county. Administrator Moen mentioned that it had been suggested that the village could vacate the easements and create new ones. This could be done outside of a CSM, the CSM could be dealt with separately. Trustee Galler stated that the delinquent party in this case is the Vineyards. The 2015 CSM was filed, but it is inaccurate. There was a 2018 CSM that corrected the location of the bike path, it was approved by the Village Board, but the Vineyards never filed it. Nick Maas stated that he has been requesting a corrected CSM for the past 14 weeks.

There was discussion regarding stop orders of work. Mike Reiber stated that the county suggested issuing a stop work order due to storm water mitigation. The Distillery, Village and county met in May. Nick Mass stated at that time the county stated to the village they should issue a stop work order to the vineyards. Mike Reiber stated the stop order was verbally stated to the entire group. Trustee Galler stated now the bike path has been stopped until further understanding regarding the Dancing Goat's easement..

Trustee Galler want to know what the first step is with the easements? Trustee Rose stated that there are three actions 1). Vacate the easements- have a process- but will move forward with this, 2.) Submit a stop work order to the Vineyards Developer. 3.) Direct our attorney to follow up with the correct party and correct the CSM. Mike Reiber stated that they are not changing the parcels but changing the declarations that are incorrectly listed on the CSM. Trustee Franklin agrees with Trustee Rose's on the action items. Trustee Rose states we need something from Nick Maas, which is the bike path. 4.) Water maintenance plan continued to conform to the plan. Nick Maas questioned, if village is agreeing to these why it can't just get approved. Trustee Rose stated because there are 4 different issues at hand. Nick Mass stated he was alright with splitting them up. Trustee Kumbier questioned Administrator Moen how can Nick Maas erect a fence without a correct CSM? Administrator Moen responded a CSM is not needed when erecting a fence, a permit needs to be applied and paid for.

President McNally asked Blake Sollenberger for input. He stated that there are issues with the developer in the residential subdivision. Trustee Galler stated Nick Maas' point of privilege is taken and wants to move forward in good faith and take the criticism of the board and take it in and do better. Nick Maas stated it is hard for him to think the Village will move forward in good faith. Administrator Moen stated that it is a two-way street that there were many discussions about the bike path, before and during. Nick Maas stated to that anything that he was ever asked of him has been done. He has come in to try and talk and received no response. He states he is not a resident, but a piggy bank and he has been taken advantage of. He stated if he is sent back to draft another letter with his attorney, he will be sure the Village will not get a bike path and that he will get a driveway on Cuttranos property, honest and open communication is needed to discuss these issues. Administrator Moen said she thought that Nick Maas was aware of the area that the bike path was going along the utility easement and that she did not hear anything until the trees came down. Mike Reiber said May of 2021 said otherwise he was not going to sign the CSM. Administrator Moen responded that there was no CSM to sign. Mike Reiber said because they stated they wanted to have an updated CSM. He also stated that the bike trail, per Town and Country's timestamp said April, he said in May that he wasn't going to accept this as well as in December 2018 was also told to not go on with the path until a new CSM was filed. President McNally apologized for not letting people know there was not a plan commission meeting the previous night November 7, 2021. Administrator Moen also apologized but stated an Agenda did not go out.

Trustee Rose made a motion to direct our attorney to vacate the easements in the discussion that we are having with the Dancing Goat, seconded by Trustee Schaefer Weiss. Motion Carried.

Trustee Rose made a motion to direct Village Clerk and Village attorney to work on a stop work order to the Vineyards Developer regarding stormwater runoff and the incorrect CSM that was never filed from 2018, seconded by Trustee Franklin. Trustee Kumbier questioned how fast can they get a stop work order? Administrator Moen stated she did not know Motion Carried.

Trustee Rose made a motion to direct Village Clerk and Village attorney to submit a stop work order to Vulcan the builder, seconded by Trustee Franklin. Motion Carried.

Trustee Rose made a motion to have our attorney follow up with the county and the Vineyards Developer to follow up on the 2018 CSM, seconded by Trustee Franklin. Motion Carried

Trustee Rose stated to Nick Maas to please keep the Director Kris Breunig updated on the water maintenance plan. Trustee Rose stated the village is in the process of planning and on STH 134 and Lagoon Rd. Nick Maas stated the most resistance he has got is from The Village Engineer Joe DeYoung. Nick Maas stated that Joe DeYoung believes that if he, Nick Mass, “overcomplicates things with too many landowners that the Department of Transportation won’t make the village do anything.” Nick Maas explained that is why he bought Lagoon Rd in the sale, that he really didn’t want to but he agreed to buy it. The road is dangerous to drive their large barrel trucks into lagoon rd. Nick Maas needs the road to be safe. The original developer’s agreement with the winery included a language that the village was to take the loan and the developer to pay the interest as well as do the work. Administrator Moen stated the attorney is working on these issues. Trustee Rose stated that the board will come back to Nick Maas with a proposal that has plans that the board agrees with the terms with on commencing work on Lagoon rd. and STH 134. Trustee Rose stated to ask Joe DeYoung to come to next meeting to discuss this and give update.

Trustee Rose made a motion that he and Administrator Moen will work on a response to an amended agreement that will be presented at the next Village Board meeting, seconded by Trustee Schaefer Weiss. Motion carried.

10. Correspondence:

- a. Election Day Hero- President McNally referred to Lisa to discuss. November 1, 2021 is Election Day Hero. Trustee Wittwer stated that the Bike trail was missed and Nick Maas, Dancing Goat stated the board need to follow the rules. President McNally referred to item 9a.
- b. DOT Letter Administrator Moen said this is a copy of the letter we sent to DOT as directed by the village board.

11. Upcoming Meetings: November 10, Library Board; November 16, Energy Subcommittee; November 16, Water and Sewer Committee; November 23, Village Board: November 30 Economic Development Committee, TDB: Personnel Committee and Public Works.

12. Questions, Referrals to Staff or Future Agenda Items: Bring future plans for Melster Site from Wensy Melendez to the next plan commission on the second Monday in December.

13. Convene into Closed Session per 19.85(1) (g) Conferring with legal counsel for the governmental 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 and 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. Proposed Development, Koshkonong Solar Energy Project, and related proceedings before the Public Service Commission.

Trustee Wittwer made a motion to convene into closed session per (g) Conferring with legal counsel for the governmental 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 and 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. Proposed Development, Koshkonong Solar Energy Project, and related proceedings before the Public Service Commission. seconded by Trustee Franklin. Motion carried on a roll call vote.

14. Reconvene into open session

Trustee Wittwer made a motion to reconvene into open session, seconded by Trustee Kumbier. Motion carried.

15. Possible Action Taken on Closed Session Items: No action taken.

16. Adjournment

Trustee Galler made a motion to adjourn the meeting, seconded by Trustee Rose. President McNally adjourned the meeting at 10:23pm.