

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
JANUARY 7, 2008

PUBLIC HEARING – Proposed Changes to the Town TDR ordinance in Chapter 15, the Town Subdivision Ordinance.

- I. The public hearing was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the public hearing to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and those listed on the attached sign-in sheet (available in the clerk's office) were also present.
- II. Hampton read the notice of the hearing, and asked if there were any questions – there were not.
- III. **MOTION** by Anders/Kessenich to close the public hearing. **MOTION CARRIED 5-0.** The public hearing was closed at 7:01 P.M.

REGULAR TOWN BOARD MEETING

- I. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:02 P.M. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and those listed on the attached sign-in sheet (available in the clerk's office) were also present.
- II. Minutes of previous meeting(s): **MOTION** by Morrow/Anders to approve the minutes of the December 17, 2007 Joint Town Board/Plan Commission Meeting and the Regular Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Morrow/Kessenich to approve the payment of bills corresponding to checks #14697 through #14758, voiding check #14708. **MOTION CARRIED 5-0.**
 - B. The Treasurer noted that school district payments are due on January 15th, but since she does not yet have the amounts, she will need to do emergency checks before the next Town Board meeting on January 21st.
 - C. **MOTION** by Anders/Klinger to approve the net worth at \$3,924,788.64. **MOTION CARRIED 5-0.**
 - D. **MOTION** by Morrow/Klinger to approve December per diems for the Town Board and Building Inspector, and 2007 per diems for the Plan Commission and Emergency Government committee as presented. **MOTION CARRIED 5-0.**
- IV. Public Concerns:
 - A. Eric Sandsness of Royal Oak Engineering proposed a change to the lot configuration for three residential lots approved for Russell Development, LLC on Laudon Road. Rather than placing a 66' easement for a future road between lots 1 and 2 as approved by the Town and County, Sandsness proposed moving the easement to the south of lot 3. He also presented a proposed division/rezone of the farm buildings at the south end of Laudon Road, explaining that moving the road easement for the 3 lot CSM would allow the future road to line up with the road easement on the proposed rezone. According to Sandsness,

the Village and County are not opposed to moving the easement. Sandsness was advised to bring the revised CSM before the Plan Commission and Town Board for formal approval.

B. Jim Bradt had three questions:

1. Is the January 14th boundary discussion between the Town and Village open to the public? Hampton informed him it was closed. Bradt asked if there would be any open discussions prior to the public hearing, and Hampton said “Probably not”.
2. What effect will the County’s TDR program have? Will TDR’s be able to be used between municipalities? Hampton said that participation in the County TDR program is optional. Kessenich explained that according to her understanding, in order for TDR’s to be used between municipalities there would need to be a boundary agreement in place.
3. How are TDR programs paid for? Bradt stated his belief that the cost is borne by the original landowner, as the need to purchase development rights will reduce the price developers are willing to pay landowners. Smith pointed out that without a TDR program, the original landowner would not be able to develop at a rate any greater than one per 35 acres.

V. Road Right of Way Permits: None.

VI. Consider/Approve CSM for rezone/lot line adjustment for 2426 and 2448 Gaston Road: Hampton stated that the surveyor called and asked this to be tabled until further notice.

VII. Consider/Approve CSM for creation of RH-1 lot at 2291 Uphoff Road: **MOTION** by Anders/Klinger to approve the CSM for 2291 Uphoff Road as presented. **MOTION CARRIED 5-0.** The Clerk signed the original CSM.

VIII. Presentation/Discussion on Cottage Grove Community Library plans and costs – Linda Fonger: Fonger introduced Charlene Blohm, Secretary of the Library Board and Chair of the Public Relations Committee. Together they presented a series of handouts including:

- A. Talking points including facts and statistics supporting a library for Cottage Grove. Use of county libraries by Town of Cottage Grove residents exceeds use by any other county municipality.
- B. Library Program Statement, used to plan library size, programs to offer, and materials to stock.
- C. Population projections – County standards to formulate size are based on population projection.
- D. Drawings of proposed interior and exterior design.
- E. Construction Cost Estimate: \$8.7 million for a 25,770 square foot library (\$6 million for the library, the remainder for collections). Alternate costs were provided for a 17,000 square foot library at \$6.2 million and a 20,000 square foot library at \$7 million.
- F. Assumptions regarding county reimbursement based on transfer of users from other county libraries to Cottage Grove.

Hampton asked what the maximum size building the lot would allow for future expansion. Blohm said there were two horizontal and one vertical option for expansion, and she would find out the maximum square footage that could be built on the lot. Hampton also asked what the

difference would be between the Cottage Grove library and the new one planned for the east side of Madison. Blohm said the Madison library will be a branch, while the Cottage Grove library will be full service. She thought the Madison library may be 10 years down the road.

Morrow asked if local labor, contractors and vendors would be given opportunities in the building process, Blohm said they would.

Fonger said the library has over \$400,000 in donations so far, and the capital campaign will kick off once the property purchase is final. An April advisory referendum is planned to ask Village voters if they are willing to pay for a library. Anders questioned holding a referendum on a typically low turnout election day vs. at a general election. If the Town is to hold a referendum, it would be best to wait until after a referendum passes at the Village.

Anders asked how the Village plans to cover annual operating fees. Blohm explained that the library needs to be in operation for a full calendar year before it becomes part of the Dane County Library system, so the Village would have to fund it for at least a year, depending upon the opening date.

- IX. Discuss/Consider/Approve line item amendments to the 2007 Budget: The Treasurer stated that Jon Rader of Virchow/Krause recommended not making line item adjustments because it will leave a better picture of the entire budget if it is left as is, and that most of his clients do not make line item adjustments unless they are in big cities.

Simonson stated that the 2007 budget still has revenue over expenses, although all 2007 bills are not paid yet. The \$40,000 carryover to the 2008 budget will not be there, and she recommended taking money from savings later in the year as needed to make up the difference. She did recommend one line item adjustment transferring the cost of the two mowers from EMS Capital Outlay to Highway Equipment Capital Outlay. This represented proceeds of general obligation bonds designated for certain uses, including public works equipment. The remainder of the bond balance will be moved to a designated fund in 2008.

MOTION by Hampton/Kessenich to approve Budget Resolution 2007-01, transferring \$26,574.00 from account 52590 EMS Capital Outlay to account 52550 Highway Equipment Capital Outlay. **MOTION CARRIED 5-0.**

- X. Consider/Adopt Ordinance No. 2008-01 An Ordinance Making Minor Changes to the Transfer of Development Rights Ordinance (TCG ORD § 15.15, Adopted as Ordinance NO. 2007-02 on May 7, 2007): **MOTION** by Kessenich/Anders to adopt Ordinance No. 2008-01 as presented. **MOTION CARRIED 5-0.**
- XI. Consider/Approve Agreement For Professional Consulting Services for Preparation of Comprehensive Plan Amendments with Crispell/Snyder, Inc.: **MOTION** by Kessenich/Hampton to approve the agreement as presented. **MOTION CARRIED 5-0.**
- XII. Consider/Approve attendees for the Dane County Towns Assoc. meeting on January 9, 2008: Hampton will attend.
- XIII. Consider/Approve attendees for Wisconsin Towns Association District Meeting/Board of Review Training: Hampton, Kessenich, Morrow and Anders will attend the District #1C meeting on Friday, March 28, 2008 in Stoughton.
- XIV. Clerk's Report:

A. Dane County Ordinances – None.

XV. Board Reports and Communications: None.

XVI. Committee Reports: None

XVII. **MOTION** by Morrow/Klinger to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:30 P.M.

Kim Banigan, Clerk

Approved 01/21/2008

TOWN OF COTTAGE GROVE

4058 County Road N
COTTAGE GROVE, WI 53527

BUDGET RESOLUTION NO. 2007-01

A resolution changing the 2007 budget of the Town of Cottage Grove, Wisconsin, adopted by a two-thirds majority vote of the entire membership of the TOWN BOARD.

BE IT RESOLVED by the TOWN BOARD of the Town of Cottage Grove as follows:

1. That the sum of \$ 26,574.00 is hereby transferred
from account 52590 EMS Capital Outlay
(account number and name)
to account 52550 Highway Equipment Capital Outlay
(account number and name)

Adopted this 7th day of January, 2008 by a vote of 5 for and 0 against.

(Signed copy available in the Clerk's Office)

TOWN OF COTTAGE GROVE

ATTEST:

Kristopher Hampton, Town Chair

Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JANUARY 21, 2008

- I. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, and Karen Kessenich. Clerk Kim Banigan, Treasurer Debbie Simonson and those listed on the attached sign-in sheet (available in the clerk's office) were also present. Fire Chief Bruce Boxrucker was also present for a portion of the meeting.
- II. Skip to Item III. A. Presentation of Status of Fireman's Park Expansion: Randy Margenau and Jacob Tissue: Margenau presented an architect's rendition of the plans for the 38 acre Fireman's Park expansion project, and explained the phasing plans for the project. The primary focus will be on a recreation center, including a gymnasium, running track, wellness center, fitness rooms for classes, as well as community rooms, offices and family locker rooms. A Village referendum is planned in the near future, although it will not be as soon as April. Phase I will include the Recreation Center, parking and grading of the entire site at a cost of approximately \$4 million. Future phases would include development of playing fields, and possibly tennis courts, a swimming pool, and indoor hockey rink. Donations in Kind, field naming right agreements, and other partnership opportunities are being sought. Margenau asked whether the Town would be interested in partnering in a referendum, and offered to hold an open house for Town Residents.
- III. Minutes of previous meeting(s): **MOTION** by Kessenich/Morrow to approve the minutes of the January 7, 2008 Public Hearing and Regular Town Board Meeting as printed. **MOTION CARRIED 4-0.**
- IV. Finance Report and Approval of Bills:
 - A. **MOTION** by Hampton/Anders to approve the payment of bills corresponding to checks #14759 through #14817, voiding checks #14781-14785. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Anders/Morrow to approve the net worth at \$1,926,097.47. **MOTION CARRIED 4-0.**
 - C. The Treasurer said that January per diem reports are due on January 31, 2008, and that the second part of the 2007 Audit will be conducted on January 28th and 29th. The first part of the Audit was on January 19th when she presented her documentation of Town processes to the auditor.
- V. Public Concerns: Karen Kessenich stated her opinion that if there are to be referendums held in the town for contributing to a library and a recreation center in the Village, they be on the same ballot so voters have all of the information at once. Anders said that the only way he would support Town contributions to either would be if the Village agreed to allow Town development in some areas under their Extraterritorial Jurisdiction. Kessenich agreed that the Town needs to be able to grow in order to participate in joint ventures.
- VI. Road Right of Way Permits: None.
- VII. Consider/Approve CSM for rezone/lot line adjustment for 2426 and 2448 Gaston Road: The date on the CSM was 1/11/2007, but there was suspicion that it should be 1/11/2008. **MOTION** by Anders/Kessenich to send the CSM back to Wisconsin Mapping, LLC to correct the date. **MOTION CARRIED 4-0.**

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TOWN BOARD MEETING
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- VIII. Discuss/Consider/Adopt Resolution Approving the Mutual Aid Box Alarm System (MABAS) Agreement as approved on December 13, 2007 by the MABAS-Wisconsin Executive Board: Fire Chief Bruce Boxrucker explained that the agreement has been approved by the Town and Village insurance providers, Wisconsin Emergency Management, the Attorney General, and the City of Madison Attorneys. He emphasized that under the agreement, the Cottage Grove Fire Department is under no obligation to provide mutual aid – it would be up to the Fire Chief, and he would consult municipal leaders before making any decision. At most it would be a matter of sending one piece of apparatus and four staff members, all of whom must be certified Fire 1. He stated that if Cottage Grove does not enter into this agreement, the chance of getting mutual aid if we needed it would be unlikely. **MOTION** by Hampton/Kessenich to adopt Resolution 2008-01, Addendum C to Mutual Aid Box Alarm System Agreement Approving the Mutual Aid Box Alarm System (MABAS) Agreement as approved on December 13, 2007 by the MABAS- Wisconsin Executive Board. **MOTION CARRIED 4-0.**
- IX. Discuss/Consider/Approve authorization of Deer-Grove EMS Commission to sign Intergovernmental Agreement with Dane County: Hampton heard that there would be a \$30/day charge to providers taking advantage of the Standby Ambulance as described in item 17. of the agreement, and he took issue with the charge. **MOTION** by Anders/Morrow to approve the Intergovernmental Agreement with the condition that Deer-Grove EMS Commission legal counsel review the document for proper language. **MOTION CARRIED 4-0.**
- X. Clerk's Report:
- A. Dane County Ordinances:
1. Ordinance Amendment 26, 05-06 – Amending Ch. 10, Regarding TDR Zoning Districts: Hampton reported that at a recent Dane County Towns Association Meeting, some had expressed concerns about receiving areas and how ratios were to be determined. Others wanted to be able to opt out of the County TDR ordinance if it was not working out for their town. Discussion was that the County should not argue with Towns regarding the ratio, and that it should be set by a Town ordinance, not in the Town plan is described in 10.159(c)(3) of the proposed ordinance. **MOTION** by Hampton/Anders to disapprove the Sub. 1 to Ord. Amend. 25. 05-06 Amending Chapter 10 of the Dane County Code of Ordinances, regarding TDR Zoning districts. **MOTION CARRIED 4-0.**
 - B. The Clerk reported that the Public Service Commission will hold public meetings on the proposed Rockdale-West Middleton electric transmission line project. Information on the meetings is available in the Clerk's office.
- XI. Board Reports and Communications:
- A. Kessenich asked if there was any interest in holding a question and answer session for the three candidates for Dane County District 36 Supervisor. The clerk will contact the candidates about a possible 30 minute session beginning at 6:30 P.M. on February 4, 2008.
 - B. Hampton reported that Gary Peterson held the first of four training sessions on 'The Natural Step' today. The next session will be on Friday, February 29th from 11:30 A.M. to 1:00 P.M.

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XII. Committee Reports:

- A. Emergency Government: Kessenich reported that Landmark Services Coop has been awarded a grant to cover the full cost of fencing their entire facility at the corner of County Road N and Coffeytown Road. She also reported that committee members will meet with Dane County Emergency Management about training, and NIMS ISO 100 and ISO 700 training is planned for all committee members.

XIII. **MOTION** by Kessenich/Morrow to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:35 P.M.

Kim Banigan, Clerk
Approved 2-04-2008

ADDENDUM C TO MUTUAL AID BOX ALARM SYSTEM AGREEMENT

**TOWN OF COTTAGE GROVE
RESOLUTION NO. 2008-01**

**Approving the Mutual Aid Box Alarm System (MABAS) Agreement
as approved on December 13, 2007 by the MABAS-Wisconsin Executive Board**

WHEREAS, the Wisconsin Statute 66.0301(2) authorizes any municipality to contract with other municipalities and with federally recognized Indian tribes and bands in this state for the receipt or furnishing of services, such as fire protection and emergency medical services. Such a contract may be with municipalities of another state, as provided in Wisconsin Statute 66.0303(3)(b); and

WHEREAS, the Wisconsin Statute, 166.03(2)(a)3, provides that the standards for fire, rescue, and emergency medical services shall include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System (MABAS) as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response throughout Wisconsin and neighboring states; and

WHEREAS, the Attorney General of the State of Wisconsin must approve any agreement between a Wisconsin municipality and a municipality of another state, and said agreement was approved by the Attorney General of the State of Wisconsin on December 22, 2000; and

WHEREAS, said agreement was submitted to the governor of the State of Wisconsin for his concurrence, which was obtained and later adopted under Wisconsin Statute 66.0303(3) (a) and (b); and

WHEREAS, the Town of Cottage Grove Board of Supervisors believes that intergovernmental cooperation for purposes of public safety and protection should be encouraged and that the Mutual Aid Box Alarm (MABAS) Agreement would afford these benefits to county residents by coordinating fire protection and emergency medical services, as recommended in Resolution 2007-11 ; and

WHEREAS, it is in the best interest of the Town of Cottage Grove to enter into the proposed Mutual Aid Box Alarm System (MABAS) Agreement to provide for the coordination of fire protection and emergency medical services in the event of a large scale emergency, natural disaster, or man-made catastrophe.

NOW, THEREFORE, BE IT RESOLVED, that the Mutual Aid Box Alarm System (MABAS) Agreement, a copy of which is attached hereto and incorporated herein by reference, is hereby approved and the Town Board Chair and Town Clerk, be authorized to execute the same on behalf of the Town of Cottage Grove.

Adopted this 21st day of January, 2008 by a vote of 4 for and 0 against by the Cottage Grove Town Board.

TOWN OF COTTAGE GROVE
(Signed Copy Available in the Clerk's Office)

By: _____
Kris Hampton, Town Board Chair

Attest: _____
Kim Banigan, Clerk

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
FEBRUARY 4, 2008

PUBLIC HEARING – TCG Ordinance Section 9.12 School Bus Warning Lights

- I. The public hearing was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the public hearing to order at 7:02 P.M. Other board members present were Dave Morrow, Karen Kessenich, and Mike Klinger. Clerk Kim Banigan, Treasurer Debbie Simonson and those listed on the attached sign-in sheet (available in the clerk's office) were also present. Highway Superintendent Jeff Smith arrived at 7:37 P.M.
- II. Hampton explained that the Village of Cottage Grove recently adopted a similar ordinance, which is more restrictive than State statutes. Having the Town adopt this ordinance will make enforcement easier for the police department. There were no questions or comments from the public.
- III. **MOTION** by Kessenich/Morrow to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 7:04 P.M.

TOWN BOARD MEETING

- I. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:05 P.M. All those present for the public hearing remained for the Town Board meeting.
- II. Minutes of previous meeting(s): **MOTION** by Morrow/Kessenich to approve the minutes of the January 21, 2008 Regular Town Board Meeting as printed. **MOTION CARRIED 3-0-1** (Klinger abstained).
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Morrow/Kessenich to approve the payment of bills corresponding to checks #14818 through #14859. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Morrow/Klinger to approve payment of January per diems as presented. **MOTION CARRIED 4-0.**
 - C. **MOTION** by Morrow/Klinger to approve the net worth at \$2,714,410.56. **MOTION CARRIED 4-0.**
 - D. The Treasurer reported that the 2007 field audit has been completed by Virchow Krause, and an April meeting is anticipated for presentation of the results. Preliminary estimates show a net loss in the neighborhood of \$50,000 for 2007, mostly due to salt, fuel and overtime wages to handle all the snow we had in December.
- IV. Public Concerns: None.
- V. Road Right of Way Permits: None.
- VI. Plan Commission Recommendations:
 - A. Royal Oak Engineering Inc. for Skaar Scattered Acres, T. Wesley Skaar, Developer/Landowner: Request to revise lot configuration for previously approved three lots on Laudon Road, moving the easement for future road to the south of Lot 3: Eric Sandsnes of Royal Oak Engineering explained that CSM identified as Official Map number 15807 dated November 26, 2007 shows the new location for the road easement, although it

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only includes a 33' width. Plat of Survey Map identified as Office Map Number 15809 dated January 04, 2008, will also be recorded and does show the additional 33' of easement to the south of the CSM. **MOTION** by Kessenich/Klinger to approve the request to revise the lot configuration of the three lots on Laudon Road, moving the easement for future road to the south of Lot 3. **MOTION CARRIED 4-0.**

- B. Royal Oak Engineering Inc. for T. Wesley Skaar, Landowner: 3854 Laudon Road – Zone Change – A-1EX to RH-1 for 2 acres. Separate house and some buildings from the original parcel for a single family residence: **MOTION** by Kessenich/Klinger to approve rezone of 2.16 acres to separate the house and some farm buildings from the remainder of the acreage, using one RDU. **MOTION CARRIED 4-0.** There is one remaining RDU on the former Laudon Farm after this rezone.

- VII. Funding library service to town residents: current practice and other alternatives - Julie Chase, Director, Dane County Library Service. Chase explained that all towns in Dane county along with 7 villages and the city of Fitchburg, which do not have their own libraries, are assessed for library services. While villages and cities with libraries can apply for exemption from the assessment, towns cannot. In 2007, the Town of Cottage Grove paid \$116,567. The Dane County Library Service reimburses libraries for use by county residents. Chase noted that there is really no alternative for towns, even if they choose to contribute to another municipality's library.

Hampton asked several questions about the standards that a library must meet in order to qualify for reimbursement from the County funds. Chase said that the standards must be measurable, and include such items hours open, staffing levels, collection size, number of books bought each year, and delivery services. There is no standard for square footage, although Chase said a minimum size could be extrapolated from other requirements such as staffing and collection size.

Linda Fonger reported on a recent survey of Village residents, and presented a list of answers to questions from the board at her last appearance. Fonger said the Village Board is considering a \$3 million library referendum for the April 1, 2008 ballot, and she recommended that the Town wait for the outcome of that referendum before holding its own referendum.

- VIII. Consider/Adopt Ordinance Section 9.12 School Bus Warning Light Ordinance: **MOTION** by Klinger/Morrow to adopt TCG Ordinance Section 9.12 School Bus Warning Lights as drafted by the town attorney. **MOTION CARRIED 4-0.**
- IX. Make recommendation to the Law Enforcement Committee regarding replacement of Mike Kindschi on Police Commission: Hampton explained that since Mike Kindschi is running unopposed for Town Board, he will no longer be eligible to serve on the Police Commission after the April election. Hampton recommended Dan Roman for Kindschi's replacement, based on a recent interview. **MOTION** by Klinger/Kessenich to recommend that the Law Enforcement Committee appoint Dan Roman to replace Mike Kindschi on the Police Commission. **MOTION CARRIED 4-0.**
- X. Confirm Attendees for Wisconsin Towns Association Meeting/Board of Review Training on March 28, 2008: Morrow, Hampton, and Kessenich plan to attend. The clerk will check with Anders and have a check to cover registration for approval at the next Town Board meeting.

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PUBLIC HEARING AND TOWN BOARD MEETING
FEBRUARY 4, 2008

XI. Clerk's Report:

A. Dane County Ordinances: None.

XII. Board Reports and Communications:

A. Hampton reminded the board of the Natural Step training session on February 29th.

XIII. Committee Reports: None.

XIV. **MOTION** by Kessenich/Morrow to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:17 P.M.

Kim Banigan, Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
FEBRUARY 18, 2008

- I. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:19 P.M. Also present were Supervisors Dave Morrow, Steve Anders, Karen Kessenich, Mike Klinger, Clerk Kim Banigan, Treasurer Debbie Simonson, Boy Scout Troop 145, and those listed on the attached sign-in sheet (available in the Clerk's office).
- II. Minutes of previous meeting(s): **MOTION** by Morrow/Klinger to approve the minutes of the February 4, 2008 Public Hearing and Regular Town Board Meeting as printed. **MOTION CARRIED 4-0-1** (Anders Abstained).
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #14860 through #14941. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Morrow to approve the net worth at \$1,590,611.39. **MOTION CARRIED 5-0.**
 - C. The Treasurer presented a letter to Board members from Virchow Krause & Company, and an update on rates for professional services from Anderson & Kent, S.C.
 - D. The Treasurer reported that collection of first installment tax payments is complete, and she has made the February settlement with the county. School district checks were included in those approved tonight.
- IV. Public Concerns: Len Komorowski introduced Boy Scout Troop 145, who are observing the meeting for a communication merit badge, a prerequisite for earning their eagle badge.
- V. Road Right of Way Permits: None.
- VI. Consider/Approve CSM for rezone/lot line adjustment for 2426 and 2448 Gaston Road: **MOTION** by Morrow/Anders to approve CSM identified as Dwg. No. 3579-07 dated 2/14/08.
- VII. Discuss/Consider/Approve Parade, Procession or Race Permit for Joseph Pulizzano representing Relay Productions, LLC: Relay Race on Saturday, June 6, 2008 over a portion of Vilas Road and crossing Uphoff and Ridge Roads at the Glacial Drumlin Bike Trail: The clerk stated that the application is in order, and the deposit has been paid. **MOTION** by Morrow/Kessenich to approve the application for the relay race on June 6, 2008 using town roads as shown on the map, and to approve the sample letter to residents along the route as printed. The letter will be sent to residents along Vilas Road, and within ½ mile of the Glacial Drumlin Bike Trail where it crosses Uphoff Road, Ridge Road and Dvorak Road. **MOTION CARRIED 5-0.**
- VIII. Discuss/Consider creation of a logo for the Town of Cottage Grove: Morrow introduced Alissa Bennicoff, who has done logo work for his business. Bennicoff gave her credentials, and outlined a process for developing a Town logo. Morrow suggested starting with language that could be used to describe the Town. Hampton mentioned the farming history of the town, and the Boy Scouts were invited to give their suggestions, which included crops, farming tools, and representation of the smaller communities that once existed within the Town, such as Vilas and Hope. Kessenich suggested that a request for ideas be published in the Annual Report, and on the Town's web site. There was general support for moving forward with development of a

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Town logo, and Bennicoff was directed to come back in 30 days with a preliminary budget.

- IX. Discuss/Consider compensation to Mortenson, Matzelle and Meldrum for time and mileage expenses relating to Police Department Health Insurance: Kessenich and Anders had both spoken with their own insurance agents, and neither had a practice of charging for sales presentations. Consensus was that no compensation should be made.
- X. Clerk's Report:
 - A. Dane County Ordinances: None.
 - B. The Clerk noted that the following are available in the office:
 - 1. Brochures for a Wisline program on Local Land Use Planning and Zoning.
 - 2. The appraisal report for 'The Farm'
 - 3. Dane County's comprehensive plan.
- XI. Board Reports and Communications:
 - A. Hampton reported that the Public Service Commission meeting for the .345 kw Rockdale to Middleton power line have been rescheduled from February 6th to February 25th.
- XII. Committee Reports: None.
- XIII. **MOTION** by Klinger/Morrow to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:23 P.M.

Kim Banigan, Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 3, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush, A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and those listed on the attached sign-in sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Klinger/Morrow to approve the minutes of the February 18, 2008 Regular Town Board Meeting with a spelling correction in item VIII. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #14942 through #14988, voiding check #14951. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Morrow/Klinger to approve the net worth at \$1,527,170.02. **MOTION CARRIED 5-0.**
 - 3. **MOTION** by Klinger/Kessenich to approve payment of February 2008 Per Diems as presented. **MOTION CARRIED 5-0.**
- E. Public Concerns:
 - 1. Town Resident Lisa Klein stated her concerns over hit and run with personal injury charges against board member Mike Klinger, and asked the other board members whether they had an obligation to discuss this with the public, and whether they have objections and intend to take action. Hampton stated that the Wisconsin State Journal has reported on the charges several times, and as long as a board member has not been convicted of a felony, he is allowed to serve by State Statute. Kessenich stated that while she is not in agreement with the statute, it would take majority agreement by the board to proceed with removal. Morrow said that in all fairness, Klinger should be allowed to respond. Klinger stated that the case has not gone to court yet, but will be tried as a misdemeanor, the same as a traffic citation.
 - 2. Kessenich reported that she had attended the county board's public hearing regarding Ordinance Amendment 17, 2007-08, which would increase the scope of land division review from 35 to 160 acres. Kessenich feels the board needs to keep an eye on this, and keep landowners informed, as it could negatively affect land values and the town's TDR policy.
 - 3. Kessenich also reported on a return phone call she received from County District 36 Supervisor Rich Pertzborn. When she asked him for an explanation of why he voted in favor of a .5% increase in county sales tax for a Regional Transportation Authority when all three municipalities in his district had voted against it, he told her he is voting in the best interest of Dane County. Kessenich told him he should be representing the citizens in his district, that is why we have districts, but he disagreed. Kessenich hopes to inform voters of Pertzborn's attitude on this.
- F. Road Right of Way Permits: **MOTION** by Hampton/Klinger to approve a Road Right of Way Permit for the Village of Cottage Grove to use open cuts to replace a sewer force main

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 3, 2008

on Vilas and Vilas Hope Roads in the summer of 2008. The Village must put up signage warning of the road closings a week before the work is done, and the signs should be close to the ends of the road to warn residents before they enter the road. The Village must also notify the Herald-Independent in advance of the road closures. **MOTION CARRIED 5-0.**

II. UNFINISHED BUSINESS: None.

III. NEW BUSINESS:

- A. Discuss/Consider/Approve Cottage Grove Soccer Club use of Bass Park in 2008: Tim Karls and Mike Vavrus represented the Soccer Club, and explained that spring use of the park would be very similar to 2007, with seven teams of fifth and sixth graders, for a total of 28 games. Fall use is likely to be similar, although teams are not formed until sometime in the summer. No residents were in attendance in support or opposition. The Clerk reported she had received emails from two park neighbors in support of the soccer club's use of the park. **MOTION** by Morrow/Klinger to approve Cottage Grove Soccer Club use of Bass Park for the Spring and Fall seasons of 2008. It was noted that if residents brought complaints to the board, the Soccer Club would be asked to reappear and respond. **MOTION CARRIED 5-0.** Vavrus complimented the town public works department on their maintenance of the fields.
- B. Consider approval of 2008 Girl Scout Week Proclamation: Hampton read the proclamation applauding the commitment Girl Scouting has made to support of the leadership development of America's girls, and proclaiming the week of March 9-15, 2008 as Girl Scout Week. **MOTION** by Anders/Kessenich to approve the proclamation as read. **MOTION CARRIED 5-0.**
- C. Discuss Development Agreement for Skaar Scattered Acres Inc., Certified Survey Map in the Town of Cottage Grove (Laudon Road): Eric Sandsnes of Royal Oak Engineering and Ellery Jensen were in attendance. The board reviewed the agreement as provided by the Town's attorney, with a few corrections made by the Clerk, as well as a letter from the town engineer specifying an amount and terms for a letter of credit. **MOTION** by Hampton/Anders directing the town attorney to re-draft the agreement with the corrections as discussed, then directing the clerk to distribute copies to Wesley Skaar and Royal Oak Engineering, and placing the Developer's Agreement on the next Town Board agenda for action. **MOTION CARRIED 5-0.**

Sandsnes presented a Plat of Survey for signatures. This will also be placed on the next Town Board agenda for action, and the town attorney will be contacted to draft a document to record the road dedication.

- D. Discuss/Consider/Approve Agreement to Participate in 2008 NOAA All-Hazards Radio Distribution Project: **MOTION** by Anders/Kessenich to participate in the All-Hazards Radio Distribution Project, order 60 radios initially, include information about the project in the annual report, and notify the Herald-Independent when radios are available for sale. **MOTION CARRIED 5-0.**
- E. Discuss Extraterritorial Zoning: Kessenich asked why the ETZ process was started, Hampton said it was an effort to keep zoning decisions local, not made by the county.

Anders stated that there seems to be very little rezone potential in the area designated for ETZ

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 3, 2008

since it is mostly residential already, and no agreement has been reached to allow the Town to develop within the ETZ area. He also said that portions of the proposed ETZ ordinance are more restrictive than county zoning, especially as it pertains to animals. He said he enjoyed the positive discussions and mutual education that took place at ETZ committee meetings, but felt that Slavney made the ordinance more restrictive than it needs to be. In addition, he is not comfortable with the process which does not allow the Town Board another look at the ordinance once it is approved by the ETZ committee and before it goes to the Village Board.

Kessenich said ETZ would complicate zoning by having different zoning authorities for different parts of the Town, and she felt that avoiding county zoning is not reason enough to adopt ETZ, especially since the Village is not cooperating with the Town's TDR program and receiving areas.

Morrow said that he liked that the ETZ committee is working together on a common goal, but it is clear from the public hearing that there are issues not fully addressed or thought through, and there is not enough time remaining before April 1st to work them through.

There was also discussion about the Town Board's "veto power" that Slavney referred to at the public hearing. Board members did not see where that is in the rezone process, the flowchart refers to "Town Board Review", "Evaluation" and "Recommendation", but does not show the process stopping if the Town Board does not approve.

Hampton asked for a consensus as to whether to continue working toward adopting ETZ before the deadline of April 1st, or let it die. Consensus was to let it die.

- F. Discuss/Consider/Approve date change for second Town Board Meeting in March: There had been some thought of moving the meeting to March 24th due to spring break vacations, and because County Supervisor Rich Pertzborn had said he could come to a board meeting on March 24th but not March 17th. After discussion, it was decided to keep the meeting on the regularly scheduled date of March 17th.
- G. **MOTION** by Kessenich/Anders to MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing or public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: The Farm. **Roll call vote – all ayes. MOTION CARRIED 5-0.**
- H. The board moved into closed session at 8:40 P.M.
- I. **MOTION** by Morrow/Kessenich to arise from closed session. **Roll call vote – all ayes. MOTION CARRIED 5-0.** The board reconvened to open session at 9:04 P.M.
- J. Action as a result of closed session: None.

IV. Clerk's Report:

- A. Dane County Ordinances: None.
- B. The Clerk reported that she is working on the 2007 Annual Report.

V. Board Reports and Communications: None.

VI. Committee Reports:

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- A. Ad Hoc Land Conservancy Committee: covered in closed session
- B. Deer-Grove EMS Commission: Hampton reported that the commission accepted the resignations of Medical Director Lee Faucher (effective March 1, 2008), and Chief Paul Blount (effective March 23, 2008). Dr. Laura Zakowski was appointed as interim Medical Director. A meeting is planned in the next week to discuss how to go about replacing the Chief. Anders commented on an upcoming meeting to discuss EMS services with Ryan Brothers Ambulance Service, saying that it would help quell rumors if EMS staff knew about these types discussions in advance.
- C. Jt. Town/Village Recreation Committee: No Report.
- D. Jt. Town/Village Fire Department Committee: Hampton reported that Pyramid Telephone and Security was selected to replace the voice mail system.
- E. Law Enforcement Committee: Morrow reported that a RFP for health insurance is being sent to insurance companies with responses requested by the end of March.
- F. Police Commission: Hampton reported that the first meeting of the Joint Village/Town Police Commission was held on February 27th. They appointed Suzanne Zinkel as chair, David Pappas as secretary. The commission will meet regularly on the fourth Wednesday of each month to work on policies and procedures.

VII. **MOTION** by Morrow/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:17 P.M.

Kim Banigan, Clerk
Approved 3/17/2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 17, 2008

ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush, A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, and Mike Klinger. Also present were Clerk Kim Banigan, Highway Superintendent Jeff Smith, and those listed on the attached sign-in sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Klinger/Anders to approve the minutes of the March 3, 2008 Regular Town Board Meeting as printed. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by Anders/Klinger to approve the minutes of the Town Board closed session on March 3, 2008 as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #14990 through #15034, voiding check #14989. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by Anders/Klinger to approve the net worth at \$1,238,143.67. **MOTION CARRIED 4-0.**
- E. Public Concerns: Jeff Smith reported on a request by the Deerfield Legion to put a flag pole at Liberty Prairie Cemetery. There were questions over whether it would need to be lighted, and who will be responsible for putting it at half mast as needed. The item will be on the next Town Board agenda, and Anders will find out if it is required to be lighted.
- F. Road Right of Way Permits: None.

II. UNFINISHED BUSINESS:

- A. Discuss/Consider/Approve Developer's Agreement for T. Wesley Skaar and Lois M. Skaar Revocable Trust, Certified Survey Map in the Town of Cottage Grove (Laudon Road), and the future road reservation easement adjacent to Laudon road: Wesley and Lois Skaar, Ellery Jensen and Eric Sandsnes were in attendance. Hampton asked whether a contractor has been chosen yet, and indicated which contractor the Town would not approve. Sandsnes said the job has not been let out to bid yet, but they understood and would not include that contractor in their solicitations. A letter of credit in the amount specified by the Town Engineer was presented to the Clerk.

MOTION by Anders/Klinger to approve the Development Agreement for T. Wesley Skaar and Lois M. Skaar Revocable Trust, Certified Survey Map in the Town of Cottage Grove, Dane County, Wisconsin. **MOTION CARRIED 4-0.** Two copies of the agreement were signed by the Clerk, the Chair, and the Skaars. Skaars were given one copy, the other was retained by the Clerk.

MOTION by Anders/Morrow to approve the Public Road Reservation Easement for future development. **MOTION CARRIED 4-0.** Two copies of the easement were signed by the Clerk, the Chair and the Skaars. Sandsnes took one copy to obtain a signature of the

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mortgagee, which will be returned to the Clerk with a copy kept for the Skaars. The other original was retained by the Clerk.

- B. Discuss/Consider/Approve Public Right of Way dedication designated by Plat of Survey Office Map 15809, T. Wesley Skaar: **MOTION** by Anders/Morrow to approve the Plat of Survey Map identified as Office Map Number 15809. **MOTION CARRIED 4-0.** The Clerk signed the map and kept the original. She will return a copy to Royal Oak Engineering.

III. NEW BUSINESS:

- A. Discuss/Consider/Approve purchase of equipment needed to record board and committee meetings for cable broadcast: Anders estimated the cost of equipment needed at around \$3000. Due to budget concerns resulting from the unusually high expense of snow removal this winter, it was agreed to table this discussion until after the results of the audit are known. There was some discussion about whether the cameras need to be manned or not.
- B. Discuss Agenda Items for Town Annual Meeting:
 - 1. Showing of Stormwater Management educational video.
 - 2. Two questions asking the electors whether the Town should participate with the Village in pursuing the purchase of The Farm Golf Course, one question for the 59 acres of conservancy, and one question for the remaining 43 acres.
 - 3. Ask the electors whether the Town should pursue development of a logo, and if so, ask for ideas.
 - 4. Discussion on Town financial participation in a community library and recreation facility.
- C. Discuss/set date for annual road inspection: Road inspection will be on Friday, April 18th, beginning at 1:00 P.M. at the Town Garage.
- D. **MOTION** by Klinger/Anders TO MOVE INTO CLOSED SESSION PURSUANT TO WISCONSIN STATUTE 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: Clerk. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- E. The Board moved into closed session at 8:42 P.M.
- F. **MOTION** by Morrow/Anders to arise from closed session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The board reconvened to open session at 8:45 P.M.
- G. Discuss/Consider/Approve Resolution Appointing the Town Clerk for a Three Year Term: **MOTION** by Klinger/Anders to approve Resolution 2008-02 Appointing Kim Banigan as Town Clerk for a Three Year Term, commencing at 12:00 a.m. on April 7, 2008, and expiring at 12:00 a.m. on April 3, 2011. **MOTION CARRIED 4-0.**

IV. Clerk's Report:

- A. Dane County Ordinances: None.

TOWN OF COTTAGE GROVE
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- B. The Clerk reported that an estimate has been received from Alissia Bennicoff for logo design. This will be taken up after the Annual Meeting, probably at the second board meeting in April.

V. Board Reports and Communications:

A. Hampton:

1. Asked for input on a questionnaire from the Cottage Grove Area Historical Society.
2. The National Institute of Environmental Studies is holding a forum on Transportation Options and the Environment on March 28, 2008.
3. The Dane County Towns Association General Membership will be on April 16th, location yet to be determined.

VI. Committee Reports:

A. Emergency Government Committee: No Report.

- B. Deer-Grove EMS Commission: Hampton reported that Lisa Antoniewicz and Matt Hurtienne have been appointed as interim co-chiefs.

VII. **MOTION** by Morrow/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:00 P.M.

Kim Banigan, Clerk
Approved 4-7-2008

TOWN OF COTTAGE GROVE

RESOLUTION 2008-02 A RESOLUTION APPOINTING THE TOWN CLERK FOR A THREE YEAR TERM

BE IT RESOLVED that the Town Board of the Town of Cottage Grove, Dane County, Wisconsin hereby appoints **Kim Banigan** to the office of town clerk for the term of office of three years to commence at 12:00 a.m. on April 7, 2008 and to expire at 12:00 a.m. on April 3, 2011.

Adopted this 17th day of March, 2008 by a vote of **4** for and **0** against.

TOWN OF COTTAGE GROVE

Kristopher Hampton, Town Chair

ATTEST:

Ruth Gjermo, Deputy Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 7, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. A quorum was present with Kris Hampton, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and those listed on the attached sign-in sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Klinger/Anders to approve the minutes of the March 17, 2008 Regular Town Board Meeting as printed. **MOTION CARRIED 3-0-1** (Kessenich abstained).
 - 2. **MOTION** by Anders/Klinger to approve the minutes of the Town Board closed session on March 17, 2008 as printed, and to keep them closed. **MOTION CARRIED 3-0-1** (Kessenich abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Klinger/Anders to approve the payment of bills corresponding to checks #15035 through #15110. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by Anders/Klinger to approve the net worth at \$1,162,323.57. **MOTION CARRIED 4-0.**
 - 3. **MOTION** by Kessenich/Anders to approve the March per diems with a correction to 3 per diems for Morrow. **MOTION CARRIED 4-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Hampton/Anders to approve a road right-of-way permit for the Village of Cottage Grove to jack & bore and open cut on Vilas and Vilas Hope Roads in the fall of 2008 for sewer upgrades and a new force main. The Village must put up signage warning of the road closings a week before the work begins, and the signs should be close to the ends of the roads to warn residents before they enter the road. The Village must also notify the Herald-Independent in advance of the road closures. **MOTION CARRIED 4-0.** This permit replaces the one granted on March 3, 2008. Smith stated that the Village will blacktop over the open cuts before winter, even if they have to re-do them come spring of 2009.

II. UNFINISHED BUSINESS:

- A. Consider/Approve Certified Survey Map for three residential lots on Laudon Road for T. Wesley Skaar and Lois M. Skaar Revocable Trust: **MOTION** by Anders/Klinger to approve the CSM identified as Office Map Number 15807. **MOTION CARRIED 4-0.**

III. NEW BUSINESS:

- A. Consider/Approve Proclamation of April 13-19, 2008 as National Library Week: Hampton read the proclamation. **MOTION** by Anders/Klinger to approve the proclamation as read. **MOTION CARRIED 4-0.**
- B. Discuss/Consider/Approve display of an American Flag at Liberty Prairie Cemetery: Carl Weier, Commander of the Deerfield/Cambridge VFW, stated that the VFW will provide the flag and pole, but not lighting. There was discussion about the possibility of a solar powered light. Weier

TOWN OF COTTAGE GROVE
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will meet with Smith and Kevin Shelley to determine the best location for the flag pole, and Weier report back about solar lighting at a future town board meeting.

- C. Discuss future of posting box at Landmark Services Coop, Inc. "Corn Palace" once the property is fenced: Alternatives discussed were the Cottage Grove Post Office (although it is not in the Town), on the outside of Landmark's fence, or at Nora's Tavern. Hampton will pursue permission to install a posting box at Nora's Tavern.
- D. Approve attendees for Dane County Towns Association Meeting on April 16, 2008: Hampton, Anders and Kessenich all plan to go.
- E. Approve attendees for WTA Urban Towns Committee Member Meeting on April 19, 2008: Kessenich plans to go.

IV. Clerk's Report:

- A. Dane County Ordinances: None.

V. Board Reports and Communications:

A. Hampton:

- 1. A cable broke on the EMS overhead door at the Emergency Services Building, and Hampton suggested that Deer-Grove EMS should pay for it.
- 2. Hampton thanked outgoing supervisor Mike Klinger for his service on the board, and introduced incoming supervisor Mike Kindschi.

VI. Committee Reports:

- A. Ad Hoc Land Conservancy Committee: No Report.
- B. Deer-Grove EMS Commission: No Report.
- C. Joint Town/Village Recreation Committee: Kessenich reported that MSA is shooting grades at Cedar Knolls park, and dirt is still available at Commerce Park. Smith cautioned that the dirt is not of good quality, and if it is used, the topsoil should be scraped off and replaced on top of the new dirt.
- D. Joint Town/Village Landfill Committee: The DNR has hired a new hydrologist who will oversee the Natvig Landfill. Reduced monitoring requirements are unlikely. There was a request for trees along County N to screen the landfill, but there is not enough room either between the inside of the fence and the cap or the outside of the fence and the road right-of-way to accommodate the trees. There were no detects in the most recent round of testing.
- E. Law Enforcement Committee: Hampton reported that an officer has resigned. The Chief is preparing to fill the position since the new Police Commission is not ready to do hiring yet.
- F. Plan Commission: The clerk distributed the minutes of the March meeting.
- G. Police Commission: They will meet on both April 9th and April 23rd.

VII. **MOTION** by Morrow/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:00 P.M.

Kim Banigan, Clerk
Approved 4/21/2008

TOWN OF COTTAGE GROVE
2008 ROAD INSPECTION
APRIL 18, 2008

- I. Chairman Kris Hampton, Supervisors Steve Anders and Karen Kessenich, and Highway Superintendent Jeff Smith met at the Town Garage at 1:00 P.M. A quorum was present and Hampton called the meeting or order.
- II. A road inspection was conducted. (list of roads attached – available in the Clerk's office).
- III. **MOTION** by Kessenich/Anders to open road bids at 11:00 A.M. on Friday, May 16, 2008, and to award bids at the Regular Town Board Meeting on May 19, 2008. **MOTION CARRIED 3-0.** Smith will solicit bids.
- IV. **MOTION** by Kessenich/Anders to adjourn. **MOTION CARRIED 3-0.** The meeting was adjourned at 3:00 P.M.

Submitted by Kris Hampton
Approved 4-21-2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 21, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. A quorum was present with Kris Hampton, Steve Anders, Karen Kessenich and Mike Kindschi. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and those listed on the attached sign-in sheet (available in the Clerk's office - several residents in attendance did not sign in.)
- B. Chairman Hampton called the meeting to order at 7:03 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Kessenich/Anders to approve the minutes of the April 7, 2008 Regular Town Board Meeting with a correction to the dates in item III. A. **MOTION CARRIED 3-0-1** (Kindschi abstained).
 - 2. **MOTION** by Anders/Kessenich to approve the minutes of the April 18, 2008 Road Inspection as printed. **MOTION CARRIED 3-0-1** (Kindschi abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Anders/Kessenich to approve the payment of bills corresponding to checks #15111 through #15160. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by Anders/Kessenich to approve the net worth at \$1,149,200.94. The auditors were present, and Kessenich asked them if it is technically correct to refer to the fund balances as "Net Worth". Julie Schwingel advised that the appropriate language would be "Cash and Investment Balances as of 4-21-2008", and it was agreed to follow this format in the future. **MOTION CARRIED 4-0.**
 - 3. The Treasurer noted that fund balances are running ~\$25,000 less than last year, and reminded the board that April per diem reports are due on April 30th.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. UNFINISHED BUSINESS: None.

III. NEW BUSINESS:

- A. Virchow, Krause, & Company, LLP – Presentation of 2007 Audit Results: Julie Schwingel and Melissa Walsh were present. Schwingel guided the board through the audit reports, including the financial statement and report on internal control. Once again the Town has received a clean and unqualified opinion, which is the highest possible level of assurance that the financial statements are correct. Schwingel said that the Management's Discussion and Analysis was well written (by the Treasurer), and was a good synopsis of the year. Other highlights included:
 - 1. Capital assets are down by ~\$80,000 compared to 2006 due to depreciation and few new purchases in 2007.
 - 2. Net Assets are up by ~\$128,000 compared to 2006.
 - 3. The Balance Sheet shows ~15% of Total Liabilities and Fund Balances are undesignated. This is often used as an indicator of financial health, and 15% is a healthy percentage.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 21, 2008

4. The Income Statement shows that actual numbers came in within 1.5% of the budget.
 5. Long Term Debt is at \$1,145,000. Wis. Stats. allow for general obligation debt of up to 5% of equalized value. The Town is at 5.95% of its borrowing capacity, another indicator of healthfulness.
 6. Two suggestions from the Report on Internal Control were discussed:
 - After the Treasurer completes the bank account reconciliation, she will produce a report for review by Hampton.
 - On a quarterly basis, the Treasurer will produce a list of all vendors for Hampton to review, making sure all are legitimate vendors.
- B. Discuss/Consider/Approve reconstruction of the intersection of Laudon and Uphoff Roads: Wesley Skaar, Eric Sandsnes, and Bruce Homburg were in attendance. Homburg has indicated that he may be willing to donate the land needed to create a safer 'T' intersection depending upon how much land is involved. Sandsnes stated that while this would create a much better intersection, it would double the expense for Skaar. It would also create a substandard parcel that would not comply with any zoning category. A resident suggested bending Laudon Road so the intersection would be at a safer point in the curve of Uphoff Road and would consume less land. Discussion was that possibly Skaar would take construction as far as graveling, and the Town would pave it in 2009. **MOTION** by Anders/Kessenich to ask Town Engineer Warren Meyers to determine the best location for the intersection and prepare a preliminary cost estimate for the May 5, 2008 Town Board Meeting. **MOTION CARRIED 4-0.**
- C. Discuss/Consider/Approve Operators License for Reinette Beaulier at Country Corners: **MOTION** by Kessenich/Kindschi to deny the operator's license based on item #3 of the Town of Cottage Grove Alcohol Beverage Licenses and Arrest / Conviction Records Guidelines. **MOTION CARRIED 4-0.**
- D. Skip to Agenda Item III. G. Discuss Traffic Circulation Study for the Blum Parcel in the Village of Cottage Grove, Veridian Homes, Owner: Smith noted that the study projects 4 times the current traffic level on Town roads, with the biggest impact on Mourning Dove since it would connect the two schools and eventually go all the way to Buss Road. The 20 foot wide Town roads will not accommodate the additional vehicles, pedestrians and bicycles, and the Town or its residents should not have to pay for updates. Anders added that it would be unacceptable to eliminate parking on Town roads to accommodate Village growth. Smith suggested that if no connection was allowed to the Homburg development at the East end of Mourning Dove, the through traffic could be avoided.
- Several residents from Mourning Dove and Pheasant Run were in attendance, and most of the concern expressed had to do with Mourning Dove becoming a major thoroughfare.
- MOTION** by Anders/Kessenich to not allow any connections with Mourning Dove or Pheasant Run until further negotiations between the Town and Village regarding both the East and West connections. The chair will draft a letter to the Village Board communicating this discussion and decision by the Town Board. **MOTION CARRIED 4-0.**
- E. Discuss/Amend building permit fees: After a short discussion, **MOTION** by Anders/Kindschi to table until the May 5, 2008 Town Board Meeting.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
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- F. Discuss/Amend fees for rental of Flynn Hall and Town Hall: **MOTION** by Kindschi/Kessenich to raise the rental fee for both Flynn Hall and Town Hall to \$125/day. **MOTION CARRIED 4-0.**
- G. Discuss development of a Town logo: No action.
- H. Discuss Annual Meeting held April 8, 2008: Hampton said he thought he had failed to make his point that in order for the Town to purchase the 43 acres, there would need to be an opportunity to recapture the cost or else the rest of the Town will never pass a referendum. There was more general discussion about the annual meeting, but no action taken.
- I. Discuss/Approve purchase of updated Dane County Ordinance Books: **MOTION** by Anders/Kessenich to purchase 10 copies of the ordinance books, for the Plan Commission and Town Board, along with 10 binders to hold them. **MOTION CARRIED 4-0.**
- J. Consider/Approve 2008-09 Committee Appointments: After a few adjustments, **MOTION** by Anders/Kessenich to approve the 2008-09 Committee Appointments as amended. **MOTION CARRIED 4-0.**

IV. Clerk's Report:

- A. Dane County Ordinances: Ordinance Amendment #54, 2007-08: An emailed opinion on this amendment was received from the Dane County Towns Association late this afternoon. Board members did not feel they had time to review it, so the matter was tabled until May 5, 2008.

V. Board Reports and Communications:

- A. Hampton asked if the board wanted to consider adoption of an ordinance for a 60-day Board of Review Hearing Extension as described in 2007 Wisconsin Act 86. Kessenich said that the Urban Towns Committee recommended doing so. The Clerk will check with the Wisconsin Towns Association to see if they have a sample ordinance.
- B. Kessenich distributed a 2007 Participation study for the Joint Recreation Program, and mentioned that there will be a community survey for a possible wellness center in the proposed recreation center at Firemans Park.

VI. Committee Reports:

- A. Police Commission: No Report
- B. Emergency Government Committee: A replacement member for Hampton is still needed.
- C. Deer-Grove EMS Commission: The search for a new Chief is still in progress. At the last meeting division of duties between the interim co-chiefs was discussed, as well as insurance coverage and work on Bylaws and the Personnel Manual.

VII. **MOTION** by Kessenich/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 10:07 p.m.

Kim Banigan, Clerk
Approved 5/5/2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 5, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. A quorum was present with Kris Hampton, Dave Morrow, Karen Kessenich and Mike Kindschi. Anders was absent due to the death of a friend. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Attorney Greg Murray, Building Inspector Tom Viken and Police Chief John Gould. Others present are listed on the attached sign-in sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:04 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Kindschi/Kessenich to approve the minutes of the April 21, 2008 Regular Town Board Meeting with the following corrections:
 - 1) In B. under new business, Homburg may be interested depending on the amount of land involved.
 - 2) In D. under New Business, motion to include that the Chair will draft a letter to the Village Board. **MOTION CARRIED 3-0-1** (Morrow abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Morrow/Kessenich to approve the payment of bills corresponding to checks #15161 through #15201. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by Kessenich/Kindschi to change the header on the Balance Sheet to read "Cash and Investment Balances" in the future, and to receive and place on file the unaudited cash and investment balances for the period ending May 5, 2008. **MOTION CARRIED 4-0.**
 - 3. The Treasurer provided two April per diem reports – one as claimed by board members, and one excluding the Annual Meeting. It was also noted that the building permit report included one address that has been annexed to the Village. Tom Viken's payment amount was reduced by the amount of this permit, and the Treasurer will send payment to the Village. **MOTION** by Kindschi/Kessenich to approve the April per diems with no payment for the Annual Meeting, and the adjustment to Viken's amount. **MOTION CARRIED 4-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Morrow/Kindschi to approve a Road Right-of-Way for Madison Metropolitan Sewerage District for jack & bore, open cut and cased trenching on Gaston Road for installation of the Far East Interceptor. The road will be closed from just west of Vilas Road to just north of the interstate from July 1 through October 17, 2008. **MOTION CARRIED 4-0.**

II. UNFINISHED BUSINESS:

- A. Review projected costs for improvements of the intersection of Uphoff and Laudon Roads: Smith reported that based on the recommendation from Town Engineer Warren Meyers, he obtained an estimate from B.R. Amon and Sons for \$39,266.00 to build the intersection. Other costs would include surveying, erosion control permits, and possibly engineering. Skaar's letter of credit for the project is in the amount of \$34,523, which includes a 10% contingency. Eric Sandsnes stated that the lowest bid Skaars have at this point for the

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 5, 2008

originally approved construction plan is \$26,500. Discussion was whether the Town should make up the cost difference to take advantage of this opportunity to build a safer intersection. **MOTION** by Hampton/Kindschi to have Meyers provide a complete cost estimate for moving the Laudon Road intersection on Uphoff Road, to be considered at the May 19, 2008 Town Board Meeting. **MOTION CARRIED 3-1** (Kessenich opposed).

- B. Discuss amending building permit fees: **MOTION** by Kessenich/Morrow directing Murray and Viken to update TCG Ordinance Chapters 12 – Building Code and 7 – Fees and Bonds, including current Department of Commerce rules, and bring back to the Board for approval. **MOTION CARRIED 4-0.**
- C. Discuss/Consider/Approve purchase of equipment needed to record board and committee meetings for cable broadcast: This was tabled until May 19th due to Ander's absence.

III. NEW BUSINESS:

- A. Introduction/Update – Lieutenant Dan Bolch – Dane County Sheriff Southeast Precinct: Lieutenant Bolch has recently moved to the Southeast Precinct, and invited Board members to contact him with any issues involving the Sheriff's Department. Community Officer Mike Butler was also present, and provided the board with a report of recent incidents in Cottage Grove that involved the Sheriff's Department.
- B. Consider/Approve Resolution to approve Fund Balance account 34270 - Designated for Capital Improvements: Hampton read the resolution, and the Treasurer explained that money remaining from the 2006 General Obligation Bond would be placed in this new restricted fund balance account. **MOTION** by Kessenich/Kindschi to approve the Resolution 2008-07 Creating Fund Balance Account 34270 Designated for Capital Improvements. **MOTION CARRIED 4-0.**
- C. Discuss/Consider/Approve reduction of speed limit to 45 m.p.h. on a portion of Ridge Road in response to a petition by residents: Sue Starczynski, 4085 Ridge Road, presented a petition signed by Ridge Road residents asking that the speed limit on Ridge Road be reduced to 45 m.p.h.. She said she has almost been hit while getting her mail, and a lower speed limit would make it easier for motorists to stop, especially given the limited sight distance due to the hills on either side of the bike trail. Joe and Susan Lange, 4178 Ridge Road, stated that Ridge Road is treated like a speedway by motorists, and estimated that motorcycles are traveling at 60-70 m.p.h. and doing wheelies. The Langes also wondered how a lower speed limit would be enforced. The Board suggested that the police department be asked to work the area for a time after the new speed limit is posted. **MOTION** by Kessenich/Morrow to reduce the speed limit from 55 m.p.h. to 45 m.p.h. for the portion of Ridge Road running from County Road BB to Jargo Road. **MOTION CARRIED 4-0.** Smith said the new speed limit signs will be flagged to draw attention.
- D. Discuss future funding of road improvements: Smith provided a chart showing blacktop price per ton and the highway maintenance budget for the years 2000-2008. Material costs have nearly doubled, while the dollars budgeted for highway maintenance has dropped, especially during the years since State imposed levy limits have been in place. Discussion was that at this rate, the Town will fall behind in road maintenance, and a referendum asking for permission to exceed levy limits, probably for a period of 5 years, was suggested. Smith will prepare a report of the miles of blacktopping and miles of seal coating that were done each

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 5, 2008

year since 2000, the Clerk will find out the deadline for language for a September referendum, and a referendum will be discussed further at the May 19th Town Board Meeting

IV. Clerk's Report:

- A. Dane County Ordinances: **MOTION** by Morrow/Kessenich to approve Ordinance Amendment #54, 2007-2008: Amending Chapter 10 of the Dane County Code of Ordinances, Providing for Town Board Consideration of Conditional Use Permits. **MOTION CARRIED 4-0.**

V. Board Reports and Communications:

- A. Hampton reminded the board of the following:
1. The DCTA Annual Meeting is May 14th at the Town of Windsor. Hampton, Kindschi, and possibly Kessenich will attend. The Clerk will check with Anders.
 2. WTA is holding a training session on May 13th in Barneveld.

VI. Committee Reports:

- A. Law Enforcement Committee: Hustons are looking over the updated lease, indications are that they will sign it. Hustons will take care of the drain problem in the building, but not the overhead door opener. Two quotes in the neighborhood of \$50,000 were obtained for a generator. This will be discussed at the next LEC meeting.
- B. Police Commission: No Report.
- C. Ad Hoc Land Conservancy: No updates since the Joint Board Meeting last week.
- D. Joint Recreation Committee: No updates since the Joint Board Meeting last week.

VII. **MOTION** by Kindschi/Morrow to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:45 p.m.

Kim Banigan, Clerk
Approved 5-19-2008

TOWN OF COTTAGE GROVE

4058 County Road N
COTTAGE GROVE, WISCONSIN 53527

RESOLUTION 2008-07

CREATING FUND BALANCE ACCOUNT 34270 DESIGNATED FOR CAPITAL IMPROVEMENTS

BE IT RESOLVED by the Town Board of the Town of Cottage Grove, Dane County, Wisconsin that Fund Balance Account 34270 be created and designated for Capital Improvements.

Adopted this 5th day of May, 2008 by a vote of 4 for and 0 against.

(Signed Copy Available in the Clerk's Office)

TOWN OF COTTAGE GROVE

ATTEST:

Kristopher Hampton, Town Chair

Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
ROAD BID OPENING
MAY 16, 2008

I. The meeting was called to order by Chairman Hampton at 11:00 A.M. Supervisor Mike Kindschi was present, however there was not a quorum until Supervisor Karen Kessenich arrived at 11:04 A.M. Others present were Highway Superintendent Jeff Smith and Clerk Kim Banigan. It was determined that the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way.

II. Open and Review Road Bids:

A. Seal Coating Bids:

1. Scott Construction, Inc.

Oil Type	Emulsion
Oil/Gallons	39,375
Oil gal./sq. yd	.35
Oil/20 ft. mile	4,200
Stone Type	Portage Bottom Ash
Stone/Tons	1125
Stone lbs/sq. yd	20
Stone/20 ft mile	120 Tons
Cost/20 ft. mile	\$11,150.00
Pickup Broom Cost	\$85.00/hour
Total cost of all sealcoating projects	\$106,862.12

2. Fahrner Asphalt Sealers, LLC

Stone Type	Bottom Ash Slag (Product Sample Provided)
Oil/20 ft. mile	4,400
Stone/20 ft mile	120 Tons
Cost/20 ft. mile	\$13,319.00

B. Repaving Bids:

1. Scott Construction – Cold Mix Overlay

Estimated Tons	2150
Cost/Ton	\$42.38
Tack Coat	SS-1H
Tack Rate gal./sq. yd.	.02
Type of Gravel	Sand Gravel
Type of Liquid Asphalt	SS-3Light
Total cost of all repaving projects	\$91,117.00
Price includes all butt joints	

2. Wolf Paving & Excavating Co., Inc. – Hot Mix Overlay

Estimated Tons	2195
Cost/Ton	\$47.83
Tack Coat	CSS-1 Emulsion
Tack Rate gal./sq. yd.	.10

TOWN OF COTTAGE GROVE
ROAD BID OPENING
MAY 16, 2008

Type of Gravel	Limestone
Type of Liquid Asphalt	5.2% 64-22 Oil
Total cost of all repaving projects	\$104,986.85

Price includes barricades, traffic control, sweeping, milling 175 L.F. butt joints, tack coat and paving, scratch coat and overlay – approx. 2.5 inch coverage.

3. Payne & Dolan, Inc. – Hot Mix Overlay

Estimated Tons	1500
Cost/Ton	\$47.42
Tack Coat	SS 1H Emulsion
Tack Rate gal./sq. yd.	.03
Type of Gravel	Limestone
Type of Liquid Asphalt	PG 58-28
Total cost of all repaving projects	\$71,130.00

4. B.R. Amon & Sons – Hot Mix Overlay

Estimated Tons	1850
Cost/Ton	\$41.00
Tack Coat	MS-1
Tack Rate gal./sq. yd.	.05
Type of Gravel	½” minus E-1
Type of Liquid Asphalt	58-28 – (120-150)
Total cost of all repaving projects	\$75,850.00

MOTION by Kindschi/Hampton to refer the bids to the Highway Superintendent for review and recommendation at the May 19, 2008 Town Board Meeting. **MOTION CARRIED 3-0.**

III. **MOTION** by Kindschi/Kessenich to adjourn. **MOTION CARRIED 3-0.** The meeting was adjourned at 11:13 A.M.

Kim Banigan, Clerk
Approved 5/19/2008

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MAY 19, 2008

PUBLIC HEARING – Application for a Blasting Permit at the ‘Skaar Pit’, 3355 County Road N

- I. The public hearing had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Notice was also mailed to adjoining landowners.
- II. Town Chair Kris Hampton called the public hearing to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, Mike Kindschi, and Karen Kessenich. Highway Superintendent Jeff Smith, Clerk Kim Banigan, Treasurer Debbie Simonson, and those listed on the attached sign-in sheet were also present (available in the Clerk’s office).
- III. Hampton asked if there were any questions. John Leonhardt, 3479 Natvig Road, asked how big the blasts would feel at his property. Dennis Richardson of R.G. Huston Company, Inc. provided a map showing where the blasting would occur – in the south east portion of the quarry property. He explained that since most of the stone is sandstone, charges would not be as big as would be needed if it was limestone. In addition, he said that modern explosives use sequential timing which cuts down on the vibrations. Northland Explosives Company, Inc. will be doing the blasting. There were no further questions.
- IV. **MOTION** by Anders/Kessenich to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:07 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk’s office).
 - B. Chairman Hampton called the meeting to order at 7:07 P.M.
 - C. Minutes of previous meeting(s):
 1. **MOTION** by Kessenich/Kindschi to approve the minutes of the May 5, 2008 Regular Town Board Meeting as printed. **MOTION CARRIED 4-0-1** (Anders abstained).
 2. **MOTION** by Kessenich/Kindschi to approve the minutes of the May 16, 2008 Road Bid Opening as printed. **MOTION CARRIED 3-0-2** (Anders and Morrow abstained).
 3. Consider/Approve payment for training workshop for Police Commissioners:
MOTION by Kindschi/Anders to approve payment for the two Police Commissioners to attend the UWEX Workshop on May 28, 2008, at a cost of \$114.00 each. **MOTION CARRIED 5-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by Anders/Kessenich to approve the payment of bills corresponding to checks #15202 through #15252. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/Kessenich to approve the Unaudited Cash and Investment Balances as of May 19, 2008 at \$1,101,875.27. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MAY 19, 2008

3. The Treasurer asked that May per diem reports be submitted by May 30, 2008.
4. Kessenich requested the addition of an expense account tracking litigation expenses separately from other legal expenses. Consensus was to create the new account.

E. Public Concerns: None.

F. Road Right of Way Permits: None.

Hampton suggested skipping around on the agenda to take care of business that is of interest to residents in attendance first.

II. UNFINISHED BUSINESS:

- A. Discuss/Consider projected costs for improvements of the intersection of Uphoff and Laudon Roads: Smith stated that in addition to the cost \$39,266.00 from B.R. Amon and Sons for construction to move the intersection, Town Engineer Warren Meyers estimates costs of \$2500 for survey and related paperwork, and \$2500 for a stormwater permit. While Alliant Energy will move their poles at no cost, Verizon estimates a cost of \$5329 to move phone lines.

Eric Sandsnes or Royal Oak Engineering provided an estimate of \$24,166 to improve Laudon Road as originally approved. This leaves a difference of approximately \$25,000 that the Town would need to cover in order to move the intersection.

Kessenich said that the Police Chief found no record of accidents at the intersection, and the Laudon Road residents she spoke with were not as concerned with the intersection as they were with the curve, which is addressed under the current plan.

Hampton and Smith both stated that this is a one time opportunity to bring the corner up to standards without having to purchase the land. It was agreed that the current intersection would never be allowed by today's standards, and that while the current plan would be an improvement, trucks and busses turning right would still need to cross into the other lane of traffic. Hampton suggested that the project could be funded by 1) Taking money from the 2008 road maintenance budget 2) Borrowing or 3) using contingency funds.

MOTION by Kindschi/Anders to proceed with moving the intersection of Laudon and Uphoff Road using land donated by Bruce Homburg, provided that it could be funded with contingency funds rather than from the 2008 road maintenance budget. **MOTION**

CARRIED 4-1 (Kessenich opposed).

III. (Skip to) NEW BUSINESS:

- A. Discuss/Consider Blasting Permit for the 'Skaar Pit', 3355 County Road N, Operated by R.G. Huston Company, Inc., Dwight and Dale Huston, owners: Julie Ewald, 3339 Field View Lane, asked for more information about the blasting. Dennis Richardson said they would be regulated by the restrictions on their CUP, which allow operation from 6 A.M. to 6 P.M. M-F, and 8 A.M. – 3 P.M. on Saturday. He said blasting would begin in June, but probably no more than one blast per day, one or two days per week. He said blasts would be much milder than those when Hwy 12 & 18 was reconstructed, and Dale Huston didn't think Ewald would even hear the blasts if the wind was from the South. The Clerk stated that both the Police Department and EMS have indicated they will signed off on the permit, she is still waiting to hear from the Fire Chief. **MOTION** by Anders/Morrow to approve the 180 day blasting

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MAY 19, 2008

permit for the 'Skaar Pit', 3355 County Road N, Operated by R.G. Huston Company, Inc., Dwight and Dale Huston, owners, contingent on approval by the Police, Fire and EMS Departments. **MOTION CARRIED 5-0.**

(Skip to) C. Discuss/Consider Truck Traffic Route for Madison Metro. Sewerage District project on Gaston Road: Jeffrey Klawes, Project Engineer for MMSD, explained that MMSD does not typically specify routes to a project, but leaves that up their sub-contractors, who are held responsible for road damage. As the general contractor, however, MMSD is ultimately responsible. He felt that the most likely route would be Seminary Springs Road in the Town of Burke, but bids are still out, and he will know more once they are awarded, probably around June 10th. He expects about 25,000 tons of material will need to be hauled in and out. Work will be restricted to the hours between 7 A.M. and 6 P.M. MMSD and the Town both plan to video the road before any work begins to assist in damage assessment after the project is complete. **MOTION** by Hampton/Morrow advising MMSD that the Town Board's first choice would be for truck traffic to come from the north through the Town of Burke, but if it must come from the south, the preference is to use Vilas Road. **MOTION CARRIED 5-0.**

Anders left at 8:23 P.M. for an EMS call, but returned at 8:28 during the road bid discussion

B. Award 2008 Road Maintenance Bids: Smith recommended acceptance of B.R. Amon & Sons' bid for paving at \$41.00/ton, which estimates paving all of West Ridge Road for \$75,850. He recommended Scott Construction for the seal coating, both due to lower cost and a more suitable product. Smith advised postponing seal costing of Vilas Road from County BB to Gaston, Gaston Road from Vilas to Buss, and Buss Road from Gaston to N until next year in order to stay within this year's budget. He recommended that paving be done first, so further cuts could be made to the seal coating depending on the final paving cost. **MOTION** by Hampton/Kessenich to accept B.R. Amon & Sons' bid for Hot Mix Overlay at \$41.00/ton to pave West Ridge Road, and to accept Scott Construction Inc.'s bid for seal coating at \$11,150/20 ft. mile, excluding the roads mentioned above. Paving to be done before seal coating. **MOTION CARRIED 5-0.**

(Return to) Unfinished Business B: Discuss/Consider purchase of equipment to record board and committee meetings for cable broadcast: Anders was not able to prepare a report due to other commitments; the item was tabled until June 2, 2008.

C. Discuss future funding of road improvements: Smith was unable to prepare a report due to other commitments, and the item was tabled until June 2, 2008.

NEW BUSINESS

D. Discuss/Consider increase in municipal court fees for municipal citations: **MOTION** by Anders/Kessenich to approve an increase in the municipal court costs from \$23.00 per citation to statutory maximum of \$28.00 per citation, provided that the Village cost is the same. **MOTION CARRIED 5-0.**

IV. Discuss boundary agreement information provided by Erich Schmidtke of the Dept. of Administration: Kessenich began the discussion by acknowledging a mailing from the Cottage Grove Landowners Group claiming that 92% of the landowners of 2400 acres proposed for a potential boundary agreement oppose the boundary agreement. Kessenich wondered what point there is in pursuing a boundary agreement under Wis. Stat. 66.0301, which calls for a referendum

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MAY 19, 2008

of affected landowners, when we already have indication that a majority oppose? Anders said that the 2400 acres represented are only a part of the area that has been discussed for a boundary agreement. Hampton and Anders both said that if the Town is not part of the boundary agreement, the Village and City could form one without the Town's involvement. Kessenich questioned whether municipalities can enter into a boundary agreement if their borders do not touch. Anders said that even without a boundary agreement, the City and Village control land use in the area of the Town between them through ETJ, and Hampton said that a boundary agreement could mitigate some of the powers of ETJ. Kessenich expressed concern over potential law suits brought by landowners in the "green tornado" since she could not find where the Town has been authorized to work on a boundary agreement. She asked if a change in the Chair were to occur, would that person be bound to keep the current negotiations going? Hampton stated that it is the Chair's thought that the Town needs to work with the Village and City if the Town is to survive, and the Town's comprehensive plan dictates that the Town must work cooperatively with the Village.

Anders said that recent legislation requires notification to landowners whose property could be affected, and the mailing from the Cottage Grove Landowners Group may serve as a request for notice under this legislation. He will get more information and this will be discussed further on June 2nd.

Jim Bradt stated that without a boundary agreement, land use is controlled by comprehensive plans, which can be amended much easier than a boundary agreement.

V. Clerk's Report:

A. Dane County Ordinances: None.

VI. Board Reports and Communications:

A. Hampton:

1. He noted receipt of information about the Madison North East Neighborhood development plan.
2. He asked the board if the Town should adopt an ordinance authorizing a 60-day extension of the Board of Review, as per 2007 Wisconsin Act 86. The Wisconsin Towns Association recommends adoption of such an ordinance. The Clerk was directed to look on the WTA web site for a sample ordinance.
3. The Dane County Towns Association recommends that towns without zoning adopt an ordinance to regulate waste disposal sites by permit. A sample ordinance is available from the State's web page. Recommendation of this to the Ordinance Committee will be included on the June 2, 2008 agenda. Kessenich also mentioned other ordinances that should be looked at, and will get the Clerk a list.

VII. Committee Reports:

- A. Emergency Government Committee: Kessenich reported that the committee will take June and July off and resume meetings in August.
- B. Joint Town/Village Fire Department Committee: Hampton reported that there was not a quorum present on May 12th.
- C. Police Commission: The Clerk said that she now has the commission's approved minutes on file.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MAY 19, 2008

- D. Deer-Grove EMS Commission: Hampton reported that a contract is in the works to have payroll for Becky Kubehl taken over by the Village of Deerfield in order to avoid having to pay unemployment insurance for all Deer-Grove EMS employees.

VIII. **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:46 p.m.

Kim Banigan, Clerk
Approved 6/02/2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 2, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Attorney Greg Murray were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:24 P.M.
- C. Minutes of previous meeting(s): Kessenich suggested rewording of a portion of the boundary agreement discussion, which she provided to the clerk in writing. **MOTION** by Kessenich/Kindschi to approve the May 19, 2008 Public Hearing and Town Board Minutes as amended. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Morrow/Kessenich to approve the payment of bills corresponding to checks #15253 through #15288. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Morrow/Anders to approve payment of May 2008 per diems as presented. **MOTION CARRIED 5-0.**
 - 3. The Treasurer reported that she created new balance sheet account #50270 Litigation Expense, and reviewed 2008 bills to date for payments that should be moved to the new account – there were none.
 - 4. The Treasurer also reported that Federal Signal Leasing, holder of the mortgage for the Ladder Truck, has transferred the mortgage to Banc of America Public Capital Corp. with the same payments and terms. Board consensus gave the treasurer permission to sign the required documents.
- E. Public Concerns: Linda Fonger appeared representing the Cottage Grove Community Library Board to inform the board of a Bike and Walk-a-thon to be held on Saturday, June 28th beginning at the Glacial Drumlin Trailhead. She stated that the DNR, CG Police Department, Deer-Grove EMS, Dane County Sheriff's Department, Villages of Cottage Grove and Deerfield, and the City of Lake Mills will be/have been notified, as well as the Library Board's liability insurance carrier. Support staff, including first aid and road crossing assistance, will be on duty until everyone is off the trail. She left a poster, map and sponsor sheets with the Town Clerk.
- F. Road Right of Way Permits: None.

Hampton suggested skipping around on the agenda to take care of business that is of interest to residents in attendance first.

(Skip to) III. NEW BUSINESS

- A. Plan Commission Recommendations:
 - 1. Dawn Guimond (Crossroads Tavern) – 3562 County Highway AB – Zone change – B-1, C-1 & RE-2 to C-2 for 22.11 acres. Intended land use to be used as present until owner submits change in use. Jim Weber presented for Ms. Guimond. There was a

discussion about how to allow for and regulate the current recreational use once C-2 zoning is in effect. After reviewing allowable uses for C-2, it was determined that the current activities of horseshoes and volleyball are allowed in C-2 zoning. **MOTION** by Anders/Kessenich to approve the Plan Commission Recommendation to rezone lots 1 and 2 from C-1 and RE-1 to C-2, with the same deed restrictions as the Door Creek LLC property: Land uses limited exclusively to the following: (1) professional offices; (2) retail businesses; (3) vehicular service centers; (4) distribution centers; (5) light industrial businesses (e.g. machine shops); (6) rental businesses; (7) agribusinesses; (8) equipment repair businesses; (9) sale of new and used recreational, motor vehicles or contractor's machinery and equipment; (10) parking or storing of motor vehicles; (11) service businesses; (12) general, mechanical and landscape contracting businesses and buildings used in connection with such activity; and (13) repairs, storage and service of contractor's machinery and equipment. Restricted use (10) parking or storing of motor vehicles is further restricted as follows:

- 1.) The parking or storing of motor vehicles is permitted only in conjunction with use of said lands and is for items (1) through (9) and (11) through (13) inclusive.
- 2.) The parking or storing of motor vehicles awaiting disposition as abandoned vehicles or for the settlement of insurance claims is prohibited.

Additional conditions added by the Town Board:

- 1.) The Town Board is to have site approval for development of the C-2 property.
- 2.) The Town Highway Superintendent and Town Engineer must approve any new roads or road improvements.
- 3.) Addition of allowable use "games such as horseshoes, volleyball or similar activities not lighted for night operation" as defined under Dane County Zoning Ordinance 10.14 (t).

MOTION CARRIED 5-0.

2. Marc & Lynda McCarville – 1830 County Highway BB – Site approval for new home on one acre. Land zoned A-1EX. Intended land use to build new and larger house adjacent to original farm house. Old farm house will be torn down. **MOTION** by Morrow/Kessenich to accept the Plan Commission's recommendation to change R-1 zoning to A1-EX for +/- 3 acres, and old house must be torn down within six months of issuance of an occupancy permit for the new house. **MOTION CARRIED 5-0.**
 3. Mariellen Schlobohm – 1754 N. Jargo Road – Zone Change – A1-EX to A-2(4) for 4 acres. Intended land use for increase in land around residential lot – leave in natural state – trees and native plants garden. **MOTION** by Kessenich/Morrow to accept the Plan Commission's recommendation to rezone 4 acres from A1-1EX to A-2(4), and deed restrict the 4 acres for no residential development. **MOTION CARRIED 5-0.**
- B. Consider/Approve July 2008 – June 2009 Alcohol Beverage Licenses:
1. Combination Class B Beer and Class B Liquor Licenses:
MOTION by Anders/Kessenich to table Bradt Holdings, LLC's application for Class B Beer/Class B Liquor license until June 16, 2008. **MOTION CARRIED 5-0.**
MOTION by Anders/Kindschi to approve a combination Class B Beer/Class B

Liquor License for Door Creek Golf Course, Inc. for July 2008 through June 2009.

MOTION CARRIED 5-0.

MOTION by Anders/Morrow to approve a combination Class B Beer/Class B Liquor and Cigarettes over the counter licenses for Nora's Tavern, Inc. for July 2008 through June 2009. **MOTION CARRIED 5-0.**

MOTION by Kessenich/Anders to approve a combination Class B Beer/Class B Liquor and Cigarette sales over the counter licenses for Patricia J. Youngs d.b.a. Country Corners for July 2008 through June 2009. **MOTION CARRIED 5-0.**

In response to Joe Starr's letter regarding Doubledays, Anders advised residents to report incidents to the Police Department so they would show up on reports to allow the board to get a better idea of what is happening and with what frequency.

Kindschi suggested that extra patrol could be requested to deal with traffic issues, even from the Dane County Sheriff's department if the Cottage Grove Police are unable to accommodate the request. The Clerk will forward Starr's letter to the Police Chief. Anders further suggested that Doubledays employees make an effort to clean up any trash left along the road by customers. He noted that lighting is controlled by zoning, and Debra Stueber, Agent for Doubledays, stated that they were in compliance.

MOTION by Kessenich/Kindschi to approve a combination Class B Beer/Class B Liquor and machine sales of Cigarette licenses Ball of Fun, LLC d.b.a. Doubledays for July 2008 through June 2009. **MOTION CARRIED 5-0.**

Murray stated that information from the Cottage Grove Police Department indicates that the sole owner, president and agent of JDJ, Inc. d.b.a. Crossroads Tavern has been served a summons to appear on June 5th regarding possible charges. To the extent that pending charges could be relevant to liquor licenses, Murray recommended that the application be tabled until June 16, 2008. **MOTION** by Kessenich/Kindschi to table JDJ Inc. d.b.a. Crossroads Tavern's application for combination Class B Beer/Class B Liquor and Cigarette sales over the counter licenses until June 16, 2008, and to authorize the Town Attorney and Town Clerk to serve notice of intent not to renew the liquor license depending on the outcome of the June 5, 2008 hearing. The Town Attorney and Town Clerk are further authorized to set up a potential hearing on June 16th, including the hiring of additional counsel and other preparations as may be needed. **MOTION CARRIED 5-0.**

2. Operators and Managers Licenses:

MOTION by Anders/Kessenich to approve operators and managers licenses for July 2008 through June 2009 for the following individuals at Nora Tavern:

Operators License: Pamela J. Bedward, Lacy J. Griffith, Cindy M. Hammer, Dawn M. Heider, Gerald D. Heider, Katrina L. Hudson, Linda A. Hudson, Helen E. Kluever, James E. Mickelson, Carrie S. Munz, Michelle L. Shapiro, Sarah J. Schimelpfenig, Rebecka A. Selmer, Jayne T. Sproul, Ann L. Veum, Marcia L. Wood
Manager's License: Sheryl Kluever.

MOTION CARRIED 5-0.

MOTION by Kessenich/Anders to approve operators and managers licenses for July 2008 through June 2009 for the following individuals at Doubledays:

Operator's License: Hazel M. Austin, Debra A. Buss, Melissa C. Dean, Bernadette L. Eckstein, Nancy A. Moen, Mark A. Stueber, Michael L. Ziegler.

Manager's License: Gary F. Stueber.

MOTION CARRIED 5-0.

MOTION by Anders/Morrow to approve operators and managers licenses for July

2008 through June 2009 for the following individuals at Door Creek Golf Course, Inc.:

Operator's License: Michael J. Courchane, Lisa A. Mueller, Lynn M. Oldenburg, Mandy J. Rego, Michaela L. Schlake, Ambre Sheehy, Douglas D. Showers, Daniel C. Schrieber.

Manager's License: Phillip C. Frederickson, Robert A. Purvis, Jr., David D. Ruedy.

MOTION CARRIED 5-0.

MOTION by Anders/Kessenich to approve operator's licenses for July 2008 through June 2009 for the following individuals at Crossroads Tavern: Tammy L. Campbell, Christina S. Cole, Nathaniel J. Fuller, Gina L. Heiman, Chris L. Kussow, Curtis J. Sharkey, Emily J. Woger, Kelley E. Woger.

MOTION CARRIED 5-0.

MOTION by Morrow/Kindschi to table operator's license applications for the following individuals at Crossroads Tavern, for reasons consistent with the tabling of Crossroad's Class B Beer/Class B Liquor Licenses above: Ronald A. Blum, Jerome A. Eith. **MOTION CARRIED 5-0.**

MOTION by Anders/Morrow to approve operator's licenses for July 2008 through June 2009 for the following individuals at Country Corners: Jeffery M. Gudel, Dennis R. Hisel, Sue M. Kadrmas, Lisa M. Kramer, Michael J. Krawczyk, Connie J. Nolden, Sandi St. Dennis, Kelly N. Webster, Kimberly A. Winburn. **MOTION CARRIED 5-0.**

MOTION by Anders/Kessenich to deny an operator's license for Meredith K. Phillips under item #5 in the Town of Cottage Grove Alcohol Beverage Licenses and Arrest / Conviction Records Guidelines. **MOTION CARRIED 5-0.** Patricia Youngs, owner and agent of Country Corners, stated that Phillip's conviction was the result of a 'Sting' operation, and that while everyone learned from the incident, she did not think the intent was for someone to lose their job. Board members said that Phillips can still tend bar under a licensed operator, but Youngs said she could not afford to pay two people to be on duty at once.

C. Consider/Approve July 2008 – June 2009 Cigarette Licenses: This was done in B. above.

D. Consider/Approve July 2008 – June 2009 Non-metallic Mining Permits:

MOTION by Anders/Morrow to approve Non-metallic mining permits for July 2008 through June 2009 for R.G. Huston Company, Inc. at the following Sites: Gaston Road Quarry, 2543 Gaston Road, Nora Pit, 2494 Nora Road, Skaar Pit, 3355 County Road N. **MOTION CARRIED 5-0.**

MOTION by Anders/Kindschi to approve a Non-metallic Mining permit for July 2009 through June 2009 for Sun Prairie Sand and Gravel, LLC for the Hellickson pit, 2272 Highway 12 & 18, conditioned upon presentation of a new certificate of insurance showing the Town of Cottage Grove, including address, as a certificate holder.

MOTION CARRIED 5-0. It was also noted at this point that R.G. Huston Company, Inc.'s certificate of insurance had the wrong address for the Town of Cottage Grove as certificate holder, and representatives of the company in attendance were directed to correct it.

E. Consider/Approve Certified Survey Map for Skaar Scattered Acres, Inc – 3854 Laudon Road: **MOTION** by Anders/Morrow to approve the CSM as shown on Office Map 15845 dated January 2, 2008. **MOTION CARRIED 5-0.**

(Skip to) G. Discuss future use of 43 acres south of the Meadow Grove subdivision if it is purchased by the Town and Village of Cottage Grove. This property is part of the former 'The Farm Golf Course': Hampton began the discussion by saying that there had been a request for the Town Board to discuss making an offer to purchase the property, and that while that may be premature, it is important for the board to know what future uses of the property would be acceptable to the neighbors in the Meadow Grove subdivision. He cautioned that if the property is purchased, the Town will lose the tax base, and the question of whether to purchase would need to go to referendum to the entire town. If the rest of the Town residents do not see a benefit to themselves, they are probably not going to approve the purchase. Anders read a letter from Bill and Lisa Klein in support of purchasing the property and keeping it as green space. Kessenich gave an update on the Ad Hoc Land Conservancy Committee, stating that the Dane County grant for 25% of the purchase price of the 59 acres of conservancy has been approved by the grant committee. The DNR grant for 50% of the purchase price of the 59 acres is still pending, and at this point does not look promising with only 11 of 25 points, but a committee member is working on ways to get more points. At their last meeting, the committee reviewed their mission, and now need to verify from the Joint Town and Village Boards whether the committee is finished, or if they should take a look at special assessments. Mike Northouse asked whether purchase of this property would set a precedent – would the Town and/or Village purchase the green space around his property too? Margaret Williams presented a letter signed by 32 residents in support of purchasing the entire 102 acres, with suggested uses and uses they would be opposed to. The letter also mentioned Dane County Supervisor Dave Wiganowsky's suggestion that \$5 million in grant money is available for projects like this. Kessenich will also ask the joint boards whether the committee should look into the \$5 million in grants.

(Return to) F. Consider recommendation of ordinance revisions to the ordinance committee: Debra Stueber told of problems next door to Doubledays with a residence that has six pit bulls, 2 of which recently had large litters of puppies, and asked if an ordinance restricting the number of dogs could be written. The Clerk had received another written comment asking for the same thing, along with a dangerous dog ordinance. Cindy Lease offered to assist with looking for examples of dog ordinances that could be used by the committee. Kessenich presented a list of recommendations for other ordinances that need to be updated. **MOTION** by Morrow/Kindschi to direct the Ordinance Committee to meet and start by working on the dog ordinance, then review other ordinances for consistency with current statutes. **MOTION CARRIED 5-0.**

H. **CONSIDER/ADOPT MOTION TO MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 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: The Farm Golf Course Property: There was no motion for closed session

(Return to) II. UNFINISHED BUSINESS

A. Discuss/Consider purchase of equipment to record board and committee meetings for cable broadcast: Anders said it will take \$3900 to get up and running to record meetings and provide the Village with DVDs for broadcast of Town Board, Plan Commission, and Joint Town/Village Board Meetings on Cable Channel 12 on Thursdays. The Village will charge a weekly broadcast fee of \$25. Still in question is who will operate the cameras, and what it will cost to hire them. Anders will pursue this for the next meeting.

- B. Discuss/Consider future funding of road improvements by referendum: The clerk reported that in order to be on the September ballot, she would need the question by July 15th. After discussion it was decided that the referendum would be better placed on the November ballot. Smith provided maps showing which roads were paved or seal coated during the years 1998 and 2000-2008. Kindschi will put the miles of roads maintained into a spreadsheet for analysis at the next meeting. Smith suggested asking for \$100,000 for each of the next 5 years, which would equate to approximately \$64/year for a property assessed at \$200,000.

IV. Clerk's Report:

- A. Dane County Ordinances: None.
- B. The Clerk distributed some materials for the next meeting, and asked for/received permission to work on updating the Operator's/Manager's application to bring to the board for approval at a later date.

V. Board Reports and Communications:

- A. Hampton: Hydrite's water monitoring report for first quarter 2008 is in the Town office.

VI. Committee Reports:

- A. Ad Hoc Land Conservancy Committee: Reported on earlier in the meeting.
- B. Law Enforcement Committee: The due date for applications for the new position has passed, and 20 applicants have applied. Testing starts shortly.
- C. Joint Town/Village landfill Monitoring Committee: There was no quorum at the last meeting, they will try to meet in July.

VII. **MOTION** by Morrow/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:48 p.m.

Kim Banigan, Clerk

Approved 6/16/2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 16, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Attorney Connie Anderson were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office). Attorney Paul Kent arrived at 8:37 P.M.
- B. Chairman Hampton called the meeting to order at 7:04 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Kessenich/Morrow to approve the June 2, 2008 Town Board Minutes with the following corrections:
 - New Business A. 1. Third sentence to be replaced with *There was a discussion about how to allow for and regulate the current recreational use once C-2 zoning is in effect. After reviewing allowable uses for C-2, it was determined that the current activities of horseshoes and volleyball are allowed in C-2 zoning.*
 - New Business A. 2. Motion to read ...*old house must be torn down within six months of issuance of an occupancy permit for the new house.*
 - New Business B. 1. Date should be June 2009
 - New Business G. Middle of paragraph: Kessenich gave an update on the Ad Hoc Land Conservancy Committee, stating that the Dane County grant for 25% of the purchase price of the 59 acres of conservancy has been approved *by the grant committee.***MOTION CARRIED 5-0.**
 2. **MOTION** by Kessenich/Kindschi to approve the minutes of the Public Hearing for 2008-2009 Alcohol Beverage License Applications as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by Morrow/Anders to approve the payment of bills corresponding to checks #15289 through #15337. **MOTION CARRIED 5-0.**
 2. The Treasurer asked that June per diem reports be submitted by July 4th.
- E. Public Concerns:
1. Dave and Shirley Pokorski, 4717 Wilmore Way, reported that their dogs were attacked by a pit bull while walking in their neighborhood. They presented photos showing serious injury to one of the dogs that resulted in \$900 worth of vet bills. The outlook for the dog is questionable. The attacking dog is not licensed, and is owned by Joseph Whitford. The Pokorskis stated that Whitford has three pit bulls, and has agreed to put down the one responsible for the attack. They said that Tim Seals also has a pit bull. The Pokorskis urged the board to give the Police Department more authority to remove a dog that has attacked rather than just issue tickets, and to more strictly regulate breeds known for vicious attacks, such as pit bulls. Mrs. Pokorski offered her assistance in developing stricter regulations.
 2. Jim Bradt stated his agreement with Hampton's statement at the June 2nd Town Board Meeting that without a use that benefits Town residents in general, a referendum to purchase The Farm property will never pass. He listed the following potential uses that

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 16, 2008

have been discussed at the Town, Village and School district levels:

Town: Dog Park, Rugby Club. Village: Library, sports park, municipal campus, North/South sewer and road connections. Jt. Town/Village: Police Station, EMS Satellite. School: Land dedicated for future elementary school, North/South bike trail for Safe Routes to School, Cross Country Course.

F. Road Right of Way Permits: None.

II. UNFINISHED BUSINESS

- A. Accept withdrawal of July 2008-June 2009 Alcohol Beverage License Application for The Farm at Door Creek, Bradt Holdings, LLC: The Clerk stated that the withdrawal letter has been received, and the Reserve Class B fee is paid in full. **MOTION** by Kindschi/Morrow to accept the withdrawal of July 2008-June 2009 Alcohol Beverage License Application for The Farm at Door Creek, Bradt Holdings, LLC. **MOTION CARRIED 5-0**
- B. Consider/Approve July 2008 – June 2009 Combination Class B Beer and Class B Liquor License for JDJ, Inc, d/b/a Cross Roads Tavern: Anderson presented a copy of the Criminal Complaint against Dawn Guimond, Ronald Blum and Jerome Eith. Because the complaint is based on the work of an undercover officer, no additional information is available until a preliminary hearing scheduled for June 30th. Anderson recommended that the licenses be conditionally renewed until further information becomes available. **MOTION** by Anders/Kindschi to renew the July 2008-June 2009 Combination Class B Beer and Class B Liquor License for JDJ, Inc. d/b/a Cross Roads Tavern, on the condition that the Town Board does not waive and expressly reserves any and all legal rights to take action against the Beer and Liquor Licenses in the future based on the existing or future arrest record, or any existing or future convictions. **MOTION CARRIED 4-1** (Kessenich opposed).
- C. Consider/Approve July 2008 – June 2009 Operators Licenses for Ronald A. Blum and Jerome Eith. Anderson recommended conditionally approving the operator's licenses for the same reasons stated in B. above. Kessenich stated she does not think it is a good idea to grant conditional operator's licenses, and that based on the TOWN OF COTTAGE GROVE ALCOHOL BEVERAGE LICENSES AND ARREST / CONVICTION RECORDS GUIDELINES and previous decisions by the board using these guidelines, she did not see how the board could approve these licenses, even on a conditional basis. **MOTION** by Anders/Kessenich to renew operators licenses for Ronald A. Blum and Jerome Eith for July 2008 – June 2009, on the condition that the Town Board does not waive and expressly reserves any and all legal rights to take action against the operators licenses in the future based on the existing or future arrest record, or any existing or future convictions. **MOTION CARRIED 4-1** (Kessenich opposed).
- D. Discuss/Consider future funding of road improvements by referendum: Kindschi had prepared a chart and graphs showing paving and seal coating from 1998 through 2008. Kessenich asked that yearly costs also be included, the Clerk will get those numbers to Kindschi to add to his chart and graphs for the July 7th meeting.

III. NEW BUSINESS:

- A. Consider/Approve July 2008-June 2009 Operators and Managers Licenses for:
1. Door Creek Golf Course: Operator's License: Timothy F. Corcoran, Nichole L. Mell, Erica L. Minor. Manager's License: Jason W. Van Matre:

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 16, 2008

2. Country Corners: Operator's License: Jeffrey Shefchik

Nichole Mell made a plea to the board to grant her license so she can work on a cart at Door Creek Golf Course. **MOTION** by Morrow/Anders to deny the July 2008-June 2009 Operators License for Nicole Mell based on item 3.A. of the TOWN OF COTTAGE GROVE ALCOHOL BEVERAGE LICENSES AND ARREST / CONVICTION RECORDS GUIDELINES. **MOTION FAILED 2-3** (Hampton, Kessenich, Anders opposed). **MOTION** by Hampton/Kessenich to grant the July 2008-June 2009 Operators License for Nichole Mell, noting that she is within 3 months of fulfilling the requirements of the TOWN OF COTTAGE GROVE ALCOHOL BEVERAGE LICENSES AND ARREST / CONVICTION RECORDS GUIDELINES. **MOTION CARRIED 3-1-1** (Morrow opposed, Kindschi abstained).

MOTION by Hampton/Anders to grant July 2008-June 2009 Operators Licenses to Timothy Corcoran, Erica L. Minor, and Jeffrey Shefchik. **MOTION CARRIED 5-0.**

MOTION by Kindschi/Morrow to deny a July 2008-June 2009 Managers License to Jason Van Matre based on item 3. A. of the TOWN OF COTTAGE GROVE ALCOHOL BEVERAGE LICENSES AND ARREST / CONVICTION RECORDS GUIDELINES. **MOTION CARRIED 5-0.**

- B. Consider/Approve Proposal for Professional Services for the relocation of Laudon Road - Royal Oak Engineering: Hampton noted that Attorney Greg Murray has reviewed the proposal. **MOTION** by Morrow/Kindschi to approve the Proposal for Professional Services for relocation of Laudon Road by Royal Oak Engineering. **MOTION CARRIED 4-1** (Kessenich opposed).

C. Discuss/Update on Flooding due to recent heavy rain

1. Mark Lewis, 3031 County Road BB: Mr. Lewis was not present. Anders explained that he had spoken with Mr. Lewis regarding flooding at his residence due to the large culvert running from the north side of County Road BB to his house. Anders was on site during the last heavy rain, and noted that Lewis' landscaping and driveway configuration add to the problem. Burms to route water away from the house have been removed, and the small culvert under the driveway is inadequate to handle the volume of stormwater released by the large culvert under County Road BB. Anders also stated that Linda Anderson of Dane County Red Cross called him because Lewis claimed that he is disabled and the Town was refusing to help him with the flooding. Smith said he notified Lewis as soon as the Town had sand bags available, and Mrs. Lewis called to say they would be coming to get some, although none are in place at this time. Kessenich said that the EOC was activated during the first heavy rain in response to resident calls for help, but Lewis was not one of the callers. Anders, Morrow and Smith have all tried unsuccessfully to reach Mr. Lewis by phone in recent days. Kessenich said it is unreasonable for the County to expect a homeowner to handle all of the water coming out of a 42" culvert.

(Paul Kent Arrived)

2. Ditch Configuration on Valley Street and Bonnie Avenue: Anders reported that he met with Chuck Aiello, 4589 Bonnie Avenue, and his daughter, Serafina Nelson, 4588 Vilas Road, after the recent heavy rains, and noticed that silted in and/or owner manicured

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
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ditches and culverts in the Vilas Road/Bonnie Avenue/Valley Street area are impeding stormwater flow. Aiello presented photos showing water levels and debris in the ditches, washed areas left behind from all of the water flow, and boulders and other debris in the farm field that he stated may be channeling water toward homes. The board directed Smith to bring an estimate of the cost to clean out the ditches and culverts to the July 7th board meeting.

D. Consider/Approve whether Ad Hoc Land Conservancy Committee should

1. Research a special assessment district for the "zone" around the "Farm" to include residents of both the Town and the Village
2. Research monies available for land purchases to acquire land to expand county bike trails.

MOTION by Anders/Morrow stating that it is the Town Board's position that the Ad Hoc Land Conservancy Committee should NOT explore special assessments, but should explore monies available to acquire land to expand county bike trails. **MOTION CARRIED 4-1** (Kessenich opposed).

(Anders left the room)

- E. Consider/Approve expenditure of \$100 toward Non-residential Wind Site Assessment: Hampton reported that the total cost of the proposed wind site assessment for the Ofsthun property at the corner of County Road N and US Highway 12 & 18 is \$300. Ofsthun and Paul Davis Restoration have agreed to pay \$100 each. **MOTION** by Kessenich/Kindschi to deny expenditure of \$100 for non-residential wind site assessment. **MOTION CARRIED 4-0.**

(Anders returned)

- F. Consider/Approve Amendment to TCG Ordinance 2.03 Legal Counsel/Town Attorney: Kessenich asked why the Town needed such an ordinance, stating that a contract up for renewal each year at budget time made more sense to her. She had contacted legal counsel at the Wisconsin Towns Association who advised that no such ordinance is needed, nor is one typically used. Anderson explained that this original ordinance was drafted at the request of a former resident who assisted with the ordinances, and her office was asked to update it recently. It was agreed that the July 7th agenda should include an item for the repeal of TCG Ordinance 2.03.
- G. **MOTION** by Morrow/Anders to MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to the Walter Olson Case. **ROLL CALL VOTE – ALL AYES**
- H. The Board moved into closed session at 9:50 p.m.
- I. **MOTION** by Morrow/Kessenich to RECONVENE TO OPEN SESSION. **ROLL CALL VOTE – ALL AYES.** The board reconvened to open session at 10:39 P.M.
- J. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: No formal action taken. Consensus was to follow attorney recommendation as discussed in closed session.

IV. Clerk's Report:

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 16, 2008

- A. Dane County Ordinances: None.
- B. The Clerk reported that she has been submitting daily reports to Dane County Emergency Management of flood damage in the Town. FEMA is expected to be in Dane County on Thursday June 19th.
- V. Board Reports and Communications: None.
- VI. Committee Reports: None.
- VII. **MOTION** by Kessenich/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:42 p.m.

Kim Banigan, Clerk
Approved 7/07/2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 7, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan and Treasurer Debbie Simonson were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office). Attorney Connie Anderson arrived at 8:00 P.M. Hampton noted that Stan Selje, former Town Clerk of 18 years, was in attendance.
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Anders//Morrow to approve the minutes of the June 2, 2008 Public Hearing – 2008-2009 Nonmetallic Mining Permits as printed. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Kessenich/Anders to approve the minutes of the June 16, 2008 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
 - 3. **MOTION** by Anders/Morrow to approve the minutes of the Town Board Closed Session on June 16, 2008 as printed. **MOTION WITHDRAWN** by Anders/Morrow. **MOTION** by Anders/Morrow to table approval of the June 16, 2008 closed session until they can be discussed at the next closed session. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Morrow/Kessenich to approve the payment of bills corresponding to checks #15338 through #15400. **MOTION CARRIED 5-0.**
 - 2. The Treasurer noted two recent deposits: 1) 2% Fire Tax payment of \$10,559.53, and 2) Fema Snow Disaster Payment of \$9,594.33 (credited to the Town Garage Fuel Expense account).
 - 3. **MOTION** by Anders/Kessenich to approve payment of June Building Permit Fees, except fees corresponding to permits #1229 and #1242, pending clarification from the Building Inspector as to why these re-roofing jobs required permits. **MOTION CARRIED 5-0.**
 - 4. **MOTION** by Kessenich/Kindschi to approve June Town Board Per Diems as presented. **MOTION CARRIED 5-0.**
 - 5. The Treasurer noted that starting July 1, 2008, the mileage reimbursement rate will increase to \$ 0.585.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/Kindschi to approve permit for Charter to jack & bore parallel to the right-of-way on Coffeytown at County Road N for cable repair. **MOTION CARRIED 5-0.**

II. UNFINISHED BUSINESS

- A. Discuss/Consider ditch and/or culvert work in Nondahl Heights – Valley St., Bonnie Ave., Vilas Rd: Hampton reported that Highway Superintendent Jeff Smith met with Town Engineer Warren Myers, who advised that in his opinion there is not much to be re-ditched, but the best way to control water in the area would be to install a retention pond at the park

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 7, 2008

on Valley Street. It was noted that there do not appear to be any rocks or debris channeling water from the Buss Road area toward Nondahl Heights as was questioned at the last meeting. Smith had suggested that the ditch between Bonnie Avenue and Valley street could be widened and flattened out. A proposal was received from Gausmann Trenching to reditch 1040 feet of ditch for \$5998.00. **MOTION** by Anders/Kessenich to table until July 21, 2008, and have Warren Myer come to the meeting. **MOTION CARRIED 5-0.**

Stan Selje stated that years ago the Town graded a ditch on the Marx farm to allow water to escape from the area, but that ditch is now filled in. Dale Huston stated he had recently discussed this with Mr. Marx, and Huston thought Marx would be a willing partner. The board directed Smith to contact Mr. Marx and check with Land Conservation.

SKIP TO III. NEW BUSINESS

- A. Lynne Doyle – 2661 Bluebird Lane - Petition to reduce the speed limit on Gaston Road: Ms. Doyle explained that originally she started a petition to reduce the speed limit for the entire length of Gaston Road to 35 m.p.h. but then she learned that the Town had already reduced it in all areas allowed by state law. She is instead asking for stronger enforcement of the existing speed limits, noting that many motorists are not reducing speed for the 35 m.p.h. zones. The Clerk will send tonight's minutes to the Police Department so they will see concerns over enforcement. It was suggested that a request be put in to the Dane County Sherriff to use the speed board during the month of August, and also flag the speed limit signs.
- B. Consider/Approve baling of grass at former Natvig Landfill site by Joe Bohn: There were concerns over liability issues, and consensus was that a certificate of insurance with the Town as an additional insured, as well as a Hold Harmless Agreement would be needed. Kindschi suggested that Town personnel be present to ensure that monitoring wells and vents are not damaged. **MOTION** by Morrow/Anders to table until July 21, 2008. **MOTION CARRIED 5-0.**

Attorney Connie Anderson arrived.

- C. Samuel Cyzs, 3768 Janelle Lane – Seeking variance for block wall in road right-of-way: Mr. Cyzs provided photos of the new brick wall, and the timber wall that preceded it. Mr. Cyzs indicated that he is willing to comply if there is something he can do without needing to tear out the entire wall. **MOTION** by Morrow/Kessenich to table until July 21, 2008 to allow for discussion to include Jeff Smith. **MOTION CARRIED 5-0.**

Anders left for an EMS call

- D. Discuss/Consider truck traffic utilization of Gaston Road for MMSD Door Creek Interceptor Extension Project: Dale Huston of R.G. Huston Co., Inc. explained that most of the traffic will come from the north through Seminary Springs, but it will need to come from the south for work south of the interstate bridge. Previously the Board had specified that truck traffic should use Vilas Road, but since the material will be coming from Gaston Quarry, Huston requested that they be allowed to use Gaston Road. He felt that going through the Village, especially given the current construction on County Road BB for the new middle school, would not be safe. Huston estimated 100 loads of material would be hauled in, and 30-40 loads of asphalt would be hauled out over about 8 working days. They video taped Gaston

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 7, 2008

Road so any damage can be documented and repaired. **MOTION** by Kessenich/Morrow to allow truck utilization of Gaston Road for MMSD Door Creek Interceptor Extension Project during the hours of 8:30 a.m. and 3:00 p.m. **MOTION CARRIED 4-0.**

- E. Consider/Approve Operator's License for Alasha M. Riendeau – Crossroads Tavern: Ms. Riendau's background check information was reviewed. **MOTION** by Kessenich/Kindschi to approve an Operator's License for Alasha M. Riendeau. **MOTION CARRIED 4-0.**
- F. Discuss Village of Cottage Grove Vilas Road Lift Station Project at 4195 Vilas Road: Village Public Works Director Jim Hessling said that the new pumping station will pump 3000 gallons/minute to Madison. Construction is planned for July of 2009. The old pumping station will be demolished once the new one is complete.

RETURN TO UNFINISHED BUSINESS

- D. Consider/Approve repeal of TCG Ordinance Chapter 2.03 Town Attorney/Legal Counsel: **MOTION** by Kessenich/Kindschi to repeal TCG Ordinance Chapter 2.03 Legal Counsel. **MOTION CARRIED 4-0.**

SKIP TO NEW BUSINESS

- G. Consider/Approve Standard Retainer Agreement for Anderson & Kent, S.C. to provide legal services to the Town: **MOTION** by Kessenich/Kindschi pursuant to the provisions of Wis. Stat. 60.37(2) the Town Board retain the law firm of Anderson & Kent, S.C. to counsel the Town on legal proceedings and represent the Town in legal proceedings under the terms set forth in the letter from Anderson & Kent, S.C. to the Town dated June 26, 2008. **MOTION CARRIED 4-0.**

RETURN TO UNFINISHED BUSINESS

- B. Discuss/Consider future funding of road improvements by referendum: Kindschi stated that a safeguard is needed to guarantee that "normal" road improvement spending will not be diverted if a referendum for funding of road improvements is approved, and he suggested that the minimum road improvement budget, not including any funding by referendum, be set at the 11 year average as shown in the graphs he prepared. Kessenich stated her position that the Town should not have any referendums, whether for a community library, Fireman's Park expansion, land purchase or road improvements, until the outcome of the Walter Olson case is known. Hampton said that it is important to maintain the existing infrastructure, and the graphs show that we have fallen behind. No action was taken.
- C. Discuss/Consider purchase of equipment to record board and committee meetings for cable broadcast: As Anders was not present, there was no discussion or action taken.

NEW BUSINESS

- H. Discuss Town Economic Development: Referring to potential commercial development on US Hwy 12 & 18 by Capital Underground and Ofsthun, Hampton asked if board members had any interest in having more control over how the area is developed, possibly through the use of a Community Development Authority (CDA), or if they preferred to allow the developers to choose how to develop with only site approval by the Town Board. Anderson explained that CDAs are often used for bonding. Kessenich stated that she was not in favor of a CDA at this time, and there was little other discussion.

IV. Clerk's Report:

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
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A. Dane County Ordinances: None.

V. Board Reports and Communications:

A. Hampton:

1. He passed around a plan for the Laudon Road reconstruction, and stated that road right-of-way dedication will be considered at the July 21, 2008 meeting.
2. On July 9th at 10:00 a.m. he and Gary Peterson will meet with Design Builders regarding development standards for the Paul Davis Restoration project on the Ofsthun property.

VI. Committee Reports:

A. Deer Grove EMS Commission: No Report.

B. Joint Town/Village Recreation Committee: No Report.

C. Law Enforcement Committee: Village Committee member Harvey Potter is reviewing insurance proposals in preparation for negotiations with the union.

D. Police Commission: The clerk reported that meeting minutes are available in the Town office.

E. Joint Town/Village Fire Department Committee: Hampton reported that Deer-Grove EMS is looking to add sleeping and bathroom/shower facilities at the Emergency Services Building. As both the Fire and EMS Departments have been asked to take on more territory in the Town of Pleasant Springs, the Fire Department may also want to add interns.

F. Ordinance Committee:

1. Consider/Approve authorization for Town Attorney to draft Dangerous Animal Ordinance: Banigan reported that the committee chose the City of Madison's Dangerous Animal Ordinance as the best model, and due to the urgent need for the ordinance, would like to have Anderson draft the ordinance. **MOTION** by Kindschi/Morrow authorizing the Ordinance Committee to work with the Town Attorney in the drafting of a Dangerous Animal Ordinance. **MOTION CARRIED 4-0.**
Banigan also reported that a petition was presented to the Ordinance Committee signed by 50 Town Residents asking for an ordinance defining a dangerous dog, and prohibiting the keep of a dangerous dog in the Township, as well as allowing for immediate seizure and impoundment of any dangerous dog at the direction of the Police Department.

VII. Adjournment: **MOTION** by Morrow/Kessenich to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:40 p.m.

Kim Banigan, Clerk

Approved 7/21/2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 21, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi, and Karen Kessenich (arrived at 7:03 p.m.) all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/Anders to approve the minutes of the July 7, 2008 Town Board Minutes as written. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Morrow/Anders to approve the payment of bills corresponding to checks #15401 through #15438. **MOTION CARRIED 4-0-1** (Kessenich abstained).
 - 2. The Treasurer asked that July per diem reports be submitted by August 1, 2008
- E. Public Concerns: John Craig, 4750 Wilmore Way, stated that the property at 2842 Gaston Road is unsightly and negatively affecting his property value due to junk, weeds and unmown lawn, and poorly maintained/unfinished buildings.
- F. Road Right of Way Permits: None.

II. UNFINISHED BUSINESS

- A. Discuss/Consider possible solutions to drainage problems in the Nondahl Heights subdivision: Town Engineer Warren Myers had a map showing Nondahl heights and the surrounding farm land. Several residents spoke about recent flooding:
 - Judy Knutson, 2974 Valley Street said that there have been water drainage problems for years, but this year there has been horrendous run-off from the fields. She asked if the park would remain dedicated to the public as green space if it is used as a detention pond, and asked why a pond would be put there rather than in the field to slow run-off coming from Buss Road and Cedar Knolls. She suggested larger culverts and deeper ditches on Valley Street would help the situation, and noted that run-off is worse with the current crop of corn than it has been in years when the field was alfalfa or pasture.
 - Mike Kenitz, 2979 Valley Street felt that water starting east of Buss Road is deliberately contoured to come into Nondahl Heights, and reported water flow 30 ft. wide x 2 ft. deep carrying a heavy load of sediment. He did not think a retention pond could be built large enough to accommodate the flow. He suggested that diversion up stream was the solution, and worried that a retention pond would negatively affect neighboring property values as well as create safety and health issues.
 - Sharon Aiello, 4589 Bonnie Avenue, agreed with Mr. Kenitz, and said that a wall of water goes to the same corner every time it rains.
 - Marvin Strehlow, 4606 Lotus Lane, said that water has been standing in the ditch all summer, wondered if the water table has risen such that the water will remain regardless of any retention ponds or reditching.

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- Stanley Selje, 4522 Vilas Road, remembered that Howard Norsetter used to trench in the field to the west of Vilas, and stated that a way to take the water table down must be found.
- Gary Selje, 4534 Vilas, has seen water running between houses on the circle north of Valley Street during winter thaws and heavy rains. He also mentioned a well in the field west of Vilas that he thought took in a lot of water.
- Chuck Aiello, 4589 Bonnie Avenue, said that a “river” coming down Vilas needs to be routed out, as it flooded his son-in-law’s house at 4588 Vilas Road.

Myers stated that Nondahl Heights is the classic subdivision constructed years ago without proper respect for water drainage. Nondahl is built at the bottom of a drainage way that has probably always been that way, and the Town and State have no authority to regulate drainage patterns in the farm fields. If Nondahl were built today, it would include swails and detention ponds such that the area did not release any more water than it did before development. He stressed that any improvement will help some property owners and hurt some others. Issues involved include engineering, economic, and legal problems. He discussed the following possible improvements:

- Maintain Ditches: Myers said the worst ditch is on the north side of Valley Street between Bonnie Avenue and Lotus Lane, and suggested that this could be remedied relatively inexpensively this year. He cautioned that re-ditching would expose bare ground and would need surface treatment to prevent even worse run-off.
- Culvert Work: Myers said that the culvert that runs diagonally at the corner of Bonnie Ave. and Valley St. is restrictive due to the way water exits, and recommended replacing the pipe and adding rip rap to the outlet. He also suggested a new pipe on the other side of Valley Street.
- Diversion: Myers said that the DNR will not allow additional water to be diverted to the field to the west if it is classified as wetland, and also cautioned that any diversion of water to areas where it did not previously flow would invite legal ramifications.
- Detention/Retention Pond: Myers explained that new development is likely to include a retention pond designed as a permanent pool for sediment removal. For Nondahl Heights, however, he suggested a dry detention pond, which would back up water and release it over a longer period of time: it would be expected to peak at 13 hours and drain at 18 hours on average. The rest of the time it would appear as a grassy basin.

Kessenich questioned whether there is cause for concern over chemicals from the farm fields contaminating wells. Myers said that the concern was not of what runs off of the field so much as the overall ground water situation, i.e. what soaks through the aquifer. He recommended that homeowners periodically test for nitrates, atrazine, and chlorides, which would indicate contamination from septic systems.

Hampton recommended ditch work this year, and after discussion, added work on the culvert at Valley Street and Bonnie Avenue. Depending on how that works, a pond may be considered in the future.

MOTION by Anders/Morrow to accept the recommendation from Warren Myers to reditch the north side of Valley Street between Bonnie Avenue and Lotus Lane and re-work the

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
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southwest outlet of the culvert at the corner of Valley Street and Bonnie Avenue, including cement for diversion. Smith was directed to bring prices to the August 4, 2008 meeting.

MOTION CARRIED 5-0.

- B. Samuel Cyzs, 3768 Janelle Lane – Seeking variance for block wall in road right-of-way: Smith explained that he was instructed to require removal of any obstruction constructed after the Highway ordinance was revised in 1994, and noted that the wall created a safety hazard and liability issues for both the property owner and the Town. Cyzs said his main concern is retaining the soil around the culvert, and culvert end walls were discussed. **MOTION** by Morrow/Kindschi to direct Mr. Cyzs to remove the existing stone perpendicular to the roadway, and install apron end walls on the culvert within 90 days. **MOTION CARRIED 5-0.**
- C. Discuss/Consider future funding of road improvements by referendum: Smith said that there are 68 miles of road in the Town, with a lifespan of 20-30 years. This means the Town should be blacktopping 2 miles per year, at a current cost of \$90,000/mile. Seal coating lasts about 6 years, so the Town should be seal coating 11 miles per year at about \$9,500/mile. Under State imposed levy limits and with rising fuel and blacktop costs, it will be impossible to maintain this schedule, and will be expensive to catch up later. Kessenich stated that the resolution of current litigation and the completion of revaluation will make approximately \$100,000 available in future budgets. The clerk said that the County needs to know now whether or not the Town will have a referendum in November, and needs the language of the question by September 22nd. **MOTION** by Anders/Kindschi to place on question on the November 4, 2008 General Election ballot for funding of road improvements. The language will be drafted at the next Town Board meeting. **MOTION CARRIED 4-1** (Kessenich opposed).
- D. Discuss/Consider purchase of equipment to record board and committee meetings for cable broadcast: Anders reported that changes are in the works that will move government cable broadcasts to the PEG channels, requiring viewers to have digital cable. Anders recommended that the Town not spend any money on recording equipment due to access being limited to even fewer Town residents. He mentioned that they are looking into the possibility of streaming video over the internet.

III. NEW BUSINESS

- A. Consider/Approve Road Right-of-Way dedication for reconstruction of Laudon Road: **MOTION** by Morrow/Anders to approve the Right-of-Way Dedication Map for Laudon Road as presented. **MOTION CARRIED 4-1** (Kessenich opposed). Kessenich asked where the money to pay for the project will come from, and it was decided that the Treasurer will need to confirm the contingency fund balance to the board. Eric Sandsnes of Royal Oak Engineering noted that an erosion control plan will need to be filed with Dane County, and it was agreed that Royal Oak Engineering will take care of it.
- B. Consider/Approve use of Cedar Knolls for Pee Wee Football practice in September and October 2008: Brad Bliss, coach of the Packers Pee Wee Football team, explained that use of the park would be the same as last year, with 30 players practicing from 5:00 – 7:00 p.m. Monday thru Friday for two weeks, then twice each week for the remainder of the season. He reported that he had positive feedback from park neighbors, and Hampton said he had not

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received any complaints. **MOTION** by Kindschi/Kessenich to approve use of Cedar Knolls for Pee Wee Football practice in September and October 2008. **MOTION CARRIED 5-0.**

- C. Consider/Approve Appeal of denial of Operator's License for Meredith K. Phillips – Country Corners. **MOTION** by Morrow/Anders to approve an Operator's License for Meredith K Phillips valid until June 30, 2008. **MOTION CARRIED 5-0.**
- D. Consider/Approve referral to the Ordinance Committee of ordinances in need of updating: Consensus was to refer Section 12.06 Fencing of Swimming Pools was referred to the Ordinance Committee for updating.
- E. Consider/Approve Attendees for Wisconsin Towns Association Convention on October 5-8, 2008: **MOTION** by Kessenich/Morrow to send two Town Board members to the convention. **MOTION CARRIED 5-0.**
- F. Discuss/Consider Participation in the 2009-2010 Fly Dane Program: Hampton will report back to the board after he attends an informational meeting on July 28th.

IV. Clerk's Report:

- A. Dane County Ordinances: **MOTION** by Kessenich/Morrow to approve Ord. Amend. No. 6, 2008-09 Amending Chapter 10 of the Dane County Code of Ordinances, Requiring the Review of Zoning Petitions and Conditional Use Permit Applications for Consistency with the County and Applicable Town Comprehensive Plans. **MOTION CARRIED 5-0.**

V. Board Reports and Communications: None.

VI. Committee Reports:

- A. Ordinance Committee: Morrow reported that the committee is not ready to bring the dangerous animal ordinance to the board just yet, but will review one more draft at their next meeting.
- B. Deer-Grove EMS Commission: Hampton reported that Pleasant Springs is looking for DGEMS to take on more territory, the same area that will potentially be served by the Cottage Grove Fire Department. While it goes right up to Lake Kegonsa, no water rescue will be involved.
- C. Joint Town/Village Recreation Committee: Kessenich reported that no Village Board representative attended the last meeting.

VII. Adjournment: **MOTION** by Morrow/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:20 p.m.

Kim Banigan, Clerk

Approved 8/04/2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 4, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. A quorum was present with Kris Hampton, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Attorney Connie Anderson, and Building Inspector Tom Viken were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/Kessenich to approve the minutes of the July 21, 2008 Town Board Minutes with the following corrections:
 - 1) Item I., C. change vote to 4-0.
 - 2) Item I., D., 1. change vote to 4-0-1 (Kessenich abstained)
 - 3) Item II. A., last paragraph on page 2 change 'chemicals form ...' to 'chemicals *from* ...'
 - 4) Item II, C. Add 'Kessenich stated that the resolution of current litigation and the completion of revaluation will make approximately \$100,000 available in future budgets'.
 - 5) Item VI., C. change 'Village Representative' to 'Village *Board* Representative'.**MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Kessenich/Anders to approve the payment of bills corresponding to checks #15439 through #15473. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by Kessenich/Anders to approve payment of July per diems and building permits, withholding payment of re-roofing permit for receipt number 1249. **MOTION CARRIED 4-0.**
 - 3. Contingency funds were discussed, with the agreed on amount being the December 31, 2007 unreserved balance of \$331,854 as reported on the 2007 Financial Statement prepared by Virchow Krause & Company. The Treasurer stated that because the Town uses accrual accounting methods, bank account balances and financial statement balances will not match up.
 - 4. All invoices for the Olson case have been submitted to the Glatfelter Insurance Company, and approximately ~\$10,000 is expected to be reimbursed to the Town.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. UNFINISHED BUSINESS

- A. Consider/Approve bids for ditching in Nondahl Heights Subdivision: Smith stated that a fax from Gausmann Trenching did not come through successfully in time for the meeting. Smith is hopefully that FEMA will cover 87.5% of the cost of the ditching since they were filled in the flooding in June. He will attend a meeting on August 12th regarding FEMA mitigation grants – possibly grant money could be used toward culvert work on Valley Street and Bonnie Avenue.

III. NEW BUSINESS

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 4, 2008

- A. Consider/Approve Temporary Class “B” License for Wisconsin Rugby Club to sell Fermented Malt Beverages at a Rugby Tournament on August 9, 2008 at the field behind Crossroads Tavern: **MOTION** by Anders/Kindschi to approve the Temporary Class “B” License for Wisconsin Rugby Club, on condition that no parking on Luds Lane will be enforced, and adequate porti-potties will be provided to accommodate the anticipated attendance. Serving of alcohol to end at 8:30 p.m. **MOTION CARRIED 4-0.**
- B. Discuss revisions to TCG Ordinances Chapter 7 Fees and Bonds Chapter 12 Building Code: Attorney Anderson distributed copies of the proposed revisions to the ordinances. Discussion was about whether re-roofing and re-siding permits should be required. The current ordinance exempts them from permits, although they are included in the fee schedule. Viken noted that the Town Board took action years ago to require permits, and Smith also remembered being there at the time. Apparently the ordinance was never updated. Also discussed was whether there should be a “\$50 rule” triggering a permit requirement for work on existing structures or to revert to the previous language allowing for \$5,000 worth of work within a period of 12 consecutive months without a permit. Board members will review the proposed revisions and discuss further at the next meeting.
- C. Consider/Approve use of Flynn Hall for the CG Community Library Story Time and Book Babies programs: **MOTION** by Kessenich/Anders to allow the CG Community Library to use Flynn Hall on Thursday mornings through December 2008 for a one time fee of \$1.00. A Library Board member is to sign the usual contract for hall rental. Users will clean up after themselves, and be sure that thermostat is set back before they leave. **MOTION CARRIED 4-0.**
- D. Discuss language for November referendum question to exceed the levy limit for future funding of road improvements: Attorney Anderson distributed a draft Resolution to Exceed the State Imposed Property Tax Levy Limit In Order to Increase Road Maintenance Budget, and draft language for a November 2008 Referendum Question Re Exceeding Tax Levy Limits for Road maintenance Budget. Consensus was that the referendum will ask for \$90,000 per year for five years, to be added to the current road maintenance budget of \$175,000 so that the total road maintenance budget will be no less than \$265,000 in each of the next five years. Information needed for the resolution regarding the percentage change in equalized value due to new construction and calculation of the allowable town tax levy for 2008 is pending from the Department of Revenue. There was discussion that a direct mailing to town residents should be made the second or third week of October explaining the need for the additional funds for road maintenance, and the tax impact. The Board will need to review the mailing at the second meeting in September.
- E. Update on FEMA process for June flooding: See II. A. above. Smith reported that he has submitted application for assistance from FEMA, but not a dollar amount yet. He plans to claim expenses for two culverts that washed out, and cleaning of ditches that filled in. A new pilot program will reimburse regular time, not just overtime. Equipment fees have also been updated. Smith also hopes the town can take advantage of mitigation grants for new culverts in Nondahl Heights and possibly even a detention pond.

Anderson Left at 8:55 P.M.

- Skip to H. Consider/Approve Recommendation to Law Enforcement Committee for Police Commission Appointment: Hampton reported that David Pappas submitted his resignation

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 4, 2008

from the Police Commission after being charged with a misdemeanor by the Cottage Grove Police Department, but has reconsidered and is willing to continue to serve. Hampton had written input from commission member Suzanne Zinkel in support of Pappas' continued service, stating that he is a valuable member of the commission. Anders stated his concern over the potential for Pappas' involvement in any disciplinary decisions, especially regarding the arresting officer. Pappas had indicated to Hampton that he would recuse himself in that situation, and Commission Member Dan Roman said he would step in should Pappas fail to do so. The commission has sufficient numbers to make decisions without Pappas' vote if need be. Roman stated the commission is making good progress, and noted that Pappas must be presumed innocent until proven guilty. In the time it takes for the situation to play out, the commission could get the time to complete the hiring process. **MOTION** by Kindschi/Hampton to recommend to the Law Enforcement Committee reappointment of David Pappas to the Police Commission for a term ending on May of 2009. Dan Roman's term on the Police Commission is extended until May of 2010. **MOTION CARRIED 4-0.**

- F. Consider/Approve Wind Site Assessment for Ofsthun Property at County N and Hwy 12 & 18 - 100% of funding to come from external sources: The Clerk stated that \$100 toward the assessment has been received from an anonymous donor. **MOTION** by Kessenich/Anders to approve the Wind Site Assessment, with the non-granted portion billed back to Ofsthun (\$100), Paul Davis Restoration (\$100). **MOTION CARRIED 4-0.**
- G. Discuss Road Right of Way Encroachments: Anders reported that a motor vehicle accident at Deerfield and North Jargo Roads resulted in serious injuries that may have been worsened because the vehicle hit a 5 foot section of telephone pole used as a mail box post. Had it been an approved mailbox post, it probably would have broken away rather than causing the vehicle to roll. This prompted a discussion of liability. Mailbox post construction is regulated by TCG Ord. sec. 12.045, but there are still some out there that are not in compliance. Smith was directed to make note of these and send a letter explaining the liability issue and ordering their replacement with approved materials.
- I. Consider/Approve delegation of hiring of as-needed office staff to the Clerk: **MOTION** by Kessenich/Kindschi to delegate authority to hire Town office staff on a temporary basis pursuant to Wis. Stat. 60.37(1). **MOTION CARRIED 4-0.**
- J. Board comments on proposed Village of Cottage Grove sewer improvements: The board had no comments.
- K. CONSIDER/ADOPT MOTION TO MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing or public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: The Farm: There was no motion for closed session.

IV. Clerk's Report:

- A. Dane County Ordinances: None.
- B. Approve revision to Peddler's Permit Application: The Clerk noted that there have been two applications for peddler's permits in the past week. The police chief suggested that the Wisconsin Seller's Permit number be required. Kindschi also suggested snapping a digital

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 4, 2008

photo of the applicant. The Clerk was directed to look into adding these two requirements to the ordinance and application form, and bring back to the board for approval.

V. Board Reports and Communications:

A. Hampton:

1. The City of Stoughton is looking for contributions toward a MedDrop and Sharps Disposal Program. The board agreed that it is a worthy cause, but there is no money in the budget to contribute.
2. Safe Harbor Child Advocacy Center, Inc. is planning a motorcycle ride using Town roads on August 16th. This requires a Parade, Procession and Race permit from the Town, but notification was received too late for tonight's meeting. Hampton asked if the board could meet at 6:30 on Thursday, August 7th (before the Joint Town/Village meeting) to consider the application. Board members said they would be available.
3. The DNR sent notice of application by Hydrite Chemical Company for an Air Pollution Permit for additional processing equipment. Interested parties may request a public hearing by August 18, 2008.
4. There will be a prehearing conference on August 7th of American Transmission Company before the Public Service Commission.
5. Wisconsin Towns Association has two remaining summer seminars. No interest in attending was expressed.
6. Fly Dane 2009-2010 will be again done in 2 foot contours. Preliminary cost for the Town of Cottage Grove is \$2139.72. Town Engineer Warren Myers and Stormwater Permit consultant Chuck Nahn both benefit from the town's participation in Fly Dane. A two year payment schedule would include ~\$1500 the first year for 2 foot contours, and ~\$800 the second year for 6" color imagery.
7. Hampton and Smith attended an MSA presentation on the new manual for traffic control devices. The Town will need to purchase the new manual and develop a policy to check signs once or twice each year for reflectivity. As signs are replaced, the date should be etched on the back and a log should be maintained. 10 years are allowed for compliance with the new signage.

VI. Committee Reports:

- A. Law Enforcement Committee: The Village of Cottage Grove received notice from the police union on July 18th that they are ready to open negotiations, but nobody told the LEC!
- B. Joint Town/Village Landfill Monitoring Committee: Gas probe levels have returned to zero after a single detect in the spring.

VII. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 10:17 p.m.

Kim Banigan, Clerk
Approved 8-18-2008

TOWN OF COTTAGE GROVE
SPECIAL TOWN BOARD MEETING
AUGUST 7, 2008

- I. The meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. The Corn Palace posting board was moved to Nora Tavern at the corner of County Road B and US Hwy 12 & 18 today. A quorum was present with Kris Hampton, Steve Anders, and Mike Kindschi in attendance. Clerk Kim Banigan was also present.
- II. Chairman Hampton called the meeting to order at 6:35 P.M.
- III. Consider/Approve Parade, Procession or Race Permit for Safe Harbor Child Advocacy Center, Inc. to hold a motorcycle ride on August 16, 2008, route to include Uphoff Road, West Ridge Road, and Ridge Road: Captain Tanya Molony of the Dane County Sheriff's Office explained that Safe Harbor Child Advocacy Center, Inc. is a private, non-profit group formed in 1999 that assists the criminal justice system with interviewing of abused children. The leisurely motorcycle ride planned for August 16th is a fundraiser for the group, which is partially funded by Dane County. About 150 motorcycles are expected, and will be escorted by law enforcement officers in uniform on motorcycles, as well as a private ambulance service. Traffic delays are to be expected at intersections. In lieu of the Town's requirement for notification of residents along the route by mail, Molony asked if a reverse 911 call could be used. A script was provided. Hampton asked what reports are generated by the system to show which phone numbers were reached successfully or unsuccessfully. Molony will get an answer to the Clerk. **MOTION** by Anders/Kindschi to approve the request for a Procession Permit for Safe Harbor Child Advocacy Center, Inc. for 11:00 A.M. to 3:00 P.M. to use Nora, Uphoff, Ridge and West Ridge Roads for a leisurely motorcycle ride. A reverse 911 call to residents along the route to be used in lieu of a mailed letter. **MOTION CARRIED 3-0.**
- IV. Adjournment: **MOTION** by Anders/Kindschi to adjourn. **MOTION CARRIED 3-0.** The meeting was adjourned at 6:44 p.m.

Kim Banigan, Clerk
Approved 8-18-2008

TOWN OF COTTAGE GROVE

PUBLIC HEARING – TCG. Ord. sec. 20.20 Dangerous Animals Regulated
TCG. Ord. sec. 20.30 Number of Animals Regulated

AUGUST 18, 2008

- I. Town Chair Kris Hampton called the public hearing to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, Mike Kindschi and Karen Kessenich. Clerk Kim Banigan, Treasurer Debbie Simonson and Attorney Connie Anderson were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- II. Hampton read the purpose statements from both proposed ordinances.
- III. The clerk noted that she had mailed notice of the public hearing to all town residents with five or more dogs licensed on a parcel zoned residential. The only two owners of more than five licensed dogs were in attendance: Lynn Arneson, 4738 Gaston Circle, David Punzel, 1751 S. Jargo Road. Samuel Lawrence, 4576 Baxter Road, also has more than five dogs, but 4 are under 5 months of age and thus are not yet licensed.
- IV. Public Comment:
 - Lynne Arneson stated her concern that a dog could be labeled as dangerous simply because it bothers a neighbor, or someone has a dog phobia. It was pointed out to her that the proposed ordinance requires a humane or police officer to observe the dog and conduct an investigation to determine whether the dog is dangerous or not. She is also concerned that the proposed limit on number of dogs will put her out of the showing business or force her to move. She currently has 13 dogs licensed, a number which varies because she raises show dogs, some of which are sold to pet homes if not of show quality.
 - David Punzel stated that he routinely keeps 6-7 hunting dogs at various ages and stages of training, and asked to be grandfathered in to be allowed to maintain this number of dogs even if the current dogs are gone for any reason.
 - Samuel Lawrence apologized to the community for one of his dogs who bit people in two different incidences. He has since voluntarily put the dog down, and erected a fence covered by a tarp around his yard to contain his dogs and prevent them from seeing out or being seen by patrons of Doubledays next door. He also stated that all of his females have been spayed. He currently has 4 adult dogs and 4 puppies, which he would like to keep, but is OK with dropping down to the 5 dog limit if any of these dogs are gone for any reason.
 - Shirley Pokorski suggested that some kind of conditional use permit system be used when requests to exceed the proposed 5 dog limit are made, whereby neighbors would be able to give their input through a public hearing.
- V. **MOTION** by Anders/Kindschi to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:27 p.m.

Kim Banigan, Clerk
Approved 9-02-2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 18, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Attorney Connie Anderson were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:29 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Kindschi/Kessenich to approve the minutes of the August 4, 2008 Town Board Minutes as presented. **MOTION CARRIED 4-0-1** (Morrow abstained).
 - 2. **MOTION** by Kindschi/Anders to approve the minutes of the August 7, 2008 Special Town Board meeting as printed. **MOTION CARRIED 3-0-2** (Morrow and Kessenich abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Morrow/Anders to approve the payment of bills corresponding to checks #15474 through #15512. **MOTION CARRIED 5-0.**
 - 2. Kessenich questioned the practice of paying the building inspector as a town employee vs. as a subcontractor, stating that the Town could save the cost of FICA and Medicare associated with building inspector wages if he were paid as a subcontractor. She had contacted the WTA attorney, who advised her to use IRS form SS-8 to determine the employment status. The treasurer will research this further.
 - 3. The treasurer reported that the August tax settlement on August 20th will be in the amount of \$394,096.82.
 - 4. The treasurer asked that August per diem reports be submitted by Friday, August 29th.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. NEW BUSINESS

- A. Hydrate Remediation Update – Tom Miazga reported that there is not much news regarding the barrier well system installed in 2003. He presented maps showing that the plume of contamination continues to shrink, evidenced by both the size of the contaminated area and the concentration of contaminants. University researchers are in the second of a five year work plan, and recently secured a \$2.5 million grant from the Canadian government to work on the Hydrate site. A new researcher from the University of Iowa, and a visiting researcher from Brazil have also been involved, including the analyzing of natural bacteria that are assisting with degrading of the contamination. An annual report is published each spring, including published scientific papers based on the work.

One new private well has been installed in the last year at a new residence at 2043 Uphoff Road. Three new monitoring wells have been drilled at Laudon Road, Ridge Road and on Hwy BB to monitor regional groundwater.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 18, 2008

Wilmer Larson, 2254 Uphoff Road, asked how deep the well at the new residence is (350 – 400 ft.), and whether any of the abandoned wells will ever be able to be regenerated (no). He also mentioned that Ken Larson at 2181 Uphoff Road is ready to have a filter installed – he should contact Miazga.

Kathy Christoph, 2092 Uphoff Road, asked if the annual reports are available online or as .pdf files. Miazga said they are not, but Hampton stated that they are available for anyone to review at the Town Hall.

Jeff Schultz, 2260 Uphoff Road, said that the tenants at 2240 Uphoff Road are complaining of a sulfur odor in their water. Miazga will contact them.

- B. Consider/Approve Event plan for Avant Gardening & Landscaping to hold a fundraiser for Kidlinks World on October 4, 2008. The clerk noted that notice of the meeting was mailed to adjoining landowners. None were in attendance. The Clerk said that the Police Chief and EMS Interim Chief both indicated they had no concerns over the planned event. Bob Wambach, Landscape Manager appeared representing Avant Gardening & Landscaping. **MOTION** by Kessenich/Morrow to approve the event plan for Avant Gardening & Landscaping to hold a fundraiser for Kidlinks World on October 4, 2008. **MOTION CARRIED 5-0.**
- C. Consider/Approve revisions to the Town of Cottage Grove Alcohol Beverage Licenses and Arrest/Conviction Records Guidelines: The clerk noted that notice of the meeting was sent to agents of all licensed establishments. None were in attendance. In addition to the tracked revisions in item 5, a sentence was stricken for redundancy under item 6. **MOTION** by Anders/Morrow to approve the Alcohol Beverage Licenses and Arrest/Conviction Records Guidelines as revised, superseding the Guidelines used up until this evening. The revision date is to be included in the title of the document, and the clerk was directed to send the revised Guidelines to the agents of all licensed establishments. **MOTION CARRIED 5-0.**
- Skip to E. Consider/Approve Creation of TCG Ord. Sec. 20.30 Number of Animals Regulated: Hampton noted that the purpose of the proposed ordinance has been stated at the public hearing, and testimony from the public was heard. The clerk noted that notice of the public hearing had been sent to all town residents with five or more licensed dogs on a parcel zoned residential, and that the two with more than 5 dogs were in attendance (Lynn Arneson and Gary Punzel). Samuel Lawrence also has more than 5 dogs, but 4 are unlicensed because they are less than 5 months of age. Arneson and Punzel both requested special grandfathering provisions be made to allow them to maintain more than 5 dogs, including the right to replace any dogs that leave for any reason. Lawrence said he would like to keep the dogs he has now, but will be satisfied with a limit of 5 dogs when these dogs are gone. All three stated they would be open to routine inspections of the dogs' living conditions. A period of 30 days after the effective date of the ordinance for owners to apply for a special exception permit of some kind was suggested. **MOTION** by Morrow/Kessenich to refer TCG Ord. sec. 20.30 Number of Animals Regulated back to the Ordinance Committee to work out provisions for a special exception permit. The clerk will notify the three concerned parties of the date and time of the Ordinance Committee meeting. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
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- D. Consider/Approve Creation of TCG Ord. Sec. 20.20 Dangerous Animals Regulated: Discussion yielded several minor revisions that were noted by Anderson, including changing internal references to section title rather than number. There was some discussion about the 'At Risk Animal' designation, with concern from some residents that dogs could be classified as at risk based on unfounded complaints. It was explained that there would be an investigation of all complaints before a dog is declared 'At Risk', and that this designation is intended as a wake-up call to owners who have dogs that are showing signs of becoming dangerous, allowing owners to take steps to correct the problem before the permanent designation of a "Dangerous Animal" is made. **MOTION** by Morrow/Anders to approve TCG Ord. sec. 20.20 with the changes discussed and notated this evening. **MOTION CARRIED 5-0.**
- F. Consider/Approve having the Town Attorney draft summary of adopted ordinances for publication: The Clerk stated that the WSJ quoted \$730 – \$900 to publish both TCG Ord. sec. 20.20 and sec. 20.30 together. Anderson said that the combination of her cost to draft a summary of sec. 20.20 and publication should be about half of the quote. **MOTION** by Morrow/Kindschi to direct the Town Attorney to draft a summary of TCG Ord. sec. 20.20 for publication. **MOTION CARRIED 5-0.**
- G. Consider/Approve Police Liaison Agreement: The agreement gives the Monona officer jurisdiction in Cottage Grove for his work at Glacial Drumlin Middle School. **MOTION** by Morrow/Anders to approve the Police Liaison Agreement, minus an extra 'the' in the first line. **MOTION CARRIED 5-0.**
- H. Consider/Approve attendees for the August 20, 2008 Dane County Towns Association Meeting: **MOTION** by Morrow/Kessenich to approve three attendees for the August 20, 2008 DCTA meeting. **MOTION CARRIED 5-0.**
- I. Set date for first town board meeting in September: Consensus was to hold the meeting on Tuesday, September 2, 2008 due to Labor Day.

III. UNFINISHED BUSINESS

- A. Discuss Building Code Ordinance and Fee Schedule
1. Discuss/Consider/Approve how to deal with re-roofing fees charged. **MOTION** by Kessenich/Morrow to table the discussion until the next meeting. **MOTION CARRIED 5-0.**
- B. Consider/Approve bids for ditching in Nondahl Heights subdivision: Highway Superintendent Smith was not present with the bid, but Hampton reported that the only bid received was from Gausmann Trenching for around \$3000. **MOTION** by Morrow/Anders to accept the bid from Gausmann Trenching to perform the ditch work in Nondahl heights. **MOTION CARRIED 5-0.**
- C. Discuss/Consider/Approve language for November referendum for future funding of road improvements. **MOTION** by Kessenich/Morrow to send the 8/18/2008 draft of the referendum question to the Government Accountability Board Attorney for review. **MOTION CARRIED 5-0.**

IV. Clerk's Report:

- A. Dane County Ordinances: None.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 18, 2008

- B. The Clerk reported highlights of the election training session she attended, and said that 2008 equalized values have been received.

V. Board Reports and Communications:

A. Hampton:

1. A notice of opportunity to request a public hearing regarding proposed improvements to I 39/09 between the Illinois state line and USH 12/18 has been received.
2. The draft 2009-2013 Transportation Improvement Program for the Madison Metropolitan Area and Dane County is available in the Town Office.
3. A letter has been received from Jim, Nola and Nick Skaar asking the board to consider amending the Town Plan to have the area along Nora Road and Skaar Road be included as a receiving area. Hampton asked the board to consider whether to refer this to the Plan Commission at some point.

B. Kessenich

1. She would like to attend the September 11, 2008 Fall Budget Workshop to be held in Barneveld. This will be considered at the September 2nd board meeting.
2. She questioned why only the Village is listed as the recipient of the Knowles-Nelson Stewardship grant for the 59 acres of conservancy at 'The Farm', and stated that she noticed that while Hampton signed the application, the Village was the sole applicant named. A letter to the DNR asking to amend the application may be in order.

VI. Committee Reports: None.

VII. Adjournment: **MOTION** by Kessenich/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:23 p.m.

Kim Banigan, Clerk

Approved 9/02/2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 2, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office). Attorney Connie Anderson arrived at 8:00 P.M.
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Morrow/Anders to approve the minutes of the August 18, 2008 Public Hearing as printed. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Kindschi/Morrow to approve the minutes of the August 18, 2008 Town Board Minutes, with corrections to the numbering and changing the word *teen* to *been* in the last paragraph of page 1. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Morrow/Anders to approve the payment of bills corresponding to checks #15513 through #15550. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Kessenich/Anders to approve payment of August Per Diems as presented, and payment to the Building Inspector for August building permit fees except for payment for receipt number #1259. **MOTION CARRIED 5-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. NEW BUSINESS

- A. Plan Commission Recommendations:
 - 1. Donald Blair (Michelle Blair, Co-owner) - County Road BB — Parcels 0711-082-8520 and 0711-082-9060 - Rezone from Al-EX to A-2 for 30.59 acres to correct non-conforming zoning resulting from sale of 5.03 acres for the Cottage Grove Community Library. Intended land use is for agricultural crops. **MOTION** by Kessenich/Morrow to approve the rezone of 30.59 acres from Al -EX to A-2 to correct non-conforming zoning. **MOTION CARRIED 5-0.**
 - 2. Sean O'Brien (Ellen O'Brien, Co-owner) - 3915 Vilas Road - Parcel 0711-201-8401-0. Rezone 2.417 acres from RH-3 to RH-2 and 6.817 acres from RH-3 to Conservancy. Intended land use is to split conservancy from residential parcel: It was determined that the correct designation for the 2.417 acres would be RH-1, not RH-2, due to lot size. **MOTION** by Kessenich/Kindschi to approve the rezone of 2.417 acres (Lot 1) from RH-3 to RH-1 and 6.817 acres (Lot 2) from RH-3 to CO-1, with Lot 2 deed restricted for no further residential development. **MOTION CARRIED 5-0.**
- B. Consider/Approve blocking of Alydar Way from 3:00 P.M. to midnight on Saturday, September 6th for a block party: A map showing the portion of Alydar Way to be blocked was provided, along with signatures of owners of all three driveways on the blocked stretch. **MOTION** by Kessenich/Kindschi to approve the blocking off of the portion of Alydar Way as shown on the map from 3:00 P.M. to midnight on Saturday, September 6th. The Clerk was directed to notify Police, Fire and EMS of the blockage. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 2, 2008

- C. Consider/Approve use of the Town Hall on Wednesday evenings by the Cottage Grove Baptist Church: **MOTION** by Morrow/Anders to allow the Cottage Grove Baptist Church to use the Town Hall on Wednesday evenings that are currently available through December 31, 2008, although government functions will supersede their request. Should the hall be needed for a government function on a night reserved by the church, at least 24 hours of notice will be given to the church. The same conditions for using the hall as contained in their contract for Sunday use will apply, but there will be no additional fee. **MOTION CARRIED 5-0.**
- D. Consider/Approve use of the Town Hall basement for storage of books donated to the Cottage Grove Community Library: **MOTION** by Morrow/Anders to allow the Cottage Grove Community Library to use the hallway area of the Town Hall basement for book storage for a fee of \$1.00, to be reviewed annually. The Clerk will prepare a contract including hold harmless language indicating that the Town does not provide insurance for the books. **MOTION CARRIED 5-0.**
- E. Consider/Approve Attendees for WTA 2008 Fall Budget and Finance Workshops: **MOTION** by Morrow/Anders to approve Kindschi and Kessenich to attend the workshop in Barneveld on September 11, 2008. **MOTION CARRIED 5-0.** The Clerk noted that since payment is due before the next board meeting, they will need to pay the fee themselves and seek reimbursement from the Town.
- F. Set dates for 2009 Budget Workshops: Budget workshops were scheduled for:
Wednesday, October 8th at 7:00 P.M. Monday, October 13th 6:30 P.M.
Wednesday, October 15th at 7:00 P.M. Tuesday, October 21st at 6:30 P.M.

III. UNFINISHED BUSINESS

(Attorney Connie Anderson arrived)

- A. Discuss Building Code Ordinance and Fee Schedule: Discussion included:
- Elimination of the last sentence under the header of Table 07-12 referring to a processing fee.
 - Erosion permit requirements - clarification needed as to when issued by Town, when issued by County
 - What is an "Early Start Permit"?
 - A razing permit is needed - \$100 fee suggested. The Town of Cedarburg's ordinance was cited as a good example for this.
 - Should Re-roofing, re-siding, and installation of replacement windows without structural alterations require a permit?
 - The addition of administrative fees to remodeling and miscellaneous permits.
- MOTION** by Morrow/Anders to refer the Building Code Ordinance and Fee Schedule to the Ordinance Committee to differentiate minor repairs not requiring a permit from construction and structural changes that would, and incorporating the list of items discussed tonight (above). The Town of Cedarburg ordinance was again cited as a good example. **MOTION CARRIED 5-0.**
1. Discuss/Consider/Approve how to deal with re-roofing fees charged: Anderson advised that there is a 120 day window for making a claim against a government entity. **MOTION** by Kessenich/Anders to adhere to the Building Code Ordinance as currently written and conform the fee schedule to reflect the ordinance. The Clerk will notify the Building Inspector of this direction. **MOTION CARRIED 5-0.**
- B. November Referendum To Exceed the State-Imposed Property Tax Levy Limit:

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 2, 2008

1. Discuss/Consider/Approve Resolution To Exceed the State-Imposed Property Tax Levy Limit In Order to Increase Road Maintenance Budget Discuss/Consider/Approve language for November referendum for future funding of road improvements: Anderson provided a draft resolution which was revised based on the Board's discussion. Kessenich questioned what would happen if the minimum of \$175,000 was not budgeted for road maintenance, since there is no authority to bind future boards to budgeting. Anderson said that if the referendum passes, it would require that at least \$175,000 be budgeted for road maintenance in order for the levy limit to be exceeded. She added that the full \$90,000 would not be required to be levied, say for example in the last of the five years, if it was not needed for maintenance. **MOTION** by Kindschi/Morrow to adopt the Resolution to Exceed the State-Imposed Property Tax Levy Limit In Order to Increase Road Maintenance Budget as amended tonight. **MOTION CARRIED 4-1** (Kessenich opposed). This will be Resolution 2008-08.
 2. Discuss/Consider/Approve language for referendum: GAB Attorney George Dunst has reviewed the proposed referendum question and made suggestions to avoid electioneering issues. The first sentence of the draft referendum question, referring to the 2008 levy limit, was stricken. **MOTION** by Kindschi/Anders to approve the language for the referendum and Type C Notice as amended. **MOTION CARRIED 4-1** (Kessenich opposed).
 3. Discuss/Consider/Approve informational mailing to residents: The clerk had prepared two alternatives. Consensus was to include two of the three graphs in the first example, using text from the second example. The Clerk will prepare a new draft for the next meeting.
- C. **MOTION** by Morrow/Anders TO MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to Potential Alcohol License Revocation Proceedings: **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- D. MOVE INTO CLOSED SESSION: Others were asked to leave, the door was locked, and the Board, the Clerk and Anderson moved into closed session at 9:29 P.M.
- E. **MOTION** by Anders/Morrow TO RECONVENE TO OPEN SESSION: **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The board reconvened to open session at 10:37 P.M. The doors were unlocked and Jim and Doug Bradt rejoined the meeting.
- F. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: **MOTION** by Kessenich/Morrow for the Town Board to approve the hiring of Attorney Mark Hazelbaker as a special prosecutor to review and provide the Town Board with a recommendation regarding alcohol license revocation proceedings for Crossroads Tavern, and to provide a cost estimate if prosecution is recommended. The cost of this review is not to exceed \$1,000. **MOTION CARRIED 4-0-1.** (Anders abstained because his wife is an associate at Hazelbaker & Associates.)
- G. Discussion of a Farm Land Conservancy purchase referendum: Kessenich noted that she had provided by email to the other board members the information she had regarding the letter from the WDNR on the Knowles/Nelson Grant award and the email from Sara Kwitek, Dane County Parks Acquisition & Planning Specialist, regarding the Dane County Conservancy grant. Kessenich stated that since there is still much to be done to secure both grants and that the WDNR letter stated that the funds would be available until 2010, she does not think now is the time to go to referendum. She referred to the Ad Hoc Land Conservancy Committee document which states that any grants applied for need to have approval of both Boards, that the Town and the Village should be working together and the decision to go to referendum should be made jointly by the Town and the Village. Kessenich said that the Village has received approval from the WDNR to

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 2, 2008

exchange the 7.23 acres of the land in the Fireman's Park expansion park that the Village is going to sell to the Wisconsin Rugby Club for the Farm land conservancy, which may be why the Village wants to put the Farm referendum question on the November ballot. She said that there has not been any joint Town/Village discussions regarding the future plan for the 43 acres that are not part of the conservancy or for a road and parking lot for the conservancy. She would like to see the Town and Village boards discuss the possibility of allowing the 43 acres to be developed as residential infill in the Town. Jim Bradt asked whether the Town is still looking at being involved, because recent press has indicated it is not. Hampton stated that the Town will not be having a referendum in November, but it has not backed away from the project.

IV. Clerk's Report:

- A. Dane County Ordinances: None.

V. Board Reports and Communications:

- A. Hampton reported that he and Smith attended a DOT meeting regarding construction on I-94 from east of County N to the east side of Jefferson County in 2010. The Baxter Road bridge will be raised, with the deck and bearings replaced. The Ridge Road bridge will also be raised. A public informational hearing is planned for next spring, and Hampton offered the Town Hall so that residents would be able to attend.

VI. Committee Reports:

- A. Flynn Hall Committee: The budget for 2009 is set at the same level as 2008. A new roof was discussed, possibly in 2010.
- B. Deer-Grove EMS Commission is looking at taking on the same territory in the Town of Pleasant Springs that the Fire Department is looking at.
- C. Joint Town/Village Recreation Committee will be working on the 2009 budget this month, including the participation cost to the Town. A parks tour is scheduled for September 16th.
- D. Joint Fire Department Committee: The Fire Chief made a presentation regarding the proposal to take on additional territory in the Town of Pleasant Springs.
- E. Law Enforcement Committee: A decision was made to stay with the State health insurance plan. Union negotiations will begin next week - a 2 year contract to coincide with the Town and Village agreement is proposed. The Village is discussing whether to fund an additional officer. Police commission appointments were made in accordance with Resolution 2007-01, with David Pappas appointed until 2010 and Dan Roman appointed until 2011.

VII. Adjournment: **MOTION** by Morrow/Kindschi to adjourn. **MOTION CARRIED 5-0**. The meeting was adjourned at 11:17 p.m.

Kim Banigan, Clerk
Approved 9/15/08

RESOLUTION OF THE TOWN OF COTTAGE GROVE, WISCONSIN

Resolution No. 2008-08

**Resolution To Exceed The State-Imposed Property Tax Levy Limit
In Order To Increase Road Maintenance Budget**

WHEREAS, the State of Wisconsin has imposed limits on town, village, city and county property tax levies for 2007 and 2008 under Wis. Stat. sec. 66.0602; and

WHEREAS, Wis. Stat. sec. 66.0602 limits the increase in 2008 to the local property tax levy to no more than the greater of (a) 2% of last year's levy or (b) a percentage equal to the percentage change in equalized value due to new construction less improvements removed; and

WHEREAS, the Town Board of the Town of Cottage Grove, Dane County ("Town Board") believes it is in the Town's best interest to exceed the state levy limit described above in order to increase the road maintenance budget; and

WHEREAS, the Town Board has reviewed the road maintenance budget, completed a review of current and anticipated needs for repair and maintenance of Town roads and discussed increasing costs for same with the Highway Superintendent ; and

WHEREAS, following its review, the Town Board believes that it is in the Town's best interest to plan for systematic Town road maintenance and repair by increasing the road maintenance and repair budget over the next five (5) years, all to better meet public safety needs and address the escalating expenses associated with repairs and maintenance; and

WHEREAS, the Town Board recognizes that adopting this road maintenance budget will require the Town to exceed the state-imposed property tax levy limit;

NOW, THEREFORE the Town Board of the Town of Cottage Grove, Dane County, Wisconsin does hereby resolve and order as follows:

1. The Town Board hereby supports an increase in the Town tax levy for five (5) years commencing in 2008 (to be collected in 2009) to exceed the state imposed levy limit in order to add \$90,000 to the Town of Cottage Grove's current annual road maintenance budget of \$175,000 so that the total road maintenance budget will be at least \$265,000 in each of the next five (5) years.
2. The Town Board directs that the question of exceeding the tax levy limit be submitted to the electors in a referendum at the November general election to be held on November 4, 2008.
3. The specific referendum language and language for the Type C Notice shall be as stated on the attached Exhibit A, which is incorporated herein by reference.
4. The Town Chair, Town Clerk and Town Attorney are authorized to modify the referendum as necessary and prudent to meet legal requirements, and the Town Clerk shall take such actions as are necessary to place the referendum on the ballot for the November 4, 2008 election.

Adopted this 2nd day of September, 2008, by the Town Board by a vote of 4 for, 1 against and 0 abstaining.

TOWN OF COTTAGE GROVE

Attested by:

Kris Hampton, Town Chair

Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
NOVEMBER 2008 REFERENDUM QUESTION RE EXCEEDING LEVY LIMIT

With Explanation for Type C Notice

[As Approved at 9/2/2008 Town Board Meeting]

Shall the Town of Cottage Grove be allowed to exceed the state-imposed levy limit for the next five (5) years, in order to add \$90,000 to the Town of Cottage Grove's current annual road maintenance budget of \$175,000 so that the total road maintenance budget will be at least \$265,000 in each of the next five (5) years?

A **YES** vote means that the Town shall be allowed to exceed the state-imposed levy limit for the next five (5) years, in order to add \$90,000 to the Town of Cottage Grove's current annual road maintenance budget of \$175,000 so that the total road maintenance budget will be at least \$265,000 in each of the next five (5) years.

A **NO** vote means that the Town shall **NOT** be allowed to exceed the state-imposed levy limit for the next five (5) years in order to add \$90,000 per year to the Town of Cottage Grove's current annual road maintenance budget.

EXHIBIT A

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 15, 2008

PUBLIC HEARING – TCG Ord. Sec. 20.30 Number of Animals Regulated

- I. The public hearing was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum of the Town Board was present with Kris Hampton, Dave Morrow, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- II. Hampton called the public hearing to order at 7:00 P.M., and read the purpose of the ordinance, then asked for questions/comments.
- III. Lynn Arneson, 4738 Gaston Circle, asked whether an exception to the limitation of five dogs, as outlined in section (3) of the ordinance, would be a one-time application, or would need to be applied for annually. The clerk and board members from the Ordinance Committee, Morrow and Kindschi, stated that it would be a one-time application.
- IV. The clerk stated that she asked Attorney Connie Anderson about a provision to revoke an exception should problems arise, and was told that could be written into the exception permit itself.
- V. **MOTION** by Kessenich/Kindschi to close the public hearing. **MOTION CARRIED 4-0.**

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Dave Morrow, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office).
 - B. Chairman Hampton called the meeting to order at 7:05 P.M.
 - C. Minutes of previous meeting(s):
 1. **MOTION** by Morrow/Kindschi to approve the minutes of the September 2, 2008 Town Board Meeting, replacing *hail* with *hall* in item II. C. **MOTION CARRIED 4-0.**
 2. **MOTION** by Morrow/Kindschi to approve the minutes of the Closed Session on September 2, 2008 and to keep them closed until the matter is resolved. **MOTION CARRIED 4-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by Morrow/Kindschi to approve the payment of bills corresponding to checks #15551 through #15594. **MOTION CARRIED 4-0.**
 2. The Treasurer asked that September per diem reports be submitted by October 4th.
 3. The Treasurer reported that Virchow Krause & Company advised her that the Building Inspector may be paid either as an independent contractor (1099 vendor) or as an employee (W-2), but Town Board members must be paid as employees. The Board will consider changing the Building Inspector to an independent contractor at the budget workshop on October 8th.

- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. NEW BUSINESS

- A. Consider/Approve CSM – Mariellen Schlobohm – 1754 N. Jargo Road: The CSM and deed restriction for no residential development on the newly created lot were reviewed by Board members. **MOTION** by Kessenich/Morrow to approve the CSM as shown on Dwg. No. 3670-08, dated 9/11/2008. **MOTION CARRIED 4-0.**
- B. Consider/Approve Creation of TCG Ord. Sec. 20.30 Number of Animals Regulated: Kessenich stated that she expected the process for acquiring an exception to the five-dog limit to include notification of neighbors and a public hearing, followed by Town Board approval, rather than approval by the Clerk, and that application could be made at any time, not just within 60 days of adoption of the ordinance. Morrow and Kindschi, both members of the Ordinance Committee, said it was not the intention of the committee to allow for any exceptions beyond those who already have more than 5 dogs licensed. There was discussion about under what conditions an exception could be revoked, with consensus that a public hearing of some sort would be required, and the Town Board would do the revoking. **MOTION** by Morrow/Kindschi to direct Attorney Connie Anderson to draft section (3)(f) to identify why and how an exception could be revoked. **MOTION CARRIED 4-0.**
- C. Discuss/Consider recommending to the Plan Commission a request from James, Nola and Nick Skaar to amend the land use plan for the area located along Nora Road and Skaar Road to be designated as a residential receiving area: A map provided by the Skaars highlighted 8 future lots on Skarstinden Road to be included in the TDR receiving area. Kessenich asked how the areas currently designated as TDR receiving areas were selected, and Hampton said it had to do with having future development around already developed areas, and keeping larger blocks of agricultural land without scattered clusters of homes. Kindschi asked about the procedure for amending the comprehensive plan, and Hampton said that since the Plan Commission is already working on an amendment, cost of this request would be minimal. **MOTION** by Hampton/Kindschi to refer the Skaar's request for 8 future lots, as identified on the concept map, to be included in the TDR receiving area in the comprehensive plan. **MOTION CARRIED 3-1** (Kessenich opposed).
- D. Report on non-compliant mailboxes: Smith has identified 101 mailboxes that are non-compliant with TCG Ord. sec. 12.045 Regulation of Mailbox Installation. Some are minor violations, for example a post that is slightly too big around and could be corrected by drilling a one-inch hole in it, others are more serious violations, including telephone poles, milk cans filled with cement, and brick surrounds. **MOTION** by Kessenich/Hampton to refer TCG Ord. sec. 12.045 Regulation of Mailbox Installation to the Ordinance Committee for review at their September 30th meeting. **MOTION CARRIED 4-0.**
- E. Discuss/Consider Agreement to Participate – Dane County's Multi-Jurisdictional Hazard Mitigation Plan: Kessenich explained that before the Town can be eligible for FEMA disaster assistance, it must have an approved mitigation plan. Participating in Dane County's Multi-Jurisdictional Hazard Mitigation Plan would accomplish this goal with no investment other than staff time, estimated at about 50 hours. **MOTION** by Morrow/Kessenich to Participate in Dane County's Multi-Jurisdictional Hazard Mitigation Plan. Primary contact to be Clerk Kim Banigan, secondary contact to be Karen Kessenich, EOC chair. Steering Committee to be comprised of EOC members Karen Kessenich and Linda Fonger, Highway Superintendent Jeff Smith, and Clerk Kim Banigan. **MOTION CARRIED 4-0.**
- F. Discuss/Consider replacement of basement windows in Flynn Hall: Hampton explained that one basement window is boarded up due to vandalism, and others sometimes leak. It is

thought that replacing the windows with glass block would seal them up. The following bids were received:

- Rural Masonry, Inc: \$5860
- Overson Construction, Inc.: \$2950
- Weather Guard Improvements: \$5156
- Prairie Masonry & Chimney Specialists, Inc.: \$2575

Hampton said that the Historical Society has agreed to contribute \$800 - \$1000, and the Lions Club has agreed to contribute \$1000. **MOTION** by Kessenich/Hampton to accept the bid from Prairie Masonry & Chimney Specialists, Inc. to replace six basement windows at Flynn Hall with glass block at a cost of \$2575, provided that proof of adequate insurance coverage is provided. **MOTION CARRIED 4-0.**

- G. Discuss ordinance prohibiting false alarms: The Police Chief had asked the Town to consider adopting an ordinance similar to the Village's regarding false alarms. **MOTION** by Hampton/Morrow to table the issue pending a report from the Police Chief on false alarms in the Town. **MOTION CARRIED 4-0.**
- H. Discuss resolution requesting revisions to the annexation law: Hampton explained that a sample resolution was provided by the Town of Merrimac after the Village of Merrimac annexed a property that was not contiguous. For unknown reasons, the word 'contiguous' was removed from section 66.0217 of the Wisconsin Statutes in 2006, leaving the door open for annexation of non-contiguous parcels and all of the related ramifications to ordinance enforcement and land use planning. **MOTION** by Morrow/Kindschi to approve the sample resolution as TCG Resolution 2008-09 Requesting Revisions to the Annexation Law. **MOTION CARRIED 4-0.** The clerk will send copies of the resolution to Senator Mark Miller, Assembly Representative Gary Hebl, County Board representatives Cynda Solberg and David Wiganowsky, and the Wisconsin Towns Association.
- I. Consider/Approve additional election inspectors for term ending 12/31/2009: **MOTION** by Morrow/Kindschi to approve the list of seven additional election inspectors as provided by the Clerk, for the term ending 12/31/2009. **MOTION CARRIED 4-0.**
- J. Set date for first town board meeting in October: **MOTION** by Kessenich/Morrow to set the date for the first Town Board meeting in October for Tuesday, October 7th. **MOTION CARRIED 4-0.**

III. UNFINISHED BUSINESS

- A. Discuss/Consider informational mailing to residents regarding November referendum for future funding of road improvements: **MOTION** by Kindschi/Morrow to approve the mailing as presented by the Clerk, to be mailed on October 24th. **MOTION CARRIED 4-0.** Kessenich suggested that the Clerk contact the girl scouts for help in labeling the mailers.

IV. Clerk's Report:

- A. Dane County Ordinances: None.

V. Board Reports and Communications:

- A. Smith reported that the railroad crossing lights on Vilas Hope Road have been installed and are working. He also reported that there have been complaints about the new blacktop on Gaston Road as a result of MMSD's recent project, and he has been in contact with R.G. Huston regarding this as well as damage to a guard rail and some road damage near Kristy Road.

VI. Committee Reports:

- A. Ordinance Committee: Morrow reported that the committee will discuss the building code ordinance and fee schedule at their next meeting on September 30th.
- B. Joint Town/Village Fire Department Committee: Hampton reported that the next meeting will be September 22nd, and the committee is looking at how to partition the larger room for additional sleeping quarters for interns. Kessenich mentioned that she recently learned of potential fire truck grants, and will forward information to the fire chief.
- C. Emergency Government committee: Kessenich reported that there will be no meetings in October or December. On October 11th, committee members will receive ICS 100 training. An attempt is being made to have the head of Wisconsin Emergency Management come to the November committee meeting. The 2009 budget was set at \$1500, to be split equally between the Town and the Village.

VII. Adjournment: **MOTION** by Morrow/Kessenich to adjourn. **MOTION CARRIED 4-0**. The meeting was adjourned at 9:05 p.m.

Kim Banigan, Clerk
Approved 10/07/2008

RESOLUTION OF THE Town BOARD OF THE Town of Cottage Grove
REQUESTING REVISIONS TO THE ANNEXATION LAW

RESOLUTION NO. 2008-09

WHEREAS, the Town of Cottage Grove has learned that the Village of Merrimac has annexed property from the Town of Merrimac that is not contiguous to the Village's boundary, and the Village has asserted that contiguity is not required for direct, unanimous annexations under section 66.0217 of the Wisconsin Statutes based on the re-ordering of section 66.0217 by the legislature in 2006;

WHEREAS, the Town of Cottage Grove recognizes that such non-contiguous annexations will make it impossible for the Town of Cottage Grove to effectively administer its ordinances and any comprehensive land use planning the Town of Cottage Grove has undertaken or may undertake in the future as such non-contiguous parcels will be islands in the Village/City subject to different ordinances and comprehensive planning;

WHEREAS, revision of the annexation law, specifically section 66.0217, is necessary to re-establish the requirement of contiguity for direct, unanimous annexations so that land continues to be developed in an orderly, planned and consistent manner;

WHEREAS, an additional revision of the annexation law is necessary to provide a means for towns to seek court review to determine contiguity for annexations set forth in section 66.0217 of the Wisconsin Statutes;

NOW, THEREFORE, the Town Board of the Town of Cottage Grove hereby requests that the Wisconsin Legislature revise the annexation law so that only territory contiguous to an annexing municipality may be annexed under section 66.0217, which includes direct, unanimous annexations, AND that the annexation law provide a means for towns to seek court review to determine contiguity for such annexations.

Introduced: Sept. 15, 2008.

Adopted: Sept. 15, 2008.

K. Houghton, Town Chair

Attest: K. Bay, Clerk

TOWN OF COTTAGE GROVE
SPECIAL TOWN BOARD MEETING
OCTOBER 2, 2008

- I. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, and the residents listed on the attached sign-in sheet (available in the Clerk's Office) were also present. Steve Anders arrived at 6:35 P.M.
- II. Chairman Hampton called the meeting to order at 6:30 P.M.
- III. Discussion and possible action on proposed ordinance regulating discharge of firearms and other weapons in the Town of Cottage Grove - (regarding recent ruling by the State of Wisconsin Department of Natural Resources allowing the use of rifles in Chronic Wasting Disease Zones.): The Clerk reported that the Town of Christiana has already adopted an ordinance regulating discharge of firearms, but may be considering repealing it because it is too restrictive. Consensus of the board and residents present was that a simple ordinance prohibiting the discharge of rimfire rifles larger than .22 caliber, or center-fire rifles .22 caliber or larger during gun deer season is all that is needed. (This is the same restriction in effect under current DNR regulations in shotgun only areas.) A penalty of \$500 for violations was suggested. The ordinance would be numbered as section 10.08. **MOTION** by Kindschi/Anders directing the Clerk to draft TCG Ord. sec. 10.08 Regulation of Discharge of Firearms to prohibit discharge of rifles during gun deer season as discussed. **MOTION CARRIED 4-0.** A public hearing and possible adoption of the ordinance is planned for October 7, 2008.
- IV. Adjournment: **MOTION** by Kindschi/Kessenich to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 6:47 p.m.

Kim Banigan, Clerk

Approved 10/7/2008

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
OCTOBER 7, 2008

PUBLIC HEARING – TCG Ord. Sec. 10.08 Regulation of Discharge of Firearms

- I. The public hearing was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum of the Town Board was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- II. Hampton called the public hearing to order at 7:00 P.M., read the purpose, restrictions and exceptions of the proposed ordinance, then asked for questions/comments.
 - A. The Clerk noted that an email in support of the ordinance was received from Town resident Cindy Lease.
 - B. Smith stated that he heard from the Town of Christiana, where a similar ordinance has been adopted, that neither the WDNR nor Dane County will enforce the Town ordinance. County Executive Kathleen Falk has indicated that a County ordinance may be adopted, although it will take some time.
 - C. There was discussion about how to get the word out that deer hunting with rifles is prohibited in the Town. Suggestions were to post the ordinance at local license issuing businesses, and taverns. Kindschi suggested a joint ad in the Wisconsin State Journal listing all municipalities with such ordinances.
- III. **MOTION** by Anders/Kessenich to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:07 p.m.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office). Police Chief John Gould arrived at 8:50 p.m. and Attorney Connie Anderson arrived at 8:15 p.m.
 - B. Chairman Hampton called the meeting to order at 7:08 P.M.
 - C. Minutes of previous meeting(s):
 1. **MOTION** by Kessenich/Morrow to approve the minutes of the September 15, 2008 Public Hearing and Town Board Meeting as printed. **MOTION CARRIED 4-0-1** (Anders abstained).
 2. **MOTION** by Anders/Kindschi to approve the minutes of the October 2, 2008 minutes, with the vote in item IV. changed to 4-0. **MOTION CARRIED 4-0-1** (Morrow abstained).
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by Morrow/Anders to approve the payment of bills corresponding to checks #15595 through #15647. **MOTION CARRIED 5-0.**
 2. **MOTION** by Kessenich/Morrow to approve payment of September 2008 per diems and building permits. **MOTION CARRIED 5-0.**
 3. Discuss/Consider 2008 First Installment Real Estate Tax collection: The Treasurer reported that the new Dane County Treasurer has discontinued the first installment tax collection service that the Town has used for the past three years. She stated that this is unfortunate because without this program, tax payers can no longer pay their taxes online, and payments will not be posted on the Access Dane web site until after she uploads them in January and February. She contacted

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
OCTOBER 7, 2008

Wisconsin Community Bank to arrange for a lockbox service similar to the service they provided prior to the County service. The cost will be 30 cents per tax bill. Wisconsin Community Bank will pick up tax payments from a post office box from December 15, 2008 through February 3, 2009, deposit the checks, and deliver the bills to the Town office. **MOTION** by Anders/Kindschi to allow the Treasurer to sign a contract with Wisconsin Community Bank for processing of 2008 first installment property tax payments. **MOTION CARRIED 5-0.**

- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. NEW BUSINESS

- A. Consider/Approve creation of TCG Ord. sec. 10.08 Regulation of Firearms: **MOTION** by Kessenich/Anders to approve the creation of TCG Ord. sec. 10.08 Regulation of Discharge of Firearms as presented, with a copy sent to the WDNR, and distributed to local vendors of hunting licenses, taverns, and other places hunters are likely to frequent. **MOTION CARRIED 5-0.**

- B. Plan Commission Recommendations:

- 1. James W. Bradt (Bradt Holdings, LLC, owner) – Parcels 0711-084-9280-0, 0711-084-9321-0 – rezone of 98.9288 acres from RE-1 and A-2 to A-1EX. Intended land use is agriculture: Emails from Town resident Jacob Tisue and Village Administrator Kim Manley opposing the rezone were acknowledged, along with a voicemail transcript from Sara Kwitek of Dane County Parks stating that the County would not object.

Kessenich is concerned about how the rezone will affect the grant process. She reported on an email from County Supervisor John Henrich stating that as an advocate of the Dane County comprehensive plan consistency requirement effective January 1, 2008 regarding rezone requests, he would be watching this one closely. She also had a phone conversation with Dane County Zoning Administrator Roger Lane, who indicated that the County would most likely approve the rezone because they generally support agriculture. In light of the pending conservation grants, however, Lane suggested a compromise of two zoning classifications for lot 2 of the CSM – 59 acres of potential conservancy to remain as RE-1, with the remaining acres rezoned to A-2. Kessenich would be in favor of this and felt that the Village Board would also.

Jim Bradt stated that the consistency requirement would mean the property should be zoned residential, which they would happily accept. However, he felt this was unlikely to be approved. The Bradts do not intend to jeopardize the potential grants, however the rezone process takes several months, and if they wait until after spring referendums, they will miss another growing season.

MOTION by Anders/Kindschi to rezone Lot 2 of the CSM (83.3001 acres) to A1-EX, leaving Lot 1 (15.6287 acres) as A-2. **MOTION CARRIED 4-1** (Kessenich opposed).

- 2. Huston Holdings, LLC – 2494 Uphoff Road - Parcel 0711-164-9500-3 – rezone of .1515 acres from A-1EX to R-1 for conveyance of land to 2500 Nora Road: **MOTION** by Kessenich/Morrow to approve the rezone of .1515 acres from A-1EX to R-1. **MOTION CARRIED 5-0.**
- C. Discuss/Consider Substantial Farm Income Review for Farm Plan #185 - Elizabeth Lightfoot: **MOTION** by Kessenich/Morrow to approve Substantial Farm Income Review for Farm Plan #185 – Elizabeth Lightfoot, stating the purpose of the Agricultural District on page J-13 of the Comprehensive Plan 2028 as the basis by which the farm plan is consistent with the Town Land Use Plan, and referring to map J-4. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
OCTOBER 7, 2008

Skip to III. UNFINISHED BUSINESS

- A. Consider/Approve Creation of TCG Ord. Sec. 20.30 Number of Animals Regulated: Lynn Arneson, 4738 Gaston Circle, objected to the provision that the Town Board could review exceptions under the ordinance *on its own initiative*, worrying that an exception could be up for review with every change to the Town Board composition. **MOTION** by Morrow/Kessenich to approve creation of TCG Ord. sec. 20.30 Number of Animals Regulated, striking the phrase "*on its own initiative*" in the first sentence of the final paragraph of section (4)(e). **MOTION CARRIED 5-0.**

Return to II. NEW BUSINESS:

- E. Discuss/Consider purchase of new patrol truck: Highway Superintendent Jeff Smith noted that typically the Town has replaced a truck every 5 years, allowing for a 15 year use life for each truck. Under this schedule, a truck would be replaced in 2010. However, emission technology changes coming in the 2009 and 2010 models will not only drive up the price, but are also thought to be of questionable quality. Smith proposed replacing the truck with a 2008 model to avoid these problems. He suggested that the bond proceeds designated for either public works equipment or an ambulance could be used as a down payment on a truck. The remainder could be financed with a loan that would not have the first payment due until 2010. The old truck could be sold to bring in money to be used in 2009. Smith estimated the cost of a 2008 International patrol truck at about \$130,000 and said that if it was ordered now, it would arrive in July of 2009. Kessenich stated she is not in favor of purchasing a truck in 2009 and the EMS is looking to purchase a new ambulance in 2009 according to their budget, which would be paid for using bond proceeds. The matter will be discussed further at upcoming budget workshops.

Skip to III. UNFINISHED BUSINESS

- D. CONSIDER/ADOPT MOTION TO MOVE TO CLOSED SESSION AT APPROXIMATELY 8:15 P.M. AS PERMITTED BY WIS. STATS. §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral advice concerning strategy to be adopted with respect to the Crossroads Tavern's licensing matters, and PURSUANT TO WISCONSIN STATUTE 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: Police Union Contract Negotiations: **MOTION** by Morrow/Kindschi to move into closed session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The board moved into closed session at 8:30 P.M.
- E. **MOTION** by Anders/Kessenich to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The board reconvened to open session at 9:22 P.M.
- F. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: None.

Return to II. NEW BUSINESS:

- D. Discuss/Consider adoption of revisions to TCG Ord. sec. 12.045 Regulation of Mailbox Installation: **MOTION** by Morrow/Anders to adopt the revisions to TCG Ord. sec. 12.045 Regulation of Mailbox Installation. **MOTION CARRIED 3-2** (Kindschi and Kessenich opposed.) Kessenich is concerned that the change to what is acceptable is not part of the regulations based on Wisconsin Department of Transportation Bulletin 14 on Mailbox Safety.
- E. (see above)
- F. Discuss/Consider Audit Expense for Deer-Grove EMS: Hampton stated that Virchow Krause and Company had the lowest bid of \$6,100 per year to audit years 2006 and 2007, and \$7,400 to audit year 2008. The 2006 and 2007 audits would be performed yet in 2008, the 2008 audit would be done in 2009. **MOTION** by Morrow/Kessenich to allow Deer-Grove EMS to enter in a contract with Virchow Krause and Company to perform audits for 2006, 2007, 2008. **MOTION CARRIED 5-0.** Kessenich expressed concern that there has not been an audit done since 2005.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
OCTOBER 7, 2008

- G. Discuss/Consider participation in the 2009 Fly Dane program: **MOTION** by Kessenich/Morrow for the Town NOT to participate in the 2009-2010 Fly Dane program. **MOTION CARRIED 3-2** (Hampton and Anders opposed).

III. UNFINISHED BUSINESS

- A. (see above)
- B. Discuss/Consider action to take on non-compliant mailboxes: The Clerk will draft a letter to owners of non-compliant mailboxes, including an explanation of the dangers and liability they pose, for the board to consider at the next meeting. A copy of the ordinance will be mailed along with each letter, highlighting the part stating that violations shall result in a fine.
- C. Discuss ordinance prohibiting false alarms: **MOTION** by Morrow/Kessenich to table until the next meeting. **MOTION CARRIED 5-0.**

IV. Clerk's Report

- A. Dane County Ordinances: None

V. Board Report

- A. Hampton:
1. Rick Stadelman of the Wisconsin Towns Association has asked for Jeff Smith to serve on a NR40 committee on invasive species and how they affect mowing policies. The WTA would pay mileage and a per diem for 2-3 meetings in Wisconsin Dells.
 2. The Draft 2009 Unified Planning Work Program for the Madison Area Transportation Planning Board is available in the Town office.

VI. Committee Reports:

- A. Deer-Grove EMS Commission: No Report
- B. Joint Town/Village Fire Department Committee: No Report
- C. Law Enforcement Committee: No Report
- D. Joint Town/Village Landfill Monitoring Committee: The new DNR representative did not come to the meeting, but is coming tomorrow to walk the landfill site.
- E. Ordinance Committee: The committee is working on the Building Code ordinance and fee schedule.

- VII. Adjournment: **MOTION** by Kessenich/Morrow to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:54 p.m.

Kim Banigan, Clerk
Approved 10/20/2008

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
OCTOBER 8, 2008

- I. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum of the Town Board was present with Kris Hampton, Dave Morrow, Mike Kindschi, and Karen Kessenich all in attendance. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, and Highway Patrolmen Rolland Schutz, Norm Schmelzer and Steve Querin-Schultz. Steve Anders arrived at 7:08 P.M.
- II. Chairman Kris Hampton called the meeting to order at 7:00 P.M.
- III. **MOTION** by Morrow/Kessenich to MOVE INTO CLOSED SESSION PURSUANT TO WISCONSIN STATUTE 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: 2009 Labor Negotiations. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- IV. The Board moved into closed session at 7:01 P.M.
- V. **MOTION** by Morrow/Kindschi to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 8:39 P.M.
- VI. Action as a result of closed session: The Clerk will update the Labor Negotiation Agreement (Appendix A) to reflect compensation as decided in the closed session.
- VII. Discuss/Consider Town of Cottage Grove Budget for Fiscal Year 2009: There was no discussion of the budget beyond labor negotiations above.
- VIII. **MOTION** by Morrow/Kessenich to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:44 P.M.

Kim Banigan
Clerk
Approved 10/20/2008

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP – CLOSED SESSION
OCTOBER 8, 2008

I. **MOTION** by Morrow/Kessenich to MOVE INTO CLOSED SESSION PURSUANT TO WISCONSIN STATUTE 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: 2009 Labor Negotiations. **ROLL CALL VOTE – Morrow, aye; Hampton, aye; Kindschi, aye; Kessenich, aye.** The Board moved into closed session at 7:01 P.M. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, and Highway Patrolmen Rolland Schutz, Norm Schmelzer and Steve Querin-Schultz. Steve Anders arrived at 7:08 P.M.

II. Highway Department Compensation: Smith updated the board on the extreme weather situations (snow and rain) experienced in 2008, and the impact they had on the 2008 budget. The town was reimbursed ~ \$10,000 for the February snow storm, and Smith anticipates another \$29,000 for June flooding.

Smith asked for a 50 cent per hour increase for all highway employees, which was agreeable to board members. Other areas of discussion:

- 12% bonus rate: This was thought to have originated as an alternative to the State retirement plan. Kessenich noted that the 2009 State Retirement Plan is 10.4%.
- Longevity benefits: There was some confusion as to how they are calculated, and it was agreed that the wording in the Labor Negotiation document needs clarification.
- Health Insurance Allowance: It was estimated that the allowance saves the Town ~\$11,000 when compared to actually providing health insurance for employees and their families.
- Long-Term Disability benefit: The Treasurer will contact the vendor to get 2009 rates based upon the 50 cent hourly wage increase discussed above. Kessenich suggested eliminating this benefit.

Highway employees stated that the current benefits package was negotiated with give and take, and if one benefit is changed/eliminated, the others would need to be looked at again as well.

- III. Replacement Secretary hourly wage was increased to \$9.50/hour, with 300 hours budgeted in 2009. This will allow for an extra person in the office 1 day per week to give that person enough experience to fill in during the Clerk's absence.
- IV. Machine Operator: The hourly wage was increased to \$15.00, but left as negotiable.
- V. The Clerk was determined to be a "Permanent Half-Time Employee" at 20+ hours/week, and in 2009 will be eligible for 2 weeks paid vacation and paid holidays, as well as 50% of the health insurance allowance. Vacation days to be calculated based on a start date of May 1, 2004. The Clerk hourly wage was increased to \$15.91/hour. There was no change to the Clerk base salary of \$10,000.
- VI. Treasurer's annual salary was increased by 2% to \$16,320.
- VII. The Office Secretary position is no longer in use with the retirement of Ruth Gjermo.

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP – CLOSED SESSION
OCTOBER 8, 2008

- VIII. Election Inspectors: It was thought that the current rate of \$6.50/hour plus 50 cents for each year of service may be too low. The Clerk will look for prevailing wages for poll workers.
- IX. Janitorial Worker: The hourly wage was increased from \$13.11 to \$13.37, a 2% increase.
- X. Court: No increases were requested to the municipal judge salary or court clerk hourly wage. The Board was agreeable with the court clerk's request to upgrade software using monies available in the 2008 budget. There was discussion about combining Town and Village Courts in the future, and it was suggested that it be put on a Joint Town/Village Board Meeting agenda. The Clerk was asked to get a copy of the Court's budget proposal to the Village.
- XI. Highway Superintendent meeting attendance: Add "or designee" so other highway workers could be reimbursed for attending a meeting in the Highway Superintendent's absence.
- XII. **MOTION** by Morrow/Kindschi to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 8:39 P.M.

Kim Banigan
Clerk

Approved and made available to the public 10/20/2008

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
OCTOBER 13, 2008

- I. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum of the Town Board was present with Kris Hampton, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, and Michelle Strauss of The Horton Group. Highway Superintendent Jeff Smith arrived at 6:35 P.M., and Dave Morrow arrived at 6:47 P.M.
- II. Chairman Kris Hampton called the meeting to order at 6:30 P.M.
- III. Discuss Colonial Club services to Town of Cottage Grove residents - Robert J. Power, Executive Director, Colonial Club Senior Activity Center: Mr. Power was not present, and there was no discussion.
- IV. Discuss 2009 insurance coverage and premiums - Michelle D. Strauss, Senior Account Manager, Horton Select Insurance: Strauss presented a handout summarizing the Town's insurance coverage. Areas of discussion included:
 - Property: Real Property includes 4 premises covered at Guaranteed Replacement Cost, and the personal property within each of the premises is covered at replacement cost, both with a \$250 deductible. Increasing the deductible to \$500 would only reduce the premium by ~\$170/year. Increasing it to \$1000 would save ~\$600/year.
 - Scheduled equipment values – Smith will review
 - Miscellaneous Equipment is not itemized, but Strauss noted that there should be a list to document items in case of a loss.
 - Liability: Strauss noted that the current \$2,000,000 limit per event is on the low side, and will get a quote to increase this to \$4,000,000, with an aggregate limit if \$10,000,000. She explained that this covers monetary claims. Injunctive Legal Expense covers the non-monetary claims, with a \$50,000 limit that cannot be increased. Each claim increases the premium for liability insurance. The Town currently has two active injunctive claims: The Olson and Jack claims.
 - Tax Bond: a promise that that tax monies will be delivered to the County. The Town must either have a Tax Bond, or a resolution by which the Town Board takes responsibility for all tax monies. The Treasurer will check with the Dane County Treasurer to find out if the Town has a resolution on file.
- V. Discuss/Consider Town of Cottage Grove Budget for 2009:
 - A. Income items were discussed and estimated. Discussion also included:
 - Stormwater grant reimbursement: the Treasurer will contact the Town of Bristol to find out the details on the one reimbursement check the Town has received, as well as what reimbursement can be expected in 2009.
 - Dog License fees: The County will increase its fees by \$2.50 in 2009, to \$8.75 for spayed/neutered dogs and \$13.75 for un-spayed/un-neutered. The Town currently adds \$2.50 to the County fee, but there was discussion of increasing the Town's portion to \$4.25, bringing the total fees to \$13.00 and \$18.00. This will be considered further at the October 20th Town Board meeting. In addition, the Clerk noted that

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
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State Statute allows the Town to collect and keep a \$5.00 late fee for licenses issued after April 1st. The Town has not collected a late fee in the past, but Board members were in support of collecting it in the future.

- Liberty Prairie Cemetery: Smith stated that money set aside for maintaining the Liberty Prairie Cemetery has never been utilized to cover the cost of mowing the cemetery, which he estimated at \$1323/year. Board members agreed to annually invoice the Liberty Prairie Cemetery for \$1000 beginning in 2009. The invoice would be paid with a transfer of funds from the Liberty Prairie savings account into the General Fund.
- B. Expense items were discussed, through General Building Town. Discussion included:
 - Overtime wages: Kessenich questioned the current practice of counting vacation, holiday and sick leave time as part of the 40 hours before overtime wages are paid. She provided the state statute that says overtime is only paid after 40 hours are actually worked. The Treasurer will contact Virchow Krause for their recommendation on this.
 - Thermostats at Town and Flynn Halls: In December 2008, depending on how the 2008 budget looks, the board will consider replacing thermostats at both halls with programmable ones that hall users can set up or down temporarily, but will return to the programmed level after 2 hours.

VI. **MOTION** by Kindschi/Kessenich to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:55 P.M.

Kim Banigan
Clerk
Approved 10/20/2008

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
OCTOBER 15, 2008

- I. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum of the Town Board was present with Kris Hampton, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, and Highway Superintendent Jeff Smith.
- II. Hampton called the meeting to order at 7:00 P.M.
- III. Discuss/Consider Town of Cottage Grove Budget for 2009:
 - A. Melody Riedel of the Colonial Club was present. She told the board that under new Executive Director Bob Power, changes have been made to make the Colonial Club more cost efficient and focused on its mission. The funding level requested from the Town is the same as in 2008 (\$5,406). A written request for funding was reviewed, which included service levels to the Town in 2006 and 2007. Riedel said that new software is in development that will allow for better tracking of services provided to Town residents in the future.

The clerk provided copies of an article written by the Wisconsin Towns Association attorney regarding donation by Towns. While this is a gray area, the Attorney General has stated its opinion that donations to non-profit senior centers are OK. Consensus was to put \$5,406 in for account 52220 – Dane County Outreach for 2009, but since this account only reflects donations to the Colonial Club, the Treasurer will change the account description.

- B. Other budget areas discussed:
 - Legal Expenses: Court legal = \$14,000; Town Board Legal Expenses = \$27,500, Litigation Expenses = \$32,500.
 - Legislative (Town Board) Expenses, including Board printing and publication = \$2,500, Town Board Travel Expenses = \$1,500, Conventions and Seminars = \$550, Ordinance Committee Wages = \$400, Ordinance Committee FICA = \$31, Other Board Expenses = \$250. Town Planner: There was discussion about whether enough progress will be made on the Ofsthun property to warrant budgeting for planning services in 2009. Consensus was to compromise by allotting \$5,000 for the Ofsthun project, in addition to \$10,000 for comprehensive planning and boundary agreement discussion meetings.
 - Insurance Expense: There was discussion about the increase in the liability premium due to exposure, and why the entire board was not involved in the decision to use the Town's insurance for the Jack claim against Deer-Grove EMS. Insurance was estimated at \$32,287.
 - EMS Expense: There was discussion about what should be done with the old ambulance if it is replaced – the board thought it should be sold. Kessenich asked why account 870 Insurance/Personnel on the EMS budget includes personnel? Hampton will find out. The EMS expense was budgeted at \$102,828, as well as an EMS Capital Outlay of \$49,500 for a new ambulance, to come out of bond proceeds.

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
OCTOBER 15, 2008

- Fire Protection Expense: There was discussion about how to account for the income from the contract to provide service for the Town of Pleasant Springs. The Town's portion of the fire department budget comes to \$105,095

IV. **MOTION** by Kessenich/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:58 P.M. Additional Budget Workshops will be held at 6:30 P.M. on Tuesday, October 21st and Monday, October 27th.

Kim Banigan

Clerk

Approved 10/20/2008

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
OCTOBER 20, 2008

PUBLIC HEARING - TCG Ord. Sec. 10.08 Regulation of Discharge of Firearms

- I. The public hearing was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum of the Town Board was present with Kris Hampton, Dave Morrow, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- II. Hampton called the public hearing to order at 7:00 P.M., read the recommended change to the definition of "rifle" then asked for questions/comments - there were none.
- III. **MOTION** by Morrow/Kindschi to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 7:02 p.m.

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Dave Morrow, Mike Kindschi, and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:02 P.M.
- C. Minutes of previous meeting(s):
 1. **MOTION** by Morrow/Kindschi to approve the minutes of the October 7, 2008 Public Hearing and Town Board Meeting, and the October 8, 2008 and October 13, 2008 budget workshops, with the following corrections:

October 7, 2008 Town Board Meeting:

- Item II. B. 1., second paragraph, second sentence to read: *She reported on an email from County Supervisor John Henrich stating that as an advocate of the Dane County comprehensive plan consistency requirement effective January 1, 2008 regarding rezone requests, he would be watching this one closely.*
- Item II. E., second to last sentence to read: *Kessenich stated she is not in favor of purchasing a truck in 2009 and the EMS is looking to purchase a new ambulance in 2009 according to their budget, which would be paid for using bond proceeds.*
- Item II. D. add to end: *Kessenich is concerned that the change to what is acceptable is not part of the regulations based on Wisconsin Dept. of Transportation Bulletin 14 Mailbox Safety.*
- Item II. F. add to end: *Kessenich expressed concern that there has not been an audit done since 2005.*

October 13, 2008 Budget Workshop

- Item IV:
under Liability: Name Olson and Jack claims.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
OCTOBER 20, 2008

under Tax Bond: add to end: *The Treasurer will check with the Dane County Treasurer to find out if the Town has a resolution on file.*

MOTION CARRIED 4-0.

2. **MOTION** by Kindschi/Kessenich to approve the minutes of the October 15, 2008 Budget Workshop with the following corrections: Include dollar amounts budgeted by category discussed. **MOTION CARRIED 3-0-1** (Morrow abstained).
3. **MOTION** by Morrow/Kessenich to approve the minutes of the October 7, 2008 closed session as printed, and keep them closed until item III is resolved. **MOTION CARRIED 4-0.**
4. **MOTION** by Kessenich/Morrow to approve the minutes of the October 8, 2008 closed session as printed, and to make them available to the public. **MOTION CARRIED 4-0.**

D. Finance Report and Approval of Bills:

1. **MOTION** by Morrow/Kindschi approve the payment of bills corresponding to checks #15648 through #15689. **MOTION CARRIED 4-0.**
2. The treasurer asked that October per diem reports be submitted by November 1st.

E. Public Concerns: None.

F. Road Right of Way Permits: None.

II. NEW BUSINESS

- A. Discuss/Consider acceptance of road work on Gaston Road by Madison Metropolitan Sewerage Dist: Smith reported that there have been numerous complaints about the uneven ride on the portion of Gaston Road replaced by Madison Metropolitan Sewerage District following sewer line installation. Town Engineer Warren Myers has inspected the road and determined that since it does meet minimum DOT standards, there is little the Town can do other than be unhappy about it. Dale Huston and Dennis Richardson of R.G. Huston Company, Inc., and Jeffrey Klawes, Project Engineer for MMSD, were in attendance. Huston agreed that the ride is not ideal, but stated that he feels the 55 m.p.h. speed limit is excessive on that stretch of road, and the uneven ride is less noticeable at lower speeds. Klawes said that MMSD is disappointed with the results as well, but cannot hold the contractor to replace the paving job since it does meet DOT specs. The contractor is responsible for a 1 year warranty, and the road will be reevaluated in the spring. R.G. Huston Company, Inc. will repair road damage near Kristy Lane, as well as damage to two guard rails. **MOTION** by Morrow/Kindschi to accept the road work on Gaston Road by MMSD because it is within DOT specifications, even though the Town is not happy with the quality of the job. **MOTION CARRIED 4-0.**
- B. Discuss/Complete Survey Waste Management 2008 Public Sector Customer Feedback Survey - Ken Corbett, Waste Management District Manager, will be available for questions: Smith stated that he has not had a response from Waste Management regarding damage to Damascus Road that he feels was caused by the Waste Management driver locking up the parking break at each stop. The cost to repair the damage was \$653.60. Corbett disagreed with the cause of the damage, but agreed to turn it to their insurance company.

The board answered the survey questions by consensus. It was noted that there were several service issues over the summer. The clerk questioned the accuracy of the monthly recycling

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
OCTOBER 20, 2008

report that Waste Management submits to the Town, and Corbett said he would look into what is causing the discrepancies observed by the clerk.

- C. Consider/Approve revisions to TCG Ord. sec. 10.08 Regulation of Discharge of Firearms: **MOTION** by Kessenich/Kindschi approve the revisions to TCG Ord. sec. 10.08 Regulation of Firearms as presented. **MOTION CARRIED 4-0.**
- D. Consider/Approve Contract for Provision of Fire Protection and Rescue Services By and Between Cottage Grove Fire Department and the Town of Pleasant Springs: **MOTION** by Morrow/Hampton to approve the Contract for Provision of Fire and Rescue Services By and Between Cottage Grove Fire Department and the Town of Pleasant Springs as presented, including Exhibit A depicting the service area. **MOTION CARRIED 4-0.**
- E. Discuss/Consider Plan Commission recommendation for development of Ofsthun property: This item was tabled until the next meeting.
- F. Discuss/Consider increasing Town's portion of dog licensing fees, and adding a \$5.00 late fee for licenses issued after April 1st: **MOTION** by Kessenich/Morrow to increase the Town's portion of dog licensing fees to \$4.25 per dog, and add a \$5.00 late fee for licenses issued after April 1st of each year. **MOTION CARRIED 4-0.**
- G. Consider/Approve Agreement for 2009 Services — Natvig Road Landfill — Strand Associates, Inc.: **MOTION** by Kessenich/Morrow to approve the Agreement for 2009 Services — Natvig Road Landfill with Strand Associates, Inc., with a correction to the term (2009) under Use of Deliverables on page 5. **MOTION CARRIED 4-0.**
- H. Discuss/Consider scheduling an open house to explain the November 4th Town referendum: No open house will be held. Mailers explaining the referendum will go out to residents this week.
- I. Discuss ordinance revisions for stormwater permit compliance: This item was tabled until the next meeting.
- J. Consider/Approve High School Poll workers for November 4, 2008 General Election: **MOTION** by Kessenich/Morrow to approve Emily Kingman and Kyle Banigan as High School Poll workers for the November 4, 2008 General Election. **MOTION CARRIED 4-0.**
- K. Consider/Approve attendees for Dane County Towns Association meeting on October 22, 2008: **MOTION** by Morrow/Kessenich to allow 2 attendees for the DCTA meeting on October 22nd. **MOTION CARRIED 4-0.**

III. UNFINISHED BUSINESS

- A. Consider/Approve letter to residents with non-conforming mailbox supports: This item was tabled until the next meeting. Morrow was assigned to locate the Dept. of Transportation Bulletin 14 Mailbox Safety.
- B. Discuss ordinance prohibiting false alarms: **MOTION** by Kessenich/Morrow to direct the clerk to draft an ordinance prohibiting false alarms, using the Village of Cottage Grove's ordinance as a template. **MOTION CARRIED 4-0.**

IV. Clerk's Report

- A. Dane County Ordinances: Ordinance Amendment No. 21, 2008-2009 was presented to the Board for the first time. The Town Board Action Report is due by November 28, 2008. The item was tabled until the next meeting.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
OCTOBER 20, 2008

- B. The Clerk reported that a resident called complaining about service problems with Charter Communications. It was agreed that there seems to be a problem in the area with Charter service, but that the Town Board has no authority to correct it. It was suggested that the resident contact the Public Service Commission.

V. Board Reports

- A. Hampton noted that public information meetings for proposed improvements to 1-39/90 between the Illinois State Line and Madison will be held on October 23rd in Janesville, and October 28th in Edgerton.

VI. Committee Reports:

- A. Ad Hoc Land Conservancy Committee: Kessenich reported that Sara Steele of the Cottage Grove Area Historical Society will make a presentation about Governor Taylor at the next meeting on November 19th. There is interest from Dane County in looking into grant eligibility for purchasing the 43 acres, possibly tying into a Governor Taylor theme.
- B. Deer-Grove EMS Commission: Hampton reported that account 870 on the DGEMS budget will be renamed from Insurance/Personnel to Insurance/Business for clarification of its purpose.
- C. Joint Town/Village Recreation Committee: No Report.

VII. Adjournment: **MOTION** by Morrow/Kindschi to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:07 p.m.

Kim Banigan, Clerk

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
OCTOBER 21, 2008

- I. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum of the Town Board was present with Kris Hampton, Dave Morrow, Mike Kindschi, and Karen Kessenich all in attendance. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, and Highway Superintendent Jeff Smith.
- II. Hampton called the meeting to order at 6:30 P.M.
- III. Discuss/Consider Town of Cottage Grove Budget for 2009. Areas discussed included:
 - The Clerk noted that an income account holding bond proceeds of \$49,500 had been added to the worksheet, along with an EMS Capital Outlay account in the same amount for a new ambulance.
 - How to account for the income and expense from Fire service to Pleasant Springs was discussed, and the Treasurer will research this further, but it was determined that since the plan is to apply any leftover income toward payment on a new truck, it would have a net effect on the Town's budget of \$0.
 - Inspections: Building Inspector = \$14,500, no Building Inspector FICA as the building inspector will be paid as an independent contractor rather than an employee in 2009. It was noted that a contract should be drafted for approval. Fire inspections = \$1050, Fire Inspection FICA = \$81.
 - Law Enforcement: Budget amounts were filled in based on the budget approved by the Law Enforcement Committee, for a total of \$503,106. The clerk is waiting to hear from the Village what amount the Police Commission is looking for in 2009.
 - Highway Maintenance amounts were filled in according to wage negotiations and amounts submitted by Smith. The total for Highway Maintenance is \$595,791.68, but is still missing the Patrolman Disability Insurance amount. The treasurer is working on getting this amount. The purchase of a new patrol truck was discussed, but no decision was made. This will be revisited at the next budget workshop.
 - There were questions as to what would happen if the Town did not spend the bond proceeds by the 3-year deadline. The Clerk and treasurer will look into this for the next meeting.
 - Increases in insurance rates based in higher equipment costs submitted by Smith are also unknown, and the Clerk will also look into this.

The budget deficit is \$74,076.64, but will be slightly more when the missing amounts mentioned above are known. Kessenich suggested balancing the budget using undesignated funds, which totaled \$331,854 on the 2007 Financial Statement. There was general agreement on this approach. The Treasurer will consult with Virchow, Krause & Company for their opinion on using these funds to balance the budget.
- IV. **MOTION** by Morrow/Kindschi to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:12 P.M. The plan is to finalize the budget at the next budget workshop on October 29th

Kim Banigan
Clerk
Approved 11/03/2008

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
OCTOBER 27, 2008

- I. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum of the Town Board was present with Kris Hampton, Steve Anders, Mike Kindschi, and Karen Kessenich all in attendance. Also present were Clerk Kim Banigan and Highway Superintendent Jeff Smith.
- II. Hampton called the meeting to order at 6:32 P.M.
- III. Finalize/Approve Town of Cottage Grove Budget for 2009. Areas discussed included:
 - Insurance: Consensus was to go with the following coverages for 2009:
 - Property: Increase the deductible from \$250 to \$1,000, for a premium of \$6,003
 - Liability: Increase coverage to \$4 million per event and \$10 million aggregate, for a premium of \$6,578
 - Auto: Increase the deductible to \$1,000, and add \$4 million combined single limit per accident, for a premium of \$3,324
 - Workers Compensation premium estimated at \$10,744
 - Total Insurance estimated at \$29,750, including \$2,850 for Town owned Fire Apparatus
 - Police Commission: They have requested \$2000 for salaries and \$10,950 for professional services, to be split 50/50 by the Town and Village. The Town Board would like a more detailed written request, along with 2008 year to date expenditures.
 - Deer Grove EMS: Kessenich asked what happens when DGEMS has a surplus at the end of the year – Hampton said it stays with DGEMS, although they have not had much of a surplus in recent years. 2008 year to date expenditures (through September) were reviewed. Kessenich had questions about what was subject to FICA since the amount paid out did not correspond to wages. She also had questions regarding continuing education and volunteer stipends. Hampton provided an email from Interim Director/Training Officer Lisa Antoniewicz showing details of training and stipend line items. Kessenich requested a 2007 end of year report.
 - Kessenich provided copies of Wis. Stats. 60.40 Preparation and adoption of budget and 65.90 Municipal budgets, noting the reference to the accumulation of unappropriated surplus funds in 60.40.
 - Kessenich questioned when funds should be designated for sick leave liability, as the amount designated as of December 31, 2007 does not come close to the liability. A spreadsheet used by Virchow Krause & Company to calculate carryover sick leave and vacation liability, as well as the report used by the Treasurer to report carryover amounts to Virchow Krause & Company, were reviewed. Kessenich questioned why a 12% bonus is included in the calculation of the sick leave liability. An email from the Treasurer said that she had questioned the 12% in the past and was told to include the it. The Treasurer's email further stated that this would be discussed at the audit in January. Kessenich also asked why Ruth Gjermo was not listed with the sick leave liability amounts. The Clerk said she thought that Gjermo was paid out her 50% of sick leave liability after she dropped below 20 hours per week. Kessenich asked for verification of if/when she was paid out for sick leave liability, and whether her payout included the 12% bonus.

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
OCTOBER 27, 2008

- It was determined that the budget could not be finalized without further information as noted above, and the next Budget Workshop was scheduled for November 5, 2008 at 7:00 P.M.

IV. **MOTION** by Hampton/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:38 P.M.

Kim Banigan
Clerk
Approved 11/3/2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 3, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Dave Morrow, and Steve Anders in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with Fire Chief Bruce Boxrucker, Mark Kudrna, Greg Frutiger, and a reporter from the Herald-Independent.
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Morrow/Hampton to approve the minutes of the October 20, 2008 Public Hearing and Town Board Meeting as printed. **MOTION CARRIED 2-0-1** (Anders abstained).
 - 2. **MOTION** by Morrow/Hampton to approve the minutes of the October 21, 2008 Budget Workshop as printed. **MOTION CARRIED 2-0-1** (Anders abstained).
 - 3. **MOTION** by Anders/Hampton to approve the minutes of the October 27, 2008 Budget Workshop as printed. **MOTION CARRIED 2-0-1** (Morrow abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Morrow/Anders approve the payment of bills corresponding to checks #15690 through #15732 as presented, including voided check #15700. **MOTION CARRIED 3-0.**
 - 2. **MOTION** by Morrow/Anders to approve payment of October 2008 per diems and building permit fees as presented. **MOTION CARRIED 3-0.**
 - 3. The Treasurer presented the Police Commission per diems for January 1 – September 30, 2008, and asked the board how frequently they would like to pay these per diems in the future. **MOTION** by Morrow/Anders to approve payment of January 1 – September 30, 2008 Police Commission per diems as presented, and to pay future per diems on a quarterly basis. **MOTION CARRIED 3-0.**
- E. Public Concerns: Smith asked if the board would like to consider reducing the speed limit on the west end of Gaston Road from 55 mph to 45 mph. Board consensus was to put the matter on the next agenda, with notice mailed to residents on the affected stretch of Gaston Road.
- F. Road Right of Way Permits: **MOTION** by Morrow/Anders to approve Charter Communications to plow and drill parallel to the roadway from pedestal to pedestal on Vilas Road. **MOTION CARRIED 3-0.**

II. NEW BUSINESS

- A. Discuss/Consider Contract for Provision of Fire Protection and Rescue Services by and between the Cottage Grove Volunteer Fire Department Inc. and the Town of Pleasant Springs: Boxrucker explained what has changed on the contract since the Town Board previously approved it. Changes were based on input from the Village's attorney. **MOTION** by Hampton/Anders to approve the Contract for Provision of Fire Protection and Rescue Services by and between the Cottage Grove Volunteer Fire Department Inc. and the Town of Pleasant Springs as presented. **MOTION CARRIED 3-0.**
- B. Consider/Approve 2009 Deer-Grove EMS Budget: Hampton stated that all of the other three municipalities in the Deer-Grove EMS district have approved the budget including service to

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 3, 2008

the Town of Pleasant Springs but without an ambulance purchased in 2009. **MOTION** by Anders/Morrow to approve the 2009 Deer-Grove EMS budget, including service to the Town of Pleasant Springs but without a new ambulance. **MOTION CARRIED 3-0.**

- C. Consider/Approve additional election inspector for November 4, 2008 General Election – Colleen Ward. **MOTION** by Hampton/Morrow to approve Colleen Ward to serve as an election inspector at the November 4, 2008 General Election. **MOTION CARRIED 3-0.**

III. UNFINISHED BUSINESS

- A. Consider/Approve letter to residents with non-conforming mailbox supports: **MOTION** by Hampton/Morrow to draft a letter based on the sample given in Wisconsin Transportation Bulletin No. 14 – Mailbox Safety, and send to owners of non-conforming mailbox supports, along with the first 3 pages of the bulletin and TCG Ord. sec. 12.045 Regulation of Mailbox Installation. The letter will be signed by the Highway Superintendent. **MOTION CARRIED 3-0.**
- B. Discuss ordinance revisions for stormwater permit compliance: Anders questioned prohibiting discharge of pool water, stating that any pool owner backwashing their pool would be in violation. The matter was tabled until the next meeting.
- C. Discuss/Consider Plan Commission recommendation for development of Ofsthun property: Hampton stated that the Plan Commission felt that a Community Development Authority (CDA) was the best alternative so as to not encumber taxpayers. He will invite Town of Windsor Chair Alan Harvey to the next meeting – they have had a CDA since 1997.

IV. Clerk's Report

- A. Dane County Ordinances: The clerk reminded board members that Ordinance Amendment No. 21, 2008-2009 will be considered at the November 17th meeting.

V. Board Reports

- A. Hampton reported receipt of notice from the Department of Revenue that the Town is out of compliance with the requirement for assessed values to be within 10% of full values. The Town has until 2012 to come into compliance.

VI. Committee Reports:

- A. Law Enforcement Committee: The committee met earlier tonight for labor contract negotiations. The Police budget is on the Joint Town/Village Boards agenda for November 6th.
- B. Joint Town/Village Fire Department Committee: Funding of a fire engine to service the Town of Pleasant Springs is on the Joint Town/Village Boards agenda for November 6th. A demo from Pierce Manufacturing is available, but must be spoken for by Friday. Otherwise, it could take 1 ½ months to make the required modifications to a new truck, and cost \$10,000 - \$12,000 more. Hampton is investigating financing options.

- VII. Adjournment: **MOTION** by Hampton/Morrow to adjourn. **MOTION CARRIED 3-0.** The meeting was adjourned at 7:50 p.m.

Kim Banigan, Clerk
Approved 11-17-2008

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
NOVEMBER 11, 2008

- I. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum of the Town Board was present with Kris Hampton, Mike Kindschi, and Karen Kessenich in attendance. Steve Anders arrived at 8:00 P.M. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Village Trustee Jack Henrich. Hampton called the meeting to order at 7:06 P.M. at Flynn Hall.
- II. Finalize/Approve Town of Cottage Grove Budget for 2009. Areas discussed included:
 - Police commission expenses: Commission Chair Suzanne Zinkel had submitted a budget request of \$12,950, 50% of which is the Town's share (\$6475)
 - A police squad car for \$27,168, with the Town's share at \$11,302 (41.6%).
 - Kessenich asked whether a new ambulance for Deer-Grove EMS is still on the table, as she had heard that the Village of Deerfield, while not budgeting for it, possibly intended to borrow for one in 2009. As far as any board members understood, the ambulance is off the table for 2009.
 - Kessenich had further questions about the Deer-Grove EMS budget, especially relating to the intern program. She would like to know what the actual cost of having an intern amounts to.
 - Sick Leave Liability fund: Kessenich suggested fully funding the sick leave liability fund, which she estimated would require a balance of \$73,000 as of the end of 2008. The Treasurer suggested that this be done after the 2008 audit results are known in April of 2009.
 - The Clerk presented a spreadsheet showing three alternative plans for debt service in 2009:
 - (a) Debt service as scheduled.
 - (b) Using the \$63,166 of unused bond proceeds towards the 2009 bond payment. This would lower the mill rate since this amount would not need to be levied for.
 - (c) Using the \$63,166 of unused bond proceeds towards the 2009 bond payment as in (b) above, but levying an additional \$34,178 to pay off the loan for the 2005 plow truck in 2009 (one year early). This still results in a lower mill rate than (a), but saves \$1,386 in interest for 2010, and since the 2005 plow truck loan was authorized prior to July 1, 2005, this extra debt service is added to the base levy for levy limit calculations, which gives a boost for future years.

The board agreed that (c) was a smart move, and modified the budget to reflect it.

 - Smith reported to the board his findings regarding contracting of fuel for 2009. He had obtained a contract price from Landmark Services Coop, but a deposit would be required in 2008. The Board suggested he check again with Landmark to see if the Town can get into a program similar to what Deer-Grove EMS uses which gives them a 5 cent discount per gallon without contracting. Smith was also advised to check with BP and Kwik Trip about contracting or possible discounted fuel prices. Kindschi suggested the possibility of pooling fuel purchases across all Town and Village departments be discussed at a joint Town/Village Boards meeting.
 - A deficit of \$97,483 remained after all steps to reduce expenses had been taken.

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
NOVEMBER 11, 2008

MOTION by Kindschi/Kessenich to accept the budget as drafted, and use \$97,483 of undesignated funds to balance the budget. **MOTION CARRIED 4-0.**

- III. Set date for 2009 Budget Public Hearing and Special Meeting of the Electors to set 2008 payable 2009 mill rate: The budget will be available for inspection by Friday, November 14th, and a public hearing and special meeting of the electors to approve the levy will be held on Monday, December 1st beginning at 6:30 p.m.
- IV. **MOTION** by Kessenich/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:28 P.M.

Kim Banigan
Clerk
Approved 10-18-2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 17, 2008

PUBLIC HEARING – Creation of TCG. Ord. Sec. 11.08 False Alarms Prohibited

- I. Notice of the public hearing was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi and Karen Kessenich in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with a reporter from the Herald-Independent and those listed on the attached sign-in sheet (available in the Clerk's office).
- II. Chairman Hampton called the public hearing to order at 7:00 P.M.
- III. The Clerk read the proposed ordinance.
- IV. Hampton asked for comments from the public, there were none.
- V. **MOTION** by Anders/Kindschi to close the public hearing. **MOTION CARRIED 5-0.**

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. Notice of the meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi and Karen Kessenich in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with a reporter from the Herald-Independent and those listed on the attached sign-in sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:06 p.m.
- C. Minutes of previous meeting(s):
 1. **MOTION** by Kessenich/Kindschi to approve the minutes of the November 11, 2008 Budget Workshop as presented. **MOTION CARRIED 4-0-1** (Morrow abstained).
 2. **MOTION** by Anders/Morrow to approve the minutes of the November 3, 2008 Town Board Meeting as printed. **MOTION CARRIED 3-0-2** (Kindschi and Kessenich abstained).
- D. Finance Report and Approval of Bills:
 1. **MOTION** by Morrow/Anders approve the payment of bills corresponding to checks #15733 through #15793 as presented. **MOTION CARRIED 5-0.**
 2. The Treasurer noted that the final shared revenue payment for 2008, in the amount of \$72,553.60, has been received and is reflected in the General Fund balance on the Unaudited Cash and Investment Balances report.
 3. The Treasurer asked for November per diem reports to be submitted by November 27th.
- E. Public Concerns:
 1. Kathy Eccles, 3267 Field View Lane, questioned the timing of the recent notices sent to owners of non-compliant mailboxes, stating that the ground is already hard for digging up a mailbox post. She asked for an exception to the 30 days given to come into compliance. Smith said that while he will probably be too busy with other tasks in 30 days to go out and inspect mailboxes, the Town cannot grant an exception because it could be seen as an acceptance of the liability should anyone be injured.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 17, 2008

2. Hampton read a letter from Randy Letlebo, 1908 Strawberry Road, objecting to TCG Ord. sec. 10.08 Regulation of Discharge of Firearms.

- F. Road Right of Way Permits: **MOTION** by Anders/Morrow to approve Verizon North, Inc. to jack & bore and plow for buried telephone line installation at the intersection of Vilas and Sime Roads. **MOTION CARRIED 5-0.**

II. NEW BUSINESS

- A. Discuss/Consider reducing the speed limit to 45 m.p.h. on Gaston Road from Vilas Road to the Town Line: Don Klongland, 3108 Gaston Road, stated he is in favor of dropping the speed limit. **MOTION** by Kessenich/Morrow to reduce the speed limit on Gaston Road from Vilas Road north to the Town line. **MOTION CARRIED 5-0.**
- B. Discuss petition opposing the creation of a TDR receiving area on Skarstinden Road: Hampton explained that the petition was originally submitted to the Plan Commission at their September meeting. The Skaar's request to consider the creation of a TDR receiving area had been forwarded to the Plan Commission by the Town Board. The Plan Commission tabled the matter until their January meeting.

Jim Franke, 1677 Nora Road, stated that creating a TDR receiving area on Skarstinden Road does not fit with the present Land Use Plan, referring to maps J-3 and J-4 that show the area in question as remaining in agriculture.

Steve Fehringer, 1708 Nora Road, said that the Plan Commission and Town Board are faced with decisions to change the land use plan in small increments that collectively result in a plan that looks nothing like the original, and is essentially useless. He suggested taking a look to see where every opportunity lies before decisions to alter the plan are made.

Anders said that the land use plan is meant to be fluid. He also said that just because the Plan Commission has entertained the Skaar's request does not mean it has been approved, in fact such an approval would be along process including public hearings at the Plan Commission and Town Board level. He explained that because most of the intended receiving areas in the original land use plan are in areas under the extraterritorial jurisdiction of either the City of Madison or the Village of Cottage Grove, the Town is being forced to look at other areas for potential growth as they are presented by owners willing to develop.

Kessenich expressed her concern that the purpose of the TDR program was to promote infill development where existing residential was. She stated she is against the creation of a TDR receiving area on Skarstinden Road.

There was concern over a potential for up to 42 homes on the Skaar property. Hampton explained that before the 4 current lots were approved, Skaar's were asked to provide a plan for what the property would look like if it were entirely developed, in order to plan for placement of roads. That plan showed 42 lots, although Skaar's have never asked for that many.

- C. Consider/Approve creation to TCG Ord. sec. 11.08 False Alarms Prohibited: **MOTION** by Anders/Morrow to adopt TCG Ord. sec. 11.08 False Alarms Prohibited as presented. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 17, 2008

- D. Discuss First Amendment to Intermunicipal Agreement to Create the Cottage Grove Fire District and Contract for Provision of Fire Protection and Rescue Services by and between the Town of Cottage Grove and the Village of Cottage Grove (collectively, the "District") and the Town of Pleasant Springs: Hampton explained that the Amendment was proposed in order to expand the fire district to include the territory under contract in the Town of Pleasant Springs. Kindschi suggested more generic language in the amendment, referring to any and all contracted areas and contractual terms, so that another amendment would not be needed when the Pleasant Springs contract ends. This will be forwarded to the Village Board for their review, and on the Joint Town/Village Boards agenda on December 4th for action.
- E. Consider/Approve Cottage Grove Area Historical Society plans to remodel the Flynn Hall basement: Hampton explained that the Historical Society wants to remove a non-bearing wall to expand their area into the hallway. Questions were raised about whether the work would be performed by members or contractors, how much it will cost, and what kind of proof of insurance and/or hold harmless agreements are needed. More information will be gathered and this will be further discussed at the December 1st Town Board meeting.
- F. Consider/Approve 2009 Dog License Renewal notice format: The Clerk explained that traditionally a single dog license application card has been sent to every taxpayer, whether they had 0 dogs or several dogs. Instead she proposed sending a printout to owners of currently licensed dogs showing the current information on file, with space for dog owners to update anything outdated. This renewal notice would be mailed along with tax bills so there would be virtually no additional postage expense. The notice included a reminder of the recently adopted 5 dog limit on residential parcels. Kindschi noted that the limit only applies to residential parcels of 2 acres or less, and Kessenich suggested including language directly from section (3) of TCG Ord. sec. 20.30 Number of Animals Regulated. **MOTION** by Kindschi/Anders to approve the format of the 2009 Dog License Renewal notices, with the inclusion of language from the ordinance. **MOTION CARRIED 5-0.**
- G. Discuss ownership percentage of new fire engine: Tabled until the December 1st meeting.

III. UNFINISHED BUSINESS

- A. Discuss/Consider 2009 Budget: Kessenich was surprised to see the proposed tax levy for 2008 going down compared to 2007. The clerk explained that this is due to the plan to use unspent bond proceeds for debt service rather than levying for it. Kessenich had understood that the unspent bond proceeds would be an extra principal payment, not used as part of the scheduled payment. The clerk did not think prepayment of the bond principal would be allowed, but as no one was sure, a meeting was scheduled for 6:00 p.m. tomorrow (November 18th) to discuss further once an answer to this question is known.

MOTION by Morrow/Kessenich to table items B. and C. below until December 1, 2008.

MOTION CARRIED 5-0.

- B. Discuss ordinance revisions for stormwater permit compliance
- C. Discuss/Consider Plan Commission recommendation for development of Ofsthun property/possible use of a Community Development Authority
- D. Update on Police Union Contract Negotiations: Hampton reported that the Police Union voted down their own proposal after the Town and Village approved it. The next steps will be mediation and arbitration.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 17, 2008

IV. Clerk's Report

A. Dane County Ordinances:

1. Ord. Amend No. 21, 2008-2009 Amending Chapter 10 of the Dane County Code of Ordinances, creating A-4 small lot agricultural district: Communication received from the Dane County Towns Association recommended approval of the ordinance amendment. **MOTION** by Kessenich/Anders to approve Ord. Amend No. 21, 2008-2009 Amending Chapter 10 of the Dane County Code of Ordinances, creating A-4 small lot agricultural district. **MOTION CARRIED 5-0.**

- B. Board Reports: Hampton reported that MATC would like to use the Town Hall for their Farm Business and Management Course. The board agreed to allow MATC to use the Town Hall at no charge.

V. Committee Reports:

- A. Ordinance Committee: The committee is still working on the Building Code Ordinance.
- B. Emergency Government Committee: The committee toured the Wisconsin Emergency Management Emergency Operations Center in Madison in November. There will be no meeting in December.

- VI. Adjournment: **MOTION** by Morrow/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:27 p.m.

Kim Banigan, Clerk
Approved 12-01-2008

TOWN OF COTTAGE GROVE
SPECIAL TOWN BOARD MEETING
NOVEMBER 24, 2008

- I. Notice of the meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi and Karen Kessenich in attendance. Clerk Kim Banigan and Attorneys Connie Anderson and Paul Kent were also present.
- II. Chairman Hampton called the meeting to order at 5:31 P.M.
- III. **MOTION** by Morrow/Anders to MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to the Olson and Jack cases.
MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.
- IV. The Board moved into closed session at 5:32 p.m. Morrow and Kindschi both left during the closed session.
- V. **MOTION** by Kessenich/Anders to reconvene to open session. **MOTION CARRIED 3-0 BY ROLL CALL VOTE.** The board reconvened to open session at 6:22 p.m.
- VI. Action as a result of closed session: None.
- VII. **MOTION** by Anders/Hampton to adjourn. **MOTION CARRIED 3-0.** The meeting was reconvened at 6:23 p.m.

Kim Banigan, Clerk

Approved 12-1-2008

(Closed session minutes are still closed and pending approval)

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 1, 2008

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Dave Morrow, Steve Anders, Mike Kindschi and Karen Kessenich in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with Herald-Independent reporter Cliff Miller. Town Planner Gary Peterson arrived at 8:17 p.m.
- B. Chairman Hampton called the meeting to order at 7:02 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Kessenich/Kindschi to approve the minutes of the November 17, 2008 Public Hearing and Town Board Meeting, with the addition of the following to item II. B.:
Kessenich expressed her concern that the purpose of the TDR program was to promote infill development where existing residential was. She stated she is against the creation of a TDR receiving area on Skarstinden Road. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/Morrow to approve the minutes of the November 18, 2008 Budget Workshop as printed. **MOTION CARRIED 5-0.**
 3. **MOTION** by Anders/Kessenich to approve the open session minutes of the November 24, 2008 Town Board meeting. **MOTION CARRIED 3-0-2** (Morrow and Kindschi abstained). Approval of the closed session minutes was delayed until they can be discussed in a future closed session.
- D. Finance Report and Approval of Bills:
1. **MOTION** by Morrow/Kessenich to approve the payment of bills corresponding to checks #15794 through #15825 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Kessenich/Kindschi to approve check #15826 to the Dane County Treasurer in the amount of \$118.25 as payment for the dog licenses issued since September 1, 2008. **MOTION CARRIED 5-0.**
 3. **MOTION** by Kessenich/Morrow to approve payment of November 2008 per diems and building permit fees, less \$85 for building permit #1284. **MOTION CARRIED 5-0.** There was discussion about whether building permits should be required for re-roofing and re-siding jobs, and concern over a potential false sense of security given to homeowners when permits are issued but an inspection is not performed, as with roofing permits. Kessenich suggested that a permit application be filled out for the purpose of notifying the assessor, but no fee be charged.
- E. Public Concerns: The clerk presented a letter from P. Purdy of 1796 Strawberry road, who commended the town road crew on their excellent job plowing and maintaining town roads, but suggested that the use of salt used could be cut down to save money.
- F. Road Right of Way Permits: None.

II. NEW BUSINESS

- A. Discuss Building Inspector Contract: The Town of Bristol's contract with Viken Inspection Agency LLC was reviewed as an example. After discussion, the clerk will draft a similar contract for the Town of Cottage Grove to be considered at the December 15th meeting, with the following changes:
- In Section III, change the term of the agreement to 3 years rather than 5.
 - In Section IV, reference fees in the Town's ordinance as the source of contractor compensation. There was discussion about what "unusual expenses" would include, but in

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 1, 2008

the end it was decided to leave the sentence in as it does say they must be incurred pursuant to the Town's direction.

- In Section V, extend the requirement for written notice of termination to 90 days rather than 30.
- B. Discuss/Consider whether to participate with the Village of Cottage Grove and the City of Monona in applying for an Office of Energy Independence (OEI) grant for a "25% by 2025 Plan": Peterson explained that the Office of Energy Independence is accepting applications for \$500,000 on a state level for recipient communities to spend on developing their plans to reduce fossil fuel use by 25% by the year 2025. Peterson said that the Town of Cottage Grove is ahead of other communities due to the fact that: 1) The Town has already adopted a sustainability resolution, 2) The Town has adopted sustainable standards for the development of an agri-business park and 3) The Town has already done a study on sustainability and is ready to begin implementation. The grant money is all for writing of plans, not for purchases related to implementation. Peterson suggested that the Town apply on their own rather than in partner with the Village of Cottage Grove and the City of Monona, and offered to write the application at no charge. He thought the Town should ask for \$5,000 to be used for studying operations/use of fuel in equipment, and for a Focus on Energy audit of all buildings. **MOTION** by Kessenich/Anders for the Town to apply for the OEI grant independently due to already being ahead of the others, authorizing Peterson to write the application at no charge, and Hampton to sign it. **MOTION CARRIED 5-0.**
- C. Consider/Approve letter to VFIS Claims Management Inc. regarding insurance coverage for Olson case: The clerk summarized the history of contact between the Town and VFIS regarding the Olson Case, and read an email from Attorney Greg Murray suggesting that a letter from the attorneys confirming the most recent conversation was in order. **MOTION** by Kessenich/Anders directing the attorneys to send the letter as described in Murray's email. **MOTION CARRIED 5-0.**
- D. Discuss letter from Shari Norsetter regarding connecting driveway at old Town garage: Hampton and Smith had met with Norsetters and garage tenant Dennis Viney regarding a dispute over use of the Town's driveway by the Norsetters. Viney is concerned over his liability due to Norsetters' use of the driveway, as well as security of the back side of the building, and has been blocking the part of the Town driveway that connects with the Norsetter driveway. Norsetters say they have been using the driveway since the properties were built in the 1940's, and claim the use falls within the definition of a prescriptive easement. Attorney Greg Murray drafted a response letter disagreeing with the prescriptive easement claim, stating instead that the use has always been permissive. The letter went on to withdraw permission for Norsetters to use Town property as an access way or driveway to any of their property, but offered that the Town may reconsider this position in the event that Norsetters and Viney can come to an alternate agreement. **MOTION** by Anders/Morrow to send the letter as presented. **MOTION CARRIED 4-1** (Kessenich opposed.)

III. UNFINISHED BUSINESS

- A. Consider/Approve Cottage Grove Area Historical Society plans to remodel the Flynn Hall basement: The Clerk reported that Historical Society members intend to do the remodeling themselves, although they will hire an electrician, and are aware that a certificate of insurance will need to be provided to the Town. The Clerk had also confirmed with the Village that no building permit is needed. **MOTION** by Kessenich/Anders to approve the CGAHS plans to remodel the Flynn hall basement as previously discussed. **MOTION CARRIED 5-0.**
- B. Discuss ownership percentage of new fire engine: Discussion was that ownership should be based on equalized value, the same as was done with the other jointly owned equipment. Further

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 1, 2008

discussion was about how the Town can be reimbursed for the use of Town owned equipment in Pleasant Springs. Kindschi suggested that the Town bill the Village at the end of each year based on a percentage of actual usage, and Hampton suggested checking to see if FEMA has rates for fire equipment. This will be discussed at the Joint meeting on December 4th.

- C. Discuss ordinance revisions for stormwater permit compliance: Tabled until December 15th.
- D. Discuss/Consider Plan Commission recommendation for development of Ofsthun property/possible use of a Community Development Authority: Hampton said that the Plan Commission sent him to talk to the Ofsthuns, and they are not able to finance the infrastructure of the development, but they are willing to consider selling on a Land Contract basis. A Community Development Authority (CDA) was suggested because once it is created and authorized, it can operate separately from the Town, including borrowing money, seeking a developer, lessees, and anything else as authorized by the Town Board. Before a CDA could take over, however, the property would need to be declared blighted. Further discussion was tabled until the second meeting in January of 2009 so board members can research CDA's.

IV. Clerk's Report

- A. Dane County Ordinances: none.

V. Board Reports

A. Hampton:

- 1. The Dane County Towns Association is requesting Town action in choosing between two DCTA budgets for 2009. This will be on the December 15th agenda.
- 2. Notice of an Order on Requests to Intervene and second prehearing conference for ATC's proposed transmission line has been received.
- 3. Notice of Working Lands workshops in December has been received.
- 4. The 2009-2013 Transportation Improvement Program for the Dane Co. Area is available in the Town office.

VI. Committee Reports:

- A. Law Enforcement Committee: There has been no news from the Union regarding contract negotiations.
- B. Ad Hoc Land Conservancy Committee: Sarah Kwitek of Dane County encouraged the committee to apply for a 15% grant from Dane County for the 43 acres, as well as talking to the DNR regarding grant opportunities for the 43 acres. Meanwhile, the Bradt's request to rezone the property for agriculture has been postponed at the County level.
- C. Deer-Grove EMS Commission: Interviews for the Lieutenant position will be held this coming weekend. Some of the candidates for the Chief position are far away so initial interviews will be conducted over the phone. Attorney Mike Westcott's office has been authorized and given parameters to negotiate a settlement in the Jack case.

VII. Adjournment: **MOTION** by Morrow/Kessenich to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:40 p.m.

Kim Banigan, Clerk
Approved 12-15-2008

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
DECEMBER 15, 2008

PUBLIC HEARING FOR:

1. Creation of TCG Ord. Ch. 14 Illicit Discharge Control (to replace current Ch. 14 Erosion Control and Wetlands)
 2. Revisions to TCG Ord. sec. 11.06 Public Nuisances
 3. Revisions to TCG Ord. sec. 16.02 Solid Waste Disposal
-
- I. The public hearing was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Steve Anders, Mike Kindschi and Karen Kessenich in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk's Office).
 - II. Chairman Hampton called the public hearing to order at 7:00 P.M.
 - III. Copies of the proposed ordinances were available in the back of the room. These additions/revisions were suggested by Stormwater Consultant Chuck Nahn. Hampton asked if there was any public comment, there was none.
 - IV. The clerk distributed a memo from Attorney Greg Murray suggesting that abatement procedures in Ord. sec. 11.06 and Ch. 14 be changed to say that the property owner must obtain a court order to prevent the Town from accessing their property rather than requiring the Town to get a court order to gain access if denied by the owner.
 - V. Board discussion included correction of a numbering reference in sec. 11.06 (2)(a), and typos in sec. 14.10(2). Anders questioned whether provisions to prohibit pumping of basement water into frozen ditches in the winter is needed to prevent overflow onto roadways. Smith stated he has not seen a problem with this.
 - VI. **MOTION** by Anders/Kindschi to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 7:14 p.m.

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at Hwy BN. A quorum was present with Kris Hampton, Steve Anders, Mike Kindschi and Karen Kessenich in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office). Attorneys Connie Anderson and Paul Kent arrived at 8:00 P.M.
- B. Chairman Hampton called the meeting to order at 7:15 P.M.
- C. Minutes of previous meeting(s):
 1. **MOTION** by Kessenich/Kindschi to approve the minutes of the December 1, 2008 Town Board Meeting, with the addition of the quotes around "25% by 2020" in item II. B. **MOTION CARRIED 4-0.**
 2. **MOTION** by Anders/Kindschi to approve the minutes of the December 4, 2008 Public Hearing and Special Meeting of the Electors as printed. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 1. The Treasurer noted that check #15865 to Mellon Bank is the January 2009 payment for the capital lease on the ladder truck, which is up for approval now because it is due before the first Town Board meeting in January. She will mail it at the end of December, and make a journal entry to allocate it to the 2009 budget. She also mentioned she is waiting for billing details to make a journal entry allocating payment by check #15876 to Virchow Krause & Company between 2008 accounting services and 2008 audit expenses to be paid in by the 2009 budget.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
DECEMBER 15, 2008

MOTION by Anders/Kindschi to approve the payment of bills corresponding to checks #15827 through #15877 as presented. **MOTION CARRIED 4-0.**

2. The Treasurer reported that a check in the amount of \$26,435 for FEMA disaster aid was received and credited to highway fuel expenses.
 3. The Treasurer asked for board December per diem reports and 2008 committee per diem reports by December 31, 2008.
- E. Public Concerns: Scott Foley, owner of Ultimate Construction, spoke in opposition of reducing building permit requirements, stating that doing so would diminish efforts by the state to require that contractors be licensed. He also said that permits give the Town oversight of compliance with recycling requirements and proper disposal of hazardous materials, as well as a track record of improvements for the assessor and prospective buyers.
- F. Road Right of Way Permits: None.

II. NEW BUSINESS

- A. Discuss/Consider Approval of Amendment to 2008 Budget: The treasurer suggested that funds allocated for Town Board Legal Expenses could be distributed to other accounts that are over budget. The clerk filled in Budget Resolution 2008-01 allocating funds as follows:
1. \$12,000 from account 50250 Town Board Legal Expenses to 50270 Town Board Litigation Expense.
 2. \$8,500 from account 50250 Town Board Legal Expenses to 50240 Court Legal Expenses.
 3. \$150 from account 50250 Town Board Legal Expenses to 50750 Flynn Hall Expenses.
 4. \$4,350 from account 50250 Town Board Legal Expenses to 50710 Town Hall Maintenance.

MOTION by Hampton/Kessenich to approve Budget Resolution 2008-01. **MOTION CARRIED 4-0.**

- B. Discuss/Consider Approval of energy efficiency improvements to Town buildings: Discussion included:
- Replacement of the electric water heater at Town Hall with a natural gas one
 - Installing programmable thermostats with automatic setbacks at the Town Hall (meeting room and office), and at Flynn Hall
 - Installing light tubes in the Town office. Scott Foley said in his experience they do not lead to energy savings due to the heat lost, and often have condensation problems. He suggested that an energy audit and weatherization would be a better investment.
 - Installing motion detecting lights outside of the Town Hall, Flynn Hall, and the Garage.

MOTION by Kessenich/Kindschi to authorize expenditures up to \$4,500 as approved by the Chair and Highway Superintendent for efficiency improvements to Town buildings, including a natural gas water heater for Town Hall, 3 programmable thermostats, and motion detecting outdoor lights. **MOTION CARRIED 4-0.**

- C. Discuss/Consider Approval of Resolution 2008-10 Authorizing Joint Loan for the 2009 Pierce Pumper Fire Truck with the Village of Cottage Grove from Wisconsin Community Bank: Kessenich suggested that two payments be made each year rather than just one, to save on interest expense. Funding for the loan payment will come from service fees paid by the Town of Pleasant Springs, which will be paid in two installments; one in March and the other in September. Hampton anticipated that the March payment will be needed for operating expenses related to service in Pleasant Springs, and noted that the intention is to apply any surplus fees to paying extra principal with the loan payment, which is due in December. **MOTION** by Kessenich/Kindschi to approve Resolution 2008-

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
DECEMBER 15, 2008

10 Authorizing Joint Loan for the 2009 Pierce Pumper Fire Truck with the Village of Cottage Grove from Wisconsin Community Bank. **MOTION CARRIED 4-0.**

- D. Discuss/Consider Approval of Dane County Towns Association 2009 Dues Schedule: **MOTION** by Kessenich/Anders to select the second option on the ballot, keeping the dues schedule the same as 2008. **MOTION CARRIED 4-0.**

Skip to K: Discuss/Consider Approval of Professional Services Agreement Related to Building Permit Inspection Services for Town with Viken Inspection Agency, LLC for 2009-2011: Tom Viken was in attendance, and stated that a similar contract with the Town of Bristol has been working out well for him for years. **MOTION** by Anders/Kindschi to approve the Professional Services Agreement Related to Building Permit Inspection Services for Town with Viken Inspection Agency, LLC for 2009-2011, changing *him* to *Contractor* in the fourth sentence of item E. under Section 2. **MOTION CARRIED 4-0.**

Skip to M. CONSIDER/ADOPT MOTION TO MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to the Olson and Jack cases: **MOTION** by Anders/Kessenich to move into closed session. **ROLL CALL VOTE – ALL AYES.**

N. MOVE INTO CLOSED SESSION: The board moved into closed session at 8:38 P.M.

O. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION NO EARLIER THAN 9:00 P.M.: **MOTION** by Anders/Hampton to reconvene to open session. **ROLL CALL VOTE – ALL AYES. MOTION CARRIED 4-0.** The board reconvened into open session at 9:53 p.m.

P. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION:

1. Discuss/Consider Approval of Resolution 2008-11 Settlement of Kim Jack's Claim Against Deer-Grove EMS: **MOTION** by Kindschi/Kessenich to approve Resolution 2008-11 Settlement of Kim Jack's Claim Against Deer-Grove EMS. **MOTION CARRIED 3-0-1** (Anders abstained).
2. Discuss/Consider Approval of Resolution 2008-12 Approval of Plat of Highland's Addition to American Heritage: **MOTION** by Anders/Kessenich to approve Resolution 2008-12 Approval of Plat of Highland's Addition to American Heritage. **MOTION CARRIED 4-0.** Kessenich asked to go on record as preferring that a variance be granted or the TDR Ordinance be repealed in its entirety to prevent any further claims.

(Return to)

E. Consider Approval of creation of TCG Ord. Ch. 14 Illicit Discharge Control, to replace current Ch. 14 Erosion Control and Wetlands: **MOTION** by Hampton/Kessenich to repeal the current Ord. Ch. 14 Erosion Control and Wetlands, and replace it with Illicit Discharge Control, including corrections identified in the public hearing and language for 14.10 (3)(d) to be obtained from Attorney Greg Murray requiring property owners to get a court order if they want to prevent the Town from accessing their property in the case of an abatement. **MOTION CARRIED 4-0.**

F. Consider Approval of revisions to TCG Ord. sec. 11.06 Public Nuisances: Kessenich questioned whether road kill would constitute a violation under (1)(c)2., but ultimately no changes were deemed necessary. Anders questioned whether retention ponds could be in violation under (1)(c)3. Suggestion was to add: *Approved retention ponds on public property are exempt from this section.* **MOTION** by Hampton/Kessenich to approve revisions to TCG Ord. sec. 11.06 Public Nuisances, including corrections identified in the public hearing, language as above exempting retention ponds on public property from (1)(c)3., and language for (3)(d) to be obtained from Attorney Greg Murray requiring property owners to get a court order if they want to prevent the Town from accessing their property in the case of an abatement. **MOTION CARRIED 4-0**

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
DECEMBER 15, 2008

- G. Consider Approval of revisions to TCG Ord. sec 16.02 Solid Waste Disposal: **MOTION** by Kessenich/Kindschi to approve revisions to TCG Ord. sec 16.02 Solid Waste Disposal as presented. **MOTION CARRIED 4-0.**
- H. Discuss/Consider Approval of First Amendment to Intermunicipal Agreement to Create the Cottage Grove Fire District and Contract for Provision of Fire Protection and Rescue Services by and between the Town of Cottage Grove and the Village of Cottage Grove (collectively, the "District") and the Town of Pleasant Springs: **MOTION** by Kessenich/Anders to approve the Amendment and Agreement as presented. **MOTION CARRIED 4-0.**
- I. Discuss/Consider Approval of Town office employment for 2009: The Clerk stated that Bev Homburg is willing to step up her employment level from an as-needed basis to one day per week in 2009. **MOTION** by Anders/Kessenich to approve Bev Homburg to work one day per week in 2009 at the replacement secretary rate as set in the 2009 Labor Negotiation Agreement. **MOTION CARRIED 4-0.**
- J. Discuss/Consider Approval of continued use of Flynn Hall for the CG Community Library Story Time and Book Babies programs in 2009: The Clerk stated that there have been no issues reported due to the Library's use of Flynn Hall. **MOTION** by Kessenich/Anders to allow the CG Community Library to continue to use Flynn Hall for the Story Time and Book Babies programs through December 31, 2009. **MOTION CARRIED 4-0.**
- K. (done earlier)
- L. Discuss/Consider Approval of refund of building permit fees denied by Town Board/contested by residents: There was a question as to whether the Building Inspector verifies licensing of contractors. On the application form, there are places to record license numbers for electrical, plumbing, and HVAC permits, but not for general building permits. **MOTION** by Kindschi/Kessenich to refund building permit fees to the six individuals listed, including four that were previously denied by the Town Board and two that were contested by residents. Refunds for the two permits issued in 2007 to be paid out of account 50170 Other Town Board Expenses. **MOTION CARRIED 4-0.** A cut-off date for additional refund requests was set as December 31, 2008.

III. UNFINISHED BUSINESS - NONE

IV. Clerk's Report

- A. Dane County Ordinances: none.
- B. Release of Letter of Credit for Rather Road Improvements: The Clerk reported that in August of 2008, Soleil Development Corp. contacted her wondering if the letter of credit could be released. The Clerk confirmed with Highway Superintendent Smith that there was no need to extend the letter of credit, and informed Soleil Development Corp. that they did not need to renew it. It expired in November.

V. Board Reports

- A. Kessenich and Banigan will attend a Hazard Mitigation meeting at the County tomorrow.

VI. Committee Reports: None.

VII. Adjournment: **MOTION** by Kessenich/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 10:57 p.m.

Kim Banigan, Clerk
Approved 01/05/2008

Reposted 1/30/09 - correct errors

TOWN OF COTTAGE GROVE

RESOLUTION NO. 2008-10

AUTHORIZING JOINT LOAN FOR THE 2008 PIERCE PUMPER FIRE TRUCK WITH THE VILLAGE OF COTTAGE GROVE FROM WISCONSIN COMMUNITY BANK

Recitals

WHEREAS, the Town of Cottage Grove, Dane County Wisconsin is presently in need of funds totaling \$290,000.00 for the public purpose of jointly purchasing with the Village of Cottage Grove a 2008 Pierce Pumper fire truck for the Cottage Grove Fire District; and,

WHEREAS, the Town Board deems it necessary and in the best interest of the Town that pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, the sum of \$290,000.00 be borrowed jointly with the Village of Cottage Grove for such purposes, and upon the terms and conditions hereinafter set forth.

Resolution

NOW, THEREFORE, be it resolved, that for the purposes set forth above, the Town, by its Chairperson and Clerk, pursuant to Section 67.12(12), Wisconsin Statutes borrow from the Wisconsin Community Bank ("Lender"), the sum of \$290,000.00 jointly with the Village of Cottage Grove, and to evidence such indebtedness, said Chairperson and Clerk shall make, execute and deliver to the Lender for and on behalf of the Town the promissory note of the Town and Village to be dated December 15, 2008, in said principal amount with interest at a rate of four and one half percent (4.5%) per annum and payable as follows:

Installments of Principal and Interest. In ten (10) equal installments of \$36,766.56, the first installment payment of which is due on December 15, 2009 and on the same day each year thereafter, plus a final payment of the unpaid balance and accrued interest in the amount of \$36,766.47 due on December 15, 2018. All payments include principal and interest. Interest is payable at the times so indicated above. Interest is computed for the actual number of days principal is unpaid on the basis of a 360 day year. Full or partial prepayment of this note is permitted on any principal or interest payment date without penalty on or after December 15th, 2008. A copy of the promissory note is attached to this resolution.

BE IT FURTHER RESOLVED, that there be and hereby is levied on all of the taxable property of the Town, a direct annual irrevocable tax sufficient in amount to pay the Town's share of the principal and interest on said note as it becomes due and payable, said tax to be in the minimum amount necessary to pay the Town's share of said note, up to and including the full annual principal and interest payment of \$36,766.56.

If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet the Town's share of the principal or interest payments on said note when due, the requisite amount shall be paid from other funds of the Town then available, which sums shall be replaced upon the collection of the taxes herein levied. In the event that the Town exercises its prepayment privilege, then no such direct annual tax shall be included on the tax roll for the prepayments made and the amount of direct annual tax hereinafter levied shall be reduced accordingly for the year or years with respect to which said note was prepaid.

In each of said levy years, the direct annual tax so levied shall be carried into the tax rolls each year and shall be collected in the same manner and at the same time as other taxes of the Town for such years are collected; provided, that the amount of tax carried into the tax roll may be reduced in any year by the amount of

any surplus in the debt service account for this note. So long as any part of the principal or interest of or interest on said note remains unpaid, the proceeds of such tax shall be segregated in a special fund used solely for the payment of principal of and interest on said note.

BE IT FURTHER RESOLVED, that there hereby is established in the treasury of the Town, if one has not already been established, a debt service fund, separate and distinct from other funds, which shall be maintained in accordance with generally accepted accounting principles. Sinking funds established for obligations previously issued by the Town may be considered as separate and distinct accounts within the debt service fund. Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Account for Promissory Note dated December 15th, 2008," which account shall be used solely for the purpose of paying principal and interest on said note. There shall be deposited in said account any accrued interest paid on said note at the time it is delivered to the Lender, all money raised by taxation or appropriated pursuant hereto, and such other sums as may be necessary to pay principal and interest on said note when the same shall become due.

BE IT FURTHER RESOLVED, that the proceeds of said note shall be used solely for the purposes for which it is issued, but may be temporarily invested until needed in legal investments, provided that no such investment shall be in such a manner as would cause said note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986 as amended or the Regulations of the Commissioner of Internal Revenue thereunder; and an officer of the Town charged with the responsibility for issuing the note, shall certify by use of an arbitrage certificate, if required, that, on the basis of the facts, estimates and circumstances in existence on the date of the delivery of the note, it is not expected that the proceeds will be used in a manner that would cause said note to be an "arbitrage bond."

BE IT FURTHER RESOLVED, that the projects financed by the note and their ownership, management and use will not cause the note to be a "private activity bond" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended, and that the Town shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the note.

BE IT FURTHER RESOLVED, that the Town Clerk shall keep records for the registration and for the transfer of the note. The person in whose name the note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on the note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such note to the extent of the sum or sums so paid. The note may be transferred by the registered owner thereof by presentation of the note at the office of the Town Clerk and Village Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his legal representative duly authorized in writing. Upon such presentation, the note shall be transferred by appropriate entry in the registration records and a similar notation including date of registration, name of new registered owner and signature of the Town Clerk and Village Clerk, shall be made on such note.

BE IT FURTHER RESOLVED, that the note is hereby designated as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended, relating to the ability of financial institutions to deduct from income, for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

BE IT FURTHER RESOLVED, that the Town officials are hereby authorized and directed, so long as said note is outstanding, to deliver to the Lender any audit statement or other financial information the Lender may reasonably request and to discuss its affairs and finances with the Lender.

BE IT FURTHER RESOLVED, that said note shall be delivered to the Lender on or after the date of said note, upon receipt of the total principal amount of the loan evidenced thereby, plus accrued interest, if any, to date of delivery. The principal amount of the loan shall be disbursed on or before December 19, 2008.

Adopted this 15th day of December, 2008 by the Board of the Town of Cottage Grove by a vote of 4 for and 0 against and 0 abstentions.

**TOWN OF COTTAGE GROVE,
Dane County, Wisconsin**


Kris Hampton, Town Chair

ATTEST:


Kim Banigan, Town Clerk

PROMISSORY NOTE

TOWN OF COTTAGE GROVE AND VILLAGE OF COTTAGE GROVE

\$290,000.00 Dated: **December 15, 2008**

1. **Promise to Pay and Payment Schedule.** The Town of Cottage Grove, Dane County, Wisconsin, a Wisconsin Town organized under Chapter 60 of the Wisconsin Statutes ("Town") and the Village of Cottage Grove, Dane County Wisconsin, a Wisconsin Village organized under Chapter 61 of the Wisconsin Statutes, ("Village") jointly and severally promise to pay to Wisconsin Community Bank, ("Lender") the sum of Two Hundred Ninety Thousand and 00/100 dollars (\$290,000.00), payable with interest at the rate of four and one half percent (4.5%) per annum as follows:

Installments of Principal and Interest. In ten (10) equal installments of \$36,766.56, the first installment payment of which is due on December 15, 2009, with subsequent annual payments due on the same day each year thereafter, plus a final payment of the unpaid balance and accrued interest in the amount of \$36,766.47 due on December 15, 2018. All payments include principal and interest.

Principal and Interest on this note shall be payable only to the Lender in lawful money of the United States of America at the Office of the Lender. The final installment of principal on the note shall be payable only upon presentation and surrender of this to the Town and Village Treasurers.

2. **Interest Payment.** Interest is payable at the times so indicated in paragraph 1 above. Interest is computed for the actual number of days principal is unpaid on the basis of a 360 day year.

3. **Prepayment.** Full or partial prepayment of this note is permitted on any principal or interest payment date without penalty on or after December 15th, 2008.

4. **Other Charges.** If any payments (other than the final payment) are not made on or before the 15th day after its due date, Lender may collect a delinquency charge of 5.0% of the unpaid amount. Unpaid principal or interest bear interest after maturity until paid (whether by acceleration or lapse of time) at the rate of 4.5% per year, computed on the basis of 360 day year.

5. **Security.** For the prompt repayment of this note with interest and the levying and collection of taxes sufficient for that purpose, the full faith, credit and resources of the Town and Village are hereby irrevocably pledged.

6. **Transferability.** This note is transferrable by the Lender in person or its legal representative duly authorized in writing, upon presentation of a written instrument of transfer to the Town Clerk and Village Clerk and upon such transfer being similarly noted hereon, the Town and Village shall deem and treat the person in whose name this note is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or interest hereof and for all other purposes.

7. **Wisconsin statutes; Authorization.** This note issued under the terms of and for purposes specified in Section 67.12(12), Wisconsin statutes; and is authorized by a resolution of the Town Board duly adopted by the Town Board at its open meeting duly convened on December 15, 2008, which resolution is recorded in the official minutes pertaining to said date, and a resolution of the Village Board duly adopted by the Village Board at its open meeting duly convened on December 15, 2008, which resolution is recorded in the official minutes pertaining to said date,

8. **Internal Revenue Code.** This note has been designated by both the Town and the Village as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue code of 1986, as amended.

9. **Certification and Recitations of Town and Village.** It is hereby certified and recited that all conditions, things and acts required by law to exist, to be or to be done prior to and in connection with the issuance of this note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the Town and Village, including this note, does not exceed any limitation imposed by law, and that the Town and Village have levied a direct annual irrevocable tax sufficient to pay this note together with interest thereon when and as payable.

10. **Default and Enforcement.** Upon the occurrence of any one or more of the following events of default, which defaults continue for a period of 10 days after written notice of default and right to cure from Lender: (a) Town and/or Village fail to pay any amount when due under this note, (b) any representation or warranty made

under this note or information provided by Town or Village to Lender in connection with this note is or was false or fraudulent in any material respect, (c) a material adverse change occurs in Town's or Village's financial condition, (d) Town or Village fail to timely observe or perform any of the covenants or duties in this note, or (e) an event of default occurs under any agreement securing this note, then the unpaid balance shall, at the option of Lender upon notice to the Town and Village mature and become immediately payable. The unpaid balance shall automatically mature and become immediately payable in the event Town or Village become the subject of bankruptcy or other insolvency proceedings. Lender's receipt of any payment on this note after the occurrence of an event of default shall not constitute a waiver of the default of the Lender's rights and remedies upon such default.

11. **Venue.** To the extent not prohibited by law, Town and Village consent that venue for any legal proceeding relating to collection of this note shall be Dane County Wisconsin.

12. **Obligations and Agreements of Town and Village.** Town and Village agree to pay all costs of collection before and after judgment including reasonable attorneys' fees. Subject to Section 893.80, Wisconsin Statutes, Town and Village agree to indemnify and hold harmless Lender, its directors, officers and agents from and under this note or the activities of Town and Village. This indemnity shall survive payment of this note. Town and Village acknowledge that Lender has not made any representation or warranties with respect to, and the Lender does not assume any responsibility to Town or Village for the financial condition of Town and Village. Town and Village have independently determined the collectability and enforceability of this note. Town and Village authorize Lender to disclose financial and other information about Town or Village to others.

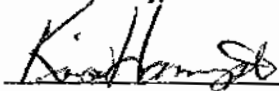
13. **No Waiver; Rights and Remedies.** No failure on the part of any party to exercise, and no delay in exercising, any right, power or remedy under this note shall operate as a waiver of such right, power or remedy; nor shall any single or partial exercise of any right under this note preclude any other or further exercise of the right or the exercise of any other right. The remedies provided in this note are cumulative and not exclusive of any remedies provided by law. Without affecting the liability of Town or Village, Lender may, without notice, accept partial payments for the payment of this note or agree not to sue any party liable on it. Without affecting the liability of Town and Village, Lender may from time to time, without notice, renew or extend the time for payment subject to the time limits prescribed in Section 67.12(12), Wisconsin Statutes.

14. **Interpretation.** This note is intended by Town and Village and Lender as a final expression of this note and as a complete and exclusive statement of its terms, there being no conditions to the enforceability of this note. This note may not be supplemented or modified except in writing. This note benefits Lender, its successors and assigns, and binds Town and Village and its successors and assigns. The validity, construction and enforcement of this note are governed by the internal laws of Wisconsin. Invalidity or unenforceability of any provision of this note shall not affect the validity or enforceability of any other provisions of this note.

15. **Security.** This note is to be secured by a security agreement in a 2008 Pierce Pumper fire truck dated December 15, 2000.

TOWN OF COTTAGE GROVE

Dane County, Wisconsin



By: Kris Hampton, Town Chair

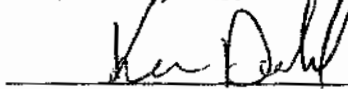


Attested by: Kim Banigan, Town Clerk

Date: 1/8/09

VILLAGE OF COTTAGE GROVE

Dane County, Wisconsin



By: Ken Dahl, Village President



Attested by: Kim Manley, Village Administrator

Date: 1-8-09

TOWN OF COTTAGE GROVE

RESOLUTION NO. 2008-10

SETTLEMENT OF KIM JACK'S CLAIM AGAINST DEER-GROVE EMS

Recitals

WHEREAS, former Deer-Grove EMS employee Kim Jack ("Jack") filed a complaint against the Deer-Grove EMS with the Equal Rights Division of the Department of Workforce Development in the State of Wisconsin (the "Claim"); and,

WHEREAS, the Deer-Grove EMS Commission (the "Commission"), without admission of any liability by Deer-Grove EMS whatsoever, which liability is expressly denied, directed its legal counsel to explore settlement of the Claim in order to allow the Commission and the Deer-Grove EMS to move forward and focus on its mission of providing emergency medical services to the communities it serves; and,

WHEREAS, the Commission and Jack have reached an acceptable settlement of the Claim, subject to approval of the Village of Deerfield, the Village of Cottage Grove, the Town of Deerfield and the Town of Cottage Grove; and,

WHEREAS, the insurers for the Villages of Cottage Grove and Deerfield, the Town of Cottage Grove and the Deer-Grove EMS have agreed to pay the full amount of the damages due and owing for the Claim.

Resolution

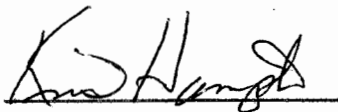
NOW, THEREFORE, in consideration of the above recitals, which are incorporated by reference, the Town of Cottage Grove hereby resolves as follows:

1. The Town of Cottage Grove approves settlement of the Claim on the terms set forth above; and,
2. The Town of Cottage Grove approves such other conditions in the settlement agreement as are deemed customary and prudent by the Commission and its legal counsel, provided that such conditions fully and completely resolve the Claim with no additional costs to the Deer-Grove EMS.

Resolved by the Town Board of the Town of Cottage Grove on this 15th day of December, 2008, by a vote of 3 for, 0 against, and 1 abstaining.

TOWN OF COTTAGE GROVE

Attested by:



By: Kris Hampton, Town Chair



Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE

RESOLUTION NO. 2008-12

APPROVAL OF PLAT OF HIGHLAND'S ADDITION TO AMERICAN HERITAGE

Recitals

WHEREAS, Walter J. Olson, on September 10, 2004, filed a summons and complaint in the Dane County Circuit Court against the Town of Cottage Grove seeking a declaratory judgment, pursuant to Wis. Stat. § 806.04, regarding the validity of the Town of Cottage Grove's Land Division and Planning Code, Section 15.15, Transfer of Development Rights (2002), on various grounds (the "Complaint") (Walter J. Olson v. Town of Cottage Grove, Dane County Circuit Court Case No. 04-CV-2821) (the "Lawsuit"); and,

WHEREAS, the demand for judgment in the Complaint requests relief directing the Town of Cottage Grove to immediately approve the final plat of Highlands's Addition to American Heritage, which final plat was submitted to the Town on September 19, 2003 (Complaint, p. 14, B., Exhibit 7 of the Complaint); and,

WHEREAS, the TDR ordinance at issue in the Lawsuit has since been amended, and the Town Board sees no value in litigation that involves an ordinance that is no longer in effect; and,

WHEREAS, the Town Board does not admit that it has any liability arising from the claims set forth in the Complaint and expressly denies liability and reserves all of its defenses in the Lawsuit; and,

WHEREAS, the Town Board wishes to resolve the issues in the Lawsuit without further delay or expense to either party; and,

WHEREAS, solely as part of the Town's ongoing effort to settle the Lawsuit and/or resolve certain of the demands and issues raised in the Lawsuit, the Town Board wishes to approve the final plat for Highland's Addition to American Heritage as set forth in this Resolution.

Resolution

NOW, THEREFORE, in consideration of the above recitals, which are incorporated by reference, the Town Board of the Town of Cottage Grove hereby resolves as follows:

A. Upon adoption of this Resolution, the Town of Cottage Grove's prior approval of the final plat for Highland's Addition to American Heritage shall be and is deemed null and void.

B. As demanded in the Complaint, the Town of Cottage Grove hereby approves the final plat for Highland's Addition to American Heritage without requiring compliance with the Town of Cottage Grove's Land Division and Planning Code, Section 15.15, Transfer of Development Rights (2002), and subject solely to the following conditions, which conditions are consistent with those set forth in the prior approval:

1. Compliance with the seven conditions of the 10/9/2002 Planning Commission meeting, except those requiring compliance with the Town of Cottage Grove's Land Division and Planning Code, Section 15.15, Transfer of Development Rights (2002).
2. Dedication of 66' of roadway at end of Conestoga Trail for road right of way.
3. Dedication of parkland in accordance with applicable law.
4. Compliance with the Engineer's acceptance and conditions report/letter.
5. Obtaining and providing copy of Dane County permit for proposed Kennedy Road and Highway BB intersection.
6. Execution of a Standard Developer's Agreement between the Town of Cottage Grove and the Developer.

C. The Town Board's conditional approval of the final plat for Highland's Addition to American Heritage set forth in this Resolution No. 2008-12 shall terminate on December 31, 2010, unless either of the following occurs on or before December 31, 2010:

1. The final plat for Highland's Addition to American Heritage is recorded in the Dane County Register of Deeds Office; or,
2. The Town of Cottage Grove extends the termination date by Resolution of the Town Board.

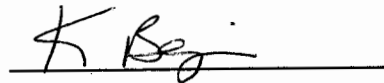
RESOLVED BY THE TOWN BOARD OF THE TOWN OF COTTAGE GROVE on this 15th day of December, 2008, by a vote of 4 for, 0 against, and 0 abstaining.

TOWN OF COTTAGE GROVE

Attested by:



By: Kris Hampton, Town Chair



Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE

4058 County Road N
COTTAGE GROVE, WI 53527

BUDGET RESOLUTION NO. 2008-01

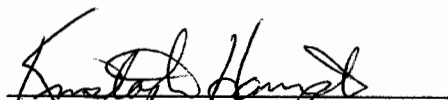
A resolution changing the 2008 budget of the Town of Cottage Grove, Wisconsin, adopted by a two-thirds majority vote of the entire membership of the TOWN BOARD.

BE IT RESOLVED by the TOWN BOARD of the Town of Cottage Grove as follows:

1. That the sum of \$ 12,000 is hereby transferred
from account 50250 Town Board Legal Expenses
(account number and name)
to account 50270 Town Board Litigation Expense
(account number and name)
2. That the sum of \$ 8,500 is hereby transferred
from account 50250 Town Board Legal Expenses
(account number and name)
to account 50240 Court Legal Expenses
(account number and name)
3. That the sum of \$ 150 is hereby transferred
from account 50250 Town Board Legal Expenses
(account number and name)
to account 50750 Flynn Hall Expenses
(account number and name)
4. That the sum of \$ 4,350 is hereby transferred
from account 50250 Town Board Legal Expenses
(account number and name)
to account 50710 Town Hall Maintenance
(account number and name)

Adopted this 15th day of December, 2008 by a vote of 4 for and 0 against.

TOWN OF COTTAGE GROVE


Kristopher Hampton, Town Chair

ATTEST:


Kim Banigan, Town Clerk