

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
JANUARY 5, 2009

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, 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).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Kessenich/Kindschi to approve the minutes of the December 15, 2008 Public Hearing and Town Board Meeting as presented. **MOTION CARRIED 3-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by Kindschi/Kessenich to approve the payment of bills corresponding to checks #15878 through #15946 as presented. **MOTION CARRIED 3-0.**
 2. The Treasurer reported that reimbursement of \$1,425.70 was received from the WDNR grant to assist in stormwater management planning. Federal fuel tax refunds of \$3,065.34 have been received for the years of 2005-2007, when Landmark Services Coop mistakenly charged the tax. A Federal fuel tax refund for 2008, and State fuel tax refunds for 2005-2008 are still in progress.
 3. **MOTION** by Kindschi/Kessenich to approve December and Annual per diems as presented. **MOTION CARRIED 3-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. NEW BUSINESS

- A. Discuss/Consider Approval of Lease for Former Town Garage at 4091 CTH N to Viney Parts and Service Inc. for a three year term beginning June 1, 2009: Discussion included:
- Dennis Viney wondered if the access issue with the neighbor has been rectified, and Hampton stated that no response has been received to the letter directing them to stop using the garage driveway.
 - Viney asked for permission to remove the remaining half of the partial block wall; permission to remove the east end of the wall was granted with the original lease.
 - Viney asked if there would ever be an opportunity for him to recoup the expenses he incurred in installing electrical outlets in the back of the building (~\$500). Hampton said not at this time.
 - Viney was concerned over section 15. Condemnation, which would only give him 30 days notice to vacate. It was noted that this would likely only occur after the property was annexed by the Village, which would involve a longer process than 30 days.
 - Language in section 22 Subordination to Mortgages was questioned, and ultimately the section was deemed unnecessary.
- MOTION** by Kessenich/Kindschi to approve the Lease for Former Town Garage at 4091 CTH N to Viney Parts and Service Inc. for a three year term beginning June 1, 2009, striking section 22 Subordination to Mortgages, and correcting the Viney's address on page 6.

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MOTION CARRIED 3-0.

MOTION by Kindschi/Kessenich to allow the tenant to remove the remaining half of the block wall, and install guard posts (bollards) around the support beam. **MOTION CARRIED 3-0.**

- B. Discuss/Consider Approval of use of the Town Hall basement for Girl Scout cookie distribution on February 23 – 26, 2009: **MOTION** by Kessenich/Kindschi to allow the Girl Scouts to use the Town Hall basement for cookie distribution on February 23 – 26, 2009. **MOTION CARRIED 3-0.**
- C. Update on Ad Hoc Land Conservancy Committee and Grant Application Process, and Discuss/Consider approval of other options: Kessenich reported:
- A certified value for the 59 acres is anticipated in time for the January 8th Joint Town/Village Boards meeting. This is a combination of the WDNR and County appraisals, and represents the amount that a grant would be based on.
 - All committee minutes have been approved and submitted for 2007 – 2008, except for the December 2008 meeting.
 - A Madison Community Foundation grant does not look likely as the foundation has re-targeted its focus on basic needs due to current economic conditions.

Hampton asked if there are other options for the 43 acres, and Kessenich said there is a possibility of another Dane County grant of up to 15%, and another WDNR grant. The application process for these will begin at the next committee meeting.

Hampton suggested discussing possible purchase and development options that would be acceptable to neighbors in Meadow Grove to give them as much of a buffer as possible. Kessenich would like to see a discussion at the Joint Town/Village Board meeting about what use is palatable to both municipalities. The topic is on the January 8, 2009 Joint Town/Village Board agenda.

- D. Discuss joint fuel contracting with the Village of Cottage Grove: Bids from Kwik Trip (5 cent discount/gallon) and Stop-N-Go (6 cent discount/gallon net 15 days or 4 cent discount/gallon net 30 days) had been received. There was a question over whether Kwik Trip has diesel fuel, and Smith expressed concern over having to travel through the Village and wait in line to fill at either Kwik Trip or Stop-N-Go compared to the convenience of the Landmark Services Coop keylock which is right nearby. Smith also wondered whether Stop-N-Go and Kwik Trip blend fuel to prevent freeze-ups, and if they would discount the fuel tax.
- E. Discuss/Consider approval of revisions to the Town of Cottage Grove Personnel Policies and Procedures Manual and format of the 2009 Labor Negotiation Agreement: This item was tabled until the next meeting when hopefully the full board will be present.

III. Clerk's Report

A. Dane County Ordinances:

1. Discuss/Consider Approval of Ordinance Amendment No.33, 2008-2009 Amending Chapter 10 of the Dane County Code of Ordinances, clarifying definition of building height: **MOTION** by Kessenich/Kindschi to approve the Dane County Ordinance Amendment as presented. **MOTION CARRIED 3-0.**

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IV. Board Reports

- A. Hampton reported that there was an accident involving the new 2008 Pierce Pumper and the Ladder Truck inside the fire station yesterday.

V. Committee Reports:

- A. Deer-Grove EMS Commission: The committee approved the Jack settlement agreement at their December meeting.
- B. Ad Hoc Land Conservancy Committee: Discussed earlier.
- C. Joint Town/Village Fire Department Committee: No Report.
- D. Law Enforcement Committee: There has been a change in leadership of the union. No new contract has been agreed upon, so they are running on last year's contract.
- E. Ordinance Committee: Next meeting is January 12th, they are still working on the Building Code. Kessenich suggested that if permits are required for re-roofing and re-siding, language be added to clearly state that if the permit holder wants an inspection, they must call for one.

- VI. Adjournment: **MOTION** by Kindschi/Kessenich to adjourn. **MOTION CARRIED 3-0**. The meeting was adjourned at 8:27 p.m.

Kim Banigan, Clerk
Approved 01/19/2009

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING MINUTES
JANUARY 19, 2009

PUBLIC HEARING – Revisions to TCG Ordinance Chapter 12 – Building Code and
Revisions to TCG Ordinance Chapter 07 – Fees and Bonds

- 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, Dave Morrow, Steve Anders, Mike Kindschi and Karen Kessenich in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Building Inspector Tom Viken were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- II. Chairman Hampton called the meeting to order at 7:00 P.M. and asked if there were any questions or comments regarding the proposed ordinance revisions:
 - Smith noted that item 7.02(6) Specialized Plowing Operations Fees are quite dated compared to current state equipment rates. Discussion was that the Town should adopt the current year state equipment rate and in addition charge the average labor cost for Town highway employees, including benefits.
- III. **MOTION** by Anders/Kindschi to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:08 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 in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Building Inspector Tom Viken were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office). Attorney Connie Anderson arrived at 7:43 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/Kindschi to approve the minutes of the January 5, 2009 Town Board Meeting, with a correction in II. C. to say "This is a combination of WDNR *and County* and State appraisals. **MOTION CARRIED 3-0-2** (Morrow and Anders abstained).
 2. **MOTION** by Anders/Kindschi to approve the minutes of the December 15, 2008 closed session as printed, and to keep them closed until both matters are resolved. **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 #15947 through #156011 as presented. **MOTION CARRIED 5-0.**
 2. The Treasurer reported that mortgage company escrow checks dated in December have not been coming in to the Town until January, which has caused distress for tax payers hoping to claim their tax payment for 2008 income tax purposes. January per diem reports are due on January 31st. Auditors will be in the office on January 21st and 22^d.
 - E. Public Concerns:

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1. Steve Edmundson, a Village resident of 405 Westlawn Circle, made a complaint about snow removal on Vilas Hope Road. He said when he called to complain, he was told that the Town is doing the best they can with the resources available, which he did not feel was an adequate response. He said he received 35-40 phone calls in response to his letter to the editor on the subject, and 20 people claimed to have called the Town to complain. The Clerk stated she had only taken one other complaint about Vilas Hope Road this winter, and Smith said he had not received all of those calls either. Edmundson was also dissatisfied with Hampton's response to an email complaint. He described the road as glare ice with only the center of the road clear, and suggested that the Town is missing opportunities to put down salt during warmer weather or before the snow comes. He said that 10 cars have slid off the road. Hampton said that the Police Department has not indicated any concerns over the condition of the road, and there have been no complaints from the school district. Smith explained that due to the limited availability of salt, only hills, curves and intersections are being salted. The Town maintains 67 miles of roadway, and it takes the crew over 5 hours to clear them all, so depending on when the snowfall occurs, there will be times when roads have not been plowed before heavy traffic times.
2. Don Kettinger, 3771 Bohnsack Lane, said he thinks the highway crew does a great job with snow removal, salting and sanding, and do not need to change a thing.

F. Road Right of Way Permits: None.

II. NEW BUSINESS

(Anderson arrived)

- A. Consider Approval of revisions to TCG Ordinance Chapter 12 - Building Code: Kessenich asked whether the Ordinance Committee had considered using the model ordinance (available from the State) for adoption of the Uniform Dwelling Code. Morrow and Kindschi, who serve on the Ordinance Committee, said that our ordinance is more comprehensive than the model. Kessenich had several questions regarding the UDC, which were answered by Viken, Anderson and Jim Franke. **MOTION** by Morrow/Anders to approve the revisions to TCG Ord. sections 12.01 and 12.02 as presented. **MOTION CARRIED 4-1** (Kessenich opposed). It was noted that a change will need to be made to the Section IV. Of the Professional Services Agreement Related to Building Inspection Services for the Town since the revised ordinance now references building permit fees set by resolution of the Town Board, not in Chapter 7 of the Town's Code of Ordinances.
- B. Discuss/Consider Approval of Resolution 2009-01 Adopting Fees for Permits Issued by the Town Building Inspector: Kessenich had questions for Viken regarding procedures for issuing of permits, especially relating to verification of contractor licenses and when inspections take place, what is inspected. It was noted that it is the responsibility of the person taking out the permit to call for an inspection. **MOTION** by Kindschi/Morrow to approve Resolution 2009-01 Adopting Fees for Permits Issued by the Town Building Inspector, and to make the fees effective upon posting on January 23, 2009. **MOTION CARRIED 5-0.**
- C. Consider Approval of revisions to TCG Ordinance Chapter 07 – Fees and Bonds: Hampton suggested that all of the fees be set by resolution of the Town Board rather than being in the ordinance. This will be considered at a later time. **MOTION** by Anders/Morrow to approve

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revisions to TCG Ordinance Chapter 07 Fees and Bonds as presented. **MOTION CARRIED 5-0.**

- D. Discuss/Consider Approval to Town of Cottage Grove Demolition Permit: Kessenich asked if there should be a requirement to notify adjoining landowners of a demolition, especially if it is by fire. Anders stated that is routinely taken care of by the fire department. **MOTION** by Morrow/Anders to approve the permit, but change the name to 'Razing Permit'. **MOTION CARRIED 4-1** (Kessenich opposed).
- E. Discuss/Consider Approval of two police commissioners attending 'The Role of the Police and Fire Commission' Seminar at UW-Madison Pyle Center on Feb. 17, 2009: **MOTION** by Morrow/Kindschi to approve two police commissioners to attend the February 17, 2009 seminar at a cost of \$65.00 each. **MOTION CARRIED 5-0.**
- F. Consider Approval of attendees for Dane County Towns Association meeting on Jan. 21, 2009: **MOTION** by Morrow/Kessenich to approve two attendees to the January 21st DCTA meeting. **MOTION CARRIED 5-0.** Hampton and Anders intend to attend.
- G. Consider Approval of attendees for Wisconsin Towns Assoc. District Meeting, February 14, 2009: **MOTION** by Morrow/Anders to approve two attendees to the February 14th WTA meeting. **MOTION CARRIED 5-0.** No board members committed to attending at this time.

III. UNFINISHED BUSINESS

- A. Discuss/Consider approval of revisions to the Town of Cottage Grove Personnel Policies and Procedures Manual and format of the 2009 Labor Negotiation Agreement: **MOTION** by Hampton/Morrow directing Kindschi, Anders and Smith to review and recommend revisions to the December, 16, 1996 Personnel Policies and Procedures Manual. **MOTION CARRIED 5-0.**
- B. Discuss/Consider Plan Commission recommendation for development of Ofsthun property/possible use of a Community Development Authority: (Anders was gone from 9:17 to 9:40 on an EMS call during a portion of this discussion): Anderson presented a handout regarding considerations for development of the Ofsthun property. She explained how a Community Development Authority might help to meet the Town's objectives of generating tax revenue while limiting exposure and tax burden on Town residents. Kindschi asked if any study has been done of the marketability of the area, and suggested that if the area were ripe for development, private developers should be showing interest. There was discussion about the need for 'seed money' to get a CDA started, including legal and consultant expenses. Hampton suggested that seed money could be in the form of a loan that would need to be paid back with the proceeds of the CDA's bond/financing source. In a survey of the board, Kindschi, Kessenich, Morrow and Anders all indicated they are not in favor of pursuing a CDA or any Town sponsored development of the Ofsthun property at this time, but would rather wait and see if there is interest from private developers.
- 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 the Olson case. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- D. The board moved into closed session at 9:46 P.M.

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E. **MOTION** by Morrow/Kindschi to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The board reconvened to open session at 10:04 P.M.

F. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: None.

IV. Clerk's Report

A. Dane County Ordinances: None.

V. Board Reports

A. Hampton:

1. Dane County is accepting applications for funding through the Better Urban Infill Development (BUILD) program.
2. Dane County is calling for grant proposals for the Capital Equipment and Community Partner's programs.
3. He received a letter from Howard Norsetter in response to his letter regarding use of the Town's driveway for the former town garage. He sent the letter to Attorney Greg Murray for recommendation.

VI. Committee Reports:

A. Emergency Government Committee: Kessenich is working on scheduling tours of Landmark Services Coop, Hydrite Chemical Co. and the Dane County EOC. A daycare emergency plan has been received from the Police Chief.

B. Joint Town/Village Recreation Committee: The meeting was cancelled due to weather.

VII. Adjournment: **MOTION** by Morrow/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:15 p.m.

Kim Banigan, Clerk

Approved 2-2-2009

(Closed Session Minutes to remain closed until the matter is resolved)

TOWN OF COTTAGE GROVE

RESOLUTION 2009-01 A RESOLUTION ADOPTING FEES FOR PERMITS ISSUED BY THE TOWN BUILDING INSPECTOR

WHEREAS, TCG Ord. sec. 12.01(4)(a) requires that fees for permits issued by the Town building inspector be set by resolution of the Town Board; and

WHEREAS, TCG Ord. sec. 12.01(4)(a) indicates that the Town Board may amend such fees at any time;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, does hereby adopt the attached Building Permit Fee Schedule to be effective upon posting on January 23, 2009.

Adopted this 19th day of January, 2009 by a vote of 5 for and 0 against.

(Signed Copy Available in the Clerk's Office)

TOWN OF COTTAGE GROVE

Kristopher Hampton, Town Chair

ATTEST:

Kim Banigan, Clerk

TOWN OF COTTAGE GROVE

BUILDING PERMIT FEE SCHEDULE

FEE SCHEDULE. Penalty for failure to obtain a permit before starting work shall be double fees. This shall be in addition to any other penalties provided elsewhere in this ordinance.

A. New Non-Commercial Construction (Minimum fee = \$50.00)

State Seal (1-2 family residence)	\$30.00
Administrative	\$.04 per square foot
Plan Review	\$.01 per square foot
Building	\$.06 per square foot
Plumbing	\$.06 per square foot
Electrical	\$.06 per square foot
HVAC	\$.06 per square foot
Erosion	\$.02 per square foot
Extra Fees:	
Re-Inspection Fee	\$50.00
Special Inspection	\$50.00
Failure to call for Inspection	\$50.00

B. New Commercial Building Construction (Minimum fee = \$150.00)

Building	\$4.00 per \$1,000 of project cost
Administrative	\$.04 per square foot (\$75 min.)
Plan Review	\$100.00
Plumbing	\$.055 per square foot (\$75 min.)
Electrical	\$.055 per square foot (\$75 min.)
HVAC	\$.055 per square foot (\$75 min.)
Erosion	\$.02 per square foot
Sprinklers	\$.02 per square foot

C. Remodeling and Alterations: Included are garages and all out-buildings, kitchen/bath remodeling, re-siding, re-roofing, decks, etc.

Administrative	\$10.00
Construction Only	\$65.00
Electrical	\$50.00
Plumbing	\$50.00
HVAC	\$50.00
Re-siding	\$85.00
Re-roofing	\$35.00
Decks	\$60.00

D. Miscellaneous Permits

Administrative	\$10.00
Inspection of building to be moved PRIOR to moving	\$60.00
Moving a building	\$50.00
Remodeling a residential moved build	\$500.00
Driveway (New)	\$150.00
Renewal of expired 1 & 2 family permit (Pro-Rated as Per Progress)	\$500.00
Razing Permit	\$100.00

TOWN OF COTTAGE GROVE
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FEBRUARY 2, 2009

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).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Kessenich/Kindschi to approve the minutes of the January 19, 2009 Public Hearing and Town Board Meeting as printed. **MOTION CARRIED 4-0.**
 2. **MOTION** by Anders/Kindschi to approve the minutes of the January 19, 2009 closed session, eliminating an extra occurrence of the word *new* in item II., and keeping them closed until the matter is resolved. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by Anders/Kessenich to approve payment of January per diems and building permit fees of \$1453.45. **MOTION CARRIED 4-0.**
 2. **MOTION** by Kessenich/Kindschi to approve the payment of bills corresponding to checks #16012 through #16052, voiding #16051 and issuing #16052 for \$1453.45. **MOTION CARRIED 4-0.**
 3. The Treasurer reported that 2008 tax collections are wrapping up, and she plans to download tax data to the county on February 4th. Settlement with the county is scheduled for February 19th. Taxpayer overpayment checks will be up for approval at the February 16th Town Board meeting. She also reported that the 2008 audit field work was completed last week, and numbers are looking good at this point. Kessenich questioned whether all police department bills have been paid as the report prepared by the Village shows a large excess in income over expenses for 2008.
- E. Public Concerns:
1. Kindschi asked what it would take to request that Dane County create turning lanes on County BB at Buss, Vilas and Vilas Hope Roads. Smith will ask Pam Dunphy to come to the next Town Board meeting.
 2. Smith said that Dane County's 2010-2014 Capital Improvement Plan shows a joint project between the Town and Village of Cottage Grove and the Town of Sun Prairie to reconstruct the intersection of County N and I-94 (Gaston to CTH TT) in 2013, with a contribution of \$54,000 from the Town of Cottage Grove. Smith noted that this project has been in the works for a long time, and in the meantime, much of the stretch has been annexed and developed by the Village. Each year he has indicated on his return correspondence that the Town will not be participating in this project, but the Town's contribution remains listed in the project budget. He suggested that the Town Board write a letter this year, Hampton agreed to write one.
- F. Road Right of Way Permits: **MOTION** by Anders/Kindschi to approve AT& T to jack & bore, crossing and parallel to the right of way on Gaston Road near the I-94 bridge to install underground communication cables. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE
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FEBRUARY 2, 2009

II. NEW BUSINESS

- A. Discuss TCG Ordinance sec. 8.05 Winter Maintenance of Public Areas: In light of recent concerns over snow removal practices, the board reviewed the ordinance and determined that no changes are necessary.
- B. Discuss TCG Ordinance Chapter 07 Fees and Bonds: The Board reviewed the current ordinance and discussed changes that would identify the fees to be charged but not include the actual amounts. These would be instead set by resolution of the Town Board. The Clerk was directed to draft for public hearing the revisions to Chapter 07 and any other chapters referencing fees in Chapter 07.
- C. Discuss possible vacation of unnamed town road at 1994 US Highway 12 & 18: Hampton explained that this land is owned by a trust administered by an attorney. The farm house burned down years ago, and the outbuildings are in disrepair. The road has not been maintained in recent years, and is breaking up. Donald Viney currently rents the land, and intends to purchase it. Viney has indicated that he has no problem with vacation of the town road. Board consensus was to begin the process of vacating the road by Town Board Resolution.
- D. Consider Approval of Agreement between the Town of Cottage Grove and Crispell-Snyder, Inc. for Professional Consulting Services for Preparation of Comprehensive Plan Amendments and Boundary Agreement: **MOTION** by Kessenich/Anders to approve the agreement as presented. **MOTION CARRIED 4-0.**
- E. Discuss/Consider approval First Amendment to Professional Services Agreement Related to Building Inspection Services for Town: **MOTION** by Kessenich/Kindschi to approve the amendment as presented. **MOTION CARRIED 4-0.**
- F. Consider Approval of attendees for Ehlers 2009 Public Finance Seminar, February 12-13, 2009: No one is available to attend the seminar.
- G. Consider Approval of attendees for UW Road Maintenance Seminar, March 24, 2009: **MOTION** by Anders/Kessenich to allow 2 board members and Jeff Smith to attend the seminar. **MOTION CARRIED 4-0.**

III. Clerk's Report

- A. Dane County Ordinances: None.

IV. Board Reports

- A. Hampton:
 - 1. A letter from the State Office of Energy Independence states that the Town's proposal for a 25 x 25 Plan Grant was not accepted.
 - 2. The Wisconsin Towns Association will co-sponsor a "Agriculture's Changing Face" program on February 19th in Fon Du Lac.
 - 3. The police chief is looking at used chairs available from American Family Insurance, Hampton wondered if he should look at them for possible replacement of board chairs – the board agreed he should.

V. Committee Reports:

- A. Ad Hoc Land Conservancy Committee: Kessenich reported that the committee has decided not to apply for any more grants at this time. Both the County and the WDNR have advised

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that they want commitments on the 59 acres before additional grants for the 43 acres are applied for. Kessenich was surprised that the agenda for the February 5th Joint Town/Village Boards meeting does not include a closed session to discuss an offer to purchase and agreement on the 43 acres, and she has emailed Village President Dahl requesting a revised agenda.

- B. Emergency Government Committee: Kessenich said there will be a regular committee meeting in February, but not in March. Instead the committee will attend ICS 200 training on March 7th, and a tour of the Dane County EOC on March 12th. Responses to a recent letter to assisted living and daycare centers have been received from Taylor Ridge Apartments and Learning Ladder Daycare.
- C. Deer-Grove EMS Commission: Hampton reported that Matt Hurtienne has been hired as a half-time EMS Chief. With the difference in salary and benefits as compared to paying a full-time chief, a full-time paramedic will be hired.
- D. Joint Town/Village Landfill Monitoring Committee: Methane test results are still all zeros. A monitoring well cover was replaced at a cost of \$300 after it was hit by the grader during snow removal.
- E. Law Enforcement Committee: There is still no agreement on a labor contract, mediation is scheduled for February 4th.

VI. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 4-0**. The meeting was adjourned at 8:35 p.m.

Kim Banigan, Clerk
Approved 2-16-2009

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
FEBRUARY 16, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at County Road 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 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 Kessenich/Kindschi to approve the minutes of the February 2, 2009 Town Board Meeting as printed. **MOTION CARRIED 4-0-1** (Morrow abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Morrow/Kessenich to approve the payment of bills corresponding to checks #16053 through #16122. **MOTION CARRIED 5-0.**
 - 2. The Treasurer asked that February per diem reports be submitted by February 28th, and said that she will be settling with Dane County for the first installment of 2008 property tax payments on February 19th.
- E. Public Concerns: NONE.
- F. Road Right of Way Permits: NONE.

II. NEW BUSINESS

- A. Discuss/Consider approval of placing a porti-potty in Meadow Grove Park for the month of July, 2009: Jacob Tisue, Village Parks and Recreation Director, explained that instructors and parents involved in a preschool program scheduled for Meadow Grove park are concerned with the lack of restroom facilities, and asked for permission to place a porti-potty in the park from mid June through the end of July. Tisue said that the Village has not had any problems with porti-potties at other locations. Smith stated that it would need to be placed close to the road to prevent damage to the park lawn by service trucks. The clerk stated that she mailed notice of the request and a draft agenda to park neighbors on Wednesday of last week. **MOTION** by Kindschi/Morrow to approve the request for a porti-potty to be placed in Meadow Grove from mid June through the end of July, 2009, with final placement to be determined by Jeff Smith. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of Cash Farm Lease by and Between the Town of Cottage Grove and Halverson Farms for the 2009, 2010, and 2011 crop years: Kessenich reported on her findings of land rent fees based on Dane County RFP's from October of 2008, with the closest comparable parcel renting for \$106 per acre. Mark Halverson offered \$100 per acre. There were no other changes to the lease suggested. **MOTION** by Anders/Morrow to approve the Cash Farm Lease by and Between the Town of Cottage Grove and Halverson Farms for a three year period at \$100/acre. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of operator's license for Jason Wells: Mr. Wells was in attendance, and the board reviewed his history – all offenses were more than 2 years prior to his application for operator's license. **MOTION** by Morrow/Kessenich to approve an operator's license for Jason Wells. **MOTION CARRIED 5-0.**
- D. Discuss contents of 2008 Annual Report and Newsletter: Kessenich requested that a new section be added to show the full 2008 budget, 2008 actual expenditures, and 2009 Budget.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
FEBRUARY 16, 2009

- E. Discuss/Consider approval of Agreement with Dane County Emergency Management to Participate in 2009 NOAA All-Hazards Radio Distribution: **MOTION** by Anders/Morrow to order 75 radios (or the closest case number). **MOTION CARRIED 5-0.**
- F. Review Lease and Cooperative Use Agreement Regarding Flynn Hall: It was suggested that the operating cost be increased, not to exceed \$6,000. As the original agreement allowed for only one extension, a new agreement will need to be drawn up. Exhibits A and B need updating as well. The Village, Lions Club and Historical Society are also reviewing the document.

III. UNFINISHED BUSINESS

- A. Discuss/Consider approval of response to letter from Howard Norsetter: Kessenich would prefer to find a way to get the parties together to resolve this, maybe with a driveway agreement of some kind. She pointed out that in November the Town Attorney charged \$1,368 to advise the Town on this issue, which exceeded the monthly rent for the garage. Hampton stated that the Town needs to protect its property. Kindschi asked why the Town continues to rent the garage rather than selling it. Smith said that if the Town ever does decide to sell it, any uncertainty over permitted use of the driveway by the neighbors may discourage potential buyers. Kessenich wondered if the sale of either property would end any question over use of the driveway. **MOTION** by Anders/Morrow directing the Clerk to send a letter to Viney asking him to relay to the Town board exactly what he perceives as the problem with regards to Norsetters use of the driveway, including details. His response may either be written or by his appearance at the next Town Board meeting. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of revisions to Personnel Policies and Procedures Manual and format of 2009 Labor Negotiation Agreement: The board reviewed the draft as prepared by Kindschi, Anders and Smith. Areas of discussion included types of positions, use and payout of sick leave, payment in lieu of health insurance, overtime/compensatory time, longevity, and payment in lieu of retirement. Kessenich suggested that DILHR standards be reviewed and incorporated as appropriate. The discussion was ended at 9:25 p.m. to accommodate the 9:30 adjournment time.

IV. Clerk's Report

- A. The Clerk reported that the computer router in the office failed and was replaced with a new one.

V. Board Reports

- A. Hampton:
 - 1. Dane County 2009 Urban Water Quality Grant applications requirements were given to Smith to consider whether the Town has any potential projects that would apply.
 - 2. Hampton asked whether the board wanted to consider an ordinance to regulate outdoor wood furnaces. Board members indicated they were not impressed with the sample burning ordinance previously provided by email, but maybe one specifically targeting outdoor wood furnaces should be considered.

VI. Committee Reports:

- A. Emergency Government: Kessenich reported that a representative from Taylor Ridge Apartments attended the February meeting and they have extensive emergency plans in place.

- VII. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:35 p.m.

Kim Banigan, Clerk
Approved 3-02-2009

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MARCH 2, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at County Road 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 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 Kessenich/Morrow to approve the minutes of the February 16, 2009 Town Board Meeting with a spelling correction in item II. C. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills: The treasurer explained that check #16170 includes \$13,158 in Police Department payroll for December, 2008 which the Village forgot to bill on schedule. This will require Virchow Krause to adjust the Town's 2008 Financials, which had already been completed, as well as require the Treasurer to redo her Management Report. She said that the 2008 audit report is still on schedule for the March 16th Town Board meeting.
1. **MOTION** by Morrow/Anders to approve the payment of bills corresponding to checks #16123 through #16174, including voided check #16148. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/Morrow to approve payment of February per diems as presented. **MOTION CARRIED 5-0.**
 3. **MOTION** by Anders/Kindschi to approve payment of February Building Permit fees as presented. **MOTION CARRIED 5-0.**
 4. The Treasurer reported that the first installment property tax settlement with the County is complete, and she will be sending the first notice to eight delinquent personal property tax payers this week.
- E. Public Concerns: NONE.
- F. Road Right of Way Permits: NONE.

II. NEW BUSINESS

A. Plan Commission Recommendations:

1. Scott Bronson, 4570 Baxter Road – Parcel 0711-023-8715-6 – rezone of 15,150 +/- sq. feet from A-2(8) to C-1. Intended land use for home office and storage of tools and scrap materials from fencing business: Hampton read the Plan Commission recommendation to rezone the 15,150 +/- sq. feet from A-2(8) to C-1 with conditions.

Kessenich referred to a letter from Dane County Zoning dated August 7, 2008 stating that all land use decisions by Dane County must be consistent with the comprehensive plan. Bronson's parcel is designated as agriculture in the Town's comprehensive plan. Kessenich is concerned that the proper procedure has not been followed, and proposed that Bronson request a comprehensive plan change because based on the County memo, his rezone will be denied by the County. She also expressed concern over a lack of off street parking and loading/unloading requirements as stated in 10.13(8) and 10.18 in the Dane County Code of Ordinances. Bronson stated he would have six deliveries/year at the most, and offered to meet them somewhere else if necessary.

Anders asked why the County would send Bronson a letter telling him to apply for C-1 zoning if the county would likely deny the application?

Cindy Lease, 2074 DiPiazza Drive, noted that Bronson has had his property for sale, and stated

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MARCH 2, 2009

that a conditional use permit would be the best option as it would go away if the property is sold. The board reviewed CUPs available for A-2(8) zoning and found that none fit Bronson's situation. The only possibility was for a limited family business, but this was excluded because he has more than one non-family employee at times. Lease asked if it will become common practice to rezone small areas to commercial upon complaints, stating that she could think of several other residences in the Baxter Road area that are running businesses on non-commercial lots.

Bonnie Michaelis, 4560 Baxter Road, stated that Bronson only has storage on his property, not people coming in and out, and his business does not bother anyone.

MOTION by Anders/Kessenich to table the discussion until the March 16th meeting. In the meantime, 1) Bronson should talk with County Zoning about the comprehensive plan consistency requirement and how it applies to his rezone request and 2) The Town Chair should contact Zoning Inspector Bartlett and the Zoning Administrator regarding Bartlett's letter recommending C-1 zoning and its relationship to the comprehensive plan consistency requirement. **MOTION CARRIED 5-0.**

Bronson was advised that if he wants to submit a comprehensive plan change request, the deadline is March 15th.

2. Roger & Lynn Korfmacher, 2846 Femrite Drive
Parcel 0711-311-8000-1 – rezone of 37.4 acres from A1-EX to C-2|
Parcel 0711-293-9080-0 – rezone of 21.7 acres from LC-1 and A-2 to C-2 |
Parcel 0711-293-9003-0 – rezone of 5.4 acres from A1-EX to C-2
Brian Korfmacher was in attendance. Kessenich asked about the wooden bridge on Sigglekow, and Smith stated it has been recently been inspected with no restrictions. There was discussion about road access to the properties, which would be from Sigglekow and Femrite as there is no access to US Highway 12 & 18. Smith stated that future developers could be required to improve the road if need be, and weight limits could be used to force heavy traffic to come off of US Highway 12 & 18 rather than from the back way from Sigglekow. The requested zone changes are consistent with the comprehensive plan. **MOTION** by Anders/Morrow to approve the rezone of all 3 parcels to C-2 with the conditions as recommended by the Plan Commission. **MOTION CARRIED 5-0.**
- B. Consider Approval of Certified Survey Map – Sean O'Brien – 3915 Vilas Road: **MOTION** by Kessenich/Morrow to approve the CSM submitted for petition #10004 as presented. **MOTION CARRIED 5-0.**
- C. Discuss/Consider formation of a Complete Count Committee for Census 2010: Discussion was that the committee was primarily for promotion of the census. No action was taken.

III. UNFINISHED BUSINESS

- A. Discuss/Consider Viney's concerns over use of driveway for former town garage: Viney presented a written list of his concerns, and described instances of the Norsetters and their guests driving through the garage parking lot and even around the building and over the grass dividing the driveways. He is concerned over both safety and liability. Kessenich asked whether Viney thought there is any chance of the two parties working it out, and Viney was not hopeful. **MOTION** by Kindschi/Anders directing Smith to install three eight foot parking curbs between the Norsetter and garage driveways. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of revisions to Personnel Policies and Procedures Manual and format of 2009 Labor Negotiation Agreement: Areas of discussion included compensatory time, hours of work, and payroll schedule. It was decided that the clerk, treasurer and janitor should be changed from a

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MARCH 2, 2009

monthly payroll schedule to bi-weekly effective April 1st, and monthly per diem checks and building inspector payments will be issued at the first Town Board meeting of each month rather than run with the first bi-weekly payroll of the week. Formal action regarding the changes to the personnel policy will be taken at the March 16th meeting.

- C. Discuss/Consider approval of contents of 2008 Annual Report and Newsletter: The clerk explained that 2008 financials are not yet available. The board reviewed the draft and recommended paring down of some departmental contributions but going ahead with the inclusion of a 2008 budget vs. actual comparison as planned.
- D. CONSIDER/ADOPT MOTION TO MOVE INTO 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: Former "The Farm" Golf Course property: **MOTION** by Morrow/Kessenich to move into closed session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- E. MOVE INTO CLOSED SESSION: The closed session began at 9:29 P.M.
- F. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Morrow/Kessenich to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The Board reconvened to open session at 9:58 P.M.
- G. Action as a result of closed session: None.

IV. Clerk's Report: None.

V. Board Reports

A. Hampton:

- 1. A motion hearing for the Olson case is scheduled for 2:45 P.M. on March 31st with Judge Shirley Gaylord.
- 2. Hydrite's January 2009 monitoring report is available in the Town Office.

VI. Committee Reports:

- A. Joint Town/Village Fire Department Committee: Both trucks have been repaired and are back in service.
- B. Joint Town/Village Recreation Committee: The committee worked on the program guide, which will now be taken over by contractor. A part time administrative assistant has been hired.
- C. Emergency Government Committee: ICS 200 training is Saturday, March 7th from 8:00 A.M. to noon at the Emergency Services Building. On March 12th, the committee will tour the Dane County Emergency Operations Center in lieu of their regular meeting.
- D. Deer-Grove EMS Commission: Matt Hurtienne is on the job as part time chief. Ambulance requirements are out to manufacturers for bid. Audit field work has been completed.
- E. Law Enforcement Committee: The new squad car is in service. Grant money covered the cost of recording equipment.

VII. Adjournment: **MOTION** by Kessenich/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:12 p.m.

Kim Banigan, Clerk
Approved 3-16-2009

TOWN OF COTTAGE GROVE
CLOSED SESSION MINUTES
MARCH 2, 2009

- I. CONSIDER/ADOPT MOTION TO MOVE INTO 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: Former "The Farm" Golf Course property: **ROLL CALL VOTE – MORROW – AYE, ANDERS – AYE, HAMPTON – AYE, KINDSCHI – AYE, KESSENICH – AYE.** Clerk Kim Banigan was also present. The board moved into closed session at 9:29 P.M.
- II. Hampton noted that there has been no interest in serving as a facilitator for a work session to come up with potential uses for the 43 acres.

Kindschi stated that he sees no benefit to the Town of purchasing any of the property. Hampton agreed that there is no benefit to the 59 acres of conservancy alone, but an agreement allowing the Town to develop the other 43 acres would be of benefit. Morrow said he failed to see any benefit to the Town or any incentive for the Village to cooperate in an agreement.

Kessenich said it is a misinterpretation to state the appraised price on a per acre basis because it was appraised as a whole taking into account different values for differences in potential uses of various parts of the property. She said that the offer to purchase does not need to be at the appraised value, and that the grant award of ~ \$1.2 million does not change based on the purchase price. She reminded the board of the four options discussed at the January 2009 Joint meeting:

- 1) Securing grants to purchase the 43 acres purchased to remain as parkland
- 2) Seeking a private foundation to purchase the 43 acres to remain as open space
- 3) Town and Village jointly purchasing the 43 acres.
- 4) No municipal purchase of the 43 acres, but securing an agreement with the Village to allow the 43 acres to be developed in the Town.

Board members generally agreed that the Town should participate only if an agreement can be reached on the 43 acres.

- III. **MOTION** by Morrow/Kessenich to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The Board reconvened to open session at 9:58 P.M.

Kim Banigan, Clerk

Approved and released as an open record on 3/16/2009

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MARCH 16, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at County Road 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).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Kessenich/Kindschi to approve the minutes of the March 2, 2009 Town Board Meeting as presented. **MOTION CARRIED 4-0.**
 2. **MOTION** by Hampton/Kessenich to approve and make open the closed session minutes from March 2, 2009, changing the last sentence in item II. to read: *Board members generally agreed that the Town should participate only if an agreement can be reached on the 43 acres.* **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills: **MOTION** by Anders/Kindschi to approve the payment of bills corresponding to checks #16175 through #16224. **MOTION CARRIED 4-0.** The Treasurer noted that the first of two installments for fire services to the Town of Pleasant Springs has been received, in the amount of \$32,750. March per diem reports are due by April 3rd.
- E. Public Concerns: NONE.
- F. Road Right of Way Permits: NONE.

II. NEW BUSINESS

- A. 2008 Audit Report – Julie Schwingel, Virchow Krause & Company: The Town has once again been given a clean, unqualified opinion by independent auditors Virchow Krause & Company. This is the most positive opinion possible that the financial statements fairly represent the financial position of the Town. Schwingel touched on highlights of the Financial Statements and Report on Internal Control:
- She urged board members to read the Management's Discussion and Analysis, which is required under GASB34 and provides the highlights of the year.
 - Budget vs. Actual schedule of revenues and expenditures: There was a net change in fund balances of \$11,334 in 2008. Revenues exceeded the budget by ~\$65,000, but included \$41,000 in FEMA grants for snow and flood damage, as well as higher than expected revenues from fines and forfeitures. Public Works expenses exceeded the budget by ~\$47,000 due to the snow and flood emergencies.
 - The General Fund undesignated balance is \$454,857. This can be considered a cash-flow cushion that helps the Town avoid short term borrowing, and is 20% of the 2009 budget, which is quite healthy (should be in the range of 16% - 24%).
 - General Obligation Debt is limited to 5% of the Town's equalized value. The Town had \$960,000 in General Obligation Debt at the close of 2008, which is only 5% of the 5% borrowing capacity.
 - Segregation of duties was discussed, although Schwingel acknowledged that this is often an issue with municipalities of this size. She did not recommend additional staff just to accomplish this, but suggested that other controls be utilized to ensure adequate oversight.
 - Schwingel suggested a written policy for computer passwords, including regular changes and minimum length and format requirements.
 - GASB51 is coming in 2010, and will include accounting for intangible assets.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MARCH 16, 2009

- The Treasurer requested that the 2009 field audit be in February of 2010 rather than during the busy tax collection time in January.
- B. Discuss/Consider whether a Parade, Procession or Race permit applies to an AIDS Network bike ride planned for August 2009: Applicant David Beam was in attendance, and explained that there would be 2-6 riders at a time using Ridge Road from County Road BB north to the Town line on August 8, 2009. **MOTION** by Kindschi/Kessenich to approve a Parade, Procession or Race permit but waive the application fee and deposit, along with the requirement for notification of residents due to lack of impact on the Town. **MOTION CARRIED 4-0.**
- C. Discuss/Consider approval of a Parade, Procession or Race Permit for the Madison-Chicago 200 Relay planned for June 12, 2009. Applicant is Joseph Pulizzano for Relay Productions, LLC.: **MOTION** by Kindschi/Anders to approve the Parade, Procession or Race permit, and the letter to notify residents along the route, but to waive the application fee and deposit due to lack of impact on the Town. **MOTION CARRIED 4-0.**

Skip to III. UNFINISHED BUSINESS:

- A. Plan Commission Recommendations: Scott Bronson, 4570 Baxter Road – Parcel 0711-023-8715-6 – rezone of 15,150 +/- sq. feet from A-2(8) to C-1. Intended land use for home office and storage of tools and scrap materials from fencing business (tabled from March 2nd meeting): Several pieces of correspondence had been received since the last meeting:
 - Emails from Majid Allan (Dane County Zoning) indicating that the County now interprets LC-1 zoning as appropriate, and that the request is consistent with the Town’s Comprehensive Plan, specifically as a Rural Business allowed in the Ag District in exhibit J-3.
 - A list of questions regarding future commercial uses on Baxter Road from Leslie Peckham, 4503 Baxter Road. Hampton addressed these questions one by one.
 - A letter from Cindy Lease, 2074 Di Piazza Drive, listing reasons that the rezone should not be approved.

Kessenich stated she does not understand how a rezone can be approved without complete compliance with the physical trait requirements of the property, in this case inadequate areas for parking and loading/unloading. She also noted that LC-1 zoning requires a minimum of 20,000 square feet, which is larger than the current legal description of the area to be rezoned.

There was discussion regarding what restrictions would be needed to allow Bronson to continue to operate his business but prevent any expanded uses by either Bronson or a future owner.

MOTION by Anders/Kindschi to amend the petition to LC-1, and table the matter pending receipt of a new legal description of at least 20,000 square feet. **MOTION CARRIED 4-0.** Concerned residents were urged to submit suggested restrictions before the April 6th Town Board Meeting.

Return to II. NEW BUSINESS

- D. Discuss/provide direction to the Highway Superintendent regarding possible merging/sharing of Town and Village Public Works departments: Smith wondered what the benefit would be to the Town to combine the departments beyond the sharing that they already do, and how would they keep track of which municipality pays for what? Kindschi said he thinks it is best left up to the two supervisors to cooperate as needed. Anders said there could be benefits if there were future common capital purchases, but Smith indicated there are none at this time.
- E. Discuss/draft letter to the WDNR and Dane County regarding grant applications for The Farm conservancy: There were concerns that being a co-applicant on these grants could work against the Town in future grant applications. Phyllis Jones-Morrison, a Village representative on the Ad Hoc Land Conservancy Committee was present, and asked whether the Town still wanted to contribute to

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MARCH 16, 2009

the purchase of the 59 acres. There was no interest in this by board members. **MOTION** by Kessenich/Anders to send letters notifying both the WDNR and Dane County that the Town is no longer a co-applicant on the grants for 59 acres of The Farm Conservancy. **MOTION CARRIED 4-0**

- F. Discuss/Consider future of Ad Hoc Land Conservancy Committee: Discussion indicated there is still interest in cooperating with the Village on the remaining 43 acres, but before any grant applications are made, the Town and Village Boards would need to decide how the acreage would be used to benefit both. Due to all of the contested races in both municipalities, it was thought best to hold off on this discussion until the May Joint Town/Village Board meeting (after the Spring Election).
- G. Discuss Agenda Items for Town Annual Meeting:
1. The Farm Conservancy: Status report followed by a discussion of the four options previously identified to have benefits for the Town:
 - Securing grants to purchase the 43 acres, to remain as parkland.
 - Seeking a private foundation to purchase the 43 acres to remain as open space.
 - Town and Village jointly purchasing the 43 acres.
 - No municipal purchase of the 43 acres, but securing an agreement with the Village to allow the 43 acres to be developed in the Town.
 2. Possible Agri-Business Park at US Highway 12 & 18 and County Road N:
 - Short presentation of concept plan by Gary Peterson
 - Question for Electors: Should the Town finance the development of an agri-business park at US Highway 12 & 18 and County Road N?
- H. Discuss/Consider Approval of attendees for WTA Capitol Day – 3/25/09: Hampton and Kindschi intend to go.
- I. Discuss/Consider Approval of attendees for WTA Urban Towns Committee Workshop – 4/15/09: (Date is actually 4/25/09). No board members are available to attend.

III. UNFINISHED BUSINESS

- A. Discussed above
- B. Discuss/Consider approval of revisions to Personnel Policies and Procedures Manual and format of 2009 Labor Negotiation Agreement: No changes were suggested for the 2009 Labor Negotiation Agreement. Changes for the Manual included:
- Definition of Permanent Part-Time: Eliminate minimum hours worked per year as part of the definition, but add that a minimum of 1040 hours are required to qualify for any benefits.
 - Health Insurance: Add that Permanent Part-Time employees *who work a minimum of 1040 hours* will receive a payment in lieu of health insurance.
 - Hours of Work: Add that the 30 minute lunch break is *unpaid*, and the fifteen minute work break is *paid*.
 - Under Drug and Alcohol Abuse Policy, replace ‘compile’ with *comply*.
 - Town Disclaimer: The Town *Board* recognizes... and The Town *Board* reserves the right...
- Kessenich stated that the policy is missing an employee grievance procedure, and recommended that RFP’s be sent out to attorneys who specialize in personnel policy to see what it would cost for a professionally drafted manual.

The Clerk was directed to make the changes discussed for consideration at the next meeting.

- C. Review TCG Ord. sec. 8.05 Winter Maintenance of Public Areas: Tabled until the next meeting.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MARCH 16, 2009

IV. Clerk's Report: None.

V. Board Reports

A. Hampton:

1. Verified that Board Members had received the recent mailing from American Transmission Company regarding the proposed power line – they had.
2. Reported on a closing time violation at Crossroads Tavern.

B. Kessenich reported that she and the Clerk have attended two Hazard Mitigation meetings, with two more scheduled for April.

VI. Committee Reports: None.

VII. Adjournment: **MOTION** by Kessenich/Kindschi to adjourn. **MOTION CARRIED 4-0**. The meeting was adjourned at 10:28 p.m.

Kim Banigan, Clerk
Approved 4-6-2009

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
APRIL 6, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at County Road 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 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 Kessenich/Kindschi to approve the minutes of the March 16, 2009 Town Board Meeting as presented. **MOTION CARRIED 4-0-1** (Morrow abstained).
- D. Finance Report and Approval of Bills:
 1. **MOTION** by Morrow/Kessenich to approve the payment of bills corresponding to checks #16225 through #16281. **MOTION CARRIED 5-0.**
 2. **MOTION** by Kessenich/Morrow to approve payment of first quarter 2009 Police Commission per diems as presented. **MOTION CARRIED 5-0.**
 3. **MOTION** by Morrow/Kessenich to approve payment of March 2009 per diems as presented. **MOTION CARRIED 5-0.**
 4. **MOTION** by Kessenich/Morrow to approve payment of March 2009 building permit fees as presented. **MOTION CARRIED 5-0.**
- E. Public Concerns: Dane County Board District 36 Supervisor Cynda Solberg reported that a constituent has ongoing concerns over the lack of visible signage for Baxter Road on County Road BB, especially for traffic headed east. Pam Dunphy, in attendance for item II. B. below, stated that proceeds from a grant were used to install more visible signs on some county roads in 2008, including County Road N in the Town of Cottage Grove, but County Road BB did not meet the traffic volume cut-off for the grant. Some Towns have installed the bigger signs themselves, and she will get a price for Baxter Road signs. If the Town were to purchase the signs, the County would install them.
- F. Road Right of Way Permits: NONE.

II. NEW BUSINESS

- A. Plan Commission Recommendations:
 1. Scott Bronson, 4570 Baxter Road – Parcel 0711-023-8715-6 – rezone of 20,000 +/- sq. feet from A-2(8) to LC-1. Intended land use for home office and storage of tools and scrap materials from fencing business.: Letters of opposition from Ray and Jill Palmer, 2054 DiPiazza Drive, and Terry and Terri Russell, 2037 DiPiazza Drive, were noted, along with a letter of opposition from a group of residents of the Baxter Road neighborhood that also included a list of suggested restrictions if the rezone is granted. Kessenich asked what the meaning of the phrase “No more than two of these uses would be permitted in any one year and on no more than three acres each” under the description of Rural Business on Exhibit J-3 of the Comprehensive Plan. Anders said it was to limit an explosion of commercial development. Kessenich asked whether the comprehensive planning process anticipated Conditional Use Plans or rezones for these Rural Businesses. Hampton said they could go either way, and there are currently examples of both in the Town.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
APRIL 6, 2009

It was noted that the Bronson property is no longer for sale. Jim Krugman, 4546 Baxter Road, and Ray Palmer both spoke against the rezone, stating that they wish the neighborhood to remain residential with a rural setting. Leslie Peckham referred to the list of questions she had presented at the March 16th meeting, and asked what the criteria are for approving commercial uses when a business operating under the radar (i.e. having no impact on neighbors) makes an impact and applies for a permanent permit to make an impact. Anders said that it was suggested at a previous meeting on this subject that there are other non-compliant businesses operating in the Baxter Road area that are having no impact on the neighborhood, and asked whether neighbors are in favor of denying all future requests for commercial zoning if needed for compliance for an existing business that had been flying under the radar. Cindy Lease, 2774 DiPiazza Drive, said she is concerned about future owners of the Bronson property, along with other property owners who may want commercial zoning if a precedent is set.

Cynda Solberg said that as a member of the County Zoning and Land Use Committee, she recalls rezones with conditions that the zoning revert upon sale of the property. It was thought that only CUP's could be conditional on sale of the property, but **MOTION** by Kindschi/Kessenich to table the matter until April 20, 2009 to allow for research into Solberg's suggestion. **MOTION CARRIED 5-0.**

2. Peter Lewis, RLS (Homburg Farms, LLC, landowner) – Parcels 0711-182-9569-9, 0711-181-9190-8, 0711-182-9000-6 - rezone of 3.27 acres from A1-EX to CO-1. Intended land use for recreation trail: It was noted that the first parcel number listed is incorrect – should be 0711-182-9560-9. The Clerk will verify this. Mary Zickermann of the WDNR accompanied Mr. Lewis. The switch from the south side of the tracks to the north side at Vilas Hope Road was addressed as a concern. Zickermann said this is due to not being able to acquire land on the south side of the tracks further to the west. The trail will be blacktopped out to Vilas Hope Road so that the only trail traffic on Vilas Hope Road will be right at the crossing. **MOTION** by Kindschi/Anders to approve the rezone of 3.27 acres from A1-EX to CO-1 for intended use of recreational trail, as recommended by the Plan Commission. At the time of design, the crossing at Vilas Hope Road must be approved by the Town Engineer for safety reasons. Proper signage of crossing on roadway to be funded by WDNR or others. **MOTION CARRIED 5-0.**
 3. Yahara Materials, Inc. – Parcel 0711-304-9671-7 – rezone of 19.26 acres from A-1EX to C-2: James Schmitt of Yahara Materials, Inc. stated that the purpose of the rezone is to bundle it for sale with the adjacent Korfmacher property recently rezoned to C-2. It was noted that while the Yahara Materials, Inc. property fronts US Hwy. 12 & 18, it has no access of its own. **MOTION** by Anders/Kessenich to approve the rezone of 19.26 acres from A1-EX to C-2, allowing the same uses approved for the adjacent Korfmacher parcels. **MOTION CARRIED 5-0.**
- B. Dane County Deputy Mike Butler – Presentation on Project Lifesaver and availability of a mobile speed board: The Clerk reported that Butler was not able to attend tonight's meeting, and has asked to reschedule for May 18, 2009.
- C. Discuss/Consider approval of planting a memorial tree in Rolling Wheels Park: Jenny Gustafson (nee Moe) asked for permission to plant a tree in the Rolling Wheels Park in

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
APRIL 6, 2009

memory of her mother, Patricia Moe. The park has significance to the family because of years of residing nearby, and because Moe's father was the original developer of Rolling Wheels. Gustafson thought they would plant some kind of a maple tree. **MOTION** by Morrow/Kindschi to approve a memorial tree. Gustafson should work with Jeff Smith to determine placement of the tree. **MOTION CARRIED 5-0.**

D. Dane County Dept. of Transportation – Pam Dunphy, Dane County Department of Public Works, Highway, & Transportation:

1. Discuss possible intersection improvements at CTH BB and Vilas Hope, Vilas, and Buss Roads: Dunphy stated that the intersections of Vilas and Buss Roads with County Road BB have not had enough accidents to qualify for any grant money for improvements. The intersection of Vilas Hope Road with County BB has had four accidents per year, which may be enough to qualify. The County will apply for a HSIP Funds grant (Safety Funds 90/10) grant to install a 100' deceleration lane with curb and gutter.
2. Discuss drainage issues at CTH BB near American Way: Hampton asked Dunphy about a drainage problem on County Road BB just west of American Way. Stormwater has re-routed itself from the original drainage ditch, and is now overflowing into a resident's yard. Some re-ditching work is needed. Hampton asked whether the County will allow the water to empty into the County ditch, and will the County clean out the County ditch where it has silted in before the first culvert. Dunphy will schedule a site visit.

E. Consider approval of Certified Survey Map – Blair and Village of Cottage Grove property on County Road BB: **MOTION** by Hampton/Kindschi to approve the CSM as presented. **MOTION CARRIED.**

F. Discuss/Consider approval of National Library Week Proclamation: Hampton read the proclamation. **MOTION** by Anders/Morrow to approve the proclamation as read. **MOTION CARRIED 5-0.**

G. Discuss/Consider approval of Budget Amendment 2009-01: The proposed budget amendment contained two items – Kessenich questioned the first one regarding transferring \$11,334 from General Fund Undesignated to 11070 Sick Leave Fund. **MOTION** by Anders/Kindschi to approve only the second item on Budget Amendment 2009-01, transferring \$25,173 from 51730 – Patrolman Salaries to 51750 Patrolman Retirement. **MOTION CARRIED 5-0.**

III. UNFINISHED BUSINESS

A. Discuss/Consider approval of revisions to Personnel Policies and Procedures Manual and format of 2009 Labor Negotiation Agreement: It was noted that the copies of the Manual distributed in board packets erroneously included extra pages at the end that are not part of the Manual. **MOTION** by Kindschi/Morrow to approve the 10 page Personnel Policies and Procedures Manual, and the format for the 2009 Labor Negotiation Agreement. **MOTION CARRIED 4-1** (Kessenich opposed).

B. Review TCG Ord. sec. 8.05 Winter Maintenance of Public Areas: Not discussed.

IV. Clerk's Report: None.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
APRIL 6, 2009

V. Board Reports

A. Hampton:

1. Results from private well testing offered last October by Dane County Public Health are available in the Town Office.
2. Madison Metropolitan Sewerage District spread on 274 acres in 2008, and will again in 2009.
3. The 2008 USDA Rural Development Annual Report is available in the Town Office.

B. Smith said that a second handicapped parking space has been requested at Flynn Hall, and wondered if he should put both in back or leave one in front. Consensus was to leave one in front and put the other in the back.

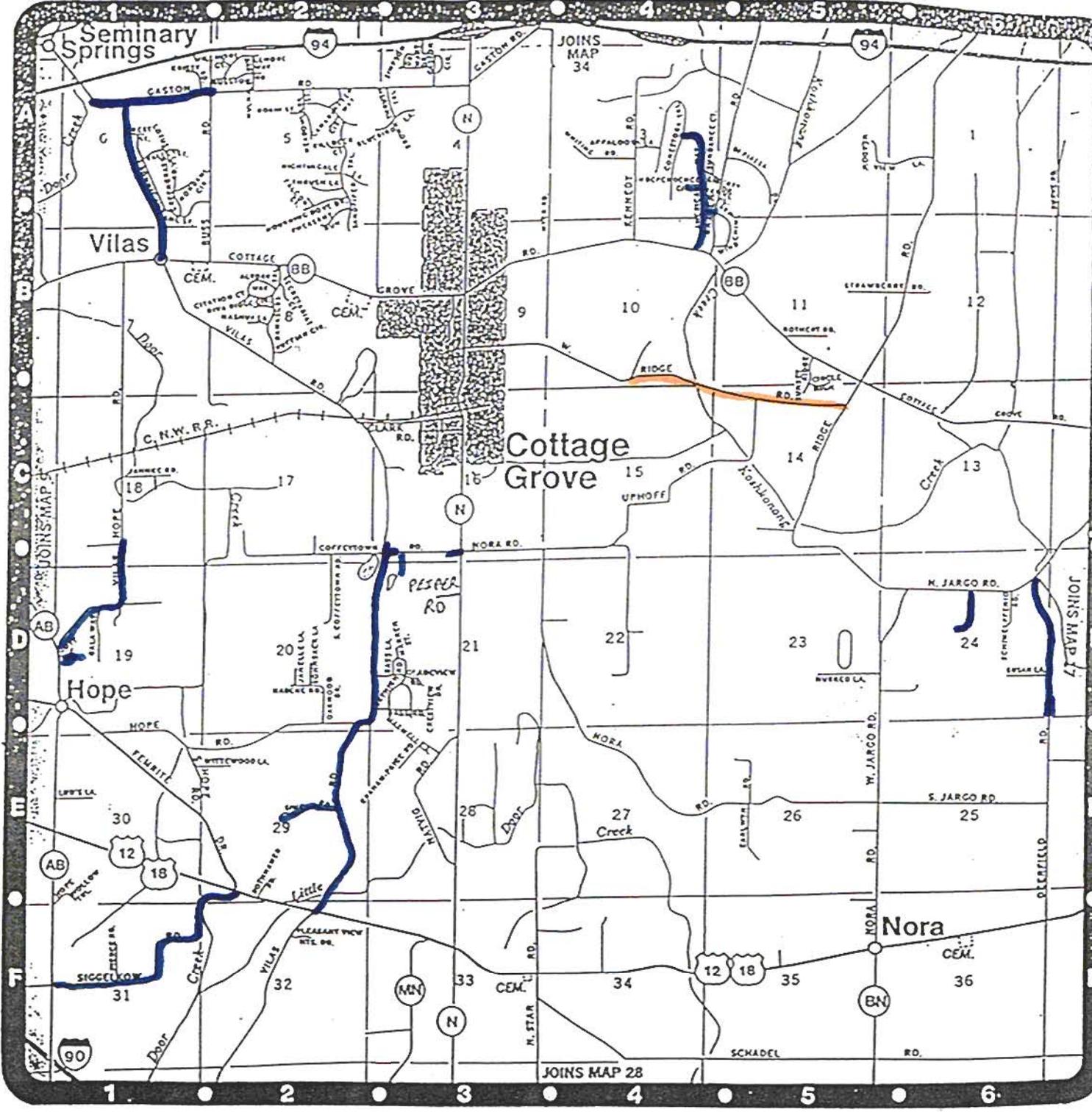
VI. Committee Reports:

A. Joint Town/Village Landfill Monitoring Committee: The DNR says that depressions from compaction of waste can be filled in, and the Village has fill material available.

VII. Adjournment: **MOTION** by Morrow/Kindschi to adjourn. **MOTION CARRIED 5-0**. The meeting was adjourned at 8:52 p.m.

Kim Banigan, Clerk
Approved 4-20-2009

2009
COTTAGE GROVE TOWNSHIP



MILWAUKEE MAP SERVICE, INC.



SEAL
 Creek Fill

2009 ROAD WORK

SEALCOAT

✓ Coffeytown rd.	.12 mi. x 23 ft.	\$ 2,054	
✓ Brinkhoff rd.	.20 mi. x 20 ft.	\$ 3,002	DOUBLE
✓ Vilas rd.	1.00 mi. x 22 ft.	\$16,521	
✓ Vilas rd.	1.36 mi. x 22 ft.	\$22,468	
✓ Sime rd.	.34 mi. x 18 ft.	\$ 4,596	
✓ Siggelkow rd.	1.58 mi. x 20 ft.	\$23,730	
✓ Coyt dr.	.30 mi. x 22 ft.	\$ 4,956	
✓ Vilas Hope rd.	.95 mi. x 20 ft.	\$14,268	
✓ Vilas rd.	1.02 mi. x 22 ft.	\$16,851	
✓ Gaston rd.	.65 mi. x 21 ft.	\$10,250	
✓ American Way	1.22 mi x 22 ft.	\$18,173	SOME DOUBLE
✓ Independence cir.	.12 mi. x 22 ft.	\$ 1,983	
✓ Heritage ct.	.15 mi. x 22 ft.	\$ 2,478	
✓ Hestnes rd.	.24 mi. x 19 ft.	\$ 3,424	
✓ Deerfield rd.	.80 mi. x 20 ft.	\$12,015	

\$157,000

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
APRIL 20, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at County Road BN. A quorum was present with Kris Hampton, Mike Fonger, 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).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kessenich/Anders to approve the minutes of the April 6, 2009 Town Board Meeting with the following correction: Item II. G. Motion should be *MOTION by Anders/Kindschi to approve only the second item on Budget Amendment 2009-01, transferring \$25,173 from 51730 – Patrolman Salaries to 51750 Patrolman Retirement. MOTION CARRIED 5-0. MOTION CARRIED 4-0-1* (Fonger abstained).
- D. Finance Report and Approval of Bills:
 1. **MOTION** by Anders/Kindschi to approve the payment of bills corresponding to checks #16282 through #16331. **MOTION CARRIED 5-0.**
 2. The Treasurer reported that the April Lottery Credit of \$23,281.33 has been received, and asked that April per diem reports be submitted by April 30th.
- E. Public Concerns: NONE
- F. Road Right of Way Permits: NONE.

II. UNFINISHED BUSINESS

- A. Plan Commission Recommendations:
 1. Scott Bronson, 4570 Baxter Road – Parcel 0711-023-8715-6 – rezone of 20,000 +/- sq. feet from A-2(8) to LC-1. Intended land use for home office and storage of tools and scrap materials from fencing business: Hampton reported that correspondence from Dane County Zoning Administrator Roger Lane regarding the question from the last meeting indicates that zoning is permanent, and cannot be conditioned to revert upon the sale of the property. Cindy Lease, 2074 Di Piazza Drive, asked if there is any possibility of tabling the decision until Dane County adopts revisions to their zoning ordinance. It is anticipated that a Rural Business Conditional Use permit may be adopted that would fit Bronson's situation. Discussion was that the timeline for the County's zoning ordinance is unknown, and likely to be lengthy. Further discussion revealed that while Bronson has had several employees in the past, currently and for the past year he has only had one employee who is not family and/or does not reside on the premises (his son). If he needs additional help, he uses subcontractors. As long as this continues, a Limited Family Conditional Use Permit would fit. **MOTION** by Hampton/Kessenich to approve a conditional use permit for a Limited Family Business (Dane County Ordinance 10.192) with the following conditions:
 - a) Business is limited to a fence installation business only, with no retail sales of fencing materials.
 - b) Area is limited to 15,000 +/- sq. feet surrounding the outbuilding.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
APRIL 20, 2009

- c) All scrap material must be stored inside the building. Any burnable scrap materials must be burned within 72 hours of being set outside the building.
- d) The number of business vehicles/equipment is limited to eight.
- e) No loading or unloading of trucks on Baxter Road.

MOTION CARRIED 5-0.

III. NEW BUSINESS:

- A. Discuss/Consider approval of surveying the former Town garage property at 4091 County Road N: Fonger asked if there is still a possible issue with soil contamination underneath the property due to underground tanks. Smith said that all of the tanks were removed some time ago, but remediation may be needed in order to sell the property.

Correspondence from Dane County Zoning Inspector Russell Bartlett indicates that parking curbs should be 3 feet from the lot line, and that there is a screening requirement for a commercial property that abuts a residential property. Smith said that the parking curbs are not being used in the typical fashion with the end of the car hanging over because there is not enough room in the lot, but instead cars are parked parallel to them. It was agreed that a survey would need to be done to ensure proper placement of screening. **MOTION** by Kessenich/Kindschi directing the Clerk to send Requests for Proposals to Birrenkott Surveying, Inc., Royal Oak Engineering, Inc. and David Riesop to survey the property at 4091 County Road N, and install any missing survey markers. **MOTION CARRIED 5-0.**

- B. Discussion/action on using part of the BUILD grant proceeds to pay for the necessary equipment to record and broadcast Town Board meetings: Kessenich said that a check will be coming from the Village for 50% of the Build Grant that covered the ETZ project. Since those expenses have already been paid, she suggested that some of the grant proceeds be used to upgrade equipment and purchase broadcast time for Town meetings. She surveyed 70 people about whether they would like to have Town meetings broadcasted on cable TV, and received 30 Yes responses and 2 No responses. She obtained an estimate from Brian Winge, who coordinates Village Cable TV broadcasts, of \$4,000 for equipment, a few hours of labor to set it up, and a \$25 broadcast fee. Anders said that the former Village President had stated a much higher broadcast rate. It was unknown how many Town residents currently subscribe to cable TV, and noted that due to recent changes, they would need to subscribe to digital cable to receive the local access channel. Kessenich suggested that those without cable TV could check out a DVD of the meeting. Fonger said that recording of Town meetings was discontinued due to lack of interest and worn out equipment. Cindy Lease suggested that an interactive internet broadcast would be useful, but Anders said that might not even be legal in the case of a governmental meeting – participants may be required to be present. Anders previously checked into streaming video but found it to be economically not feasible. The discussion was tabled until May 18th to allow for research into how many Town residents have cable, and specifically digital cable, and what broadcasting fees will be once the new Village Public Relations committee convenes.
- C. Discuss upcoming committee appointments: Jim Franke addressed the board asking for consideration for the Plan Commission. He noted that he has been asked to interview with Kris Hampton, and wondering if everyone is requested to interview. Hampton stated that he does interview new committee applicants, and asks questions pertinent to the committee.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
APRIL 20, 2009

Kessenich asked that considerable consideration be given to people who have run for office recently.

- D. Discuss/Consider Approval of a Resolution Opposing Proposed Changes to Wisconsin Prevailing Wage Law: Discussion was that proposed changes to Wisconsin Prevailing Wage Law would hurt small contractors and cost the Town more money. **MOTION** by Kessenich/Fonger to approve the resolution as printed, and send copies to State legislators. **MOTION CARRIED 5-0.** This will be Resolution 2009-04.
- E. Discuss/Consider Approval of a Resolution designating \$11,334 from Undesignated Funds for Sick Leave Liability: **MOTION** by Anders/Kindschi to approve the resolution as printed. **MOTION CARRIED 4-1** (Kessenich opposed). This will be Resolution 2009-05.
- F. Discuss/Consider approval of attendees for 2009 Town Officials Workshops: **MOTION** by Anders/Kessenich allowing any Town Board members to attend the workshop if they want to, but attendees must register and pay the fee themselves, then submit for reimbursement after they attend the meeting. **MOTION CARRIED 5-0.**

IV. Clerk's Report: None.

V. Board Reports

- A. Hampton: The Dane County Towns Association Annual Meeting is May 13th, location yet unknown.

VI. Committee Reports:

- A. Law Enforcement Committee: The Police Commission will hear testimony regarding the charges against Chief John Gould on May 12th or 13th. The Dane County Sheriff will attend the May 7th Joint Town/Village Boards meeting to discuss contracted police coverage.
- B. Emergency Government Committee: MSA made a presentation on the County N road construction planned for this spring/summer, and provided detour information, which has been posted on the Town's web site. A representative from Learning Ladder will be at the next meeting. The committee is working on an emergency preparedness kit.
- C. Joint Town/Village Recreation Committee: The spring program guide is out, and the committee is looking at contracting for the next guide.
- D. Deer-Grove EMS Commission: The Audit results are in, and copies will be distributed electronically to board members. The commission is still looking at ambulance bids and working on the employee handbook. Kessenich asked if the Town of Deerfield has paid toward the legal expenses for the Jack claim. Hampton said he had spoken with Andreas Hansen about this at the last meeting.

VII. Adjournment: **MOTION** by Kindschi/Kessenich to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:17 p.m.

Kim Banigan, Clerk
Approved 5-04-2009

Town of Cottage Grove Resolution 2009-04

Resolution Opposing Proposed Changes to Wisconsin Prevailing Wage Law

Whereas, Governor Doyle's proposed biennial state budget, AB 75, proposes to make the prevailing wage law applicable to any public work contract over \$2,000; and

Whereas, under the current law the prevailing wage requirements only apply to multiple trade public works projects over \$234,000 and single trade public works projects over \$48,000; and

Whereas, reducing the threshold to \$2,000 will increase the cost of small public works projects previously exempted from the prevailing wage requirement; and

Whereas, the cost increase to pay prevailing wages on all public works projects over \$2,000 will force municipalities to reduce the number of and/or size of public works projects or raise taxes to meet the increased costs, which is an increased burden on property taxpayers; and

Whereas, the Governor's proposed state budget also for the first time proposes to make the prevailing wage law applicable to private projects that receive public financing; and

Whereas, the requirement to pay prevailing wage on all public works projects over \$2,000 will take away the competitive advantage that many smaller local contractors have on smaller public works projects over larger contractors from outside the immediate community, thus hurting the local economy in these communities while still increasing the costs of these projects; and

Whereas, the proposed changes to the prevailing wage law in the state budget are non-fiscal policy changes that only affect local government and should be introduced as a separate legislative bill rather than be included in the state budget; and

Now, Therefore, Be It Resolved, that the board of the Town Village of Cottage Grove, Dane County opposes the changes to the prevailing wage law included in Governor Doyle's state budget proposal, AB 75, and hereby urges the Wisconsin State Legislature to remove these items from the budget bill.

Adopted this 20th day of April, 2009

Kris Hampton
Town Chairperson/Village President

[Signature]
Town Supervisor/Village Trustee

[Signature]
Town Supervisor/Village Trustee

Michael Kudach
Town Supervisor/Village Trustee

[Signature]
Town Supervisor/Village Trustee

TOWN OF COTTAGE GROVE

4058 County Road N
COTTAGE GROVE, WI 53527

Resolution 2009-05

Designating \$11,334 from Undesignated Funds for Sick Leave Liability

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

That the sum of \$ 11,334 is hereby transferred

from account Undesignated Funds
(account number and name)

to account 11070 – Sick Leave Funds
(account number and name)

Adopted by a two-thirds majority vote of the entire membership of the TOWN BOARD
this 20th day of April, 2009 by a vote of 4 for and 1 against.

(Signed Copy Available in the Clerk's Office)

TOWN OF COTTAGE GROVE

ATTEST:

Kristopher Hampton, Town Chair

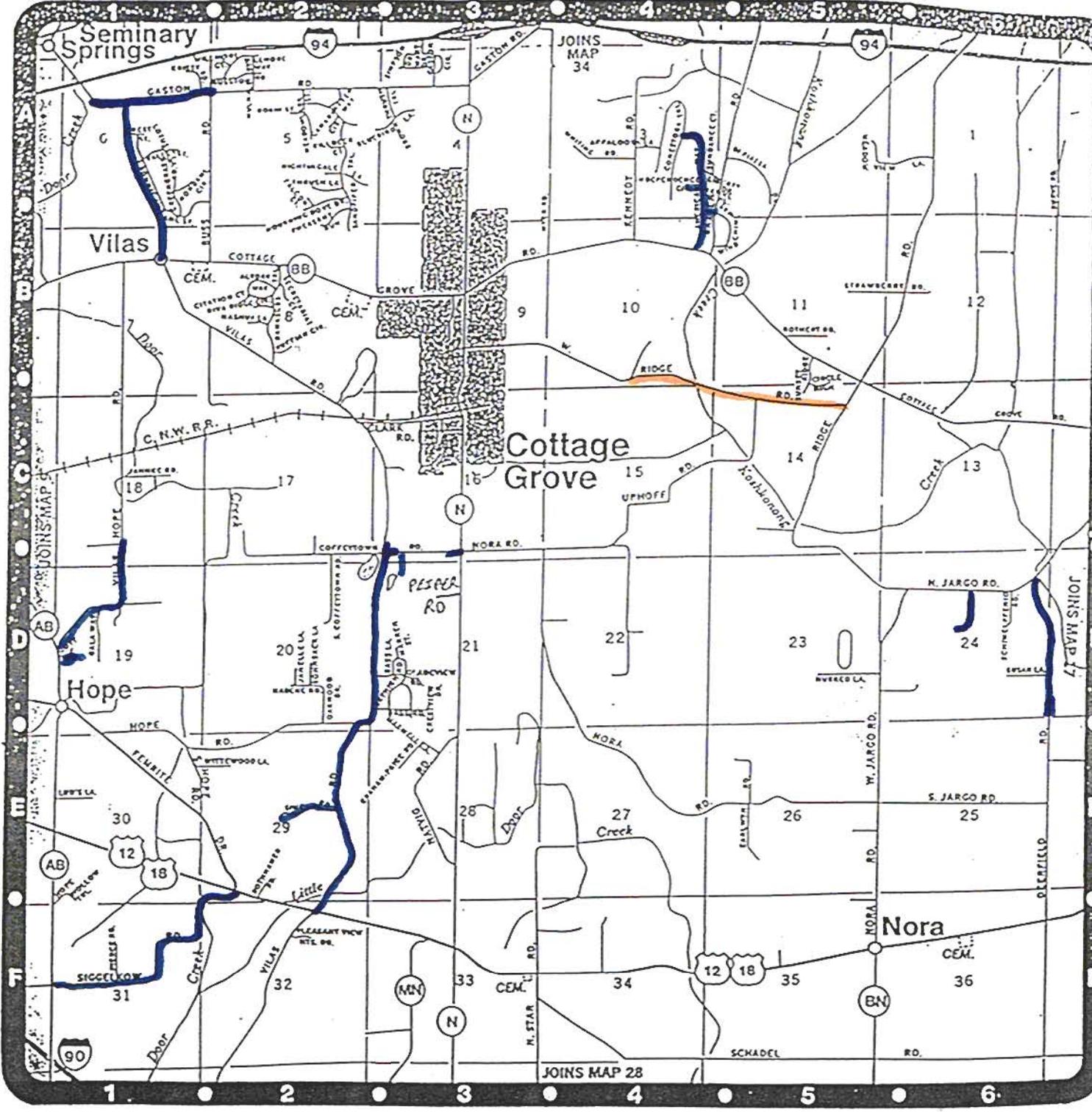
Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
2009 ROAD INSPECTION
APRIL 24, 2009

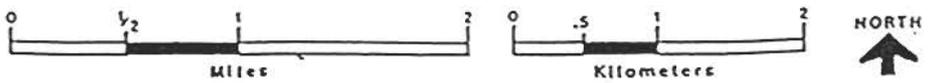
- I. Chairman Kris Hampton, Supervisors Mike Fonger and Mike Kindschi, and Highway Superintendent Jeff Smith met at the Town Garage at 1:00 P.M. A quorum was present and Hampton called the meeting or order at 1:05 P.M..
- II. A road inspection was conducted. (list of roads attached – available in the Clerk’s office).
- III. Smith was directed to solicit bids for 2009 road construction, which will be opened at 12:30 P.M. on May 15, 2009, and awarded a the Town Board Meeting on May 18, 2009.
- IV. The meeting was adjourned at 3:15 P.M.

Submitted by Kris Hampton
Approved 05-04-2009

2009
COTTAGE GROVE TOWNSHIP



MILWAUKEE MAP SERVICE, INC.



SEAL
 Crack Hill

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MAY 4, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at County Road BN. A quorum was present with Kris Hampton, Mike Fonger, 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).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Anders/Kindschi to approve the minutes of the April 20, 2009 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
 2. **MOTION** by Kindschi/Fonger to approve the minutes of the April 24, 2009 Road Inspection, with the header date corrected. **MOTION CARRIED 3-0-2** (Anders and Kessenich abstained).
- D. Finance Report and Approval of Bills:
1. **MOTION** by Anders/Kindschi to approve the payment of bills corresponding to checks #16332 through #16370, correcting the category for check #16364 to Gravel Expense. **MOTION CARRIED 5-0.**
 2. The Clerk noted that several building permit fees had not included the \$10.00 administrative fee. **MOTION** by Kessenich/Anders to send letters asking for payment of the \$10.00 administrative fee to applicants who did not pay it, along with a current application form. **MOTION CARRIED 5-0.**
 3. **MOTION** by Anders/Kindschi to approve payment of April per diems and building permit fees. **MOTION CARRIED 5-0.**
- E. Public Concerns: NONE
- F. Road Right of Way Permits: NONE.

II. NEW BUSINESS:

- A. Plan Commission Recommendations:
1. Birrenkott Surveying, Inc., Daniel V. Birrenkott (Daniel Goff, Owner)-Parcel 0711-071-9091-0: Requesting split and rezone of 1.57 acres from A-2(1) to R-1 (.794 acres) and C-2 (.775 Acres). Residential parcel to be offered for sale, and the commercial parcel to be used for a classic car business: Kessenich questioned whether the proposed commercial use fits into the Town's comprehensive plan for rural business where the operator works exclusively at other locations. Goff stated that this location would be primarily for storage of classic cars, and that his main business location is elsewhere. **MOTION** by Kindschi/Fonger to accept the plan commission recommendation to approve splitting the parcel into two lots: Lot 1 for .794 acres to be zoned R-1, and Lot 2 for .775 acres to be zoned C-2, permitted use limited to Dane County Code of Ordinances 10.14(1)(c) Sales of new and used motor vehicles. **MOTION CARRIED 4-1** (Kessenich opposed).
 2. Badger Farms LLC – Parcel 0711-131-8500-4: Requesting Conditional Use Permit for Ag Entertainment in A-1EX zoning to bring into compliance rental of the renovated barn for assemblies of persons in an agricultural setting: **MOTION** by Anders/Kindschi to accept the Plan Commission's recommendation to approve a conditional use permit in the A-1EX district as per Dane County Code of Ordinances 10.123(3)(m) Agricultural entertainment activities which are not permitted under sub. (2)(k). **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MAY 4, 2009

3. Discuss/Consider approval of Contract for Sustainable Services Consultation By and Between the Town of Cottage Grove and Sustainable Services, Inc: **MOTION** by Kessenich/Anders to table until May 18, 2009. **MOTION CARRIED 5-0.**
- B. Discuss/Consider Approval of notice to property owners of 2009 assessed value and appeal process: The Clerk had suggested some additional information to be added to the standard letter provide by Associated Appraisal Consultants. **MOTION** by Kindschi/Anders to approve the notice with emphasis (bold face) added to the dates for open book and board of review, along with a sentence in the first paragraph on the second page. **MOTION CARRIED 5-0.**
- C. Discuss/Consider Approval of 2009-10 Committee Appointments: The Clerk distributed Hampton's recommendations for committee appointments. Kessenich stated that she was not happy with Hampton's recommendations. She was not recommended for any of the committees she requested, nor had she been asked about continuing to serve on her previous committees. Her suggestion that when two or more board members are on a committee, they be selected such that both of their elected terms do not coincide had also not been heeded. She said that she is not available to serve on the committees she is recommended for. Anders suggested changes that would put her on one of her requested committees, but she declined the offer. Kessenich and Fonger also stated that experience should not be the only factor considered in committee placement, and that long-time committee members should be replaced to get a fresh approach. **MOTION** by Kindschi/Anders to approve the committee appointments for 2009-10 as written. **MOTION CARRIED 3-2** (Fonger and Kessenich opposed).
- D. Discuss/Consider Approval of local Hazard Mitigation Objectives to be incorporated into Dane County's Natural Hazard Mitigation Plan: The clerk reported that she and Kessenich have attended several meetings for the purpose of being a part of Dane County's Hazard Mitigation Plan so that the Town will be eligible for FEMA disaster reimbursement in the future. They had drafted three local objectives: 1) Center-stripping of all through Town roads to mitigate fog-related accidents 2) Maintain and/or upgrade stormwater drainage systems to mitigate flooding 3) Encourage residents to be ready for disasters with an emergency supply kit. **MOTION** by Fonger/Anders to submit all three objectives to be incorporated into Dane County's Natural Hazard Mitigation Plan. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of an Introductory Resolution for vacating an un-named road on US Highway 12 & 18 in the public interest: Hampton read the resolution. Smith noted that the road may actually be named Wood Trail. **MOTION** by Fonger/Anders to approve the resolution, adding that the road is "possibly known as Wood Trail". A public hearing date of July 6, 2009 was set. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of attendees for DCTA Annual Meeting on May 13, 2009: **MOTION** by Hampton/Anders for up to three attendees. **MOTION CARRIED 5-0.**
- G. Discuss contracting for services, including Police, Fire, EMS, Public Works: Kessenich had requested this discussion in response to recent discussions about contracting for police services with Dane County. She felt that all services should be reviewed, not just police. Hampton said that the Joint Law Enforcement Agreement between the Town and Village expires in December of 2010, so this is an appropriate time to explore other options before negotiations for a new agreement are begun. Anders and Fonger both said that it would not make any sense to discuss contracting for Fire or EMS services because it would be much more expensive to replace volunteers with paid staff. Anders backs the local police department which is able to offer services not available in other areas. Kessenich said she is not interested in contracting out services either, but feels the police department should not be singled out.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MAY 4, 2009

III. UNFINISHED BUSINESS:

- A. Discuss/Consider Acceptance of bids for surveying of former Town Garage at 4091 County Road N: Three bids were received:
- Royal Oak Engineering, Inc.: Estimate of \$850, not to exceed \$1,000 without prior approval
 - Wisconsin Mapping, LLC: \$700 - \$900.
 - Birrenkott Surveying, Inc.: \$1,150.

MOTION by Kindschi/Fonger to accept the bid from Wisconsin Mapping, LLC. **MOTION CARRIED 5-0.**

IV. Clerk's Report:

- A. Dane County Ordinances: None.
- B. Consider/Approve additional hours for office help in the month of May: The clerk distributed copies of Plaintiff's First Set of Interrogatories and Request for Production of Documents and Things for the Olson Case. She stated that while discussing how the request would be met would violate attorney client privilege, she anticipates that a lot of time will be involved, and asked the board to authorize additional help to free her from regular office duties so she can address the request in the time allotted. **MOTION** by Hampton/Kindschi authorizing 22.5 additional hours of office help in the next two weeks. **MOTION CARRIED 5-0.**

V. Board Reports

- A. Hampton: The following are available in the Town Office:
1. Public Service Commission's Strategic Energy Assessment is available in the Town office.
 2. The April 30, 2009 Geotrans progress report for Hydrite

VI. Committee Reports:

- A. Joint Town/Village Fire Department Committee: The Fire Chief has applied for two grants, one for turnout gear and one to help purchase radios for the new 800 mhz radio system. NFPA regulations have recently changed to require that tires on fire vehicles be replaced every 7 years, and at least one of the fire trucks is now out of compliance. The situation is being evaluated between now and the next committee meeting. The pump on Engine 3 is not always working properly, and is scheduled for repairs costing around \$3,500.
- B. Joint Landfill Monitoring Committee: The Land Recycling Grant program no longer exists.

VII. Adjournment: **MOTION** by Fonger/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:06 p.m.

Kim Banigan, Clerk
Approved 5/18/2009

**TOWN OF COTTAGE GROVE
RESOLUTION NO. 2009-06**

**RESOLUTION APPROVING DECISION TO FILE NOTICE OF
PENDENCY FOR VACATION OF A TOWN ROAD AND INTRODUCTION OF THE
VACATION RESOLUTION**

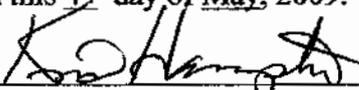
WHEREAS, the Cottage Grove Town Board has reviewed for vacation the selected portions of a Town Highway known as "unnamed town road at 1994 US Highway 12 & 18", possibly known as "Wood Trail" (Town Road) in the Town of Cottage Grove, further described on the map attached as Exhibit A, and as indicated on the attached Notice of Pendency; and,

WHEREAS, after due consideration and pursuant to Wis. Stat., § 66.1003 and § 840.11, the Town Board wishes to introduce this resolution considering vacation of the Town Road, wishes to immediately file the Notice of Pendency with the Register of Deeds Office, send notices to all owners of property abutting the Town Road that may be vacated, hold a public hearing, further consider and act on a resolution regarding the vacation of the unimproved selected public way and adopt or reject such resolution.

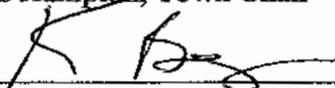
**NOW, THEREFORE, FOLLOWING CONSIDERATION OF THE ABOVE
RECITALS, WHICH ARE INCORPORATED HEREIN BY REFERENCE, THE
COTTAGE GROVE TOWN BOARD RESOLVES AS FOLLOWS:**

1. A public hearing and consideration/adoption of the resolution to vacate the Town Road shall be noticed and placed on the Town agenda for the Town Board Meeting on July 6, 2009. *(This date must be at least 40 days after the date of the adoption of this resolution).*
2. The attached Notice of Pendency shall be promptly filed with the Register of Deeds.
3. Notice of consideration of the resolution vacating the Town Road shall be personally served on the abutting land owners and others who the Town Clerk or Town Board reasonably determines may be interested, no later than 30 days prior to the public hearing.
4. The Town Clerk shall publish in the official newspaper a class 3 notice of the public hearing and consideration of the resolution.

This resolution was duly considered and adopted by the Cottage Grove Town Board pursuant to a vote of 5 for and 0 against and 0 abstentions on this 4th day of May, 2009.



Kris Hampton, Town Chair



Kim Banigan, Town Clerk

EXHIBIT
B



BIRRENKOTT SURVEYING, INC.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI 53590
Phone (608) 837-7463
Fax (608) 837-1081

ROAD VACATION SURVEY

SURVEYOR'S CERTIFICATE:

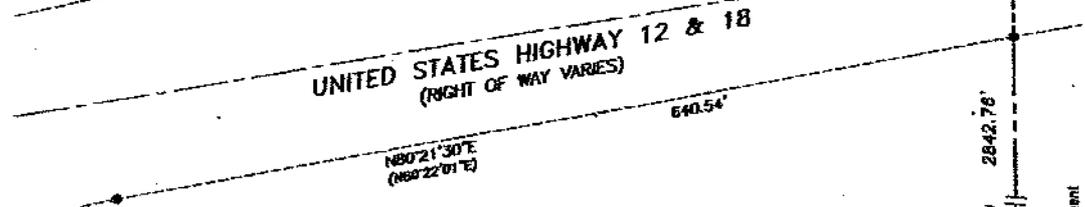
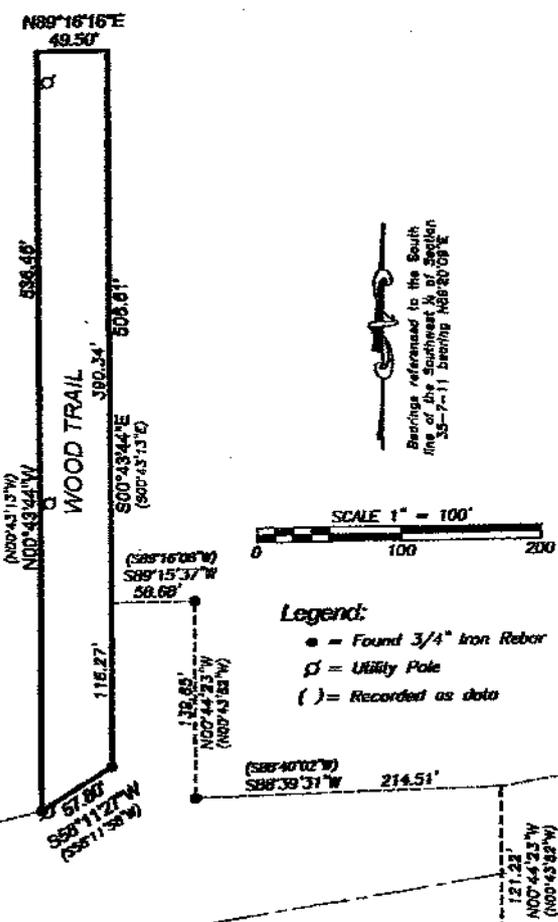
I, Daniel V. Birrenkott, hereby certify that this survey is in compliance with the Wisconsin Administrative Code. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided and is correct to the best of my knowledge and belief.

Daniel V. Birrenkott 4-23-09
Daniel V. Birrenkott
Wisconsin Registered Land Surveyor No. S-1531.

Description:

Part of the Southeast 1/4 of the Northwest 1/4 of Section 35, T7N, R11E, Town of Cottage Grove, Dane County Wisconsin being more particularly described as follows: commencing at the South 1/4 corner of said Section 35; thence N00°44'55"W (recorded as N00°43'52"W), 2842.76 feet to the Southerly right of way line of United States Highway 12 & 18; thence N00°44'23"W (recorded as N00°43'52"W), 121.22 feet to the Northerly right of way line of said United States Highway 12 & 18; thence along said Northerly right of way line S88°39'31"W (recorded as S88°40'02"W), 214.51 feet; thence continuing along said Northerly right of way line N00°44'23"W (recorded as N00°43'52"W), 139.65 feet; thence continuing along said Northerly right of way line S88°15'37"W (recorded as S88°16'08"W), 58.68 feet to the Easterly right of way line of unnamed town road and the point of beginning; thence along said Easterly right of way line S00°43'44"E (recorded as S00°43'13"E), 118.27 feet to the said Northerly right of way line of United States Highway 12 & 18; thence along said Northerly right of way line S88°11'27"W (recorded as S88°11'58"W), 57.80 feet to the Westerly right of way line of said unnamed town road; thence along said Westerly right of way line N00°43'44"W (recorded as N00°43'13"W), 536.45 feet to the Northerly right of way line of said unnamed town road; thence along said Northerly right of way line N89°16'16"E, 49.50 feet to the said Easterly right of way line of unnamed town road; thence along said Easterly right of way line S00°43'44"E (recorded as S00°43'13"E), 390.34 feet to the said Northerly right of way line of United States Highway 12 & 18 and the point of beginning. The above described town road right of way contains 25,816 square feet or 0.592 acres.

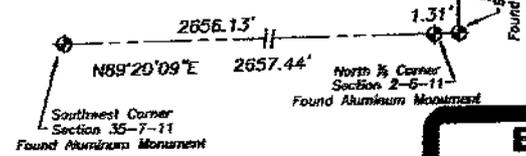
THE ABOVE DESCRIPTION IS FOR THE PURPOSE OF A ROAD VACATION OF AN UNNAMED TOWN ROAD AS DESCRIBED IN THE TOWN OF COTTAGE GROVE ROAD RECORDS PAGES 117-118 RECORDED JUNE 11, 1943.



Notes:
This survey is subject to any and all easements and agreements both recorded and unrecorded.
The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.

Dated: 4-21-09
Surveyed: P.F.M.C.
Drawn: P.F.M.C.
Checked: D.V.B.
Approved: D.V.B.
Field book: 321/12
Comp. File: J:\2009\CARLSON
Office Map No. 090073

Surveyed For:
Town of Cottage Grove
Jeff Smith
4058 County Highway N
Cottage Grove, WI 53527
608-839-5021



**NOTICE OF PENDENCY OF
VACATION OF TOWN ROAD IN
THE TOWN OF COTTAGE
GROVE, DANE COUNTY,
WISCONSIN**

Document Number

To Whom It May Concern:

There will be considered before the Town Board of the Town of Cottage Grove on July 6, 2009, on or about 7:00 p.m., at the Cottage Grove Town Hall, 4058 CTH N, Cottage Grove, WI 53527, a resolution ("Resolution") providing for the discontinuance and vacation of a Town Road possibly known as Wood Trail, whose legal description and location are described on the Map and legal description Exhibit A, which are attached and expressly incorporated herein (hereinafter "Road").

RECORDING AREA

NAME AND RETURN ADDRESS

Clerk Kim Banigan
Town of Cottage Grove
4058 CTH N
Cottage Grove, WI 53527

018/0711-352-9501-4

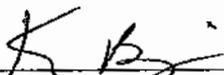
PARCEL IDENTIFIER NUMBER (PIN)

This road vacation was introduced by Town Board Resolution on May 4, 2009. The resolution is attached hereto as Exhibit B.

This notice is made pursuant to Sec. 840.11(1), Wis. Stats. This matter is proceeding according to the provisions of Sec. 66.1003, Wis. Stats. A Class 3 Notice of the above public hearing is being published as required by statute.

Dated at Town of Cottage Grove, Dane County, Wisconsin this 7th day of May, 2009.

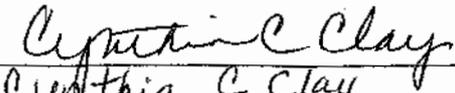

Kris Hampton, Cottage Grove Town Chair


Kim Banigan, Cottage Grove Town Clerk

ACKNOWLEDGMENT

STATE OF WISCONSIN)
COUNTY OF DANE)ss.

Personally came before me, this 7 day of May, 2009, the above-named Kris Hampton and Kim Banigan to me known to be the persons who executed the foregoing instrument and acknowledged the same.


Cynthia C. Clay (print name)
Notary Public, State of Wisconsin.
My commission expires on 2/26/12

This form document was drafted by:
Attorney Gregory D. Murray
Anderson & Kent, S.C.
1 N. Pinckney Street, Suite 200
Madison, Wisconsin, 53703

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MAY 18, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, American Way, Gaston Road at Brown Thrush and Hwy 12 & 18 at County Road BN. A quorum was present with Kris Hampton, Mike Fonger, 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). Attorney Connie Anderson arrived at 8:17 p.m.
- B. Chairman Hampton called the meeting to order at 7:03 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Anders/Kindschi to approve the minutes of the May 4, 2009 Town Board Meeting, correcting the spelling of *Goff* in item II. A. 1. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by Kessenich/Anders to approve the payment of bills corresponding to checks #16371 through #16403, including voided check #16387. **MOTION CARRIED 5-0.**
 2. The Treasurer pointed out a new account on the balance sheet for an 18 month certificate of deposit for the recently designated sick leave funds.
 3. The Treasurer asked that May per diem reports be submitted by May 29th.
- E. Public Concerns: NONE
- F. Road Right of Way Permits: NONE.

II. NEW BUSINESS:

- A. Dane County Deputy Mike Butler – Presentation on Project Lifesaver and availability of a mobile speed board. Lieutenant Dan Bolch was also present.
- Butler distributed a handout describing the new RU2 FAST 850 SpeedRanger Radar Speed Display Trailer. This unit not only notifies motorists of their speed, but also captures speed and traffic volume data. It is available upon request to all Dane County municipalities. Gaston Road was mentioned as one possible site in the Town to put the board.
 - Butler distributed a brochure for 'Project Lifesaver', a public safety program to locate missing persons suffering from mental dysfunctional disorders. Participants are fitted with a wristband (usually on their ankle) that emits a tracking signal allowing emergency personnel to locate them. Dane County currently has 21 participants, consisting mostly of autistic children and Alzheimer's victims. There is currently no cost to participants.
- B. Discuss/Consider approval of cleaning drainage easement between 2673 and 2669 Bluebird Ln: William & Patricia Gower, 2673 Bluebird Ln. and Lance & Joellen Flemming, 2669 Bluebird Ln. were in attendance. Smith had solicited bids for cleaning out the easement, the lowest being from Voit Bobcat Service for \$1,600. The bid did not include removal of trees within the easement, however. Both the Gowers and Flemmings stated they were OK with removing/trimming the trees, which consist of a maple tree and a pine tree growing in the easement, and pine trees overhanging the easement. **MOTION** by Fonger/Anders to accept the \$1,600 bid from Voit Bobcat Service to clean the easement, and to get an estimate for removing the maple tree. The Gowers will remove the pine tree in the easement, and neighbors are to trim trees overhanging the easement. Cleaning of the southern half of the easement is to be completed as soon as possible rather than waiting for the maple tree to be removed. **MOTION CARRIED 5-0.**
- C. Award 2009 road maintenance contracts: Two sealcoating bids were received:
- Scott Construction, Inc. - \$140,930
 - Fahrner Asphalt Sealers. - \$159,747

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MAY 18, 2009

Smith suggested that since the low bid is below the budgeted amount, he would like to add two more roads for an additional \$7,000. Board consensus was against this. The Village of Cottage Grove has been asked if they would like to have their section of Coffeytown Road sealcoated at their expense, but no answer has been received to date.

MOTION by Fonger/Kindschi to accept the sealcoating bid from Scott Construction, Inc. for \$140,930. If the Village approves sealcoating their portion of Coffeytown Road, that cost will be billed back to the Village. **MOTION CARRIED 5-0.**

There was also discussion about posting weight limits on Town Roads to prevent through traffic of heavy trucks during construction of County N. Smith will monitor and post as needed, accommodating local business as much as possible.

(Anderson arrived)

- D. Confirmation of Town Appointment to Cottage Grove Police Commission: Kessenich was concerned that appointing Sheryl Albers, who is married to Anders, was too close for comfort considering that State Statute prohibits elected officials from serving on the police commission. Hampton said that he felt Albers was the best choice of those expressing interest, and Kindschi said if the legislators wanted to prohibit spouses from serving, they would have put that in the statutes. **MOTION** by Hampton/Fonger to confirm appointment of Sheryl Albers to the Police Commission for a three year term. **MOTION CARRIED 3-1-1** (Kessenich opposed, Anders abstained).
- E. Discuss/Consider ordering plaques to honor former town board members: Kindschi had brought a plaque that he received for prior service on the Town Board, and the Clerk had gotten prices for plaques. **MOTION** by Fonger/Kessenich to spend up to \$25.00 each for plaques honoring Dave Morrow, Virgil Schroeder and Mike Klinger for their service on the Town Board. **MOTION CARRIED 5-0.**
- F. Discuss/Consider who will attend Colonial Club Volunteer Recognition event on May 28, 2009: **MOTION** by Kindschi/Anders to send the Town Chair to represent the Town. **MOTION CARRIED 5-0.**
- G. Discuss advice of electors at Annual Meeting regarding formation of a Community Development Authority for an Agri-Business Park at US Hwy 12 & 18 and County Road N: Electors at the Annual Meeting on April 14, 2009 voted to spend up to \$25,000 to create a CDA, perform a feasibility study, and purchase an option on the land. Hampton asked if the board wanted to pursue any of these this year. Anders said he would like to be more deeply educated on CDA's before making any decisions. Kessenich suggested bringing in someone from a municipality that has a CDA to talk about their experiences, including how much seed money was provided and how projections were financed. The Village of Marshall and Town of Windsor were mentioned. Anderson said the Town of Windsor would have the most similar situation to the Town of Cottage Grove. She said there are different types of CDA's: some active, some perfunctory. Kessenich said that finding people to serve on a CDA could be a challenge. **MOTION** by Fonger/Kessenich to schedule a special meeting with someone from the Village of Marshall and/or Town of Windsor to talk about their experiences with a CDA. There is no rush given the current economy. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
MAY 18, 2009

III. UNFINISHED BUSINESS:

- A. Discuss/Consider approval of Contract for Sustainable Services Consultation By and Between the Town of Cottage Grove and Sustainable Services, Inc.: **MOTION** by Anders/Fonger to table for 90 days. **MOTION CARRIED 5-0.**
- B. 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 Case: **MOTION** by Anders/Kindschi to move into closed session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- C. MOVE INTO CLOSED SESSION: The closed session began at 8:43 P.M.
- D. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Hampton/Anders to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- E. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: None.
- F. Discussion/action on using part of the BUILD grant proceeds to pay for the necessary equipment to record and broadcast Town Board meetings: The clerk reported that according to Charter Communications, there are about 650 cable TV subscribers in the Town, and most have digital cable. Kindschi questioned the cost for the limited impact. Fonger recalled that the Town stopped recording meetings due to not enough interest, and said it is not worth the effort for less than half of the households in the Town. Kessenich suggested just recording the meetings on DVDs for checkout. The Clerk noted that Charter has only been paying a 3% franchise fee since third quarter 2008, not the 5% they are supposed to be. They have said they will make up the difference, but considering they are in the process of bankruptcy, this is uncertain. **MOTION** by Fonger/Anders to NOT use the BUILD grant proceeds for this purpose, but to reconsider at budget time in the fall.
- G. Review TCG Ord. sec. 8.05 Winter Maintenance of Public Areas: Kindschi said the only complaint he has is operation of the wing plow, which he does not feel needs to plow all the way to ground level at a distance of 12 – 15 feet from the edge of the road. He had photos showing damage to the edge of the road and ditch as a result. It was decided to revisit this at the first meeting in November.

IV. Clerk's Report:

- A. Dane County Ordinances: None.
- B. The Clerk distributed statutes and other materials relevant to upcoming alcohol beverage license renewals that will be coming up at the next meeting, and a Dane County ordinance amendment to be considered at the next meeting.

V. Board Reports

- A. Anders said that the Dane County Towns Association is laying the groundwork for a wind power ordinance to deal with smaller wind power operations.

VI. Committee Reports:

- A. Law Enforcement Committee: Police Commission appointment issues from the last meeting were dealt with earlier this evening. The next meeting will be May 26th.
- B. Emergency Government Committee: The committee may change the day of the week meetings are held.

VII. Adjournment: **MOTION** by Hampton/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:47 p.m.

Kim Banigan, Clerk
Approved 6-1-2009

TOWN OF COTTAGE GROVE
PUBLIC HEARING – 2009-2010 ALCOHOL BEVERAGE LICENSE APPLICATIONS
PUBLIC HEARING – 2009-2010 NON-METALLIC MINING PERMIT APPLICATIONS
JUNE 1, 2009

ALCOHOL BEVERAGE LICENSE PUBLIC HEARING

- I. Notice of the public hearing was posted at Town Hall, the park on American Way, Gaston Road at Brown Thrush, and the Corner of US Highway 12 & 18 and County Road BN, and published in the Wisconsin State Journal on May 28, 29, and 30, 2009.
- II. Town Chair Kris Hampton called the public hearing to order. Supervisors Mike Fonger, Steve Anders, and Mike Kindschi were also present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Police Chief John Gould. A list of others in attendance is available in the clerk's office.
- III. Hampton read the list of alcohol beverage license applicants:

Applicants for Combination Class B Beer and Class B Liquor Licenses:

Ball of Fun, LLC d.b.a. Doubledays
Debra Stueber, Agent
4586 Baxter Road
Cottage Grove, WI 53527

Patricia J. Youngs d.b.a. Country Corners
3737 CTH AB
McFarland, WI 53558

Door Creek Golf Course, Inc.
James Bradt, Agent
4321 Vilas Road
Cottage Grove, WI 53527

Nora's Tavern, Inc.
Timothy Kluever, Agent
1843 HWY 12 & 18
Deerfield, WI 53531

JDJ Inc. d.b.a. Crossroads Tavern
Dawn Guimond, Agent
3562 CTH AB
McFarland, WI 53558

Hampton asked if there were any questions/comments from the public. There were none.

NON-METALLIC MINING PERMIT PUBLIC HEARING

- I. Notice of the public hearing was posted at Town Hall, the park on American Way, Gaston Road at Brown Thrush, and the Corner of US Highway 12 & 18 and County Road BN.
- II. Town Chair Kris Hampton called the public hearing to order. See attendance above.
- III. Hampton read the list of non-metallic mining permit applicants:

Applicant: Brad Huston, President
R.G. Huston Company, Inc.
2561 Coffeytown Road
Cottage Grove, WI 53527

Landowners: Dale R. and Dwight D. Huston
2561 Coffeytown Road
Cottage Grove, WI 53527

TOWN OF COTTAGE GROVE
PUBLIC HEARING – 2009-2010 ALCOHOL BEVERAGE LICENSE APPLICATIONS
PUBLIC HEARING – 2009-2010 NON-METALLIC MINING PERMIT APPLICATIONS
JUNE 1, 2009

Nonmetallic Mining Sites:

1. Gaston Road Quarry – 2543 Gaston Road
2. Nora Road Pit – 2494 Nora Road
3. Skaar Pit – 3355 County Road N

Applicant: Steve Knaus
335 S. Thompson Road
Sun Prairie, WI 53590

Landowner: Sun Prairie Sand & Gravel
335 S. Thompson Road
Sun Prairie, WI 53590

Nonmetallic Mining Site: 2272 US Highway 12 & 18

Hampton asked if there were any questions/comments from the public. There were none.

IV. **MOTION** by Anders/Kindschi to close the public hearings. **MOTION CARRIED 4-0.** The public hearing ended at 7:04 P.M.

Kim Banigan, Clerk
Approved 6/15/2009

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
JUNE 1, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park on American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Kris Hampton, Mike Fonger, Steve Anders, and Mike Kindschi in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Police Chief John Gould 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 7:04 P.M.
- C. Minutes of previous meeting(s):
 1. **MOTION** by Fonger/Anders to approve the minutes of the May 18, 2009 Town Board Meeting as printed. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by Anders/Kindschi to approve the payment of bills corresponding to checks #16404 through #16442. **MOTION CARRIED 4-0.**
 2. **MOTION** by Anders/Kindschi to approve payment of May per diems as presented. **MOTION CARRIED 4-0.**
- E. Public Concerns: Truman Nienstedt, 3789 Sky High Road, asked several questions about the roles of the Law Enforcement Committee and the Police Commission. He expressed concern that Police Commissioner Sheryl Albers may be put in the position of reviewing prior actions of her husband Steve Anders as a member of the Law Enforcement Committee when performance reviews of the Police Chief were conducted. He said that while this is not against the law, he felt it may represent a conflict of interest.
- F. Road Right of Way Permits: NONE.

II. NEW BUSINESS:

- A. Presentation of plaques of appreciation to former Town Board members Virgil Schroeder, Mike Klinger and David Morrow: All three recipients were in attendance, and Hampton presented them with the plaques.
- B. Consider approval of July 2009 – June 2010 Alcohol Beverage Licenses:
 1. Combination Class B Beer and Class B Liquor Licenses:
 - a) **MOTION** by Anders/Fonger to approve a combination Class B Beer and Class B Liquor License for July 1, 2009 thru June 30, 2010 for Ball of Fun, LLC d.b.a. Doubledays. **MOTION CARRIED 4-0.**
 - b) **MOTION** by Fonger/Kindschi to approve a combination Class B Beer and Class B Liquor License for July 1, 2009 thru June 30, 2010 for Door Creek Golf Course, Inc. **MOTION CARRIED 4-0.**
 - c) Anders asked JDJ Inc. agent Dawn Guimond why the Board should grant Crossroads Tavern a license given recent incidents on top of a long history of incidents there. Guimond stated that the bartender responsible for the recent closing violation has been dismissed, and a band that brought in a large crowd resulting in violence will no longer be playing there. Fonger suggested that if bartenders cannot be trusted to obey laws and keep order, the owner must be on site all the time.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
JUNE 1, 2009

MOTION by Fonger/Anders to approve a combination Class B Beer and Class B Liquor License for July 1, 2009 thru June 30, 2010 for JDJ Inc. d.b.a. Crossroads Tavern, stipulating that any incidents will have repercussions. There was discussion about more specific conditions, and Crossroads Manager Jason Wells asked the Board for suggested measures the bar could take to avoid incidents. Additional security and presence of owner were suggested. **MOTION FAILED 1-3** (Anders, Hampton and Kindschi opposed).

MOTION by Anders/Fonger to hold a public hearing on possible non-renewal of Class B Beer and Class B Liquor Licenses for JDJ Inc., d.b.a. Crossroads Tavern on Monday, June 8, 2009 at 7:00 P.M. **MOTION CARRIED 4-0.**

d) **MOTION** by Fonger/Anders to approve a combination Class B Beer and Class B Liquor License for July 1, 2009 thru June 30, 2010 for Patricia J. Youngs d.b.a. Country Corners. **MOTION CARRIED 4-0.**

e) **MOTION** by Fonger/Anders to approve a combination Class B Beer and Class B Liquor License for July 1, 2009 thru June 30, 2010 for Nora's Tavern, Inc. **MOTION CARRIED 4-0.**

2. Operators and Managers Licenses: The Clerk provided a list of all operator's and manager's license applicants, and stated that all applicants were qualified to hold licenses which she could approve all but one according to TCG Ordinance sec. 5.01(4)(a). The one applicant was related to the clerk, however, so she could not approve that license. **MOTION** by Fonger/Anders to approve an Operator's License for July 1, 2009 thru June 30, 2010 for Kyle F. Banigan. **MOTION CARRIED 4-0.**

C. Consider approval of July 2009 – June 2010 Non-metallic Mining Permits: Dennis Richardson answered questions regarding non-metallic mining sites operated by R.G. Huston Company, Inc. He confirmed that the CUP for the Nora Road pit expires in March of 2010, at which time mining will cease and reclamation will begin. The Gaston pit will remain open for mainly recycling – most of the material has been extracted and there are no plans for any further blasting. R.G. Huston Co. Inc. will be looking to extend the CUP for the Skaar pit to continue to the south.

MOTION by Fonger/Hampton to approve Non-metallic Mining Permits for July 1, 2009 through June 30, 2010 for the following four sites:

Operated by R.G. Huston Co., Inc., Brad Huston, applicant

1. Gaston Road Quarry – 2543 Gaston Road
2. Nora Road Pit – 2494 Nora Road
3. Skaar Pit – 3355 County Road N

Operated by Sun Prairie Sand & Gravel, Steve Knaus, applicant

4. 2272 US Highway 12 & 18

MOTION CARRIED 4-0.

D. Discuss/Consider approval of use of American Heritage Park for a private party on August 1st or 2nd: Nancy Kobus explained that she and her husband live a block away from the park, and would like to hold their anniversary party there. They would expect 75-100 people to attend,

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES
JUNE 1, 2009

and would want to put up a tent and porti-potty. There would be music but not from a live band, and they would like to serve beer and wine. The Wisconsin Towns Association attorney had advised the Clerk that no liquor license is needed as long as the beer and wine are not offered for sale, but suggested that the Town have a policy to deal with such requests. There was a question of liability due to the consumption of alcohol on Town property, and it was suggested that a hold harmless agreement is needed. **MOTION** by Fonger/Kindschi to approve the use of American Heritage Park by the Kobus' on August 1st or 2nd. The party is to vacate the park by 10:00 P.M. Mrs. Kobus will notify the Town as soon as the date is firmed up, and let Smith know when the tent and porti-potty will be installed to coordinate with mowing. Special arrangements may be needed if the park is too wet. In the meantime, the Town will create a hold harmless agreement for use of the park and serving of alcohol. **MOTION CARRIED 4-0.**

- E. Discuss soccer parking issues at Bass Park: Truman Nienstedt stated that the original request to use Bass Park for soccer underestimated how many games would be played, and he had understood it would be only children who lived in Cottage Grove playing there. The park is in use from 9:00 a.m. to late afternoon on Saturdays. He asked if games could be spread out more so that teams for the next game do not arrive before those from the current game leave, which causes double the number of cars parked. He was concerned that cars parked on both sides of the street don't leave enough room for emergency vehicles, and that siblings of soccer players are in danger as they are in and out of the cars during the games.

Susan Welch, a Village resident and MGSC Treasurer, said that all home teams are Monona Grove students, with the majority being from Cottage Grove. Opposing teams do come from other communities, and MGSC has made an effort to ask them to park cars on the park side of the street. Bass Park is the home field for 4th, 5th and 6th graders. It is the only field available with the appropriate dimensions for this age group. She said that MAYSA posts game schedules on their web site.

Glenn Jenkins, 4333 Damascus Trail, was the coach during a recent incident when police were called for a dispute between a soccer parent and a park neighbor. He suggested that motorists be encouraged to park on the cul-du-sac behind the park.

Bob and Donna Evans, 3825 Sky High Rd., complained about cars parking on both sides of the road, preventing them from getting their boat or motor home out of the driveway, and leaving no place for their visitors to park. They also do not like cars turning around in their driveway, and suspect that their car was damaged by someone turning around. Mr. Evans provided a photo of a car illegally parked on the field.

Gary and Patty Keip, 3817 Sky High, also complained about cars parked on both sides of the street and turning around in driveways, and worried that children would be struck by cars trying to get through. Mrs. Keip said that the issue is not only on Saturdays, as there is practice at the field nearly every night.

Fonger said that a solution for another location must be found between the Town and Village, and suggested that the Joint Recreation Committee look into field availability. It was noted, however, that the Village recently combined several committees, including the Joint

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Recreation Committee, and new appointments have not been made. Any changes to field location would need to be known by early August when game are being scheduled. Fonger also suggested that police more closely monitor Bass Park during games.

It was suggested that parking be limited to one side (the park side) of the road, but residents were generally not in favor of this because it would limit their own parking options as well.

MOTION by Fonger/Kindschi to refer the search for an alternative field to the Joint Recreation Committee, or to Village Recreation Director Jacob Tisue if the committee is not up and running soon. **MOTION CARRIED 4-0.**

F. Plan Commission Recommendations:

1. Discuss/Consider approval of Town Procedures for Acting on Conditional Use Permit Applications: The Plan Commission had recommended Approach #1 from Dane County's suggested approaches, which requires the development of a policies and procedures document for the handling of conditional use permit applications. **MOTION** by Kindschi/Fonger directing the Clerk to draft a conditional use permit polices and procedures document for board review on June 15th. **MOTION CARRIED 4-0.**
2. Discuss preparing an Energy Efficiency Block Grant Application for the Town and possibly in conjunction with the Village: The Clerk stated that based on her research on this matter, she understands that Federal grants are available to "entitled" governments, which will in turn grant funds to local governments. The State will make grant applications available once they receive their federal dollars. **MOTION** by Fonger/Anders directing the Clerk to monitor progress of the State's granting process. **MOTION CARRIED 4-0.**

- G. Discuss/Consider approval of purchasing milk for Cottage Grove Elementary Third Grade visitors on June 10, 2009: Hampton reported that Kwik Trip has agreed to provide the milk at no cost.

III. UNFINISHED BUSINESS:

- A. Discuss/Accept bid for removal of maple tree in drainage easement between 2673 and 2669 Bluebird Lane: Smith reported that the estimate to take the tree down came back at \$650. Estimates to grind the stump were \$1/inch and \$3/inch, although insurance coverage for the contractor bidding \$1/inch has not been verified. **MOTION** by Fonger/Kindschi to spend no more than \$850 to remove the maple tree, stump and roots. The money is to come from the Highway Department budget. **MOTION CARRIED 4-0.** William and Patricia Gower, 2673 Bluebird Lane, were present, and Mr. Gower indicated he would be willing to pay up to \$150 if the cost of removing the maple tree exceeds the \$850 set by the Town Board.
- B. Discuss/Consider approval of changes to 2009-2010 appointments to the Emergency Government and Ad Hoc Land Conservancy committees. Karen Kessenich has indicated she is not available to serve on these committees she is appointed to. **MOTION** by Kindschi/Anders to appoint Mike Fonger as the Town Board representative on the Ad Hoc Land Conservancy Committee, and leave Karen Kessenich on the Emergency Government Committee for now as a change in the night the committee meets may be pending. **MOTION CARRIED 4-0.**

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IV. Clerk's Report:

- A. Dane County Ordinances: **MOTION** by Anders/Kindschi to support Ordinance Amendment No. 1, 2009-10 Amending Chapter 10 of the Dane County Code of Ordinances, Regarding Permitted Signage. **MOTION CARRIED 4-0.**
- B. The Clerk reported that the route of a motorcycle ride sponsored by the Safe Harbor Child Advocacy Center, Inc. will pass through the Town on US Highway 12 & 18 and County Road N on August 22, 2009.

V. Board Reports

- A. Hampton showed the board a plaque presented to the Town by the Colonial Club in appreciation of budgetary support.

VI. Committee Reports:

- A. Deer-Grove EMS Commission: All four municipalities will meet on June 4th to discuss possible purchase of an ambulance.
- B. Law Enforcement Committee: Today was Police Chief John Gould's first day back on the job since his reinstatement. The committee suggested several possible grants to apply for.

VII. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:10 p.m.

Kim Banigan, Clerk
Approved 6-15-2009

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- I. The meeting was properly posted at Town Hall, the park on American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Kris Hampton, Mike Fonger, Steve Anders, Mike Kindschi and Karen Kessenich in attendance. Clerk Kim Banigan, Attorney Greg Murray, and Police Chief John Gould were also present, as well as witnesses called during the proceedings. Audience chairs were filled with other interested parties.
- II. Chairman Hampton called the meeting to order at 7:00 P.M.
- III. Public Hearing on the potential non-renewal of the Class B Beer and Class B Liquor licenses for JDJ, Inc., Dawn Guimond, sole officer/director and agent for the sale of fermented malt beverages and intoxicating liquor at Cross Roads Tavern pursuant to Wis. Stat. §125.12. Guimond confirmed receipt of notice of the public hearing.

Murray stated his role as a representative to the administrative office of the Town Clerk and the Cottage Grove Police Department in their annual duties to provide information to the Town Board during the alcohol license renewal process and to provide factual information to the Board so that it can make an independent decision. He would not be consulting with the Board nor will he participate in a closed session should they choose to hold one. Attorney Bob Hoyt represented JDJ, Inc. and Dawn Guimond.

In his opening remarks, Murray stated that on June 1, 2009 the Town Board reviewed the 2009-2010 Annual Liquor License Inspection report prepared by the Cottage Grove Police Department, which included several incidents and citations for violations of Wis. Stats. Chapter 125 for Crossroads Tavern, JDJ, Inc. and Dawn Guimond. Upon review of the report, the Board directed the Town Clerk to issue a notice of potential non-renewal to Crossroads Tavern, which she did on June 2, 2009. Guimond was in attendance on June 1, 2009, and is here tonight. Murray stated that the purpose of the meeting tonight is to afford JDJ, Inc. and Guimond an opportunity to have a hearing on the non-renewal of the licenses. The purpose of the hearing is for the Board to determine whether facts support non-renewal or other actions against the licenses. JDJ, Inc. and Guimond will also be allowed to present their case to defend against any potential non-renewal action.

In his opening statement, Hoyt said he believed there to be a misunderstanding as to the structure of JDJ, Inc., which he clarified by stating that JDJ, Inc. is a Wisconsin corporation with three directors – Dawn Guimond, Timothy Fahey, and Ronald Blum. These same three people are officers of the corporation. Fahey was prepared to submit an application to serve as alcohol agent for JDJ, Inc., which Hoyt felt was a reasonable way to provide someone else to answer on behalf of the corporation. Hoyt believed that neither JDJ, Inc. nor Guimond had any prior knowledge or approval of the incidents that were described. He noted that the employee involved with the after hours violation has since been terminated, and other employees have been counseled to learn from the experience. Hoyt said it was his understanding that the person was in the bar after hours but there was no liquor being served. Guimond and JDJ, Inc. took responsibility and paid forfeitures. He went on to say that Crossroads provides sporting opportunities for the community, and requested that the Board issue a license to JDJ, Inc. upon proper acceptance of an agent application from Fahey.

Before calling his first witness, Murray reminded the Board that under s. 125.12(3), Wis. Stats., the Board can refuse to renew a license if the license holder has had certain violations and meets certain criteria listed under s. 125.12(2)(ag). He said the two relevant tonight are 1. The person (corporation or agent) has violated chapter 125 or municipal regulations adopted under s. 125.10, and 4. The person (corporation or agent) does not possess the qualifications under chapter 125 to hold the license. One of the qualifications is that the agent or the corporation not be a habitual law offender, meaning one or more recent law violations substantially related to licensing or regulatory activities. Convictions

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directly related to the alcohol license can also be deemed as a reason the person is no longer qualified to hold the license. Murray stated that if one or more of these criteria are found to be true, the Board can either suspend the license for 10 to 90 days, or revoke it for twelve months. Murray intended to show the Board that 1) JDJ, Inc. and Guimond do have Chapter 125 violations and 2) JDJ, Inc. and Guimond no longer possess the qualifications under 125.04(5) and (6) to hold alcohol licenses.

Murray presented as Exhibit 1 a certified copy of the Stipulation and Order in the case of the Town of Cottage Grove v. Dawn M. Guimond and JDJ, Inc., Citations N996493, N996494 and N996495, which showed that Guimond and JDJ, Inc. plead guilty to and were convicted of violations to Town Ordinance chapter 5 adopting ch. 125, Stats. Murray called as his first witness CGPD Officer Anthony Koratko, who was sworn in by the Clerk. Koratko described an incident in the early morning hours of March 4, 2009, when while on duty patrolling the Town of Cottage Grove he observed vehicles in Crossroads' parking lot after the 2:00 a.m. closing time. The doors were locked, and through the window he could see patrons drinking and the bartender serving. He knocked on the window and identified himself, but the music inside was too loud for those inside to hear him. When his presence was noticed by those inside, the music stopped, patrons turned their backs, and he observed the bartender step behind a wall, where she appeared to be talking on the phone. At this point Koratko was assisted by CGPD officer Durand and Dane County Sheriff's deputy Jason Walters. He pounded on the door and requested permission to enter, but there was no response from inside. While the other officers remained at the west door, Koratko went around to the east door, which was also locked. He could hear voices and what sounded like people going down wooden steps. He was never granted access to the bar, so officers were stationed around the bar to wait it out. Eventually people did come out and leave in vehicles. Several traffic stops were made, and one OWI was issued. Koratko did make contact with bartender Tara Blum as a passenger in one of the cars. She answered all of his questions and admitted to serving after hours. Koratko was unable to reach Ms. Guimond during the incident. Koratko wrote two citations to Guimond and one to Blum.

Korotko described another incident on May 23, 2009. While on patrol earlier in the evening, he observed that Crossroads' parking lot was so full of cars that there was no way to access the aisles. He noted that a week earlier, the Sheriff Deputies responded to a call for a fight in the parking lot with a report of guns possibly being involved. Later on the evening of May 23, 2009, Korotko was called to the Crossroads for a woman down. When he arrived on scene, a bouncer told him how he had found the female, who appeared to be heavily intoxicated. Korotko had EMS evaluate her. Another female came staggering out of the door, very bloody and going in and out of consciousness. A male then came outside and informed Korotko that there was a fight going on inside. Korotko estimated that by this time 5-6 Dane County Deputies were also on the scene. He entered the bar to find people shoulder to shoulder, with blood and glass on the floor and several people with bloody faces and knuckles. The DJ was announcing that people should leave, but he could not be clearly heard through the noise. Korotko broke up another fight in the making between two males, who fled the bar. He made brief contact with 6-7 staff members, who started to move people out of the bar once police presence was known. Staff indicated the building capacity is 300, and estimated 100 people were present, but Korotko believed it was well more than that. Eventually the bar was cleared, and all but one staff member also left, even though Korotko had informed them that we wanted further contact with them. Korotko was unable to reach Guimond that evening, but did make contact with her at later that morning. Neither Hoyt nor the Board had any further questions for Korotko.

Murray called as his next witness CGPD Officer Kelsey Durand, who was sworn in by the Clerk. He gave his account of the March 4, 2009 incident, when he assisted Korotko. He observed 7-8 patrons drinking from glasses the bartender was pouring from the tapper. He did not hear any music and did

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not observe the bartender to be on the phone. He identified himself 3-4 times but was unable to gain entrance. He eventually left the bar and parked on County Road AB. At approximately 4:30 a.m., he observed at least four cars leaving. He stopped a female who he learned was bartender in training who said she was assisting the bartenders with clean-up. She was charged with OWI and blew .12 at the CGPD.

Durand also described a traffic stop near crossroads on March 6, 2009 in which a granted consent search turned up \$1,000 in cash in a wallet, and a tampered with Tag body spray can that tested positive for cocaine residue. Hoyt objected to the relevancy of this traffic stop to Crossroads, but Durand said he believed drug activity had occurred, although he had no direct knowledge that it had anything to do with Crossroads. Durand reported on what he knew about the call which occurred on May 16, 2009 when the Dane County Sheriff responded to a call over the dispatch, which he had heard regarding a report of a fight at the Cross Roads where guns were alleged to have been involved. He was unable to respond to the call, had only second-hand knowledge regarding the actual scene at the Cross Roads, but spoke to DCS deputies who had first hand knowledge.

Murray submitted as Exhibit 2 a printout from the Wisconsin Circuit Court Access web site showing past convictions for Guimond, including a gambling conviction in 1997 and transfer of tobacco product to a minor in 2006.

Hoyt called as his first witness Christina Cole, who was sworn in by the Clerk. She stated she works at Crossroads on Friday nights, and was present for the May 23, 2009 fight incident. She said that was a very unusual occurrence of which there was no forewarning. She stated that a fight broke out just as last call was made, and a "fireball" of fights erupted. The crowd that night was not the usual patrons. She stated that there are normally 1-2 security staff on duty, and sometimes hired uniformed security guards are used, however not on May 23, 2009 as no special events were scheduled.

Hoyt's next witness was Gina Heiman, who was sworn in by the Clerk. She has been employed by Crossroads for 22 years, and described usual operation as a variety of sports, banquets, and over the last couple of years, DJ's. She has worked both day and night shifts, and in 22 years has only seen an occasional fight, nothing close to the May 23, 2009 incident. She said she feels that she and bar patrons are in a safe environment. She said it was clear in her mind that remaining open after hours is not allowed, and while she believed written rules to be posted in the bar, she had not reviewed them recently. When she started working, the rules were verbal. She also stated that it is not unusual for there to be cars in the parking lot after hours due to use of the safe rider program, and that sometimes bartenders even give intoxicated patrons a ride home.

Hoyt then called Dawn Guimond as a witness, and she was sworn in by the Clerk. She was introduced as an officer and director of JDJ, Inc., along with Ronald Blum and Timothy Fahey. Guimond began by distributing a "typical summer" schedule at Crossroads, but Murray objected to the relevancy of the schedule to the incidents being discussed. Guimond stated that she was not present at any of the mentioned incidents, and had no knowledge that they would occur. She had lost her cell phone and had failed to report the new number to the CGPD, which is why she could not be reached. She had agreed to take responsibility and paid the forfeitures for the after hours incident, and terminated the bartender involved. She stated the policy is that if somebody stays to accompany an employee after hours for safety reasons, they must wait outside. She said closing rules are posted in the bar, and conveyed to new bartenders. She believed the gun incident on May 16, 2009 to be a crank call. While Guimond is willing to continue as agent for JDJ, Inc., she intends to amend the application to designate Fahey as the alcohol agent. He is currently enrolled in the online responsible server class. Guimond said that steps

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have been taken to alleviate problems in the future, including no more DJ's on Friday nights, extensive conversations with staff, and bids for security cameras. Guimond stated that they are willing to work any way that the Board will approve.

Murray asked about the corporate structure of JDJ, Inc., and there was confusion between Guimond and Hoyt as to when Blum had been appointed as director and officer. He was not listed on the renewal application until the current application, which he did not sign, and no Auxiliary Questionnaire was submitted for him. Fahey was appointed today, as demonstrated on the proceedings of a special shareholder meeting of JDJ, Inc. presented by Hoyt. This document listed Guimond, Blum and Fahey as directors and officers, but only Guimond and Fahey are shareholders. Blum has not yet signed the Consent to Act.

Hoyt said that the audience is full of people in support of renewal of the license, and who came to offer evidence/testimony regarding day to day operation of Crossroads. While their knowledge did not go to specific events, they could testify to Crossroads being well run and safe in the past and present. The Board preferred that Hoyt call his next witness instead. Hampton asked for a show of hands for how many audience members were employed by Crossroads, and then excluding those, how many felt Crossroads was well run. A majority raised their hands.

Hoyt called Timothy Fahey, who was sworn in by the Clerk. He stated that earlier today he signed papers indicating his willingness to act as a director and officer of JDJ, Inc. and is also willing to act as the registered agent and alcohol agent for the corporation. He had 10-11 years of bartender experience in the past, with the most recent being 1987 or 1988. He has not been involved in the operation of Crossroads in the past, but as Guimond's significant other, has spent time at the bar for 8 years.

In Murray's closing remarks, he named two undisputed facts:

- 1) JDJ, Inc. and Guimond were both convicted of chapter 125 violations.
- 2) Guimond has prior convictions in 1997 and 2006 which, along with 1), are related to a regulated activity and substantially relate to the alcohol licenses and go to her being a habitual offender. Murray said the Board would be well within its rights under chapter 125 regarding both JDJ, Inc. and Guimond to refuse to renew the alcohol licenses or suspend them for 10-90 days.

Murray noted that information provided tonight has been focused on events that happened after the March 4, 2009 incident to demonstrate that while testimony was that training steps have been taken to alleviate future problems after the March 4th incident, the events that occurred would seem to indicate otherwise. He emphasized the public safety hazards created by the incidents. He also raised the issue of the application forms and information required to be transmitted to the Clerk when changes take place to corporate structure or address of corporate officers, stating that there is evidence that information errors have existed for quite some time, and telling the Board to focus on the application submitted by Guimond on May 15, 2009.

In his closing remarks, Hoyt stated that Ronald Blum has been a licensed operator for many years, so his qualifications have been submitted to the Town. He said if he was in error about when Blum was appointed was made, "so be it", but he has been appointed as of today, and Hoyt believed it would be fair and reasonable to permit JDJ, Inc. to submit an amended application to provide the expanded responsibility and control that the board would probably like to see. Regarding incidents at hand, he stated that Guimond and the corporation took responsibility for the March 4, 2009 violation. He quoted s. 125.12(1)(b)(2) which states that "No violation may be considered under this section or s. 125.04(5)(a) unless the licensee or permittee has committed another violation within one year

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preceding the violation.” Based on this, he stated that the statute itself would not permit the March 4, 2009 violation to be considered as grounds for non-renewal. (Murray later pointed out that this statute only applies to underage drinking violations.) Hoyt cited Wis. Supreme Court Case Smith vs. Oak Creek, which defined “habitual” based on common dictionary definitions. He said that under this definition, Guimond could not be labeled as a habitual offender for three violations over 29 years of work and 55 years of living. Based on this argument, he does not believe the incident on March 4th can be used as grounds for non-renewal.

Regarding the incidents that occurred since March 4th, Hoyt believes they were unforeseeable, Guimond was not involved in any of these incidents, and steps have been taken to alleviate such problems in the future. While Guimond has not been determined to be unsuitable to serve as agent, Hoyt believes it would be better for Fahey to become involved.

Murray stated that the fact that Guimond was not involved in the incidents is exactly the problem, that as the designated agent she bears responsibility.

- IV. Consider/adopt motion to move into closed session as permitted by Wis. Stats. §19.85(1)(a) for the purpose of deliberating on the Cross Roads Tavern alcohol beverage license non-renewal hearing and case. **ROLL CALL VOTE – Fonger – aye, Anders – aye, Hampton – aye, Kindschi – aye, Kessenich – aye.**
- V. Move into closed session. The Board moved into closed session at 9:53 P.M. All others, including Murray, were asked to leave.
- VI. Consider/adopt motion to reconvene to open session no earlier than 8:00 p.m. **MOTION** by Anders/Kindschi to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- VII. Action, if any, as a result of closed session on the Cross Roads Tavern alcohol beverage licenses non-renewal hearing and case: **MOTION** by Kessenich/Anders directing JDJ, Inc. to submit form AT-103 Auxiliary Questionnaire for all new corporate officers as of tonight to the Town Clerk within 10 days, and to resubmit the 2009-10 renewal application to the Town Clerk. **MOTION CARRIED 5-0.**

MOTION by Anders/Kindschi to schedule a hearing for possible suspension of the current year license for 7:30 P.M. on June 15, 2009. **MOTION CARRIED 5-0.**

Anders suggested that the attorneys stipulate testimony tonight in order to expedite hearing on July 15th.
- VIII. Any other business as allowed by law: None.
- IX. Adjournment: **MOTION** by Kessenich/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 11:07 P.M.

Kim Banigan, Clerk
Approved 6/15/2009
Closed session minutes approved but kept closed

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES AND MINUTES OF THE PUBLIC HEARING (CONTINUED)
ON POTENTIAL NON-RENEWAL OF THE 2009-2010 LIQUOR LICENSES FOR CROSSROADS
TAVERN
JUNE 15, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park on American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Kris Hampton, Mike Fonger, Karen Kessenich and Mike Kindschi in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Police Chief John Gould and Attorney Greg Murray were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office). Steve Anders arrived at 7:14 P.M., and several people filtered in before 7:30 for the public hearing, but did not sign in.
- B. Chairman Hampton called the meeting to order at 7:08 P.M.
- C. Minutes of previous meeting(s):
 1. **MOTION** by Kindschi/Fonger to approve the minutes of the June 1, 2009 Public Hearing as printed. **MOTION CARRIED 3-0-1** (Kessenich abstained).
 2. **MOTION** by Fonger/Kindschi to approve the minutes of the June 1, 2009 Town Board meeting, correcting the vote in item I. D. 1. to 4-0. **MOTION CARRIED 3-0-1** (Kessenich abstained).

(Anders arrived)

3. **MOTION** by Fonger/Kindschi to approve the minutes of the June 8, 2009 Special Town Board Meeting (public hearing on potential non-renewal of liquor licenses for Crossroads Tavern) as printed. **MOTION CARRIED 5-0.**
 4. **MOTION** by Anders/Fonger to approve the minutes of the closed session on June 8, 2009, with the addition of the time the closed session ended, and to keep the minutes closed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by Anders/Fonger to approve the payment of bills corresponding to checks #16443 through #16486, with voided check #16447. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/Kindschi to approve payment in the amount of \$1,557.50 to Tom Viken for May building permits. **MOTION CARRIED 5-0.**
 3. The Treasurer asked that June per diem reports be submitted by June 30th.
- E. Public Concerns: NONE.
- F. Road Right of Way Permits: NONE.

II. NEW BUSINESS:

- A. Discuss/Consider approval of a variance to side yard setbacks for Daniel Goff to split parcel #0711-071-9091-0 at 3023 County Road BB into two parcels, one residential and one commercial (rezone was approved previously): There was confusion over whether this parcel is in the ETJ of the City of Madison or the Village of Cottage Grove, which Goff was advised to clarify. A CSM showed that there is only 18.3 feet between the home and a shed that would be separated by the lot line of the proposed division, but side yard requirements for each parcel are 10 feet. The CSM proposed a 10.1 setback on the new parcel with the house, and a 8.2 setback for the parcel with the shed. **MOTION** by Fonger/Anders to approve a 1.8 foot variance for the new parcel containing the shed. **MOTION CARRIED 4-1** (Kessenich opposed).

TOWN OF COTTAGE GROVE

TOWN BOARD MEETING MINUTES AND MINUTES OF THE PUBLIC HEARING (CONTINUED)
ON POTENTIAL NON-RENEWAL OF THE 2009-2010 LIQUOR LICENSES FOR CROSSROADS
TAVERN
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- B. Discuss/Consider approval of CSM for Peter Lewis, RLS (Homburg Farms, LLC, landowner) – dividing 3.27 acres from parcels 0711-182-9560-9, 0711-181-9190-8, 0711-182-9000-6 east and west of Vilas Hope Road for recreation trail (rezone to CO-1 was approved previously). Two preliminary CSMs were presented for approval, one to the east and one to the west of Vilas Hope Road.
1. **MOTION** by Anders/Kessenich to approve the preliminary CSM with plot date of 2-23-2009 for part of the SW ¼ of the NE ¼ of Section 18. (east of Vilas Hope Road) **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/Kessenich to approve the preliminary CSM with plot date of 2-23-09 for part of the SE ¼ of the NW ¼ and of the fractional SW ¼ of the NW ¼ of the NW ¼ of Section 18. (west of Vilas Hope Road) **MOTION CARRIED 5-0.**

7:41 P.M. Skip to

III. UNFINISHED BUSINESS

- A. Public Hearing (continued) on the potential non-renewal (which includes suspension or revocation) of the 2009-2010 Class B Beer and Class B Liquor licenses for JDJ, Inc., for the sale of fermented malt beverages and intoxicating liquor at Cross Roads Tavern pursuant to Wis. Stat. §125.12, including potential review and qualification of agent and amended license applications as filed. JDJ, Inc. officers Dawn Guimond and Timothy Fahey and their attorney Bob Hoyt were among those present for the hearing.
1. Discuss/consider/action on the Cross Roads Tavern alcohol beverage license hearing and case:

Murray began by stating that tonight's hearing is a continuation of the adjourned hearing on June 8, 2009. Testimony did not need to be repeated and could be considered by the Board. Murray stated his role was to represent the administrative offices of the Town Clerk and the Police Department in their annual duties to provide information to the Town Board during the alcohol license renewal process, and to provide factual information to the Board so that it can make an independent decision. He would not be consulting with the Board or participating should they decide to go into closed session.

Murray reviewed the events of the June 8, 2009 hearing, when the Board held a hearing to consider the non-renewal of the Crossroads alcohol licenses for 2009-2010. JDJ, Inc. presented new information about its license renewal application, including changes to corporate officers and agents, which caused the Board to question whether they could act on the renewal application. The Board's motion directed JDJ, Inc. to amend the application, bringing it up to date with current, accurate and clear information. The amended application was submitted on June 11, 2009.

Murray emphasized that the purpose of tonight's hearing is to consider non-renewal of the Crossroads alcohol licenses for 2009-2010, not to discuss or impose any sanctions regarding the current (2008-2009) licenses. Penalties against current licenses require a sworn written complaint to be filed by a Town resident, and no such complaint has been filed.

Murray stated that no legal impediment exists to the Board acting on the renewal application tonight. The license application has already been published. There has been no change to the applicant or bar location with the amended application, and publication of the agent is

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ON POTENTIAL NON-RENEWAL OF THE 2009-2010 LIQUOR LICENSES FOR CROSSROADS
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not required. The 15 day waiting period between filing of the application and granting of the license is also not an issue since this is an amendment to the original application received on May 15, 2009.

Murray stated that the Board has three options before them tonight. They can:

- 1) Renew the licenses for 2009-2010, including reasonable conditions. In approving the licenses, the Board would also in effect be approving the corporate officers and agents as listed.
- 2) Deny (revoke) the 2009-2010 licenses.
- 3) Suspend the 2009-2010 license for 10-90 days (this would also in effect renew the license once the suspension period has passed).

In the event of a suspension, the establishment would be prohibited from serving alcohol, but the rest of business would not be impacted. The Board would need to work with the Police Department to ensure compliance with the suspension of the alcohol licenses.

Murray did not call any more witnesses, but reminded the Board that under Wis. Stat. 125.12(2)(ag), they could choose to deny or suspend the alcohol licenses if the applicant (person or corporation) has a violation under chapter 125, Wis. Stats, or a municipal ordinance incorporating chapter 125, or if the person or corporation does not possess minimum license qualifications, for example, is a habitual law offender. He said that prior evidence had shown that JDJ, Inc. violated chapter 125, indicated by the certified copy of the Stipulation and Order of the Town of Cottage Grove Municipal Court dated May 12, 2009 regarding a March 4, 2009 after hours violation. This alone is sufficient to impose a suspension or revocation. In addition, Guimond has been demonstrated to be a habitual law offender with three or more convictions substantially related to licensed or regulated activities – the May 12, 2009 ordinance violation, 1997 misdemeanor conviction for gambling, and 2006 conviction for selling tobacco to a minor.

Murray stated that testimony presented on June 8, 2009 showed that the March 4, 2009 after hours incident was not an isolated incident, but one of several that endangered the safety of the public as well as police officers. On March 6, 2009, a consent search of a vehicle stopped after leaving Crossroads' parking lot after hours yielded a large sum of money and a container with drug residue. On May 16, 2009 there was a report of a large fight in the parking lot at closing time, with reports of guns and requiring assistance of 6-7 Dane County Deputies. On May 23, 2009, there was a significant event involving fights, injuries, and people taken to detox.

Hoyt believed that Murray may have misspoken and said that if chapter 125 violations are found, suspension or revocation are *required*, but in fact they are permitted but not required. He said that the after hours violation in March was undisputed, and that the principals at Crossroads had taken responsibility by paying the fine, terminating the employee, and developing an employee manual. He said the principals had nothing to do with the incident, nor did they have any prior knowledge that it would occur, but they take it very seriously. They have changed their agent in an attempt to be more responsible regarding operation of the business, less casual. Bids have been sought for surveillance equipment for increased safety.

As for the later incidents, Hoyt said that there was no reason for the principals to anticipate the fight that broke out on May 23, 2009. It had been a quiet evening until a bus arrived

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES AND MINUTES OF THE PUBLIC HEARING (CONTINUED)
ON POTENTIAL NON-RENEWAL OF THE 2009-2010 LIQUOR LICENSES FOR CROSSROADS
TAVERN
JUNE 15, 2009

unexpectedly, and its passengers were the ones involved in the fighting. The same DJ had performed many other times without incident. Hoyt said that it would be unfair to consider the traffic stop involving the large amount of money and secret container with traces of an illegal substance as no connection can be made to Crossroads. He also stated it would be unfair to consider the incident when Dane County Deputies responded to a report of guns in the parking lot, as there was no altercation and no guns were found. He said that no bar owner can control what is reported to be supposedly taking place on the premises.

Hoyt submitted a petition opposing any suspension that might be imposed, although he said he and Guimond had no involvement in its circulation. Murray objected to the petition on the grounds that it has no relevance to the factual information presented, and is not verified for authenticity of the signatures.

Hoyt finished up by proposing that the Board renew the alcohol licenses for 2009-2010 with the new cast of interested persons, but impose reasonable restrictions to make a safer, more knowledgeable, and regimented operation. He suggested that Crossroads may volunteer a 10 day suspension, but would ask that it not commence immediately in order to give employees time to plan for the lack of business, and not interfere with the plans of third parties.

2. **MOTION** by Anders/Kindschi to move into closed session as permitted by Wis. Stats. §19.85(1)(a) for the purpose of deliberating on the Cross Roads Tavern alcohol beverage license hearing and case. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
3. Move into closed session: 8:29 P.M. Police Chief Gould was asked to remain for the closed session to answer administrative and closing coordination questions that might arise. Murray asked Hoyt if he objected to the Board having the Police Chief answer administrative questions in closed session and Mr. Hoyt said he did not object to this. All others were asked to leave.
4. **MOTION** by Anders/Kessenich to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The Board reconvened to open session at 9:07 P.M.
5. Action, if any, as a result of closed session on the Cross Roads Tavern alcohol beverage licenses hearing and case. **MOTION** by Anders/Kessenich that the Town Board finds that JDJ, Inc. violated chapter 125, Wis. Stats., based on JDJ Inc's May 12, 2009 conviction for remaining open after hours, and on that basis the renewal of Crossroads' alcohol licenses for the 2009-2010 license year (Class B Liquor and Class B Beer) will be suspended for 45 days beginning on July 1, 2009. In addition, the principals of the establishment must establish and have their attorney approve written standard operation procedures for all employees, and provide a copy to the Town of Cottage Grove with concurrence of their attorney. Furthermore, Crossroads is required to install a closed circuit monitoring system. The plan for this system must be presented to the Town Board within 30 days, and once approved by the Town Board, the system is to be installed and operational within 60 days. The system must be in operating condition 24 hours per day, 365 days per year. The system must have facial recognition capabilities, and be operational in low light and all weather conditions. Cameras should also be installed to monitor the parking lot. Failure to comply with the conditions imposed on renewal of the licenses will result in the suspension

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING MINUTES AND MINUTES OF THE PUBLIC HEARING (CONTINUED)
ON POTENTIAL NON-RENEWAL OF THE 2009-2010 LIQUOR LICENSES FOR CROSSROADS
TAVERN
JUNE 15, 2009

continuing until compliance is reached or 90 days, whichever comes first. **MOTION CARRIED 3-2** (Fonger and Kindschi opposed).

- B. Discuss/Consider approval of 2009-10 Operator's License for Dawn Guimond: **MOTION** by Anders/Kessenich that based her May 12, 2009 conviction for remaining open after hours and the violation of chapter 125, Wis. Stats., Dawn Guimond's operator's license application for July 1, 2009 – June 30, 2010 be denied. **MOTION CARRIED 5-0.**

Return to II. NEW BUSINESS

- C. Discuss/Consider how to gather resident input regarding automated vs. manual and other options for pickup of trash and recyclables: Hampton said he understands that the Village is going with automated pickup, but the Town can choose to stay with manual pickup, or some manual and some automated. He asked for suggestions for getting information out to residents so that they can see what their options might be and indicate their preferences. George DeVries from Veolia Environmental Services and Tim Bolhuis of Pelliteri Waste Systems were present, and there was some discussion about what each company could provide. Bolhuis provided a handout showing improvements in recycling rates in municipalities Pelliteri services with automated, single sort recycling, and a spreadsheet comparing pricing of the five bidders for the Town and Village contracts. Both Bolhuis and DeVries were willing to provide sample trash and recycling carts for residents to view at the Town or Village Halls. Other locations, including the Piggly Wiggly, were suggested. The Board would like to discuss this further with the Village Board on July 1, 2009.
- D. Discuss/Consider creation of an ordinance regarding confidentiality of income and expenses provided to assessor for assessment purposes: Discussion was that this ordinance should be numbered as 03.04. **MOTION** by Kessenich/Anders to hold a public hearing for possible adoption of this ordinance before the Town Board Meeting on July 6, 2009. **MOTION CARRIED 5-0.**
- E. Consider approval of attendees for DCTA/Dane County Planning and Development Outreach meeting on June 30, 2009: **MOTION** by Anders/Kindschi to allow attendance by as many board members as want to attend. **MOTION CARRIED 5-0.**

III. UNFINISHED BUSINESS:

- C. Discuss policy and hold harmless agreement for use of Town parks for private gatherings: **MOTION** by Anders/Kindschi to table until July 6, 2009. **MOTION CARRIED 5-0.**

IV. Clerk's Report:

- A. Dane County Ordinances: NONE.

V. Board Reports: NONE.

VI. Committee Reports:

- A. Emergency Government Committee: Hampton reported that the next meeting will be July 9, 2009 and include a tour of Landmark Coop facilities. After that, meetings may be moved to the first Wednesday of the month.

VII. Adjournment: **MOTION** by Anders/Kessenich to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:07 p.m.

Kim Banigan, Clerk
Approved 7-06-2009

TOWN OF COTTAGE GROVE
PUBLIC HEARING (CONTINUED) ON POTENTIAL NON-RENEWAL OF THE 2009-2010
LIQUOR LICENSES FOR CROSSROADS
CLOSED SESSION MINUTES
JUNE 15, 2009

- I. **MOTION** by Anders/Kindschi to move into closed session as permitted by Wis. Stats. §19.85(1)(a) for the purpose of deliberating on the Cross Roads Tavern alcohol beverage license hearing and case.
ROLL CALL VOTE – Fonger – aye, Anders – aye, Hampton – aye, Kindschi – aye, Kessenich – aye.
- II. The Board went into closed session 8:29 P.M. Police Chief Gould was asked to remain for the closed session, all others were asked to leave.
- III. Anders asked Gould about the logistics of policing a camera system, i.e. enforcing a requirement that it is maintained and remains up and running. Gould said that while the police department could cooperate by regularly inspecting the system, it would be important to have a mechanism in place to apply if they don't comply. Suggested features of a security system included 360° surveillance inside the building, cameras to monitor within 100 feet of the building, facial recognition capabilities, operation in low light and all weather conditions. It was thought that rather than the Board attempting to spec out all requirements, it would be better for Crossroads to submit a plan for Board approval.

There was agreement that JDJ, Inc. had violated chapter 125, and discussion turned to length of suspension vs. denial of the licenses. Kindschi was for denial, everyone else was in favor of a suspension of varying duration, 45 days being the majority opinion. There was general agreement that Dawn Guimond had violated chapter 125 and should not be granted an operator's license.

In addition to requiring installation of a surveillance system, there was discussion about requiring the creation of a written employee manual or standard operating procedures document, to be approved by their attorney in order to avoid spending Town funds in approving it.

- IV. **MOTION** by Anders/Kessenich to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The Board reconvened to open session at 9:07 P.M.

Kim Banigan

Clerk

Approved and Opened 7-6-2009

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MINUTES
JULY 6, 2009

PUBLIC HEARINGS

- 1) **Vacation of unnamed town road (possibly known as Wood Trail) at 1994 US Highway 12 & 18**
- 2) **Creation of ordinance for confidentiality of income and expenses provided to assessor**

- I. Notice of the public hearings was posted at Town Hall, the park on American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Notice for the road vacation public hearing was published in the Wisconsin State Journal on June 15, 22, and 29.
- II. Town Chair Kris Hampton called the public hearing to order at 7:00 P.M. Supervisors Mike Fonger, Steve Anders and Mike Kindschi were also present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. Others attendees are listed on the attached sign-in sheet (available in the Clerk's Office).
- III. Hampton asked for public comment regarding the vacation of Wood Trail. Tobias Johnson, Trustee for the Clifford Wood Trust that owns the property at 1994 US Highway 12 & 18, asked for the definition of 'vacation'. Hampton explained that the road would no longer be maintained by the Town, but would revert back to the property owner. No physical changes would occur, but it would be a private driveway rather than a town road.
- IV. Hampton asked for public comment regarding the creation of an ordinance for confidentiality of income and expenses provided to assessor. There were none.
- V. **MOTION** by Anders/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, the park on American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with attendees as listed for the public hearing above. Karen Kessenich arrived at 7:08 P.M., Attorney Greg Murray arrived at 7:26 P.M., and Attorney Connie Anderson arrived at 8:10 P.M.
- B. Chairman Hampton called the meeting to order at 7:02 P.M.
- C. Minutes of previous meeting(s):
 1. **MOTION** by Kindschi/Fonger to approve the minutes of the June 15, 2009 Town Board Meeting as printed. **MOTION CARRIED 4-0.**
 2. **MOTION** by Anders/Kindschi to approve the minutes of the June 15, 2009 closed session as printed, and make them an open record. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:

(Kessenich arrived in the middle of 1. below)

1. **MOTION** by Anders/Fonger to approve the payment of bills corresponding to checks #16487 through #16544. **MOTION CARRIED 4-0-1** (Kessenich abstained).
 2. **MOTION** by Kessenich/Anders to approve payment of June per diems as presented. **MOTION CARRIED 5-0.**
 3. **MOTION** by Kessenich/Kindschi to approve payment of \$2,595.70 to Building Inspector Tom Viken for June building permits issued, and directing the Clerk to send letters to the permit holders who were not charged the administrative fee. **MOTION CARRIED 5-0.**
 4. The Treasurer noted that the 2009 Fire Dues payment in the amount of \$10,631.03 has been received.
- E. Public Concerns: NONE.

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MINUTES
JULY 6, 2009

- F. Road Right of Way Permits: **MOTION** by Anders/Kindschi to permit AT&T to jack and bore parallel to the right-of-way on Gaston Road under I-94. **MOTION CARRIED 5-0.**

II. NEW BUSINESS:

- A. Discuss/Consider response to a resident petition to reduce the speed limit on the portion of Ridge Road north of County Road BB to the Town of Sun Prairie Line: Results of a traffic survey using the County's speed board were reviewed. Mark Olejniczak, 1796 Strawberry Road, said he initiated the petition out of concern for safety, and noted that American Way, Kennedy Road, and Baxter Road all have areas with speed limits of 25-35 m.p.h. He said that the survey shows an average of 300 vehicles per day, and felt a 35 m.p.h. speed limited is warranted by the hills, curves, lack of shoulders, and residences that are less than 50 feet away from the edge of the road.

(Attorney Greg Murray arrived)

Carol Livingston, 4246 Ridge Road, also spoke in favor of reducing the speed limit, but thought 45 m.p.h. would be more reasonable. She does not feel safe exiting her driveway due to a curve and a hill and the speed of traffic. He also mentioned that there is a fair amount of bicycle traffic from the Glacial Drumlin trail.

Silvin Kurt, 4498 Ridge Road, disagreed with lowering the speed limit, stating that in the 30 years he has resided there, there has been an average of 1 accident every 7 years. He said that during the time the speed board was up, 500 loads of manure were transported from his farm, and it is not unusual for them to make 25 trips with trucks and tractors per day. He has no problem with the current speed limit of 55 m.p.h., and stated the biggest problem is people who do not stop at the stop sign. He also said there are ATV's running on the road, and pointed out that a speed trap would be created with a 55 m.p.h. speed limit remaining on the Town of Sun Prairie's portion of Ridge Road.

Smith reported that by statute, the Town can lower the speed limit to 45 m.p.h. based on the survey. To go any lower, an engineering study and approval through the DOT is required, and he felt approval would be unlikely.

MOTION by Kindschi/Anders to ask the County to take another survey as soon as possible, coordinating with Kurt's so it is not done when they are doing a lot of hauling, and including a weekend if possible. **MOTION CARRIED 5-0.**

- B. Discuss/Consider approval of Temporary Liquor License for Wisconsin Rugby Club tournament from 8:00 A.M. to 9:00 P.M. on August 8, 2009 at rugby field leased from JDJ, Inc. at 3562 County Road AB: No one from the Rugby club was present. The Clerk explained that this event has been held annually for the past several years, and that the police chief did not have any recollection of problems during past events. Neighbors were notified of tonight's consideration of the application, but none were in attendance. The rugby club licensed an operator for the event as well. Past conditions have included ample porti-potties for those in attendance, and enforcement of no parking on Lud's Lane. Murray had an aerial photo showing the recommended placement for a fence separating the rugby field and JDJ, Inc.'s property, currently under a liquor license suspension. **MOTION** by Fonger/Kessenich to approve a Temporary Liquor License for the Wisconsin Rugby Club on August 8, 2009 at the rugby field leased from JDJ, Inc at 3562 County Road AB. Adequate porti-potties must be provided, parking is prohibited on Lud's Lane, and a fence must be put up as indicated in the aerial photo to separate the rugby field from JDJ, Inc. property that is subject to a liquor license suspension. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MINUTES
JULY 6, 2009

III. UNFINISHED BUSINESS:

- A. Discuss/Consider adoption of a resolution to vacate an unnamed town road (possibly known as Wood Trail) at 1994 US Highway 12 & 18: **MOTION** by Fonger/Kessenich to adopt Resolution 2009-08 Vacating a Town Road in the Town of Cottage Grove, Dane County, Wisconsin as presented. **MOTION CARRIED 5-0.**
- B. Discussion/possible action relating to Crossroads liquor license suspension: Timothy Fahey, alcohol agent for JDJ, Inc., presented a Employee Policy Manual & Training Guide for for Crossroads Tavern, and it was noted that he would also need to provide a plan for a closed circuit monitoring system by July 15th. **MOTION** by Fonger/Anders to table discussion of the Employee Policy Manual & Training Guide and closed circuit monitoring plan on July 20, 2009. **MOTION CARRIED 5-0.**

Discussion turned to a letter from Crossroads' Attorney Rick Petri asking the Town Board to consider permitting individual volleyball or softball players to consume their own alcoholic beverages on the exterior only during their games. In addition, the letter asked the Town Board to consider allowing a caterer to serve alcohol at five weddings scheduled at Crossroads during the suspension period. Fahey stated that the weddings were put on by a third party who provides security, and they would use a private entrance with no access to the bar. Kessenich asked if the board has an option to make exceptions to the suspension. Murray said they do, but enforcement would be difficult, and could put both the Police Department and JDJ, Inc. in a difficult situation. As for allowing a caterer to serve alcohol, Murray said that a Temporary Class B license would not apply, and the caterer would have to go through the regular retail license approval process.

MOTION by Kindschi/Anders based on comments from the Town Attorney to deny the request to allow consumption of their own alcohol by volleyball and softball players, and to deny the request to allow a caterer to serve alcohol at weddings during the suspension period. **MOTION CARRIED 5-0.**

- C. Discuss/Consider Creation of ordinance for confidentiality of income and expenses provided to assessor for assessment purposes: **MOTION** by Kessenich/Anders to approve creation of TCG Ord. section 03.04 Confidentiality of Income and Expenses Provided to Assessor for Assessment Purposes. **MOTION CARRIED 5-0.**

Skip to E. Discuss policy and hold harmless agreement for use of Town parks for private gatherings: Murray explained that statutes allow for consumption (not sales) of alcoholic beverages in Town facilities, including parks and public buildings, and also offer municipalities protection from liability related to the consumption of alcohol on municipal property. There was also discussion about rental fees for non-resident use of Town facilities. This will be considered at the next meeting. **MOTION** by Anders/Fonger to add item 6. to the current hold harmless agreement (Agreement Assuming Risk of Injury or Damage, Waiving and Releasing Claims and Indemnifying the Town of Cottage Grove for Use of Town Facilities):

6) That the Renter/User understands that no alcohol may be sold on the premises, and hereby releases the Town of Cottage Grove and its officers, employees and agents from any and all claims for liability resulting from the consumption of alcohol on the premises.

MOTION CARRIED 5-0.

(Attorney Connie Anderson Arrived)

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MINUTES
JULY 6, 2009

Return to:

- D. Discuss/Consider changes to 2009-2010 Town Board member appointment to the Emergency Government Committee: After the July 9th meeting, the committee intends to meet on the first Wednesday of each month at 6:00 P.M. Kessenich stated that she could not get there by 6:00 P.M., but could by 6:30 P.M. The committee chair will be asked to put a change to the meeting start time on the agenda for consideration by the committee.

Kessenich expressed her concern that ex-officio members of the committee should not be allowed to appoint someone else in their place, and need to be committed to Emergency Government Operations. If not, with the Emergency Government Committee Chair being the Director of Emergency Government, there could be a situation where no elected officials are involved in the decision making process in an actual emergency. The clerk was directed to request a discussion of Emergency Government Operations and the related Town and Village ordinances at the next joint Town/Village board meeting.

- E. Discussed above.
- F. Discuss/Consider approval of Conditional Use Permit Policies and Procedures: **MOTION** by Kessenich/Kindschi to approve the Conditional Use Permit Policies and Procedures as presented. **MOTION CARRIED 5-0.**
- G. **MOTION** by Anders/Kessenich 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 case. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- H. MOVE INTO CLOSED SESSION: Everyone but Anderson left and the board went into closed session at 8:43 P.M. Anders left during the closed session.
- I. **MOTION** by Kessenich/Kindschi TO RECONVENE TO OPEN SESSION. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The board reconvened to open session at 9:40 P.M.
- J. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: None.

IV. Clerk's Report:

- A. Dane County Ordinances: NONE.

V. Board Reports:

- A. Hampton:
1. Senator Mark Miller sent the "USDA Rural Development: Wisconsin Program Guide".
 2. Hydrite Chemical Co. sent an updated contingency plan.
 3. Hampton received a call from Dane County asking for a change in the use at the Rodefeld Landfill site – they want to build a salt shed and headquarters for their parks department off of County AB.

VI. Committee Reports:

- A. Emergency Government Committee: Covered above.
- B. Adjournment: **MOTION** by Kessenich/Fonger to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:50 p.m.

Kim Banigan, Clerk

Approved 7/20/2009 (Closed session minutes also approved but are to remain closed until the matter is resolved)

**RESOLUTION AND NOTICE OF
VACATION OF WOOD TRAIL IN
THE TOWN OF COTTAGE
GROVE, DANE COUNTY,
WISCONSIN**

Document Number

**TOWN OF COTTAGE GROVE
RESOLUTION NO. 2009-08**

**RESOLUTION VACATING A TOWN ROAD IN
THE TOWN OF COTTAGE GROVE, DANE COUNTY,
WISCONSIN**

WHEREAS, on or about May 4, 2009, the Cottage Grove Town Board discussed the vacation of a Town Highway known as unnamed town road at 1994 US Highway 12 & 18 possibly known as Wood Trail ("Town Road") in the Town of Cottage Grove, further described on the map attached as Exhibit A; and,

WHEREAS, following review, the Town Board adopted Resolution No. R2009-06 to approve the decision to file notice of pendency for vacation of the Town Road and introduce a vacation resolution; and,

WHEREAS, a notice of pendency relating to this vacation was subsequently recorded at the Dane County Register of Deeds; and,

WHEREAS, the abutting land owner to the Town Road and the Secretary of Transportation have been notified of the proposed action to discontinue the Town Road; and,

WHEREAS, the Town published a Class 3 legal notice of the public hearing and consideration of this final resolution; and,

WHEREAS, the vacation of the Town Road will not result in a landlocked property and no owner of property abutting the discontinued public way will be damaged by the vacation; and,

WHEREAS, the Town held the public hearing on July 6, 2009 and considered the information provided at the public hearing; and,

WHEREAS, this public hearing and this road vacation proceeded according to the provisions of § 66.1003, Wis. Stats.

RECORDING AREA

NAME AND RETURN ADDRESS

Clerk Kim Banigan
Town of Cottage Grove
4058 CTH N
Cottage Grove, WI 53527

018/0711-352-9501-4

PARCEL IDENTIFIER NUMBER (PIN)

NOW, THEREFORE, FOLLOWING CONSIDERATION OF THE ABOVE RECITALS, WHICH ARE RATIFIED AND INCORPORATED HEREIN BY REFERENCE, THE TOWN BOARD OF THE TOWN OF COTTAGE GROVE RESOLVES AS FOLLOWS:

- 1. Vacation of the Town Road is in the public interest.
- 2. The Town Road is hereby vacated.
- 3. The Town Road lands shall revert to the abutting property owner as allowed by law.
- 4. This original resolution shall be recorded in the Dane County Register of Deeds Office.

This resolution was duly considered and adopted by the Cottage Grove Town Board pursuant to a vote of 5 for and 0 against and 0 abstentions on this 6th day of July, 2009.

(Signed copy available in the Clerk's Office)

Kris Hampton, Cottage Grove Town Chair

Kim Banigan, Cottage Grove Town Clerk

ACKNOWLEDGMENT

STATE OF WISCONSIN)
COUNTY OF DANE)ss.

Personally came before me, this _____ day of _____, 2009, the above-named Kris Hampton and Kim Banigan to me known to be the persons who executed the foregoing instrument and acknowledged the same.

This form document was drafted by:
Attorney Gregory D. Murray
Anderson & Kent, S.C.
1 N. Pinckney Street, Suite 200
Madison, Wisconsin, 53703

_____(print name)
Notary Public, State of Wisconsin.
My commission expires on:_____



BIRRENKOTT SURVEYING, INC.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

ROAD VACATION SURVEY

SURVEYOR'S CERTIFICATE:

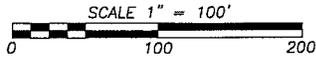
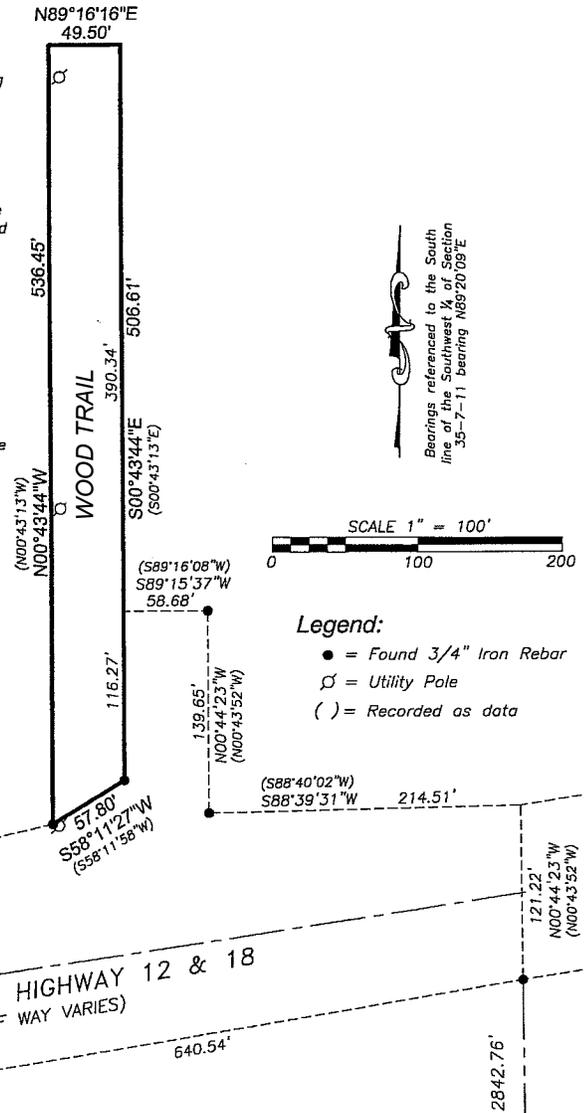
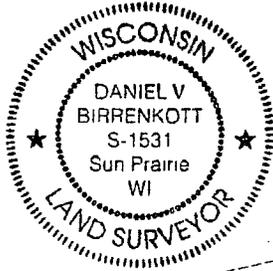
I, Daniel V. Birrenkott, hereby certify that this survey is in compliance with the Wisconsin Administrative Code. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided and is correct to the best of my knowledge and belief.

Daniel V. Birrenkott 4-23-2009
Daniel V. Birrenkott
Wisconsin Registered Land Surveyor No. S-1531.

Description:

Part of the Southeast 1/4 of the Northwest 1/4 of Section 35, T7N, R11E, Town of Cottage Grove, Dane County Wisconsin being more particularly described as follows: commencing at the South 1/4 corner of said Section 35; thence N00°44'55"W (recorded as N00°43'52"W), 2842.76 feet to the Southerly right of way line of United States Highway 12 & 18; thence N00°44'23"W (recorded as N00°43'52"W), 121.22 feet to the Northerly right of way line of said United States Highway 12 & 18; thence along said Northerly right of way line S88°39'31"W (recorded as S88°40'02"W), 214.51 feet; thence continuing along said Northerly right of way line N00°44'23"W (recorded as N00°43'52"W), 139.65 feet; thence continuing along said Northerly right of way line S89°15'37"W (recorded as S89°16'08"W), 58.68 feet to the Easterly right of way line of unnamed town road and the point of beginning; thence along said Easterly right of way line S00°43'44"E (recorded as S00°43'13"E), 116.27 feet to the said Northerly right of way line of United States Highway 12 & 18; thence along said Northerly right of way line S58°11'27"W (recorded as S58°11'58"W), 57.80 feet to the Westerly right of way line of said unnamed town road; thence along said Westerly right of way line N00°43'44"W (recorded as N00°43'13"W), 536.45 feet to the Northerly right of way line of said unnamed town road; thence along said Northerly right of way line N89°16'16"E, 49.50 feet to the said Easterly right of way line of unnamed town road; thence along said Easterly right of way line S00°43'44"E (recorded as S00°43'13"E), 390.34 feet to the said Northerly right of way line of United States Highway 12 & 18 and the point of beginning. The above described town road right of way contains 25,816 square feet or 0.592 acres.

THE ABOVE DESCRIPTION IS FOR THE PURPOSE OF A ROAD VACATION OF AN UNNAMED TOWN ROAD AS DESCRIBED IN THE TOWN OF COTTAGE GROVE ROAD RECORDS PAGES 117-118 RECORDED JUNE 11, 1943.



Legend:
● = Found 3/4" Iron Rebar
⊗ = Utility Pole
() = Recorded as data

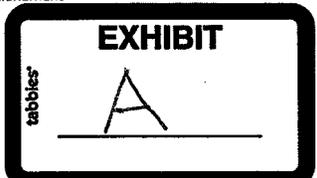
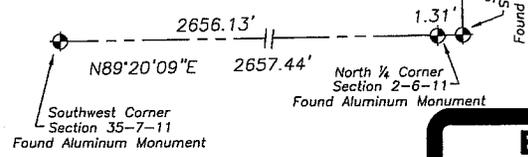
Notes:

This survey is subject to any and all easements and agreements both recorded and unrecorded.

The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.

Dated: 4-21-09
Surveyed: P.F.M.C.
Drawn: P.F.M.C.
Checked: DVB
Approved: D.V.B.
Field book: 321/12
Comp. File: J:\2009\CARLSON
Office Map No. 090073

Surveyed For:
Town of Cottage Grove
Jeff Smith
4058 County Highway N
Cottage Grove, WI 53527
608-839-5021



TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
JULY 20, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders and Mike Kindschi 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):
 1. **MOTION** by Kindschi/Fonger to approve the minutes of the July 6, 2009 Town Board Meeting as written. **MOTION CARRIED 4-0.**
 2. **MOTION** by Fonger/Anders to approve the minutes of the July 6, 2009 closed session with a correction to the vote to reconvene, and keep them closed until the matter is resolved. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by Anders/Kindschi to approve the payment of bills corresponding to checks #16545 through #16588. **MOTION CARRIED 4-0.**
 2. **MOTION** by Anders/Fonger to approve payment of second quarter 2009 Police Commission per diems as presented. **MOTION CARRIED 4-0.**
 3. The Treasurer asked that July per diem reports be submitted by July 31st.
- E. Public Concerns: NONE.
- F. Road Right of Way Permits: NONE.

II. NEW BUSINESS:

- A. Discuss/Consider approval of transferring permit for use of Town Hall basement for book storage from the Cottage Grove Community Library Board to the Friends of the Cottage Grove Community Library: Anne Schoenemann represented the Friends of the Cottage Grove Community Library. She stated that the group does not have insurance coverage for the books as there is no established value, but will provide a letter holding the Town harmless for any damage that may occur to the books. **MOTION** by Kindschi/Fonger to transfer the current permit for use of the Town Hall basement for book storage to the Friends of the Cottage Grove Community Library, and extend the permit through September 1, 2010. A hold harmless letter must be provided to the Town as stated above. **MOTION CARRIED 4-0.**
- B. Discuss 2010-2014 Solid Waste and Recyclables Collection and Disposal Contract and Service Addendum I with Veolia ES Solid Waste Midwest, LLC.: George DeVries of Veolia ES Solid Waste Midwest, LLC, was present. The proposed contract was a three-way contract including both the Town and Village, but it was thought that it would be better for the Town and Village to each have their own contract with Veolia. DeVries will make the necessary modifications to the contract. He will also remove references to commercial units, as they are not eligible for the contracted service. Other areas of discussion:
 - Under Term: add an option to renew the contract for more than one year.
 - Under Equipment: include who pays for a cart that has been modified (the user), and change the replacement cost for a stolen cart to actual replacement cost vs. a monthly rental fee.

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
JULY 20, 2009

- Under Rate adjustments: Indicate period of comparison for CPI (August to August). Also indicate that the base fee includes tipping fees in effect on January 1, 2010.
- Under Service Issues: Include toll free service number.
- Under Insurance: Include Worker's Compensation, General Liability, Auto and Umbrella as described in the Request for Bid.
- Under Notices: Only official notices need to be given by certified mail. Normal, service related communication can use phone, fax or email.
- The contract needs to include dumpster service at municipal buildings, and provision of monthly recycling reports to the clerk.
- On Service Addendum I: Add that there will be a service charge of \$15 to residents who request more than one cart size exchange during the contract period, and include details about what is recyclable and what appliances will be picked up.

DeVries will revise the contract to reflect tonight's discussion in time to be considered for approval at the August 3rd Town Board meeting.

- C. Discuss/Consider having Deer-Grove EMS purchase workers compensation insurance: DGEMS Commission member Greg Frutiger and Mike Zagrodnik of Baer Insurance were present. A letter from Dane County indicated that DGEMS paid staff will not have workers compensation insurance under the county's policy after July 31, 2009. The DGEMS Commission intends to draft a letter challenging whether this change is legal from a contractual standpoint. Zagrodnik said that the workers compensation policy DGEMS currently has covering the Accounts Manager is required to automatically cover all employees, so there will be no lapse in coverage while the legal issues are sorted out. Eventually DGEMS will need to pay premiums for all employees, sometime between now and January 1, 2010.

Skip to:

III. UNFINISHED BUSINESS:

- A. Discussion/possible action relating to Crossroads liquor license suspension:

1. Update from Police Department on enforcement of suspension: Board members reviewed written correspondence from the Police Chief regarding enforcement of the suspension. There was no discussion or action.

Skip to 3. Discuss/Consider approval of Video Surveillance Plan: Jeff Weber of Solutions Consulting, LLC demonstrated the surveillance system he has proposed for Crossroads. Tim Fahey and Dawn Guimond of Crossroads were also present. A memo to the Board from Police Chief John Gould regarding the proposal was reviewed. Gould's memo included criteria issued by another municipality in a similar situation, and Weber indicated that his system met all of the criteria. There was also discussion that Police Department requests for video from the system be responded to in a timely matter, with Fahey and Guimond stating that there would be no reason to deny any requests as the system is primarily for their own protection. **MOTION** by Fonger/Kindschi to approve the proposal from Solutions Consulting, LLC to provide cameras and recording equipment as demonstrated for Crossroads. **MOTION CARRIED 4-0.** Weber indicated that he would be able to install the system within the required 60 days, and Guimond invited the Board to stop by and see it in operation.

2. Discuss/Consider approval of Crossroads Tavern Employee Policy Manual & Training Guide: The Board acknowledged receipt of the document, and requested a letter from Crossroads' attorney stating his approval of the contents.

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
JULY 20, 2009

Return to:

II. UNFINISHED BUSINESS:

- D. Discuss/Consider approval of alternate fee schedule for non-resident use of Town and Flynn Halls: **MOTION** by Fonger/Kindschi to set a non-resident user fee for Town and Flynn Halls at \$400.00. The user fee for residents of the Town or Village of Cottage Grove is to remain at \$125.00, and all users are subject to a \$50.00 refundable deposit. **MOTION CARRIED 4-0.**
- E. Discuss/Consider approval of Town of Cottage Grove Computer Password Policy: The Clerk stated that she drafted this policy to satisfy a concern expressed by Virchow Krause during the 2008 audit. **MOTION** by Fonger/Kindschi to approve the policy as drafted. **MOTION CARRIED 4-0.**
- F. Discuss/Set date for first Town Board meeting in September: The meeting will remain at 7:00 P.M. on Monday, September 7th, as originally scheduled.

IV. Clerk's Report:

- A. Dane County Ordinances: NONE.
- B. Associated Appraisal Consultants has indicated to the Clerk that notices of assessment will be mailed to all Town property owners on August 10th. A draft of the letter will be provided for board review on August 3rd.
- C. A multi-function print/fax/scan machine in the office has failed, and the clerk asked for board input for a replacement.

V. Board Reports:

- A. Hampton:
 - 1. Humane Office Training will be held in Madison in October.
 - 2. The Town of Westport is looking for Town resolutions supporting maintaining current lake levels. There was no interest in participating.

VI. Committee Reports:

- A. Emergency Government Committee: A tour of Landmark Services Cooperative showed their locations to be secure.
- B. Deer-Grove EMS Commission: See workers compensation discussion above. Exit interviews were also discussed.
- C. Parks, Recreation and Forestry Committee (Formerly Joint Town/Village Recreation Committee): No report.

VII. Adjournment: **MOTION** by Fonger/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:21 p.m.

Kim Banigan, Clerk
Approved 8-3-2009

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
AUGUST 3, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Town Chair Kris Hampton and Supervisors Mike Fonger, 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).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Fonger/Anders to approve the minutes of the July 20, 2009 Town Board Meeting as written. **MOTION CARRIED 4-0-1** (Kessenich abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Kessenich/Kindschi to approve the payment of bills corresponding to checks #16589 through #16628. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/Kessenich to approve payment of July per diems as presented. **MOTION CARRIED 5-0.**
 - 3. **MOTION** by Anders/Fonger to approve payment of \$850.00 to Building Inspector Tom Viken for July building permits.
 - 4. The Treasurer noted that the August property tax settlement check will be arriving soon in the amount of \$412,141.62, along with State shared revenue in the amount of \$12,786.02.
- E. Public Concerns: NONE.
- F. Road Right of Way Permits: NONE.

II. NEW BUSINESS:

- A. Discuss/Consider approval for the Monona Grove Soccer Club to use Bass Park for the fall 2009 soccer season: Soccer club Vice President David Berndt, Treasurer Susan Welch, and former Field Coordinator/Coach Mike Vavrus were present. Welch explained that six U-11 and U-12 teams (6th and 7th graders) will play four home games each at Bass Park during the fall season, which begins just after Labor Day and runs into November. There could also be up to 12 practice sessions each week if each team holds two practices per week. Vavrus said that the two teams he coaches will not be practicing at Bass Park, and that coaches are generally discouraged from practicing on the game field due to the stress it causes on the field. There was a lengthy discussion about alternative sites, including shifting more games to the Town Hall field, and holding practices elsewhere. Hampton had located two privately owned open spaces with owners willing to consider allowing them to be used for soccer, but Vavrus said neither was suitable. The soccer club expects that fields will become available in the fall of 2010 at Fireman's Park and Glacial Drumlin School. Bass Park neighbors Robert Evans and Patty Keip both complained about the traffic resulting from the high level of use of the park by the soccer club this past spring. **MOTION** by Fonger/Anders to allow 24 games to be played at Bass Park during the fall soccer season, with no more than two games per day and an hour between games. Saturday and Sunday games are to begin at 9:00 a.m. and 11:15 a.m. Make-up games may be scheduled on week nights. No team practice will be allowed in Bass Park. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of a Temporary Class B retailer's license for Kidlinks World, Inc. to sell fermented malt beverages and wine at a fundraiser on October 3, 2009 at Avant Gardening,

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
AUGUST 3, 2009

3055 Siggelkow Road: Joe Bartol, Secretary of Kidlinks World Inc., and Bob Wambach of Avant Gardening were present. A map and bullet list attached to the application gave details for the planned event, including plans for parking, security, restrooms, etc. A rain date of October 4th was stated. Neighbor Tom Payne asked who would be liable if an attendee caused damage to his property, and it was generally thought that the party causing the damage would be held responsible. **MOTION** by Kessenich/Kindschi to approve a Temporary Class B retailer's license for Kidlinks World, Inc. to sell fermented malt beverages and wine at a fundraiser on October 3, 2009, with a rain date of October 4th, at Avant Gardening, 3055 Siggelkow Road, including the provisions shown on the attachments to the application. The license will be valid until 10:00 p.m. if held on Saturday, October 3rd, or 9:00 p.m. if held on the rain date of Sunday October 4th. **MOTION CARRIED 5-0.**

Skip to:

III. UNFINISHED BUSINESS:

- A. Discuss/Consider approval of 2010-2014 Solid Waste and Recyclables Collection and Disposal Contract and Service Addendums I and II with Veolia ES Solid Waste Midwest, LLC.: George DeVries of Veolia ES Solid Waste Midwest, LLC. was present. The Clerk stated that the proposed contract had been reviewed by Town Attorney Greg Murray. It was noted that addendum II was not referenced in the agreement, but there was general agreement that it did not need to be incorporated as it contains a list of recyclable materials and items that may change from time to time. **MOTION** by Kessenich/Kindschi to approve the 2010-2014 Solid Waste and Recyclables Collection and Disposal Contract and Service Addendum I with Veolia ES Solid Waste Midwest, LLC as presented. **MOTION CARRIED 5-0.** It was also noted that the agreement did not specify the days of the week that pickup would take place in the Town, but the thought was that Wednesday and Thursday would work well.

Return to:

II. NEW BUSINESS

- C. Discuss/Consider approval of payment arrangements for damage to Schadel Road: Hampton explained that a sentencing hearing is scheduled for August 10th for the party found guilty of damaging Schadel Road with a tractor and disc. He has agreed to pay for the damage in six monthly installments. As most of the damage was to the portion of Schadel Road that lies in the Town of Pleasant Springs, Hampton suggested that the payments all be made to the Town of Pleasant Springs, which they would keep in exchange for paying for all of the road repairs. Hampton also suggested splitting the Town's attorney bills 50:50 with the Town of Pleasant Springs. There were questions as to whether the defendant could be required to pay the attorney bills, or why the Town of Cottage Grove should pay 50% of them when most of the damage was to the Town of Pleasant Springs. **MOTION** by Fonger/Anders to agree that payment for the road damage all go to the Town of Pleasant Springs under the six month payment plan, with the Town of Pleasant Springs making all of the road repairs in both townships. **MOTION CARRIED 5-0.** The matter of attorney bills was tabled until the next meeting when more information will be available.
- D. Discuss/Consider approval of Notice of Assessment letter to be sent to all owners of taxable property: **MOTION** by Hampton/Kindschi to add a footnote defining the Total Net Mill Rate in the table on the second page, and eliminate the sample calculation for estimated taxes. **MOTION CARRIED 5-0.** Associated Appraisal Consultants has indicated the letter will be mailed on August 10th.

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
AUGUST 3, 2009

- E. Discuss/Consider appointment of third Town representative to the Police Commission: Hampton stated that four people had expressed interested in the position: Linda Kettinger, Cheryl Ravenscroft, Jim Franke, and Gary Stueber. He recommended Linda Kettinger, who previously served on the Town Board, as well as Town Treasurer and Village Clerk. **MOTION** by Kindschi/Anders to accept the Chair's recommendation to appoint Linda Kettinger to the Police Commission for a term ending May 1, 2011. **MOTION CARRIED 3-2** (Fonger and Kessenich opposed).

III. UNFINISHED BUSINESS:

- B. Discuss/Consider possible action relating to Crossroads liquor license suspension and issuance of license once suspension is lifted: Hampton reported that there have been no problems at Crossroads during the suspension, and they would like their liquor license back at 12:01 a.m. on August 15th. The only condition of the suspension yet to be met is a letter from their attorney approving the Employee Policy Manual and Policy Guide. **MOTION** by Hampton/Anders directing the clerk to give Crossroads' 2009-10 Combination Class B Liquor/Class B Beer license to the Police Chief on Friday, August 14th as long as all conditions of the suspension have been met at that time. The Police Department will deliver the license to Crossroads at 12:01 p.m. on August 15, 2009. **MOTION CARRIED 5-0.**

IV. CLERKS REPORT

- A. Dane County Ordinances: Consider Approval of Ord. Amdt. 1, 2009-2010, Amending Chapter 10 of the Dane County Code of Ordinances, Regarding Permitted Signage, as approved by the Dane County Board of Supervisors: The clerk explained that the County Board amended this ordinance amendment since the Town Board originally approved it. **MOTION** by Fonger/Kessenich to approve Amdt. 1, 2009-2010, Amending Chapter 10 of the Dane County Code of Ordinances, Regarding Permitted Signage, as amended. **MOTION CARRIED 5-0.**

V. Board Reports: NONE

VI. Committee Reports:

- A. Plan Commission: Draft minutes of the July meeting had been included in Board meeting packets.
- B. Joint Town/Village Landfill Monitoring Committee: Tina Seybold of Strand and Associates will provide 2010 budget projections at the next meeting.
- C. Law Enforcement Committee: The Committee's analysis of the cost comparison between maintaining the CGPD or contracting with Dane County will be presented to the Joint Town and Village Boards later this week, for information only at this point. Changes to the Law Enforcement Agreement were also discussed. CGPD's application for a COPS grant was denied, but a TRACS grant was awarded.

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

Kim Banigan, Clerk
Approved 8-17-2009

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
AUGUST 17, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Town Chair Kris Hampton and Supervisors Mike Fonger, 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).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 1. **MOTION** by Kessenich/Kindschi to approve the minutes of the August 3, 2009 Town Board Meeting with a correction changing the word *at* to *a* in item II. E. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by Kessenich/Kindschi to approve the payment of bills corresponding to checks #16629 through #16681, holding check #16656 for an explanation of charges on the corresponding invoice, and voiding checks #16640-16642, 16644, 16645, 16678-16680. **MOTION CARRIED 5-0.**
 2. The Treasurer asked that August per diem reports be submitted by September 6th.
 3. The Treasurer asked for board direction regarding what budget account to put proceeds from the Build grant in. She will create a new sub-account under Grants from Local Gov't.
- E. Public Concerns: NONE.
- F. Road Right of Way Permits: NONE.

II. NEW BUSINESS:

- A. Discuss/Consider approval of the use of Cedar Knolls park for pee wee football practice during the months of September and October 2009: Brad Bliss had submitted a written request to use the park for the third year, and was also in attendance. He stated that the team utilizes the entire park so as to not damage grass in any one spot. The Clerk stated that neighbors had been notified but none were in attendance. **MOTION** by Anders/Fonger to approve the use of Cedar Knolls Park for pee wee football practice by Bliss' team during the months of September and October of 2009. **MOTION CARRIED 5-0.**

Skip to:

III. UNFINISHED BUSINESS:

- A. Discuss/Consider approval of changes to approved start times for Monona Grove Soccer Club games at Bass Park during the fall 2009 season: Susan Welch, MGSC Treasurer, explained that the club is asking for changes to the approved start times for games to accommodate families with other children playing pee wee football on Saturday mornings, and to allow for church attendance on Sunday mornings. She also said that game officials often play football on Saturday mornings.

Carl Pulvermacher, President of the MGSC, said that we are all in this together for the kids, meaning the soccer club, the Town and Village of Cottage Grove, the Monona Grove School

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
AUGUST 17, 2009

District, and the City of Monona. He said that a maximum of 16 games will be played at Bass Park, and agreed that a one hour gap between games is appropriate. He also suggested that parking be prohibited on the residential side of the street, but residents in attendance objected as this would prohibit them from parking there as well. Pulvermacher then stated that a field at Glacial Drumlin School will be available for the fall season, and his hope is to move some of the games planned for the Town Hall field there, and then move some of the games planned for Bass Park to the Town Hall field. This would hinge on being able to get goals for the new field in time for the start of the season, however, which is cutting it close. If everything works out as he hopes, Pulvermacher said they could be down to 1-2 games per weekend at Bass Park. He asked for flexibility to continue to play games and practice at Bass Park this fall, and said that he would like to continue to use Town fields for practice once the rugby fields become available next year.

Kessenich had learned that the Village offered the soccer club the use of the green space in Fireman's Park at the corner of Clark and Grove Streets. Pulvermacher had not had a chance to look at this area yet. Robert Evans, 3825 Sky High Road asked what about the green space offered by Swanson?

MOTION by Kessenich/Fonger to allow only practice at Bass Park, no games. Discussion: Sharon Brantmeier, 3656 T-Bird, said that as a Town resident and soccer mom, she is proud of the fields offered by the Town, and noted that it would be difficult to change games that are already scheduled for Bass Park. Patty Keip, 3817 Sky High Road said she likes the idea of practice only, but Evans objected to having the park occupied on most weeknights. The spring 2009 practice schedule showed use Sunday thru Friday nights. **MOTION FAILED 0-5.**

MOTION by Kessenich/Fonger to allow practice at Bass Park three nights per week (Tuesday, Wednesday, and Thursday), but no games. **MOTION FAILED 1-4** (Fonger, Anders, Hampton and Kindschi opposed).

Anders suggested that games be allowed at Bass Park only long enough for the club to get goals installed at Glacial Drumlin School. Kindschi said that a deadline should be set as an incentive.

MOTION by Kindschi/Anders to allow up to 4 games per weekend, no more than 2 per day, until goals are available at Glacial Drumlin School, but no later than September 30th. Saturday games to be scheduled as previously approved on August 3rd (9:00 a.m. and 11:15 a.m.) with Sunday games starting at 12:30 p.m. and 2:45 p.m. **MOTION CARRIED 5-0.**

Return to:

II. NEW BUSINESS

- B. Discuss scheduled replacement of a patrol truck in 2010: Smith explained that for several years the Town has followed a pattern of buying a new truck every five years, financed by a five-year loan. This allows for a maximum age of 15 years for the oldest truck, and keeps the expenditure each year relatively constant. There is a high demand for 2009 model trucks right now due to upcoming changes in technology and a corresponding price increase in 2010. Burke Truck's schedule is filling up quickly, and Smith said they would need to know

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
AUGUST 17, 2009

by the middle of October in order for the truck to be built in time for the fall of 2010. Smith would prefer an International chassis, but the Board asked him to also get prices from Peterbilt and Mack before the September 7th meeting. Smith should also inquire about financing options through the dealers.

- C. Discuss/Consider creation of an ordinance for park use for organized sports and other activities: Hampton said that the Park's Committee suggested that an ordinance or policy is in order so the Town knows who is using the parks, and to prevent scheduling conflicts. **MOTION** by Kessenich/Kindschi directing the Clerk to gather park use policies from other municipalities, including dog policies, for Board review in January. **MOTION CARRIED 5-0.**
- D. Discuss changes to TCG Ord. sec. 12.06 Fencing of Swimming Pools: The Clerk said Building Inspector Tom Viken asked for the ordinance to be reviewed since such regulation has been removed from the State code. He is especially concerned over safety hazards with the blow-up style pools that have become so popular. The Board asked that Viken attend a future meeting to discuss this further.
- E. Discuss/Consider approval of Dane County Towns Association 2010 budget and dues: The Board questioned why dues are proposed to increase when the total expenses in the 2010 budget are down from 2009, but then noticed that the total does not appear to be correct. The Clerk was directed to ask the DCTA for an electronic version of the budget spreadsheet before the next Town Board meeting.
- F. Consider approval of attendees of Wisconsin Towns Association Convention on October 11-14, 2009: **MOTION** by Kessenich/Fonger to allow for two attendees to the convention. **MOTION CARRIED 5-0.** The Clerk will reserve two rooms, but no board members committed to going at this time.

III. UNFINISHED BUSINESS

- A. (Discussed above)
- B. Discuss/Consider approval of splitting of legal fees relating to Schadel Road with the Town of Pleasant Springs: A proposal from B.R. Amon & Sons, Inc. showed the total cost of repairs to be \$5,391.25, with \$831.25 in the Town of Cottage Grove and \$4,560.00 in the Town of Pleasant Springs. Smith explained, however, that most of the damage was actually in the Town of Cottage Grove, even though that part of the road is maintained by the Town of Pleasant Springs through a "hand-shake" agreement. **MOTION** by Fonger/Kindschi to split the legal fees 50% - 50% with the Town of Pleasant Springs. **MOTION CARRIED 3-2** (Anders and Kessenich opposed).
- C. Discuss/Consider approval of Contract for Sustainable Services Consultation By and Between the Town of Cottage Grove and Sustainable Services, Inc. – tabled from May 19, 2009: The Clerk and Hampton have both been unsuccessful in finding someone to talk to the Town Board about their experiences with a CDA. The item was tabled indefinitely.

IV. CLERKS REPORT

- A. Dane County Ordinances:
 - 1. Ordinance Amendment No 16. 2009-10 Amending Chapter 10 of the Dane County Code of Ordinances, regarding preservation of topography near property lines: Tabled until September 7th.

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
AUGUST 17, 2009

V. Board Reports:

- A. Hampton reported that the Draft 2010-2014 Transportation Improvement Program for the Madison Metropolitan Area and Dane County is available in the Town office.

VI. Committee Reports:

- A. Emergency Government Committee: There will be no meeting in September, and members are reviewing Wisconsin's Emergency Response Plan in the meantime.
- B. Parks Committee: Hampton reported that the committee recommended a budget of \$5,000 for 2010, and suggested that a designated park improvement fund be created to carry forward monies not spent. Mary Salvi is working on a history of park maintenance. The committee heard about vandalism in the smaller park in American Heritage.

VII. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 5-0**. The meeting was adjourned at 9:32 p.m.

Kim Banigan, Clerk

Approved 09-07-2009

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
SEPTEMBER 7, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Town Chair Kris Hampton and Supervisors Mike Fonger, Mike Kindschi and Karen Kessenich 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). Supervisor Steve Anders arrived at 7:03 P.M.
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 1. **MOTION** by Fonger/Kindschi to approve the minutes of the August 17, 2009 Town Board Meeting as printed. **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 #16382 through #16731, voiding check #16695. **MOTION CARRIED 5-0.**
 2. **MOTION** by Hampton/Fonger to void check #16656 and issue replacement check #16732 for \$411.70 (\$246.00 less than the voided check). **MOTION CARRIED 5-0.**
 3. **MOTION** by Anders/Kessenich to approve payment of August per diems as presented. **MOTION CARRIED 5-0.**
 4. **MOTION** by Anders/Fonger to approve payment in the amount of \$1,355.00 to Tom Viken for August building permits. **MOTION CARRIED 5-0.**
- E. Public Concerns: NONE.
- F. Road Right of Way Permits: NONE.

II. BUSINESS:

- A. Discuss/re-consider approval of Monona Grove Soccer Club use of Bass Park based on unavailability of fields at Glacial Drumlin School: Carl Pulvermacher, president of the MGSC, explained that there had been a mis-communication, and the soccer field at Glacial Drumlin Middle School will not be available for the fall soccer field after all. He presented a schedule for games to be played at Bass Park, noting that the number of games has gone down from 24 to 11. Game start times did not agree with times previously set by the Town Board, and two dates did not have the required one hour separation between games. Kessenich expressed her irritation that the direction of the Town Board does not seem to have been considered in scheduling the games. **MOTION** by Hampton/Anders to accept the game schedule as presented for September and October of 2009, with games on September 26th and October 3rd rescheduled to allow for a one hour separation between games. **MOTION CARRIED 3-2** (Kessenich and Fonger opposed). The soccer club was advised to contact the Clerk in early February to begin discussion with the Town Board regarding the spring 2010 season.

Other discussion included field maintenance – the soccer club has set aside \$1,000 to be used for weed & feed application to include the fields at the Town Hall, Ravenwood and American Way. The soccer club hopes to continue to use Town parks for practices long term. New portable goals have been delivered to the Town Hall field, and Pulvermacher asked for Town assistance in removing the permanent goals.

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- B. Discuss/Consider approval of a temporary change to hours of operation at the Gaston Quarry as required by the WisDOT IH 94 project: Dwight Huston and Dennis Richardson were in attendance representing R.G. Huston Company, Inc. Huston explained that while efforts are in progress to rephrase the project, work at night is inevitable. WisDOT set hours are 8:00 P.M. to 5:00 A.M., which Huston expected to continue into November, then resume in the spring. The clerk noted that quarry neighbors had received notice of the request, but none were in attendance. **MOTION** by Fonger/Kindschi to amend the Non-metallic Mining Permit effective through June 30, 2009 for the Gaston Quarry to allow operation from 8:00 P.M. to 5:00 A.M. Monday thru Thursday for work related to the WisDOT IH 94 project. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of Cottage Grove Baptist Church use of the Town Hall on various dates (other than Sundays) from September - December 2009: **MOTION** by Kindschi/Anders to allow the Cottage Grove Baptist Church to rent the Town Hall for \$50/day on days other than Sunday. **MOTION CARRIED 5-0.**
- D. Discuss/Advise Clerk in completing Annexation Review Questionnaire for the Bradt Holdings Annexation Petition: **MOTION** by Hampton/Kessenich directing the clerk to respond essentially as was done to the 2007 annexation petition for the same property, updating assessment and tax information as appropriate. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of revised video surveillance plan for Crossroads Tavern: Anders stated he had reviewed the new plan and found it to be of equal or better quality to the plan originally approved by the Town Board. **MOTION** by Kessenich/Hampton to approve the revised video surveillance plan for Crossroads Tavern as presented. **MOTION CARRIED 5-0.** It was noted that the system must be installed within 60 days of the original approval on July 20, 2009.
- F. Open/Consider approval of bids for new patrol truck to be purchased in 2010: Two bids were received for the cab and chassis:
1. Capital City International: \$72,455.00
 2. Peterbilt Wisconsin – Madison: \$77,989.00
- A request for bid was also sent to Madison Mack Sales, but no bid was received. Burke Truck & Equipment, Inc. provided a price of \$57,500.00 for accessories including box, plow, wing, etc. No other bids were solicited, but Hampton will contact Monroe Truck and Equipment for a price before the next meeting.
- MOTION** by Kindschi/Kessenich to table until September 21, 2009.
- G. Discuss capital purchase (replacement) of two police vehicles in 2010: No action taken or direction given.
- H. Discuss/Consider approval of Agreement for Maintenance Assessment Services with Associated Appraisal Consultants, Inc. for assessment years 2010-2012: The Clerk was directed to send Requests for Proposals to other assessors to be opened on October 5, 2009.
- I. Discuss/Consider approval of a letter in support of Deer-Grove EMS going to a paramedic level: **MOTION** by Fonger/Kessenich to approve the letter as drafted. **MOTION CARRIED 5-0.**

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- J. Discuss changes to TCG Ord. sec. 12.06 Fencing of Swimming Pools: The Clerk reported that the Building Inspector has indicated the current ordinance is adequate. There was discussion about conducting inspections of currently installed pools to verify compliance, but there was no direction given or action taken.
- K. Discuss/Consider approval of Dane County Towns Association 2010 budget and dues: **MOTION** by Anders/Fonger to table until September 21, 2009.
- L. Discuss Board of Review Procedures: Hampton said that each petitioner will be allocated 15 minutes for testimony, deliberation, and determination, so the board will need to work efficiently.
- M. Set dates for 2010 budget workshops: The following dates/times were set: 6:30 P.M. on October 6th and 8th, 7:00 P.M. on October 21st.
- N. Discuss/Consider approval of asking for a representative of Ehlers, Inc. to present information on Build America Bonds to the Town Board: The clerk was directed to invite an Ehlers, Inc. representative to the September 21st meeting.
- O. Discuss/Consider approval of attendees for DCTA on September 16, 2009: **MOTION** by Hampton/Anders to allow for two attendees. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

- A. Dane County Ordinances:
 - 1. Ordinance Amendment No 16. 2009-10 Amending Chapter 10 of the Dane County Code of Ordinances, regarding preservation of topography near property lines: **MOTION** by Hampton/Anders to approve the amendment as drafted. **MOTION CARRIED 5-0.**

IV. Board Reports: None.

V. Committee Reports: None.

VI. Adjournment: **MOTION** by Fonger/Kessenich to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:38 p.m.

Kim Banigan, Clerk
Approved 9-21-2009

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
SEPTEMBER 21, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Town Chair Kris Hampton and Supervisors Mike Fonger and Mike Kindschi 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). Supervisor Steve Anders arrived at 7:03 P.M.
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/Fonger to approve the minutes of the September 7, 2009 Town Board Meeting as printed. **MOTION CARRIED 3-0.**

(Anders arrived)

- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Anders/Kindschi to approve the payment of bills corresponding to checks #16733 through #16775. **MOTION CARRIED 4-0.**
 - 2. The Treasurer requested that September per diem reports be submitted by September 30, 2009.
- E. Public Concerns: NONE.
- F. Road Right of Way Permits: **MOTION** by Anders/Fonger to approve permit for AT&T Corporation to cross the right-of-way underground at Gaston Road under I-94 for fiber optic cable relocation. **MOTION CARRIED 4-0.**

II. BUSINESS:

- A. Discuss/Consider approval of closing Alydar Way between Damascus Trl. and Citation Ct. from 4:00 P.M. to 10:00 P.M. on October 3, 2009 for a block party: Jon & Jennifer Lindsbrook, 2870 Alydar Way, said the event would be the same as last year and the Town does not need to supply any road closed signs. **MOTION** by Fonger/Kindschi to approve closing of Alydar Way between Damascus Trl. And Citation Ct. from 4:00 P.M. to 10:00 P.M. on October 3, 2009 for a block party. **MOTION CARRIED 4-0.**
- B. Discuss/Consider response to a resident petition to reduce the speed limit on the portion of Ridge Road north of County Road BB to the Town of Sun Prairie Line: (The petition was originally considered at the July 6th Town Board meeting, when the board requested another speed survey). The board reviewed survey results from the Dane County Speed Board which had been placed on Ridge Road from Sept. 3rd thru 7th. Southbound traffic during the surveyed days totaled 290 vehicles, with an average speed of 46.3 m.p.h. 29 vehicles were over the posted speed limit of 55 m.p.h. There was no survey of northbound traffic. The petition requested a reduction of the speed limit to 35 m.p.h. on Ridge Road from County Road BB to the Town of Sun Prairie line. It was noted that the Town Board only has authority to reduce the speed limit by 10 m.p.h. **MOTION** by Fonger/Kindschi to leave the speed limit at 55 m.p.h. Mark Olejniczak, 1796 Strawberry Road, questioned why this petition of the majority of taxpayers on the stretch of Ridge Road was not grounds to lower the speed limit as was done on the section of Ridge Road to the south of County Road BB. Hampton said that the stretch of Ridge Road limited to 45 m.p.h. includes a 90 degree corner and limited sight area. Wayne Wollin, 4489 Ridge Road, said he has traveled Ridge Road for 25 – 30 years, and he feels that the road is safe for 55 m.p.h. traffic. Silvin Kurt, 4498 Ridge Road, said that there have only been 8 accidents in 38 years, with only one requiring an ambulance call. **MOTION CARRIED 4-0.**

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- C. Discuss/Consider approval of Lockbox Service Agreement with Wisconsin Community Bank for processing of 2009 property tax payments: The Treasurer explained that the agreement is identical to the one used last year, except for a slight price increase, and said that the process ran smoothly last year. **MOTION** by Kindschi/Fonger to approve the Lockbox Service Agreement with Wisconsin Community Bank for processing of 2009 property tax payments. **MOTION CARRIED 4-0.**
- D. Update on radio purchases from Fire Chief Bruce Boxrucker and Police Chief John Gould: Boxrucker explained that a federally mandated but non-funded program will require an upgrade to the radios used by emergency services in 2013. The Cottage Grove Fire Department has been awarded a grant from the Office of Justice Assistance (OJA) in the amount of \$33,366.64 to be used toward the radio upgrade. The remainder of Town's portion of the upgrade will be \$7,454.50, including the cost of the radios that exceeds the grant amount, and installation. There was discussion about a memo from Dane County Executive Kathleen Falk indicating the County may purchase radios in bulk and offer them for sale to municipalities, but Boxrucker said that the County is not working with OJA and the two timelines do not mesh. Consensus of the board directed Boxrucker to include the \$7,454.50 in the Town's portion of the 2010 Fire Department Budget as a capital purchase.
- Gould was not present for Boxrucker's presentation, but arrived later and explained that the Police Department has also been awarded a grant from OJA in the amount of \$18,000. The remaining cost of the radio upgrade (radio and installation costs) will be \$8,530, to be split by the Town and Village according to their usual percentages based on equalized value and population. Board consensus was for Gould to include the \$8,530 in the 2010 Police Department budget as a capital purchase.
- E. Reconsider capital purchase (replacement) of two police vehicles in 2010 – Police Chief John Gould: Gould stated that he is actually only looking to replace one squad car, as has routinely been done each year. Kayser Ford has offered an opportunity for purchase of a 2010 car at 2009 pricing if a commitment is made by the end of September. This would be a savings of at least \$1,900. Delivery and payment would be in 2010. The car to be replaced will have well over 100,000 miles on it by mid January when the new car is put into service. The purchase price of the new car would be \$21,683.50. **MOTION** by Fonger/Hampton to support the purchase of one squad car in 2010 for a total purchase price of \$21,683.50. There was discussion that the Town could only commit to its portion of the purchase price based on equalized value and population, the Village Board would still need to approve its share, but purchase of the car is not on their agenda for tonight and they do not have another meeting scheduled before the end of September. The matter will also be discussed at the Law Enforcement Committee tomorrow night. **MOTION CARRIED 4-0.**
- F. Discuss future 911 Center Operations and Maintenance Cost Sharing Estimates: A letter from Dane County Executive Kathleen Falk explained that while Dane County will cover the start-up infrastructure costs of the emergency communications upgrade in 2011, the county is looking to municipalities to share in the maintenance/operating costs in subsequent years. The estimated cost to the Town of Cottage Grove is \$9,063.53 in each of the years 2012 and 2013, with costs for later years to be determined. Discussion was that this is a way for the County to avoid raising taxes by passing the costs on to the municipalities. Hampton said he thought the Dane County Towns Association was going to send letters to Falk and villages and cities stating the opinion that the cost of operating the 911 center should remain on the County tax roll. Consensus of the board was to urge the Town's county board supervisors to support keeping the cost of operating the 911 center in the county budget.

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- G. Consider approval of bids for new patrol truck to be purchased in 2010: Smith stated that the low bid for the chassis was \$72,455 from Capital City International, which is also the truck preferred by the highway department and includes some options that Peterbilt cannot provide. **MOTION** by Fonger/Anders to accept the lowest bid of \$72,455 from Capital City International for a 2010 International Workstar 7400 SFA. **MOTION CARRIED 4-0.**

In addition to the Burke Truck & Equipment, Inc. bid of \$57,500 for accessory equipment, Monroe Truck Equipment provided a bid of \$54,655. Smith listed several features included in the Burke bid that he estimated would bring the Monroe bid to \$335 higher than the Burke bid if added. He also noted that Burke Truck & Equipment is nearby for service, and plow hookups would be interchangeable between the new and existing trucks. **MOTION** by Kindschi/Hampton to accept Burke Truck & Equipment, Inc.'s bid of \$57,500 for the 2010 Patrol Truck Package. **MOTION CARRIED 4-0.**

- H. Discuss/Consider approval of Dane County Towns Association 2010 budget and dues: **MOTION** by Anders/Fonger to pay Dane County Towns Association Dues in the amount of \$2500 for 2010. **MOTION CARRIED 4-0.**

- I. Consider change of date and/or time for October 5, 2009 Town Board Meeting: **MOTION** by Fonger/Anders to begin the October 5, 2009 meeting at 6:00 P.M. **MOTION CARRIED 4-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: None.
- B. The Clerk reported that Energy Efficiency and Conservation Block Grants are now being offered to non-entitlement municipalities, with applications due by November 12, 2009. She will forward a web link with details to board members. There was interest in whether a grant would be available to replace the water heater in Flynn Hall.
- C. The Clerk also reported that during a recent service call for the office copier, the technician noted that it may become difficult to find parts due to the age of the copier. The Clerk will get bids for a new copier for the board to consider at budget meetings.

IV. Board Reports:

- A. Hampton reported that THRIVE, an organization promoting economic development in Dane County, wants \$314/year for the Town to join. There was no interest in joining.

V. Committee Reports:

- A. Flynn Hall Committee: The 2010 budget was set at \$6,000. A new asphalt or metal roof and gutters were discussed for 2010, and there was discussion of replacing the water heater if there are 2009 funds remaining in December.
- B. Deer-Grove EMS Commission: The commission will hold a budget meeting this Thursday. There will be no raises for next year, but the budget is still \$90,000 over last year, partly due to the move to paramedic level, as well as going from a part time to a full time chief, and having to take over the cost of workers compensation insurance from the county.
- C. Parks, Recreation and Forestry Committee: No report.

- VI. Adjournment: **MOTION** by Fonger/Kindschi to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:50 p.m.

Kim Banigan, Clerk
Approved 10-05-2009

TOWN OF COTTAGE GROVE
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I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Karen Kessenich in attendance. Clerk Kim Banigan and Highway Superintendent Jeff Smith were also present, along with those listed on the attached sign-in sheet (available in the Clerk's office). Treasurer Debbie Simonson arrived at 6:40 P.M.
- B. Chairman Hampton called the meeting to order at 6:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Fonger/Anders to approve the minutes of the September 21, 2009 Town Board Meeting as printed. **MOTION CARRIED 4-0-1** (Kessenich abstained).
- D. Finance Report and Approval of Bills (actually addressed after the Gaston Quarry CUP discussion when the treasurer had arrived).
 - 1. **MOTION** by Kessenich/Anders to approve payment of bills corresponding to checks #16776 – 16824, holding check #16790 for clarification. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/Fonger to approve payment of September per diems as presented. **MOTION CARRIED 5-0.**
 - 3. **MOTION** by Kessenich/Anders to approve payment of \$710.00 to Tom Viken for September building permits. **MOTION CARRIED 5-0.**
 - 4. **MOTION** by Kessenich/Kindschi to approve payment of third quarter Police Commission per diems as presented. **MOTION CARRIED 4-0-1** (Anders abstained).
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Plan Commission Recommendations:
 - 1. Discuss/Consider approval of a Conditional Use Permit for a temporary concrete batch plant at the Gaston Quarry, 2543 Gaston Road. R.G. Huston Company, Inc. – Applicant, Huston Holdings, LLC – Landowner: Several quarry neighbors were in attendance. Dennis Richardson and Dale and Dwight Huston represented R.G. Huston Company, Inc. Richardson gave an overview of the proposed temporary batch plant. It would be owned and operated by Zignego Company, Inc., who is the general contractor for the WisDOT IH 94 project. The scheduled completion date for the project is November of 2011. The bulk of heavy truck traffic would occur during a two week period in 2010 and another two week period in 2011, when mainline paving of the new interstate lanes is in progress (one direction each year). During those times, he estimated up to 500 trucks coming and going from the quarry per day. In addition, Richardson stated that R.G. Huston Company, Inc. would like the opportunity to supply concrete to two other IH projects. As these are asphalt projects, the amounts of concrete would be single truck applications, for storm sewers, guard rail installation and the like. Concrete would only be supplied to these other jobs when the plant is in operation, as the quantities required would not warrant starting the plant up just for the smaller projects.

Kessenich addressed a memo to the town board from R.G. Huston Company, Inc. in response to an email sent by Kessenich to board members, Richardson and a quarry neighbor on October 4th. Topics included:

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- Kessenich suggested limiting the size of the plant to prevent expansion without further approval. Richardson said that the CUP area would need to be large enough to encompass not only the batch plant, but also stockpiles, trucks, and other support operation needs. He felt that limiting the area would lead to problems.
- The Town should be named as an additional insured by Zignego Company.
- The term for the CUP: Hustons suggested tying it to the project in case of delays, but as that did not seem to be an option, Hampton suggested December 31, 2011. Kessenich suggested limiting the CUP to one year, to coincide with the term of the non-metallic mining permit so the Town would not be left without recourse in the event of problems over the two year period. Discussion was that any violations of the CUP conditions would be enforced by Dane County, including stop work orders, penalties per day, etc.
- Traffic: Kessenich was concerned that the estimated 500 concrete trucks entering or exiting the quarry per 10 hour day during the paving process will tie up traffic on Gaston Road and Hwy N. Hustons stated that they have operated up to 300 gravel trucks per day without incident, and did not report any complaints from residents when asked. Kessenich was further concerned that there would be also be gravel truck traffic on the same days as the heavy concrete traffic, but Dale Huston said they would not run gravel trucks on those days. Concerns over traffic flow and safety were also expressed by residents, including Marlene Smith, 4692 Gaston Circle, Carol Klubertanz, 4680 Gaston Circle, Steve Blazer, 2590 Gaston Road, and Richard Ergish, 2592 Gaston Road. Richardson stated that trucks leaving the quarry would have to obey the stop sign at the quarry entrance. Klubertanz said she had witnessed trucks failing to obey the stop sign, and wondered how to enforce it. Possible remedies to traffic concerns included:
 - Reminding motorists of the 35 m.p.h. speed limit on Gaston Road by adding a flagged 35 m.p.h. sign between Brown Thrush and the crest of the hill near the entrance to Gaston Circle, as well as requesting that the County's speed board be placed in the same vicinity.
 - Placing truck entrance signs and an orange 25 m.p.h. sign on Gaston Road (suggested speed limit as the Town does not have the authority to reduce the permanent speed limit to 25 m.p.h.)
 - Trimming brush at the quarry entrance to give an unobstructed view for truck drivers as well as eastbound traffic on Gaston Road.
 - Having the town board request additional traffic law enforcement on Gaston Road.
- Wells: Mike Kmiotek, 4728 Gaston Circle, Marlene Smith and Carol Klubertanz were concerned over possible damage, contamination or drying up of neighboring wells due to the proposed high capacity well for the concrete plant. Richardson stated that the DNR permitting process for the well will consider neighboring wells. He said that cracking of wells would not be an issue as there is no blasting included in the project, and that the chance of contamination is remote because the well would be capped and sealed, and water used in the manufacturing is first pumped into a reservoir. The concrete manufacturing process does not use chemicals like an asphalt plant would. Kmiotek stated that concrete manufacturing is a high source of mercury, but Richardson did not agree with this claim. Richardson said it is possible but unlikely that the batch plant well could lower the water table.
- Dust Control: Marlene Smith and Betty Taylor, 2574 Gaston Road, were concerned over dust and complained about the dust and noise generated by the current quarry operations.

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Richard Pirkel, 2595 King Drive, said that he is not affected by any noise or dust from the quarry. Richardson stated that the concrete plant would include state of the art dust control and be subject to state and federal regulations. Other similar operations mentioned were one recently used but since dismantled at Hwys 138 and 14 and one on I-90 near the Wisconsin River. Steve Blaser was also concerned over noise, and Richardson said the biggest complaint will probably be the backup alarms on the trucks, but they can't avoid their use.

- Complaints: Maria Jaszewski, 4728 Gaston Circle, asked where residents should take complaints. Hampton advised that residents should call the Town Clerk first so the town knows what is happening. It was further suggested that emails would be a better alternative, and the Clerk should log calls and remedial steps taken.

Kessenich felt that Hampton and Kindschi should abstain from voting on the CUP due to business contacts with the Hustons, noting that both had abstained from voting when Hustons appeared at Board of Review. Kindschi indicated that he would abstain, but Hampton said the Town Attorney had advised him that the issue of land use planning, including 6 specific findings for the County, does not meet the requirements for abstention like Board of Review does by setting the value of property.

The board reviewed the 6 standards from section 10.255(2)(h) of the Dane County code of ordinances and made the following findings by a show of hands:

1. Satisfied by a vote of 3-1-1 (Kessenich opposed, Kindschi abstained)
2. Satisfied by a vote of 3-1-1 (Kessenich opposed, Kindschi abstained)
3. Satisfied by a vote of 4-0-1 (Kindschi abstained)
4. Satisfied by a vote of 3-1-1 (Kessenich opposed, Kindschi abstained)
5. Satisfied by a vote of 3-1-1 (Kessenich opposed, Kindschi abstained)
6. Satisfied by a vote of 3-1-1 (Kessenich opposed, Kindschi abstained)

MOTION by Anders/Fonger to approve a conditional use permit for a temporary concrete batch plant at the Gaston Quarry, 2543 Gaston Road - R.G. Huston Company, Inc., applicant, Huston Holdings, LLC, landowner, Zignego Company, Inc., operator.

Conditions of the CUP:

1. CUP expires on December 30, 2011
2. Concrete to be produced for the WisDOT I-94 project only, westbound from County Road N.
3. Dust and noise control for truck traffic and the concrete mixer must be in compliance with all applicable state, federal and county regulations.
4. An additional stop sign must be installed at the exit of the quarry.
5. Trees and bushes at the quarry exit must be trimmed sufficiently to allow an unobstructed view of Gaston Road to the crest of the hill to the west.
6. A flagged, orange 25 m.p.h. speed limit sign must be located on the eastbound side of Gaston Road at the crest of the hill, exact location to be determined by the Town Highway Superintendent.
7. An additional flagged 35 m.p.h. speed limit sign must be installed on the eastbound side of Gaston Road midway between Brown Thrush Trail and the crest of the hill.

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8. Hours of operation for the concrete batch plant will be 7:00 A.M. to 6:00 P.M. Monday thru Saturday, with no operation on nights, Sundays or legal holidays.
9. All permits for the high-capacity well and any other activities requiring permits shall be in place prior to commencement of operation of the concrete batch plant.
10. The petitioners are required to notify the Town Clerk within 1 business day of any complaints regarding the batch plant operation, along with corrective actions taken.
11. During surge operations, the concrete batch plant will be the only operation occurring out of the Gaston Quarry.

In addition, the town board will encourage additional speed limit enforcement on the east end of Gaston Road.

MOTION CARRIED 3-1-1 (Kessenich opposed, Kindschi abstained).

- B. Discuss/Consider approval of Substantial Farm Income Review Application FP-197 for Donald Viney, 2093 US Hwy 12 & 18: Hampton read the resolution provided by Dane County. **MOTION** by Hampton/Kessenich to approve the resolution determining that the farm plan is consistent with the Town's comprehensive plan because the it is in an area designated as agricultural and the majority of the land is used for crop and livestock production. Documentation submitted by the petitioner shows that a substantial income is derived from the farm. **MOTION CARRIED 5-0.**
- C. Greg Johnson, Ehlers, Inc. – Presentation on Build American Bonds: Johnson presented a handout and gave an overview of the Build America Bond program, including eligible and ineligible projects, procedures and risk factors. He said that Ehlers have seen the most use of the program with State Trust Fund loans, which can be prepaid annually.

Johnson also presented a handout regarding a recent Wisconsin Court of Appeals case that dealt with the authority granted to the town board by the electors to issue general obligation bonds. Johnson recommended that the town board ask electors for authority to issue refunding bonds to allow the town to react to changes in market conditions on a more timely basis. A sample resolution was provided and there was general agreement that this should be done at the next annual meeting.

- D. Open Bids/Approve Contract for Assessment Services for 2010-2012: Bids were received from the following firms:

Gardiner Appraisal Service, LLC - \$6,800/year plus postage and maps
Accurate Appraisal, LLC - \$7,900 all inclusive
Associated Appraisal Consultants, Inc. - \$8,900/year plus postage
Equity Appraisal, LLC - \$9,000 plus postage
Musser Appraisal and Consultants - \$9,500 + postage

Consensus of the board was to ask Gardiner, Accurate and Associated to make a 30 minute presentation to the board at their November 2nd meeting.

- E. Discuss/Consider posting weight limits on Town roads to protect them from heavy traffic due to the road closure at County Road N and BB: Smith said that with the 4-way stop at County Roads N & BB closed for construction, heavy trucks hauling corn and soybeans during harvest season are going to be looking for alternate routes. There have also been numerous reports of semi-truck traffic on town roads during the time the county roads have been closed. **MOTION** by Kessenich/Kindschi to post a weight limit on town roads. **MOTION CARRIED 5-0.**

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- F. Discuss/Consider approval of Agreement for 2010 Services for the Natvig Road Landfill – Strand Associates, Inc.: **MOTION** by Kessenich/Anders to approve the agreement as presented. **MOTION CARRIED 5-0.**
- G. Discuss/Consider scheduling meetings with the Cottage Grove Village Board and Town and Village of Deerfield Boards for joint budgets: Consensus was to offer to meet with the other municipalities on October 29th to consider approval of joint department budgets.
- H. Discuss providing brush pickup to Town residents: Kindschi asked about providing brush pickup service based on recent requests from residents. Smith said that pickup service would be quite expensive, and a drop-off site would have to be staffed to prevent people from dumping disallowed materials, noting that the Village drop-off site is fenced and under video surveillance for that reason. Consensus was to encourage residents to use the County’s composting site by putting something on the web site, along with a list of local tree trimmers.
- I. Update on video surveillance system at Crossroads Tavern: Hampton reported that the system was up and running when he visited recently, with the exception of one camera. Kindschi had visited a few days later and all cameras were working.

III. CLERKS REPORT

- A. Dane County Ordinances: The clerk distributed Ordinance Amendment #21, 2009-10 for board members to review for their next meeting.

IV. Board Reports:

- A. Hampton reported receiving information about the 2009-2010 Gypsy Moth Suppression Program.

V. Committee Reports:

- A. Law Enforcement Committee: The committee is still working on the 2010 budget, will meet again on October 13th.
- B. Deer-Grove EMS Commission: Hampton reported that the 2010 budget is complete, and there followed a lengthy discussion about the state of affairs at DGEMS, including recent maintenance and safety related incidents.
- C. Joint Town/Village Landfill Monitoring Committee: The monitoring contract for 2010 is much the same as the 2009 version, and there have been no new detects in the gas probes.
- D. Joint Town/Village Fire Department Committee: The committee approved the 2010 budget, and their next meeting will be on October 22nd.

- VI. Adjournment: **MOTION** by Kessenich/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:29 p.m.

Kim Banigan, Clerk
Approved 10-19-2009

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
OCTOBER 19, 2009

I. ADMINISTRATIVE

A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Town Chair Kris Hampton and Supervisors Mike Fonger, 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).

B. Chairman Hampton called the meeting to order at 7:00 P.M.

C. Minutes of previous meeting(s):

1. **MOTION** by Kessenich/Kindschi to approve the minutes of the October 5, 2009 Town Board Meeting with the following corrections:

- Page 3, third bullet under board consideration of 6 standards for the CUP should say *Satisfied by a vote of 4-0-1 (Kindschi abstained)*
- Page 4, item C, change Court of Repeals to Court of Appeals
- Page 5, item IV. A., change bout to *about*

MOTION CARRIED 5-0.

2. **MOTION** by Kessenich/Anders to approve the minutes of the October 6, 2009 budget workshop with the following corrections:

- Under IV, first bullet point: Kessenich was looking for *Lifequest* documentation of base run fees used in the estimation by *EMS Commission members* to project 2010 run fees at the paramedic level.
- Under IV, third bullet point regarding Overtime/Comp Time, add: *The Board is looking for more details on this item.*

D. Finance Report and Approval of Bills:

1. **MOTION** by Kessenich/Anders to approve payment of bills corresponding to checks #16825 – 168634, holding check #16850 for clarification. **MOTION CARRIED 5-0.** Check #16790 is also still on hold for clarification.

2. The Treasurer asked that October per diem reports be submitted by October 31st.

E. Public Concerns: None.

F. Road Right of Way Permits: None.

II. BUSINESS:

A. Cottage Grove Area Historical Society Presentation – Lee & Judy Phillips: The Phillips thanked the board for the Town's support of the Historical Society and the use of Town buildings. Each board member was presented with a copy of a new publication entitled "The Beginnings of Cottage Grove". The Clerk also received a copy, along with a 2010 Calendar for display at the Town Hall. They also mentioned a new overhead type projector that the Historical Society has purchased for Flynn Hall, and offered it for use by other groups using Flynn Hall upon request. Anders thanked the Phillips for their hard work in making the Historical Society what it is today, and they in turn gave credit to Sara Steele for being a tremendous source of information about the history of Cottage Grove and its people.

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
OCTOBER 19, 2009

- B. Discuss/Consider approval of Request for Proposal for Audit Services: The Treasurer distributed a handout outlining her concerns about soliciting bids for the 2009 audit at this late date. She suggested instead that RFPs be mailed out in the spring of 2010 for a multi-year contract beginning with the 2010 audit. There was general agreement to review the draft RFP at the second meeting in March of 2010 for mailing to qualified auditors in April.
- C. Report on Gaston Road traffic survey: The County's speed board recorded data of eastbound traffic near 2608 Gaston Road from October 9th thru the 12th. Over 80% of the vehicles were exceeding the 35 m.p.h. speed limit, with the majority traveling between 40 and 44 m.p.h. 722 vehicles were recorded, with peak traffic levels during commuting hours. **MOTION** by Fonger/Kessenich directing the clerk to provide a copy of the survey results to the police department, and directing the police department to increase radar enforcement of the posted speed limit based on the survey results. **MOTION CARRIED 5-0.**
- D. Discuss/Consider paying of all committee per diems on a monthly basis: Currently citizens serving on the Police Commission are paid quarterly, and citizens serving on Plan Commission Emergency Government Committee and Ordinance Committee are paid annually. There was discussion that by state law wages must be paid within 30 days of date earned. **MOTION** by Hampton/Kessenich to begin paying all per diems on a monthly basis beginning in January of 2010. **MOTION CARRIED 5-0.**
- E. Discuss/Consider Town of Cottage Grove Budget for Fiscal Year 2010: No Discussion.

III. CLERKS REPORT

- A. Dane County Ordinances: Discuss/Consider approval of Ordinance Amendment #21, 2009-10 Regarding Residences in the Exclusive Agriculture District: It was noted that the Dane County Towns Association supports this amendment. **MOTION** by Kessenich/Anders to support approval of Ordinance Amendment #21, 2009-10 Regarding Residences in the Exclusive Agriculture District. **MOTION CARRIED 5-0.**

IV. Board Reports:

- A. Hampton reported receiving an annual report from the Madison Community Foundation, and information from the Foundation for Common Sense, Inc. He also mentioned upcoming workshops for the Working Lands Initiative, but no one expressed interest in attending.

V. Committee Reports:

- A. Emergency Government Committee: Kessenich said that the November 4th meeting will begin at 5:30 P.M. with a tour of Hydrite Chemical. The committee is working on an emergency plan using a template from Wisconsin Emergency Management. Once completed, the plan will be forwarded to the Town and Village Boards for adoption.
- B. Law Enforcement Committee and Deer Grove EMS: 2010 budgets to be considered jointly by their respective municipal boards on October 29th.
- C. Parks, Recreation and Forestry Committee: Kessenich reported that there was a spirited discussion due to differences in opinion on what the Town's contribution to the recreation program represents. She anticipates board discussion in 2010.

- VI. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:33 p.m.

Kim Banigan, Clerk
Approved 11-2-2009

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
NOVEMBER 2, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Town Chair Kris Hampton and Supervisors Mike Fonger, 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). Anders was gone for an EMS call from 8:04 P.M. to 9:25 P.M.
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Kessenich/Kindschi to approve the minutes of the October 19, 2009 Town Board Meeting as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Kessenich/Anders to approve the minutes of the October 21, 2009 budget workshop as presented. **MOTION CARRIED 5-0.**
 3. **MOTION** by Anders/Kindschi to approve the closed session minutes of October 21, 2009, replacing Murray with *Anders* and resulting with *resulted* in item III. The minutes are to be kept closed until the matter is resolved. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by Kessenich/Fonger to approve payment of bills corresponding to checks #16864 – 16912, holding check #16883 for approval later in the meeting. **MOTION CARRIED 5-0.**
 2. The clerk provided more details for charges from Associated Appraisal Consultants, Inc. to be paid by check #16790, held at the October 5, 2009 meeting. **MOTION** by Anders/Kessenich to approve check #16790. **MOTION CARRIED 5-0.**
 3. The clerk presented an itemized bill from Crispell-Synder, Inc., detailing charges to be paid by check #16850, held at the last meeting. **MOTION** by Anders/Kessenich to approve check #16850. **MOTION CARRIED 5-0.**
 4. **MOTION** by Anders/Fonger to approve payment of \$6121.02 to Tom Viken for October building permits. **MOTION CARRIED 5-0.**
 5. **MOTION** by Anders/Kessenich to approve payment of October 2009 per diems as presented. **MOTION CARRIED 5-0.**
- E. Public Concerns: Kessenich received a call from Robert Evans at 3825 Sky High Road complaining about the portable soccer goals pushed to the center of the park after the season ended. He also reported that the fall soccer season had gone much better than previous seasons. Board consensus directed to the clerk to ask the soccer club to move the goals to the edge of the park, both at Bass and Ravenwood parks.
- F. Road Right of Way Permits: Smith reported that there was a change in plans for the permit issued to AT&T for installation of fiber optic cable under Gaston Road at I-94 (approved 9/21/09). Smith told them it was not necessary to reapply, but they are to send a new map for the Town's files.

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
NOVEMBER 2, 2009

II. BUSINESS:

- A. Discuss/Consider approval of a rezone of 42.11 acres for parcel 0711-114-8900-0 at the end of Rathert Road, owned by Soleil Development, Joseph Kuhn, applicant. 11.11 acres to be rezoned A-2(8), with the remaining 31 acres to be joined with parcel 0711-111-9570-2 owned by Randall Letlebo, 1908 Strawberry Road: Dan Paulson of Paulson & Associates (surveyor) was present. There was brief discussion about building rights for the lots created (one would remain with the 11.11 acre parcel), options for Strawberry Road, and whether new zoning classification A-4 would apply to Lot 2. **MOTION** by Fonger/Anders to accept the Plan Commission recommendation for a zone change from A-2 to A1-EX for 31 acres (Lot 2), with no future development allowed. The remaining 11.11 acres (Lot 1) to be rezoned to A-2(8). Dedication for right-of-way for Strawberry Road to be increased by ½ rod and allowance for a cul-de-sac on the north side the road (the south side of the road is owned by another party not involved in this rezone). **MOTION CARRIED 5-0.**
- B. Presentations by bidders to provide 2010 – 2012 assessment services:
- Accurate Appraisal, LLC: Lee De Groot, Owner, described his firm and the services they could provide. Highlights included an emphasis on public education, computerized assessments and scheduling of appointments, and an all-inclusive price of \$7,900/year as stated in their proposed three year contract.
 - Gardiner Appraisal Service, LLC: Greg Gardiner, Owner, described his firm, noting that in addition to assessment services, they also do court related assessment and appraisal work. They offer computerized assessments, and appointments by email or telephone. Postage and map expenses would be charged in excess of the annual price of \$6,800 stated in their proposed two year contract.

(Anders left for an EMS call)

- Associated Appraisal Consultants, Inc: John Holtan noted that the Town is very familiar with the services provided by his firm, which as served as the Town's assessor for 26 years. He described his firm as a little more old fashioned as they choose to still maintain paper assessment records in addition to the computerized ones. Ten dollars per personal property account, plus postage expenses would be charged in addition to the annual price, which was stated in their proposed contract as \$8,900 for 2010, \$9,000 for 2011, and \$9,100 for 2012.
- C. Discuss/Consider approval of contract for 2010-2012 assessment services: This was tabled until Anders returned later in the meeting.
- D. Discuss/Consider approval of Hardware Maintenance Agreements for election machines:
1. Election Systems & Software for Automark
 2. Command Central for Optech IIIPE (Eagle)
- MOTION** by Fonger/Kindschi to approve the Election Hardware Maintenance Agreement with Command Central for January 1, 2010 thru December 31, 2010 for the Optech Eagle IIIPE, at a cost of \$265 to be paid by check #16883. No maintenance agreement was selected for the Automark machine. **MOTION CARRIED 5-0.**
- E. Discuss/Consider Approval of loaning video and audio equipment to the Glacial Drumlin School for cable TV broadcast – tabled until Anders returns.

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
NOVEMBER 2, 2009

- F. Review TCG Ord. sec. 8.05 Winter Maintenance of Public Areas (tabled from May 18, 2009): Board consensus was to leave the ordinance as is. Kindschi said his only concern is that damage to road edges and ditches be minimized.

Return to C. Discuss/Consider approval of contract for 2010-2012 assessment services, (Anders was not back yet, but his return was uncertain):

MOTION by Kessenich/Kindschi to award the 2010-2012 assessment contract to Accurate Appraisal, LLC, with the addition of a termination clause to the contract such that either party may terminate the agreement upon written notice only for cause, defined as default of the other party on the terms of the contract. **MOTION FAILED 2-2** (Fonger and Hampton opposed).

MOTION by Hampton to stay with Associated Appraisal Consultants, Inc. for the 2010-2012 term. **MOTION FAILED** for lack of second.

MOTION by Fonger to award lowest bidder Gardiner Appraisal Service, LLC with the 2010-2011 contract for assessment services. **MOTION FAILED** for lack of second.

The item was again tabled until Anders' return.

- G. Discuss/Consider Town of Cottage Grove Budget for Fiscal Year 2010 (discussion of agenda items 1. and 2. were reversed).
2. Discuss/Consider approval of agreement with Jani-King for cleaning services for the Town Hall and Flynn Hall: Maintenance Agreements for cleaning services were reviewed. Proposed costs were \$220 per month for Town Hall and \$177 per month for Flynn Hall, to include cleaning one day each week, as well as annual cleaning of windows and office carpet, and stripping and waxing of the Town Hall floor. **MOTION** by Kessenich/Fonger to approve the Jani-King of Madison Maintenance Agreement for cleaning of the Town Hall as presented. **MOTION CARRIED 4-0**. The clerk was directed to ask Jani-King to reconsider their price for cleaning of Flynn Hall, making sure they understood that they would not be expected to clean the kitchen, and that chairs and tables will be put away before they clean.
 1. Discuss/Consider approval of Deer-Grove EMS 2010 Budget: Kessenich stated her opinion that the service does not need a full time chief, but would do well with a part time director who had regular office hours on-site.

(Anders returned)

Kessenich also warned that the Town and Village of Deerfield appear to be seriously considering contracting for EMS services, and that the Town and Village of Cottage Grove cannot afford to support the service on their own. Discussion was to hold Deer-Grove EMS to their 2009 budget, but that the only choice before the board at this time is to either approve or disapprove the proposed 2010 budget. **MOTION** by Hampton/Anders to approve the 2010 Deer-Grove EMS Budget as presented. **MOTION FAILED 1-4** (only Hampton approved).

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
NOVEMBER 2, 2009

Return to C. Discuss/Consider approval of contract for 2010-2012 assessment services:

MOTION by Kessenich/Kindschi to award the 2010-2012 assessment contract to Accurate Appraisal, LLC, with the addition of a termination clause to the contract such that either party may terminate the agreement upon written notice only for cause, defined as default of the other party on the terms of the contract. **MOTION CARRIED 3-2** (Fonger and Hampton opposed).

Return to E. Discuss/Consider Approval of loaning video and audio equipment to the Glacial Drumlin School for cable TV broadcast: Anders explained that the school wants to borrow the equipment until they can afford to purchase their own. Discussion was that Anders would create an inventory list of the items borrowed, and it must be made clear to the school that the Town would not replace anything broken while in their use, nor would the Town expect the school to replace the broken equipment in the Town's inventory. **MOTION** by Anders/Kindschi to allow the Glacial Drumlin School to borrow the Town's video and audio equipment. **MOTION CARRIED 5-0.**

Continue G. Discuss/Consider Town of Cottage Grove Budget for Fiscal Year 2010:

3. Revisit other budget areas as needed to balance the budget
4. Set date for next budget workshop meeting
5. Set date for 2010 Budget Public Hearing/Special Meeting of the Electors

All of the above were tabled until November 3rd at 7:00 P.M.

III. CLERKS REPORT

- A. Dane County Ordinances: None.
- B. The Clerk reported that she received the 2009 Statement of Assessment today, with a ratio of assessed to market value stated as .949258246. There was discussion about why it is already so low when the Town was just revalued at 100% of market value.

IV. Board Reports:

- A. Highway Superintendent report on Baxter Road/Koshkonong Creek work with DNR for 2008 flood damage repair: Smith reported that the DNR has cited the Town for violation of navigable waters and water quality certification requirements for rip-rap installed along Koshkonong Creek on the west side of Baxter Road as directed by FEMA to remedy damage from 2008 flooding. An enforcement conference is scheduled for November 16th. The fine could be anywhere from \$10 to \$5000. After the fact permits are required, including a sign-off by an engineer.
- B. Committee Reports:
 1. Joint Town/Village Fire Department Committee: A circuit board in the elevator is defective, and must be replaced at a cost of around \$900.

V. Adjournment: **MOTION** by Fonger/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:05 p.m.

Kim Banigan, Clerk
Approved 11-16-2009

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
NOVEMBER 16, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Town Chair Kris Hampton and Supervisors Mike Fonger, 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).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 1. **MOTION** by Kessenich/Anders to approve the minutes of the November 2, 2009 Town Board Meeting with the following corrections: item II. B. need opening parenthesis on (*one would remain with the 11.11 acre parcel*), item IV. A. *...rip rap installed along Koshkonong Creek on the west side of Baxter Road.* **MOTION CARRIED 5-0.**
 2. **MOTION** by Kessenich/Anders to approve the minutes of the November 3, 2009 budget workshop, changing 312 hours of overtime to *312 hours of straight time* in the third bullet under item III. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by Fonger/Kessenich to hold check #16931 to Associated Appraisal Consultants, Inc. until January 2010 as it relates to 2010 assessment work that was not budgeted in 2009. **MOTION CARRIED 5-0.** Discussion followed regarding the ratio of the Town's assessed value to the State's equalized value, and the board directed the chair to send a letter asking Associated Appraisal Consultants, Inc. to explain why the ratio is only 94% when the 2009 revaluation was to be at full market value. A copy of this request should also be sent to the Wis. Dept. of Revenue.
 2. **MOTION** by Kessenich/Kindschi to approve payment of bills corresponding to checks #16913 – 16946, holding checks #16931 (see above) and 16934 to Crispell-Snyder for clarification. **MOTION CARRIED 5-0.** There was discussion resulting in direction to Crispell-Snyder, Inc. that they only send one representative to Plan Commission meetings.
 3. The Treasurer asked that November per diem reports be submitted by November 30th.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of Certified Survey Map splitting parcel 0711-071-9091-0 at 3023 County Road BB into two parcels, one residential and one commercial (rezone and variance to side yard setbacks approved previously) – Daniel Goff, owner.: **MOTION** by Fonger/Anders to approve the CSM identified as Office Map 090052-A dated September 18, 2009. **MOTION CARRIED 5-0.**
- B. Discuss/Consider disposal options for old recycling bins: Terry Benjamin explained that he has use for the recycling bins that will not be needed once Veolia takes over in January. Discussion was that residents could drop off usable bins at the Town garage for Benjamin to pick up. The Board stipulated, and Benjamin agreed, that he will take all of the bins dropped off, regardless of condition. **MOTION** by Fonger/Anders to allow residents to drop off usable recycling bins at the Town garage between December 31, 2009 and January 19, 2010. **MOTION CARRIED 5-0.** The Clerk will include a note about this with tax mailings in December.

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
NOVEMBER 16, 2009

- C. Discuss/Consider approval of agreement with Jani-King for cleaning services for Flynn Hall: **MOTION** by Kindschi/Kessenich to approve the agreement for Jani-King to clean Flynn Hall once per week at a cost of \$135.00/month. **MOTION CARRIED 5-0.**
- D. Discuss/Consider adoption of a Resolution Adopting the Town of Cottage Grove Annex to the Dane County Natural Hazard Mitigation Plan: **MOTION** by Hampton/Kessenich to adopt the resolution as presented. It will be resolution number 2009-09. **MOTION CARRIED 5-0.**
- E. Discuss/Provide direction to the Deer-Grove EMS Commission on the 2010 Deer-Grove EMS Budget: Kessenich presented several handouts, including:
- 2010 budget, year to date, and annualized wage and overtime figures, along with the proposed amounts for the 2010 budget, and adjustments she recommended based on questionable calculations.
 - Copies of her email to Hurtienne and Antoniewicz questioning how FICA and retirement amounts are being calculated, as well as State of Wisconsin Department of Employee Trust Funds contribution rates for 2009 and 2010. The current and proposed contribution rate of 15% exceeds the minimum required by the state.
 - A profit and loss statement for January through October 2009 with her questions noted regarding 775- IT Expense, 840 Equipment/Non-Disposable, 885 Bad Debt Expense, FICA Expense, and 645 Other Misc. Revenue.

Kessenich said she has also requested copies of both the current operational plan and the plan submitted to the state for paramedic level, but has not received them as of yet. She is concerned that since Dane County's ALS system is built on a 2 paramedic system, Deer-Grove EMS will be looking at going from 1 paramedic to 2 in the near future. She is also concerned over the inconsistency in budgeting over recent years, with a surplus one year, a deficit the next, but neither being brought to the attention of the boards. She stressed that Deer-Grove EMS must be held to the same standards that the Police and Fire departments are held to. Health insurance cost sharing was also brought up, with a push to have employees share in the cost in coming years.

- F. Discuss/Consider approval of a Resolution Amending the 2009 Budget for the Town of Cottage Grove. **MOTION** by Anders/Kessenich to approve the budget amendment resolution as presented. **MOTION CARRIED 5-0.**
- G. Town of Cottage Grove Budget for Fiscal Year 2010:
1. Discuss/Consider approval of 2010 Labor Agreement: Overtime for highway department employees was discussed, with Kessenich providing a handout suggesting that approximately the same savings could be realized by either limiting overtime to 50 hours per employee or eliminating the long term disability insurance and longevity benefits. **MOTION** by Hampton/Anders to approve the 2010 Labor Negotiation Agreement as presented. **MOTION CARRIED 4-1** (Kessenich opposed).
 2. Discuss/Consider approval of Town of Cottage Grove Budget for Fiscal Year 2010: Smith presented a handout showing patrolman salaries at 2009 levels, with reductions to contractor expense, garage equipment and expense, and highway maintenance contracts to bring the total highway maintenance budget to within \$800 of the 2009 figure. Then he suggested that \$800 be budgeted as income from the Liberty Cemetery Fund to cover mowing and other maintenance of the cemetery.

MOTION by Kindschi/Kessenich to incorporate Smith's suggestions. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
NOVEMBER 16, 2009

There was discussion about several items currently classified under highway maintenance, and it was decided to create a new category under Public Works called Non-Highway Maintenance, to include Stormwater Expense, and wages, FICA and retirement for non-highway related tasks, including mowing of parks and cemeteries, maintenance of buildings other than the garage, etc. Maintenance of the old garage at 4091 County Road N was also split off from Garage Maintenance & Repairs to a new category under General Building Town.

After making these adjustments, as well as adding \$800 to the assessor cost to cover work done for 2010 in 2009 by Associated Appraisal Consultants, Inc., the deficit for 2010 was at \$36,478.38 with a tax levy of \$1,437,829 (a zero increase from the 2008 levy). The difference was to be made up with undesignated funds.

MOTION by Kessenich/Anders to approve a 2009 Town tax levy at \$1,437,829.
MOTION CARRIED 5-0.

MOTION by Fonger/Kindschi to approve the 2010 budget as amended tonight, with the use of \$36,478.38 from undesignated funds to balance the budget. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: None.
- B. The Clerk asked if any board members had an objection to her standing in for the Court Clerk on December 1st due to a schedule conflict. There were no objections, and consensus that the Clerk would just put in her time at the Court Clerk's wage rate.

IV. Board Reports and other Communication:

- A. Hampton reported that based on the meeting with the DNR today regarding the citation for rip-rap installed along Koshkonong Creek on the west side of Baxter Road, the Town may not get a ticket as long as it complies with all DNR requests.
- B. Smith reported receipt of notice Wesley Skaar's letter of credit for Laudon Road construction is set to expire in March. Since all of the work was contracted by the Town, the warranty for the road is Town's name, so Smith feels it is safe to release the letter of credit. Board consensus was in agreement.
- C. Committee Reports:
 - 1. Emergency Government Committee: Kessenich reported that the committee toured Hydrite facilities.
 - 2. Law Enforcement Committee: The committee is awaiting a response from the union regarding 15.5 furlough days in 2010.

V. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 10:17 p.m.

Kim Banigan, Clerk
Approved 12-07-2009

TOWN OF COTTAGE GROVE
RESOLUTION NO. 2009-09

**RESOLUTION ADOPTING THE TOWN OF COTTAGE GROVE ANNEX TO THE
DANE COUNTY NATURAL HAZARD MITIGATION PLAN**

WHEREAS the Town of Cottage Grove recognizes the threat that natural hazards pose to people and property within our community; and

WHEREAS the Cottage Grove Town Board recognizes the importance of reducing or eliminating vulnerability to disasters caused by natural hazards for the overall good and welfare of the community, and

WHEREAS the Town of Cottage Grove has been an active participant in the Dane County Hazard Mitigation Planning Committee, which has established a comprehensive, multi-jurisdictional, Natural Hazard Mitigation Plan to identify natural hazards and develop strategies to mitigate natural hazards, and

WHEREAS the Federal Disaster Mitigation Act of 2000 requires jurisdictions to prepare and adopt a hazard mitigation plan to be eligible for future pre-disaster and post-disaster federal funding for mitigation purposes,

WHEREAS the Town of Cottage Grove has identified and justified a number of proposed projects and programs needed to mitigate the vulnerabilities of the Town of Cottage Grove to the impacts of future disasters to be included in the Town of Cottage Grove Annex to the Dane County Natural Hazard Mitigation Plan, and

NOW, THEREFORE, BE IT RESOLVED that,

1. The Town of Cottage Grove hereby proposes to accept and approve the Town of Cottage Grove Annex to the Dane County Natural Hazard Mitigation Plan; and
2. The Town of Cottage Grove will continue to participate in the updating and revision of the Town of Cottage Grove Annex to the Dane County Hazard Mitigation Plan with a plan review and revision to occur within a five year cycle, and designated staff will provide annual progress reports on the status of implementation of the plan to the Cottage Grove Town Board; and
3. On behalf of the Town of Cottage Grove, Dane County is authorized to submit this plan adoption resolution to Wisconsin Emergency Management and Federal Emergency Management Agency Region V officials to enable final acceptance and recognition of the Natural Hazard Mitigation Plan.

This resolution was duly considered and adopted by the Cottage Grove Town Board pursuant to a vote of 5 for and 0 against and 0 abstentions on this 16th day of November, 2009.



Kris Hampton, Town Chair



Kim Banigan, Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
DECEMBER 7, 2009

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Karen Kessenich in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Police Chief John Gould 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):
 - 1. **MOTION** by Kessenich/Kindschi to approve the minutes of the November 16, 2009 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/Fonger to approve the minutes of the October 8, 2009 budget workshop as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Anders/Kessenich to approve payment of bills corresponding to checks #16947 – 17011, voiding checks #16931 and #16934. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/Fonger to approve payment of November per diems as presented. **MOTION CARRIED 5-0.**
 - 3. **MOTION** by Anders/Kindschi to approve payment of \$660.00 to Tom Viken for November building permits. **MOTION CARRIED 5-0.** The Clerk was directed to follow up with Viken on a question regarding the permit for receipt #1379.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Plan Commission Recommendations:
 - 1. Discuss/Consider approval of Conditional Use Permit for a communications tower (wireless phones) for US Cellular Operating Company, LLC at 3054 County Road BB, Wisconsin Cemeteries Holdings: Kessenich noted that the CUP is consistent with the Town's land use plan and compatible with the current A-2 zoning. **MOTION** by Kessenich/Anders to accept the Plan Commission's recommendation to approve the CUP for a communications tower on the .13 acres and site approval for a mono pole, 160 feet tall. The tower is not to be lit unless required by FAA regulations. All six standards from DCCO 10.255(2)(h) have been considered and determined to be satisfied. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of Expanded Proposal for Professional Services, Montgomery Associates: Resource Solutions, LLC (relating to WDNR requirements for compliance for streambank stabilization work on Koshkonong Creek adjacent to Baxter Road): Hampton noted that a letter from the DNR regarding the November 16th compliance meeting spells out what the Town needs to do, and this matches up with what the proposal entails. There was discussion about whether additional fees will apply if Montgomery Associates is not able to prove compliance for the DNR and additional engineering services are needed, but it was thought that any additional remedies needed would become clear during the proof process.

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MOTION by Fonger/Kindschi to approve the proposal as drafted. **MOTION CARRIED 5-0.**

- C. Report on correspondence from Associated Appraisal Associates, Inc. and the DOR regarding 2009 ratio of assessed to equalized value for the Town: The clerk stated that the DOR told her a response is in the mail, but she has not received it yet, nor has she received the email version that she requested. Hampton reported that Associated Appraisal Consultants, Inc. feel they have assessed the Town at 100% of market value, and this should be reflected in 2010 equalized values, but the Town will need to be diligent in pursuing this with the DOR.
- D. Discuss amendment to TCG Ordinance Section 11.02 Open Burning and associated permits: Hampton explained that he and the Clerk had drafted the revisions and had them reviewed by the Fire Chief. Major changes include the addition of a seasonal campfire permit and regulations on the installation of outdoor wood burning furnaces. There was consensus that existing wood burning furnaces would be grandfathered. A new paragraph regulating the use of cooking appliances on porches and in enclosed areas generated some discussion. **MOTION** by Kindschi/Kessenich to strike paragraph 3(b) relating to the use of cooking appliances on porches and in enclosed areas, and schedule the ordinance amendment for public hearing and board consideration for adoption by the Town Board on December 21, 2009. **MOTION CARRIED 4-1** (Anders objected).
- E. Discuss creation of an ordinance to regulate waste treatment, disposal, and storage facilities or sites in the Town: Hampton thought the Town should adopt such an ordinance in order to have a say should someone look to site a landfill here. A model ordinance from the Wisconsin Towns Association was reviewed. **MOTION** by Kessenich/Anders to schedule a public hearing and consideration of adoption of the ordinance as drafted on December 21, 2009. **MOTION CARRIED 5-0.**

III. F. Discuss/Consider approval of Election Inspectors for 2010-2011.

- A. Discuss/Consider approval of attendees for DCTA/DCCVA meeting on December 9, 2009: With the impending snow storm, the December 9th date is uncertain. Gould updated the board with information he has gotten regarding emergency radio upgrades. He said there seems to be agreement that the upgrade is needed, but disagreement over funding and governance. **MOTION** by Hampton/Anders to allow all Town Board members to attend the DCTA/DCCVA meeting on December 9th, or whenever it might be rescheduled for. **MOTION CARRIED 5-0.**
- B. Discuss the Law Enforcement Agreement with the Village of Cottage Grove, contract term ends December 31, 2010: Hampton asked the board for their input on any future contract prior to the Law Enforcement Committee's discussions. Gould said that the Village Board has already begun discussing the agreement, and that use of the Village funded officer and leadership of the LEC were discussion topics. Kindschi noted that under the current agreement, staffing must be at the 1:3 ratio as a minimum, which means there would need to be an amendment in order to lay off below that point. Fonger suggested having the Dane County Sheriff come to talk about contracting with the Town only. Kessenich brought up the possibility of appointing a constable to enforce local ordinances. Hampton said he will put this topic back on the agenda in January, and asked board members to have their comments ready.

IV. CLERKS REPORT

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- A. Dane County Ordinances: None.
- B. The Clerk suggested that a letter be sent to the janitor giving him formal notice that his services will not be needed after December 21, 2009. There was general agreement that such a letter should be sent.

V. Board Reports and other Communication:

- A. Hampton gave a request for authorization for temporary storage of materials at Hydrite to Kessenich for the Emergency Government Committee as the facility is in the Village, not the Town. He also noted that the Madison Area Transportation Planning Board's 2010-2012 Unified Planning Work Program and Dane County's Regional Trends 2008 are available in the Town office.
- B. Anders said that there is an H1N1 vaccination clinic on Saturday Dec. 12th from 8:00 A.M. to noon at the Emergency Services Building for high-risk individuals.

VI. Committee Reports:

- A. Plan Commission – CUP discussed above.
- B. Deer-Grove EMS Commission – next meeting is December 17th.
- C. Joint Town/Village Landfill Committee: Next meeting is January 25th.

VII. Adjournment: **MOTION** by Hampton/Anders to adjourn. **MOTION CARRIED 5-0**. The meeting was adjourned at 8:35 p.m.

Kim Banigan, Clerk
Approved 12-21-2009

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PUBLIC HEARING

- I. The public hearing was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN.
- II. Town Chair Kris Hampton called the public hearing to order at 7:00 P.M. Others present were Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Karen Kessenich, Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Fire Chief Bruce Boxrucker, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- III. Hampton asked if there were any public comments or questions regarding proposed revisions to ordinance section 11.02 Open Burning and associated permits. Kindschi questioned the minimum distance of 40 feet for fires to be from any structure (under 6(e)), suggesting that it was excessive and 20 feet was a better number. The Fire Chief did not have a problem with 20 feet.
- IV. Hampton asked if there were any public comments or questions regarding the proposed new ordinance section 16.04 Regulation of Waste Treatment, Disposal and Storage Sites. There were none.
- V. **MOTION** by **ANDERS/KINDSCHI** to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:05 P.M.

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present – attendance was as listed above for the public hearing, except that Fire Chief Bruce Boxrucker left after the public hearing. Police Chief John Gould was also present for a portion of the meeting.
- B. Chairman Hampton called the meeting to order at 7:05 P.M.
- C. Minutes of previous meeting(s):
 1. **MOTION** by Kessenich/Anders to approve the minutes of the December 7, 2009 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
 2. **MOTION** by Fonger/Kindschi to approve the minutes of the December 2, 2009 Public Meeting and Special Meeting of the Electors as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by Fonger/Kindschi to approve payment of bills corresponding to checks #17012 – 17056 as presented. **MOTION CARRIED 5-0.**
 2. The Treasurer stated that payments for 2009 property tax bills are starting to come in, with more overpayments than last year. She reminded the board to turn in their December per diem reports, and noted that annual committee per diems will also be paid at the first meeting in January.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Plan Commission Recommendations:
 1. Discuss/Consider approval of rezone of 1.0 acres from R1 to R3 for rear yard setback compliance at 4548 Falcon Court – David & Claire Doelger, owners: **MOTION** by

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Kindschi/Anders to approve the rezone from R1 to R3 in order to come into compliance for the rear yard setback. **MOTION CARRIED 5-0.**

- B. Discuss speed limit enforcement on Sandpiper Road: Scott Graham and Paula Amble, 4555 Sandpiper Drive, said that traffic is traveling much faster than the 25 mph speed limit on Sandpiper Drive, posing danger to walkers, children and pets. They requested three additional 25 mph speed limit signs, and presented a map with suggested locations for the new signs. Board consensus was to consider additional signs after gathering speed data for traffic traveling in both directions on Sandpiper. The Clerk will request the county's speed board for this purpose.
- C. Consider adoption of amendment to TCG Ordinance Section 11.02 Open Burning and associated permits: In addition to the suggested change to 6 (e) in the public hearing above, there was consensus to:
1. Combine 4 (a) & (b), and change (c) to include cooking fires and campfires.
 2. Change *his/her designee* to *their designee* in 5(c).
 3. Make sure conditions on all permits exactly match the conditions in section 6 of the ordinance.

The clerk will make the revisions and the ordinance amendment will be on the January 4, 2010 agenda for approval.

- D. Consider adoption of TCG Ordinance Section 16.04 Regulation of Waste Treatment, Disposal and Storage, including revisions to TCG Ordinance Section 16.02 Solid Waste Disposal: There was discussion about what the application fee and forfeitures should be set at, including a suggestion that the application fee include flat fee plus expenses to cover any consultant fees, etc. The clerk was directed to research fees and forfeitures used by other municipalities before the next meeting.
- E. Discuss/Consider approval of 2010 Agreement with Crispell-Synder, Inc. for Professional Consulting Services for Preparation of Comprehensive Plan Amendments and Boundary Agreement: Kessenich brought up several questions about the Terms and Conditions of Service, including:
5. Termination - the agreement says that in addition to payment for services rendered prior to termination, the Town would be responsible for any expenses incurred for termination. What expenses could be incurred for termination?
 8. Add Town as additional insured?
 10. Liability limited to total compensation?
 13. Ownership of Instruments of Service?

MOTION by Anders/Kessenich to table until January 4, 2010, to request that a representative from Crispell-Synder be asked to attend that meeting, and to direct the clerk to obtain copies of proposed planner contracts from the Village of Cottage Grove. **MOTION CARRIED 5-0.**

- F. Discussion only of whether the Town of Cottage Grove should join Dane County's new interoperable emergency communication radio system, including commitment to contribute to annual operating and maintenance costs of the system starting in 2013: Hampton and Anders attended the recent joint meeting of the DCTA and DCCVA regarding the proposed radio system. Anders said while there seems to be agreement that the upgrade is needed, no one spoke in favor of joining with the County under the proposed conditions. There was indication that actual costs will greatly exceed the \$30 million estimate provided by the county. Discussion was

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about what will happen if the Town declines participation in the new radio network, i.e. what radio functions would and would not be available to town services. A meeting of the executive boards of the DCTA and DCCVA is scheduled for January 13, 2010, but the Town's letter of Intent is due by January 15th, so the board will need to make a decision on January 4, 2010.

- G. Discuss/Consider approval of 2010 Deer-Grove EMS Budget: It was noted that the ambulance cost breakdown was shown based on 2008 equalized values, but should be based on 2009 values. Kessenich questioned why wages were all lumped into on line item and nothing was shown for overtime wages. **MOTION** by Kessenich/Fonger to table until January 4, 2010. **MOTION CARRIED 5-0.**
- H. Report on the DOR response regarding 2009 ratio of assessed to equalized value for the town: Kessenich interpreted the response to say that an adjustment for commercial property in 2008 was discovered and reported in June of 2009 by the assessor, but not included in the revaluation. In effect the Town was undervalued in 2008, must be overvalued in 2009 to "catch up" for the purposes of overlying taxation districts.

III. CLERKS REPORT

- A. Proposed Amendments to Chapter 10 of the Dane County Code of Ordinances:
 - 1. Ord. Amend. No. 44, 2009-2010 Creating a Planned Unit Development (PUD) District
 - 2. Ord. Amend. No. 45, 2009-2010 Creating Transfer of Development Rights (TDR) Zoning Districts.
 - 3. Ord. Amend. No. 46, 2009-2010 Regarding copy area of signs.**MOTION** by Fonger/Kessenich to table all three Dane County ordinance amendments until January 4, 2010. **MOTION CARRIED 5-0.**
- B. Board Reports and other Communication:
 - 1. Hampton reported that 2010 General Transportation Aids will be \$142,308.51, and he received notice from CARPC regarding changes to USA amendment procedures.
 - 2. Anders said that landfill monitoring expenses are about \$600 short of budget for 2009, and Strand and Associates plan to credit this amount for 2010 rather than issuing a refund. In addition, it was discovered that a bill for repairs made in 2008 for ~\$80.00 was never submitted to either Strand or the Town, but will need to be paid now.

IV. Committee Reports:

- A. Plan Commission – The commission is proceeding with the planned schedule for adoption of the Comprehensive Plan amendment, with an open house on January 20th and a public hearing on January 27th.
 - B. Deer-Grove EMS Commission – spent recent meeting working on the 2010 budget.
 - C. Joint Town/Village Landfill Committee: Kessenich said to expect spirited discussion in the month to come regarding the Town's contributions to the recreation program.
- V. Adjournment: **MOTION** by Anders/Fonger to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:13 p.m.

Kim Banigan, Clerk
Approved 01-04-2010