

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JANUARY 3, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Kindschi to approve the minutes of the December 6, 2010 Public Hearing, Special Meeting of the Electors, and Town Board Meeting as printed. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Fonger/DuPlayee to approve payment of bills corresponding to checks #182264-18306 as presented. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by Kindschi/DuPlayee to approve payment of bills corresponding to checks #18307-18364 as presented. **MOTION CARRIED 4-0.**
 - 3. **MOTION** by Fonger/Kindschi to approve payment of December 2010 per diems as presented, and payment of \$2,950.76 to Tom Viken for December building permits. **MOTION CARRIED 4-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Plan Commission Recommendations:
 - 1. Larry G. Skaar, owner – 3310 County Road AB – rezone of 2.0 acres from A1-EX to RH-1 to create single family hobby farm: **MOTION** by Kindschi/DuPlayee to accept the Plan Commission recommendation to approve the rezone of a maximum of 2 acres at 3310 County Road AB, with dedication of 33' of road right-of-way along Siggelkow Road. It was noted that according to Exhibit J-2 on page J-22 of the Comprehensive Plan, single family residences are allowed in the Limited Commercial land use district. **MOTION CARRIED 4-0.**
 - 2. Donald Viney, owner – 2040 Schadel Road – parcel 0711-353-9500-4 – rezone of +/- 3.9 acres from A1-EX to A2(2) to create separate lot with existing home for son: **MOTION** by Kindschi/Fonger to accept the Plan Commission recommendation to approve the rezone of +/- 3.9 acres at 2040 Schadel Road from A1-EX to A2(2) with a deed restriction for no future residential development and a dedication of 33' of road right-of-way along Schadel Road to the Town. The RDU is to come from the Greg & Lee Hellickson farm. It was noted that this meets the residential density criteria for the Agricultural land use district on page J-17 of the Comprehensive Plan. The woods and slopes dictate a lot size exceeding 2 acres. **MOTION CARRIED 4-0.**

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B. Tom Engle – Monona Grove Soccer Club:

1. MGSC intentions for the use of Bass Park for 2011: Engle stated that the soccer club wants to use Bass Park for practice only in 2011, no games. **MOTION** by Hampton/Kindschi to allow the Monona Grove Soccer Club to use the Bass Park field for practice 5 nights per week, one team per night, with no practice on weekends. The soccer club must pay the \$25 administrative fee as defined by TCG Ord. Section 10.05(1)(c) and provide a schedule of games and practices to be held at each Town field. **MOTION CARRIED 4-0.** (The fee will cover the entire year of 2011.)
2. Discuss/Consider a shared field maintenance agreement between the Town and the MGSC for 2011: **MOTION** by Hampton/Fonger to split the cost of three fertilizer applications to the Town Hall and Ravenwood Park fields by Tru Green, at a cost of \$405.00 each to the Town and the Monona Grove Soccer Club. **MOTION CARRIED 4-0.**

C. Review new quotes for soffit and fascia for Flynn Hall: Smith stated the quotes were as follows:

| | Roof | Gutters | Facia/Soffit | Total |
|------------------------|----------|---------|--------------|----------|
| Masterpiece Exteriors | \$23,375 | \$3,550 | \$5,075 | \$32,000 |
| Manstrong Construction | \$19,275 | \$2,515 | \$4,800 | \$26,590 |
| Cardinal Roofing | \$29,700 | \$2,385 | \$10,280 | \$42,365 |
| Sims Roofing | \$22,250 | \$1,995 | \$6,495 | \$30,740 |

- D. Discuss/Consider awarding contract for re-roofing and installing new soffit and fascia for Flynn Hall: **MOTION** by Fonger/DuPlayee to award the contracts for roofing, including fascia and soffit, and installing gutters on Flynn Hall to Manstrong Construction for a total cost of \$26, 590.00. **MOTION CARRIED 4-0.**
- E. Discuss/Consider appointment of members for a Merger Study Committee: There was discussion that a farmer should be on the committee. **MOTION** by Kindschi/Fonger to table until January 17th. **MOTION CARRIED 4-0.**
- F. Discuss/Consider approval of a donation for community entrance signs: Kindschi provided a graphic depicting the signs. Tom Wellman, president of the Chamber of Commerce, said that sites have been identified for three of the four locations. They are still working on the location for the north location. The Town's attorney had agreed to draft contracts with the property owners on a pro bono basis. The Chamber is recommending an “adopt a sign” program for sign maintenance. There are three cost options, based on quality of materials, etc.: 1) \$23,540 2) \$25,700 or 3) 32,620 (costs are for all four signs). Wellman said the second option appears the most likely to be selected. The Chamber will contribute 10% of whichever option is selected, and service clubs will need to pay for their signs. There are no other firm commitments toward the purchase cost at this time. The question of who will provide insurance for the signs was raised. **MOTION** by Fonger/DuPlayee to table until January 17th. **MOTION CARRIED 4-0.**
- G. Discuss/Consider attendees for Wisconsin Towns Association District Meetings: **MOTION** by Hampton/DuPlayee to allow up to four Board members to attend either the February 11th or March 5th meeting. **MOTION CARRIED 4-0.**

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- H. Discuss/Consider meeting with Dane County Parks on their 2006-11 Parks and Open Space Plan: **MOTION** by Hampton/Fonger to table indefinitely. **MOTION CARRIED 4-0.**
- I. Discuss/Consider repairs to 2001 Ford Pickup Truck: Smith reported that the truck is having transmission problems. It hasn't gone out completely yet, but if it does, he had an estimate of \$2,600 to rebuild it. Since this truck is due to be replaced this year, the question was whether to repair it if it does fail, or sell as is. **MOTION** by Hampton/DuPlayee to rebuild the transmission at ~\$2,600 if it fails before delivery of the new replacement truck. **MOTION CARRIED 4-0.**

III. CLERKS REPORT

- A. Dane County Ordinances:
 - 1. Discuss/Consider approval of Ordinance/Petition 10255 for Schlueter Living Tr., as amended by the Dane County Board of Supervisors: The County Board approved the rezone to R-1A, not R-1 as the Town had. **MOTION** by Hampton/Fonger to approve the petition as amended. **MOTION CARRIED 4-0.**

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that the Monona Grove School District is looking for a representative to meet on February 10th to develop mission and vision statements for the district. **MOTION** by Fonger/DuPlayee to appoint Steve Anders to represent the Town Board at the February 10th meeting. **MOTION CARRIED 4-0.**
- B. Hampton received notice from the State of Wisconsin Department of Military Affairs that the grant application for funding of a stormwater basin at Lotus Lane has been denied.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Deer-Grove EMS Commission: The Town Board will meet at 6:25 P.M. on January 6th to consider approval of the new Medical Director.
- B. Village Parks, Recreation and Forestry Committee: No report.
- C. Joint Town/Village Fire Department Committee: McCutchin Heating and A/C was awarded the HVAC maintenance contract. Purchase of a couch was authorized as compensation for the EMS Interns' cleaning of the building during the second half of 2010.

- VI. Adjournment: **MOTION** by Fonger/DuPlayee to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:33 P.M.

Kim Banigan, Clerk
Approved 1-17-2011

TOWN OF COTTAGE GROVE
SPECIAL TOWN BOARD MEETING
JANUARY 6, 2011

- I. Notice of the meeting was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Supervisors Steve Anders, Mike Kindschi and Mike DuPlayee were in attendance, along with Clerk Kim Banigan. Village Board members and a few others were in the audience waiting for the next meeting.
- II. Due to the absence of the Town Chair, Anders called the meeting to order at 6:25 P.M.
- III. Discuss/Consider Approval of Dr. Peter Stier as Deer-Grove EMS Medical Director: There was a brief discussion about Dr. Stier's qualifications and good reputation. Paula Severson, EMS Commission Chair, was in the audience waiting for the next meeting, and noted that Dr. Stier will be looking for some compensation, but the details have not been worked out. **MOTION** by Anders/DuPlayee to approve Dr. Stier as Deer-Grove Ems Medical Director. **MOTION CARRIED 3-0.**
- IV. Adjournment: **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 3-0.** The meeting ended at 6:29 P.M.

Kim Banigan, Clerk
Approved 1-17-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JANUARY 17, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:02 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Anders/DuPlayee to approve the minutes of the January 6, 2011 Special Town Board meeting as printed. **MOTION CARRIED 4-0-1** (Hampton abstained).
 2. **MOTION** by Kindschi/Fonger to approve the minutes of the January 3, 2011 Town Board meeting as printed. **MOTION CARRIED 4-0-1** (Anders abstained).
- D. Finance Report and Approval of Bills:
1. **MOTION** by Fonger/Anders to approve payment of bills corresponding to checks #18366-18424 as presented. **MOTION CARRIED 5-0.**
 2. The Treasurer reported that her initial meeting with auditor Carrie Leonard from Johnson Block and Company, Inc. on January 12th had gone well, and the 2010 audit is scheduled for February 8-9.
 3. The Treasurer asked that January per diem reports be submitted by February 4th.
- E. Public Concerns: Anders had two concerns:
1. He noticed that while his Charter cable bill is for a constant amount, the franchise fee charged varies. He found this strange and asked the other board members to review their bills if they are Charter subscribers.
 2. He asked what the status is regarding charges from Veolia Environmental Services for disposal of televisions, etc. The Clerk said that the Village had their attorney draft a letter to Veolia stating that this violates their contract, and she is monitoring the situation.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider appointment of Merger Study Committee Members: Hampton said he has not changed his recommendations since the last meeting. Those he had contacted based on suggestions from other board members had not shown any interest. Anders recommended Dave Morrow, and said that Morrow had agreed to serve. Kindschi said he would like to serve on the committee, and felt that his experience with a similar study in the 1980's was a benefit, not a detriment. **MOTION** by Anders/Kindschi to appoint Hampton, Kindschi, Dave Morrow and Dave Muehl to the Merger Study Committee. **MOTION FAILED 2-3** (Hampton, Fonger and DuPlayee opposed). **MOTION** by Anders/Kindschi to appoint Hampton, DuPlayee, Muehl and Morrow to the Merger Study Committee. **MOTION CARREID 5-0.**

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- B. Discuss/Consider approval of a donation for community entrance signs: Kindschi stated that he has a draft contract for the landowners of the sign sites, and it seems that the Town's insurance will cover the signs under the outdoor property coverage if the Chamber donates the signs to the Town, although the outdoor property limits may need to be increased. There was discussion about whether to commit an actual dollar amount at this time vs. just making a commitment to help fund the signs but wait until after fund raising efforts to set the dollar amount. **MOTION** by Hampton/Kindschi to contribute \$2,500 toward the purchase of the four signs, assuming that the project goes through and the rest of the money is raised. **MOTION CARRIED 5-0.** There was discussion that since the Flynn Hall roof project is coming in under budget, funds from that budget item could be used toward the signs since they both are for the betterment of the community.

III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS: No Reports.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Emergency Government Committee: DuPlayee is now the committee Chair, and they plan to present the Emergency Government Plan to the Joint Town and Village Boards on February 3rd.

VI. Adjournment: **MOTION** by Kindschi/Fonger to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:42 P.M.

Kim Banigan, Clerk
Approved 2-7-11

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JANUARY 25, 2011

- I. Notice of the meeting was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan.
- II. Hampton called the meeting to order at 7:30 P.M.
- III. Flynn Hall Re-Roofing project:
 - A. **MOTION** by Kindschi/DuPlayee to reconsider award of contract for re-roofing and installing re-roofing and installing new soffit, fascia and gutters. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Kindschi to reconsider and withdraw January 03, 2011 award of contract for re-roofing and installing new soffit, fascia, and gutters. **MOTION CARRIED 5-0.**
 - C. Discuss/Consider/Approve notification to bidders of prevailing wage requirement and option to re-bid and advertise for bids using prevailing wage determination: The Clerk explained that while the original RFP did state that the project would be subject to prevailing wage if the cost exceeded \$25,000, a prevailing wage determination was not made prior to awarding of the contract. Since all of the bids ended up over \$25,000 once the fascia and soffit work was added, legal counsel recommends notifying the bidders that they will not be held to their original bids, and giving them time to rebid with the prevailing wage rates in mind. The Clerk presented a draft letter to this effect, with new bids due by February 21st, and a draft notice for publication. **MOTION** by Anders/Kindschi to approve the notification to bidders as presented. **MOTION CARRIED 5-0.**
- IV. Adjournment: **MOTION** by Fonger/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:37 P.M.

Kim Banigan, Clerk
Approved 2-7-2011

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
FEBRUARY 7, 2011

**PUBLIC HEARING REGARDING POSSIBLE REVISION OF ORDINANCE CHAPTER
15 - LAND DIVISION AND PLANNING CODE**

- I. Notice of the public hearing was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- II. Hampton called the public hearing to order at 7:00 P.M. and asked if there were any questions from the public. Cliff Miller asked for a summary of the changes. Hampton stated that the main changes were to bring the ordinance up to date with State Statute references, and to take out the Transfer of Development Rights section since the Town will consider a resolution later tonight to opt into the County's TDR program. There were no other questions or comments.
- III. **MOTION** by Anders/Kindschi to close the public hearing. **MOTION** carried 4-0. The public hearing ended at 7:03 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting was posted as stated for the public hearing above, and attendance was also the same as the public hearing.
 - B. Hampton called the meeting to order at 7:03 P.M.
 - C. Minutes of previous meeting(s):
 1. **MOTION** by DuPlayee/Kindschi to approve the minutes of the January 17, 2011 Town Board meeting as printed. **MOTION CARRIED 4-0.**
 2. **MOTION** by Anders/Kindschi to approve the minutes of the January 25, 2011 Special Town Board meeting as printed. **MOTION CARRIED 4-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #18425-1880 as presented, and also check #18365 which was issued to the Village of Cottage Grove on January 3, 2011 as reimbursement for a Village property tax payment mistakenly paid to the Town. This check number was not accounted for at the January 17, 2011 meeting. **MOTION CARRIED 4-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of January Town Board per diems as presented. **MOTION CARRIED 4-0.**
 3. **MOTION** by Anders/Kindschi to approve payment of January Committee per diems as presented. **MOTION CARRIED 4-0.**
 4. **MOTION** by Anders/Kindschi to approve payment of \$825.00 to Tom Viken for January building permits. **MOTION CARRIED 4-0.**
 5. The Treasurer reported that local collection of first installment 2010 property taxes is complete as of today. Settlement with the County is scheduled for February 22nd, and she will be releasing payment to the other taxing jurisdictions in the next week. The field portion of the 2010 audit is scheduled for tomorrow and Wednesday.
 - E. Public Concerns: None.

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- F. Road Right of Way Permits: **MOTION** by Anders/Kindschi to permit Frontier Communications to plow parallel to the roadway to install phone service to the new Badger Bus building on Siggelkow Road. **MOTION CARRIED 4-0.**

II. BUSINESS:

A. Plan Commission Recommendations

1. Royal Oak Engineering, Applicant:

- a) Ellery Jensen, Landowner – 2998 Gaston Road, parcel 0711-061-8500-9 – rezone of 2.0 acres from A1-EX to RH-1 to create a separate parcel for residence, using non-transferable RDU due to continuous ownership since January 1, 1981: Eric Sandsnes of Royal Oak Engineering represented Jensen. **MOTION** by Kindschi/Anders to accept the Plan Commission's recommendation to approve the rezone of 2.0 acres from A1-EX to RH-1 using the non-transferable RDU based on continuous ownership since 1981. It was noted that this complies with the density requirements in the Ag district per page J-17 of the Comprehensive Plan. The road right-of-way along Gaston Road is to be dedicated to the Town. **MOTION CARRIED 4-0.**
- b) James, Nola & Neli Skaar, Landowners – 1888 Nora Road, parcel 0711-261-9500-5 – rezone of 2.97 acres from A1-EX to RH-1 to create a separate parcel for residence, using non-transferable RDU due to continuous ownership since January 1, 1981: Sandsnes provided a new map showing the 5.52 acre area (5.19 acres excluding right-of-way) that the petition was amended to at the plan commission. **MOTION** by DuPlayee/Kindschi to accept the Plan Commission's recommendation to approve the rezone of 5.2 acres from A1-EX to RH-2 using the non-transferable RDU due to continuous ownership since 1981 as per page J-12 of the Comprehensive Plan. It was noted this complies with the density requirements for the Ag district on page J-17. The road right-of-way along Nora Road is to be dedicated to the Town. **MOTION CARRIED 4-0.**
- c) Screamin' Norwegian Farm #1, Landowner – 1864 & 1872 USH 12 & 18, parcel 0711-351-9500-6 – rezone of 1.15 acres from A1-EX to R1 to create a separate parcel for residence, using non-transferable RDU due to continuous ownership since January 1, 1981: **MOTION** by Kindschi/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 1.15 acres from A1-EX to R1 using the non-transferable RDU for continuous ownership since 1981 as per page J-12 of the Comprehensive Plan. It was noted that this complies with the density requirements for the Ag district on page J-17. A joint driveway agreement for the two residences is required. **MOTION CARRIED 4-0.**
- d) Screamin Norwegian Farms, LLC, Landowner – 3586 S. Jargo Road.
 - Parcel 0711-252-9000-1 and 0711-252-9230-3 – rezone of 2.8 acres from A1-EX to RH-1 to create a separate parcel for residence, using non-transferable RDU due to continuous ownership since January 1, 1981: **MOTION** by Kindschi/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 2.8 acres from A1-EX to RH-1 using the non-transferable RDU for continuous ownership since 1981 as per page J-12 of the

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Comprehensive Plan. It was noted that this complies with the density requirements for the Ag district on page J-17. The road right-of-way along Jargo Road is to be dedicated to the Town. **MOTION CARRIED 4-0.**

- Parcel 0711-252-9230-3- rezone of 2.6 acres from A1-EX to RH-1 for zoning compliance: Sandsnes explained that this parcel was blanket rezoned by the County and is not in compliance with its current A1-EX zoning. **MOTION** by Anders/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of Lot 1 of CSM 512 from A1-EX to RH-1 to correct improper zoning when the CSM was done. It was noted that this meets the density requirements for the Ag district as per page J-17 of the Comprehensive plan. Road right-of-ways along W. Jargo and S. Jargo roads to be dedicated to the Town. **MOTION CARRIED 4-0.**
- B. John & Patty Leonhardt – 3479 Natvig Road, Parcel #0711-283-8310-1 – Discuss/Consider amending approval of conditional use permit area for a four seasons store and sale of Christmas trees to include entire lot (previous application/approval was for only a 117' x 80' area): Mr. Leonhardt provided a new survey of the property and said that his surveyor told him he has 5.0 acres, 4.2 excluding the road right-of-way. Currently Dane County shows the parcel at 3.44 acres. **MOTION** by Anders/DuPlayee to approve the Plat of Survey identified as office map 100532, requiring that the description of 33' of road right-of-way along Natvig road be added to the map and recorded as dedicated to the Town, and approval of a conditional use permit area for a four seasons store and sale of Christmas trees to include entire 4.2 acre lot. **MOTION CARRIED 4-0.**
- C. Chuck Nahn, Nahn & Associates, LLC: Impact of the "Rock River TMDL" on the Town of Cottage Grove: Nahn presented selected portions of the December 2010 Total Maximum Daily Loads for Total Phosphorus and Total Suspended Solids in the Rock River Basin that were relevant to the Town of Cottage Grove. Public input to this report will be accepted until February 15th. In a nutshell, the WDNR will develop a plan to address EPA mandated total maximum daily load for total phosphorus and total suspended solids that water bodies can receive and still meet water quality standards. As a MS4 permit holder, the Town will be required to comply with the plan, which is not expected to be finalized for some time. Nahn pointed out mistakes in the report regarding the water body reaches within the Town. He estimated a cost of \$300 - \$500 for him to draft comments addressing concerns about these and other issues related to the Town of Cottage Grove. **MOTION** by Kindschi/Hampton to authorize Nahn to draft comments on the Rock River TMDL Report to correct the report as it relates to the Town of Cottage Grove. **MOTION CARRIED 4-0.**
- D. Discuss/Consider voiding Cash Farm Lease with Halverson Farms for the 5 acres adjacent to the former Natvig Landfill site: Hampton stated that Halverson Farms has asked to be released from the lease since the adjoining parcel has been sold, and the new owners intend to farm it themselves. Halverson Farms would prefer not to travel to farm only the small acreage rented from the Town. **MOTION** by DuPlayee to void the Cash Farm Lease with Halverson Farms. **MOTION CARRIED 4-0.**
- E. Discuss/Consider approval of three year Cash Farm Lease with Skaar Scattered Acres, Inc. for the 5 acres adjacent to the former Natvig Landfill site: Skaar Scattered Acres, Inc. has purchased the land adjoining the parcel owned by the Town, and is willing to lease it under

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the same terms as the previous lessee. **MOTION** by Kindschi/DuPlayee to approve a three year Cash Farm Lease with Skaar Scattered Acres, Inc. for the 5 acres adjacent to the former Natvig Landfill site. The lease has the same terms as the previous one with Halverson Farms, but is for crop years 2011-2013. **MOTION CARRIED 4-0.**

- F. Discuss/Consider adoption of a Resolution Recognizing the Desire of the Town of Cottage Grove and the Village of Cottage Grove to Study a Potential Merger of the Two Communities into One Municipality and Steps to Begin the Process: There was a brief discussion about what the process will be after the Merger Study Committee makes its recommendation, with consensus that it was sufficiently addressed in the final paragraph of the resolution. **MOTION** by Hampton/DuPlayee to adopt the resolution as presented. This will be Town Board Resolution 2011-02. **MOTION CARRIED 4-0.**
- G. Discuss/Consider adoption of revisions to TCG Ordinance Chapter 15 – Land Division and Planning Code: **MOTION** by Kindschi/Anders to table until February 21st for clarification regarding the red-line version. **MOTION CARRIED 4-0.**
- H. Discuss/Consider adoption of a Resolution to Enact the Dane County Transfer of Development Rights (TDR) Program as Established in Chapter 10 of the Dane County Code of Ordinances, within the Town of Cottage Grove: **MOTION** by Hampton/Anders to adopt the resolution as presented. This will be Town Board Resolution 2011-01. **MOTION CARRIED 4-0.**
- I. Discuss/Consider approval of adding a page to the Town of Cottage Grove's web site for the Cottage Grove Area Historical Society: The Clerk stated that this would not add a significant amount of work for her. **MOTION** by Hampton/Kindschi to approve the addition of a CGAHS page to the Town's web site. **MOTION CARRIED 4-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: None.
- B. ATC has leased part of the Skaar pit from RG Huston Company to use as a staging area for their upcoming power line project. The Clerk distributed some background information and stated that the topic will be on the February 21st agenda.
- C. In response to resident complaints regarding trash piled up at Buster's Bar & Restaurant, the Clerk and Police Department were involved in notifying the owners and verifying that the trash had been removed. The establishment was also recently cited by ATF for purchasing alcohol from someone other than an alcohol distributor. They also have not paid their 2010 property taxes. Consensus was to put the topic on the February 21st agenda.

IV. BOARD REPORTS AND COMMUNICATIONS: No Reports.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Deer-Grove EMS Commission: The January meeting was light due to low attendance. The DGEMS Accounts Manager has recently resigned.
- B. Law Enforcement Committee: There were 81 applicants for the vacant officer position, 34 of which did not meet minimum qualifications. 47 will continue to the testing process. There were 10 applicants, 3 from within, for the sergeant position. Eight, including all three from within, will advance to the testing process.

VI. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:30 P.M.

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Kim Banigan, Clerk
Approved 2-21-2011

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FEBRUARY 21, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Anders to approve the minutes of the February 7, 2011 Public Hearing and Town Board meeting as printed. **MOTION CARRIED 4-0-1** (Fonger abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #18481-18572 as presented, including voided checks #18444, 18460 and 18504. **MOTION CARRIED 5-0.**
 - 2. The Treasurer reported that the 2010 audit is progressing well, and she expects a draft of the financial statement in early March. She asked for February per diem reports by March 4th.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Open Bids and Discuss/Consider awarding of contract for Flynn Hall Roofing Project: Bids were as follows:

| <u>Contractor Name</u> | <u>Proposal Total</u> |
|---|---|
| Jiran Contracting | \$20,340.00 Optional 25 year Warranty: add \$950 |
| Goebel Roofing & Siding, Inc. | \$27,575.00 |
| Manstrong Construcion, Inc. | \$27,600.00 |
| Sims Exteriors | \$34,475.00 |
| City Wide Roofing, LLC | \$38,691.00 |
| Masterpiece Exteriors, Inc. | \$40,500.00 |
| Cardinal Roofing and Construction, Inc. | \$44,200.00 |

MOTION by DuPlayee/Kindschi to award the contract for the Flynn Hall Roofing Project to Jiran Contracting, for \$21,290.00 (to include the optional 25 year warranty), pending a favorable reference check and a meeting with Hampton and Smith to confirm the contractor's understanding of the job. **MOTION CARRIED 5-0.**

- I. Open Bids and Discuss/Consider approval of purchase of a 2011 4x4 One Ton pickup truck.

| <u>Dealer</u> | <u>Model</u> | <u>Price</u> |
|------------------------------|----------------------|--------------|
| Ewald 's Hartford | Ford F-350 | \$23,035.00 |
| North West Ford Truck Center | Ford F-350 | \$23,258.00 |
| Ewald Chevy | Chevy 3500 Silverado | \$24,947.00 |
| Palmen Motors | Dodge RAM 2500 | \$25,000.00 |
| Zimbrick East | GMC Sierra 3500 | \$25,325.00 |

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
FEBRUARY 21, 2011

MOTION by Hampton/Anders to refer the bids to Smith for a recommendation at the next meeting.

MOTION CARRIED 5-0.

- B. Discuss/Consider approval of a holding tank agreement at Dairyland Beef, Inc., 2532 Peiper Rd.: Patty Smith of Dairyland Beef, Inc. explained the holding tank is required for a new handicapped accessible restroom. **MOTION** by Fonger/DuPlayee to approve the holding tank agreement as presented. **MOTION CARRIED 5-0.**
- C. Charles Gonzales – American Transmission Company – plans for use of the Skaar Pit as a staging/laydown site for the Town of Rockdale-West Middleton Project: Mr. Gonzales provided copies of a site plan and map of the portion of the Skaar Pit that will be utilized by ATC for about a one year period, beginning in June of 2011. The site plan included the anticipated number of daily round trips between the staging area and the construction site. Access will be off of Natvig Road, and appropriate signage will be present on County Road N to warn of entering and exiting large equipment and trucks. The area will not be fenced, but will have security lights aimed downward and inward toward the equipment and materials stored on the site. There will only be very minor assembly of materials.
- D. Plan Commission Recommendations:
1. Otto C. Otteson – 2171 Nora Road, parcel 0711-274-800-7 – rezone 6 acres from A1-EX to RH-2 to create a separate parcel for residence, using non-transferable RDU due to continuous ownership since January 1, 1981: Otto K. Otteson represented his father. It was noted that with only a 4 foot setback from the barn to the lot line, no changes will be allowed to the barn. According to the preliminary CSM provided, the lot size is +/- 5.4 acres to the road centerline. **MOTION** by Hampton/DuPlayee to accept the Plan Commission recommendation to approve the rezone of 6 acres or less from A1-EX to RH-2. As per page J-12 of the Comprehensive Plan, with continuous ownership since 1981, the use of the non-transferable RDU is allowed, and as per page J-17, the parcel is allowed to include the existing farm residence and farm buildings. The 33 feet road right-of-way along Nora Road is to be dedicated to the Town. **MOTION CARRIED 5-0.**
 2. Otto K. Otteson: Correction of CSM to reflect parcel 0711-274-8970-4 at 2173 Nora Road, including dedication of 66 feet of road right of way to the Town: Otteson provided a Plat of Survey dated 9/25/03 showing his lot running north and south, and including frontage on Nora Road. The County's maps show the parcel running east and west with no frontage on Nora Road. The Board recommended that the Ottesons have both lots put on the same CSM when the land division for 1. above is recorded, with 33 feet of road right-of-way from both parcels dedicated to the Town.
- E. Mike Northouse, Madison Metropolitan Sewerage District – impact of application of sludge on area wells: Mr. Northouse explained that MMSD provides waste disposal services to 42 communities, including disposal of septic waste. MetroGro, the division he works for, is permitted by both State and Federal regulatory agencies to apply waste byproducts on farm fields. Application rates are calculated to match nitrogen requirements for the current crop year based on soil samples. The application saves farmers ~\$100/acre in fertilizer and tillage costs. Consideration is given to the water table, bed rock, and slopes, and there is a 250 foot setback from residential wells. All product is incorporated (injected), and the WDNR prohibits application when the ground is frozen or snow covered. MMSD has gone beyond regulatory requirements by limiting application to any one field to once every three years, and offering nitrate and coliform sampling services for farm and residential wells near the application sites.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
FEBRUARY 21, 2011

Northouse provided a map showing locations of the wells sampled throughout the area, and 2009 sampling results of 600 wells for nitrates and total coliforms. 73 wells in the Town of Cottage Grove averaged 8.8 mg/l NO3-N (nitrates) with coliform bacteria present in 7 wells. Northouse also reported that MMSD is currently in the research stage of offering a Class A (disinfected) product free to the public.

- F. Discuss/Consider options regarding Class B Retail Liquor License for Buster's Bar and Restaurant due to nonpayment of property taxes: The clerk reported that the property taxes are still delinquent as of 12:30 P.M. today. While the Town's current alcohol ordinance does state that liquor licenses are not to be issued if taxes are delinquent, it does not provide for revocation for non-payment of taxes. The Wisconsin Towns Association did provide a model ordinance allowing for revocation for unpaid taxes and fees. The clerk will distribute the model to board members for discussion at the next meeting.

Peter Grefsheim stated that he has financial interest in the property occupied by Buster's Bar and Restaurant, which he took over from the Oregon State Bank two years ago as part of another financial transaction. He is well aware of the ongoing issues with the establishment, and stated that while he has not taken a hands on approach to date, he may need to become more involved to protect his financial interests, and he will see that the property taxes are paid. He is exploring options to sell or develop the property.

- G. Discuss/Consider adoption of revisions to TCG Ordinance Chapter 15 – Land Division and Planning Code: The questions from the last meeting regarding the redline version were cleared up. **MOTION** by Hampton/DuPlayee to approve the revised ordinance as presented. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton:

1. The Wisconsin Counties Association will hold a seminar on February 24th on 'Wisconsin Dairy Farms – Their Changes and Challenges.
2. GeoTrans has changed their name to Tetra Tech Geo.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Deer-Grove EMS Commission: They are looking at a policy change regarding voting rights of the medical director. The Accounts Manager has resigned, Banigan has been appointed to fill the position on an interim basis.
- B. Village Parks, Recreation and Forestry Committee: No report.

- VI. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:40 P.M.

Kim Banigan, Clerk
Approved 3/07/2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 7, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Anders to approve the minutes of the February 21, 2011 Town Board meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #18573-18622 as presented, including voided check #18561. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Kindschi/Anders to approve payment of February 2011 per diems as presented, and payment of \$695.00 to Tom Viken for February building permits. **MOTION CARRIED 5-0.**
 - 3. The Treasurer stated that she will not be available for the next meeting, but will have the finance report and bill payments ready for the meeting. She asked for March per diem reports by April 2nd.
- E. Public Concerns: Shannon Mandeville of Manstrong Construcion questioned the insurance qualifications of the contractor who was awarded the Flynn Hall roofing project. The Clerk reported that a valid certificate of insurance is on file with the Town.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Plan Commission Recommendations:
 - 1. Marc Lea, 2257 Nora Road, parcels 0711-271-9000-8, 0711-271-9500-2 & 0711-272-8000-9 – rezone of approx. 6 acres from A1-EX to RH-3 to create a separate parcel for residence, using non-transferable RDU due to continuous ownership since January 1, 1981: It was noted that while the application was for RH-3 zoning, the Plan Commission's recommendation was for RH-2. There was discussion about how to prevent future division of the parcel under any kind of infill or variance process since it is a larger parcel. **MOTION** by DuPlayee/Kindschi to accept the Plan Commission's recommendation to approve the rezone of approximately 6 acres from A1-EX to RH-2 for creation of a separate parcel for the residence and farm buildings, using the non-transferable RDU due to continuous ownership since January 1, 1981 as per page J-12 of the Comprehensive Plan. This complies with density requirements for the Ag district on page J-17. The road right-of-way along Nora Road is to be dedicated to the Town. In addition, the parcel is to be deed restricted for no further division. **MOTION CARRIED 5-0.**
- B. Discuss/Consider amending zoning district maps to provide TDR-S zoning overlay district designation to TDR sending areas as identified in the Town of Cottage Grove Comprehensive Plan: A handout from Dane County Planning and Development entitled “*Guide to Transfer of Development Rights in Town Plans*” was reviewed. It was noted that placement in the TDR-S zoning overlay district does not limit any other permitted or conditional uses in the underlying zoning, but adds a new permitted use allowing landowners to transfer their development rights away from their property. There is no cost to the Town or the landowners for the blanket rezone

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 7, 2011

if initiated by the Town. **MOTION** by Hampton/DuPlayee to accept the Plan Commission's recommendation to proceed with amending zoning district maps to provide TDR-S zoning overlay district designation to TDR sending areas, immediately following the annual review of the Comprehensive Plan. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of CSM for Larry Skaar, 3310 County Road AB: **MOTION** by Kindschi/Anders to approve the CSM, identified as office map no. 100538, as presented. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of a Parade, Procession or Race permit for Ragnar Events' running relay on June 10, 2011: Discussion was that this is the same relay race that has passed through the same route for several years without incident, although it is run by a different organizer. **MOTION** by Anders/DuPlayee to approve the permit and letter to notify residents along the route. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of the Madison Celtic's U12 Girls soccer team use of the soccer fields at Town Hall and American Heritage Park in 2011: Tok Kim, representing the Madison Celtics, said that a soccer field in Madison that the team had previously played on has been closed, and the other options were on the west side of Madison. Since most of the players are from Cottage Grove, and the opponents come from the Milwaukee area, the Town Hall field is a logical choice. Conflicting dates with the Monona Grove Soccer Club had been identified. Kim agreed to game schedule changes to accommodate the conflicts, and stated that coaches are very good about sharing the field at the American Heritage park for practice. **MOTION** by DuPlayee/Fonger to approve the Madison Celtics' use of the Town Hall field for league games on:

| | |
|-------------------------|-----------|
| Wednesday, May 4, 2011 | 6:00 P.M. |
| Sunday, May 15, 2011 | 1:30 P.M. |
| Saturday, June 4, 2011 | 3:00 P.M. |
| Saturday, June 11, 2011 | 3:20 P.M. |

and practice at American Heritage park in cooperation with the Monona Grove Soccer Club.

MOTION CARRIED 5-0.

- F. Discuss/Consider approval of color for shingles and/or any change orders for Flynn Hall Roofing Project: **MOTION** by Hampton/Anders to approve the shingle color 'Resawn Shake' for use on the roof. **MOTION CARRIED 5-0.** Seth Moystner of Jiran Contracting LLC provided an estimate to remove and install new sub-fascia, fascia, and soffit on the rake ends of the upper roof area, which would be an additional \$2,200.00 beyond the original proposal. This add-on was the result of a meeting with Hampton and Smith at the building. **MOTION** by Kindschi/Hampton to approve the add-on estimate for \$2,200 as described. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of purchase of a 2011 4x4 One Ton pickup truck: Smith stated that the low bid from Ewald located in Oconomowoc meets all of the specifications, and recommended acceptance of their bid. He asked for two more options to be added to the truck: upfitter switches and an in-dash 4wd switch. Retail price for the two items is \$310.00, but the Town's actual cost will probably be less. **MOTION** by Fonger/Kindschi to approve the purchase of a 2011 Ford F-350 4x4 truck from Ewald Hartford in Oconomowoc for \$23,035.00, with the addition of upfitter switches and an in-dash 4wd switch for up to \$310.00. **MOTION CARRIED 5-0.**
- H. Discuss/Consider approval of Police Station Lease Amendment: It was noted that the term of amended lease will coincide with the terms of the joint police department agreement and the labor

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 7, 2011

contract. **MOTION** by Hampton/Kindschi to approve the lease addendum as presented.
MOTION CARRIED 5-0.

- I. Discuss/Consider amending TCG Ordinance Chapter 5 – Alcohol Beverages to allow for revocation of liquor licenses for non-payment of taxes and fees: **MOTION** by Kindschi/Anders directing the Clerk to draft an amendment to Chapter 5, incorporating the model ordinance provided by the Wisconsin Towns Association to allow for revocation of liquor licenses for non-payment of taxes and fees. **MOTION CARRIED 5-0.** There will be a public hearing followed by board consideration of the amendment on either March 21st or April 4th.
- J. Discuss/Consider agenda items for the Annual Town Meeting:
 - Update on Flynn Hall roofing project
 - Discussion about how the State budget affects the Town of Cottage Grove.

III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

A. Hampton:

1. Walter Olson filed an appeal to the circuit court decision on his case against the Town on February 28th. Attorney Connie Anderson will update the Board on March 21st.
2. Notice has been received from the Insurance Service Office, Inc., that they are reviewing the Town's insurance rating, which affects fire insurance rates for residents.
3. A water pipe leak in the basement of the Emergency Services Building has been repaired.
4. Hampton confirmed with Fonger that the American Legion will be responsible for putting the flag at Flynn Hall at half-mast as needed.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Law Enforcement Committee: The hiring process is on track.
- B. Merger Study Committee: The initial meeting has been held, including introductions and a summary of the Town's financial position. Regular meetings will be held on the 2nd Monday of each month.
- C. Joint Town/Village Fire Department Committee: Repairs to the generator due to the recent blizzard cost \$1,500. Estimates are being sought to replace the failing washer and dryer, which are original to the building, and to install an automatic opener for the overhead door. CO monitors are required in the sleeping area, they do not need to be hard wired but must have a 10 year lithium battery.
- D. Emergency Government committee: Response to the recent blizzard was discussed. Several stranded people were housed temporarily at the Emergency Services Building. Smith reported that the blizzard is eligible for FEMA assistance, but there has been no word yet on what the Town might receive. There was a suggestion that the cost to repair the generator be submitted.

VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:22 P.M.

Kim Banigan, Clerk
Approved 3-21-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 21, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, and Highway Superintendent Jeff Smith. Attorney Connie Anderson arrived at 7:50 P.M. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Anders/Kindschi to approve the minutes of the March 7, 2011 Town Board meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills: The Treasurer was not available for tonight's meeting, but had prepared the finance report and bill payments in advance.
 - 1. **MOTION** by Anders/Kindschi to approve payment of bills corresponding to checks #18623-18669 as presented. Check #18655 is not to be released until both lumber and shingles are delivered to Flynn Hall. **MOTION CARRIED 5-0.**
 - 2. A note from the Treasurer requested March per diem reports by April 1.
- E. Public Concerns: Sherry Ackerman, a Village resident at 1205 N. Parkview St., came expecting to be on the agenda (the clerk forgot) for her request to reserve El Margo Park for a wedding on September 17, 2011. She would like to put up a tent, and bring in a caterer and DJ for approximately 75 guests. Parking would be on Parkview St. As the item was not on the agenda, the board could not make a decision on the matter, but will take it up on April 4th.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of removal of permanent soccer goals at American Heritage Park, and allowing the Monona Grove Soccer Club to place portable goals there instead: Smith indicated he was considering taking the wooden soccer goals down anyway. No one was in attendance from the soccer club (although Tom Engle arrived later). **MOTION** by Hampton/DuPlayee to remove the permanent soccer goals at American Heritage Park and allow the Monona Grove Soccer Club to use portable goals in the park. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of two signs for Nelson Bus Company: The board reviewed the County Zoning applications and graphical representations of the proposed signs and their locations. **MOTION** by Anders/DuPlayee to approve an illuminated "Nelson's" sign on the north side of the Nelson Bus, Inc. Building at 2862 Siggelkow Road. **MOTION CARRIED 5-0.**
MOTION by DuPlayee/Kindschi to approve a "Thomas Built Buses" monument sign to be installed just north of the building facing US Highway 12 & 18. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of Certified Survey Map three residential lots on Ridge Road for Kevin and Kendall Uphoff (rezone previously approved): It was noted that while the net acreages of the 3 lots excluded the road right-of-way, there was no indication on the CSM that the right-of-way was is to be dedicated to the Town. **MOTION** by Anders/DuPlayee to

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 21, 2011

approve the CSM with the addition of text dedicating 33' of road right-of-way to the Town.
MOTION CARRIED 5-0.

- D. Discuss/Consider approval of Public Participation Plan for the 2011 Annual Review of the Town of Cottage Grove Smartgrowth Comprehensive Plan: **MOTION** by Hampton/DuPlayee to approve the Public Participation Plan as presented. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of an amendment to the 2011 Budget related to the Flynn Hall Roofing Project: The proposed amendment would accept a donation from the Flynn Hall Birthday Fund toward the Flynn Hall roofing project, and increase the expense account for the roofing project to reflect the the entire project, not just the portion intended to be financed by the Town. **MOTION** by Hampton/Anders to approve the budget amendment (Budget Resolution 2011-01) as amended. **MOTION CARRIED 5-0.**
- F. Consider approval of attendees for DCTA forum for Dane County Executive candidates on March 23, 2011: No one is available to attend.
- G. Consider approval of attendees for WTA Capitol Day on March 30, 2011. **MOTION** by Hampton/DuPlayee to allow up to two board members to attend Capital Day (on their own, not including the expense of the bus trip or luncheon). **MOTION CARRIED 5-0.**
- H. Consider setting date for annual road inspection: The annual road inspection will begin at 12:30 P.M. on Tuesday, April 5th. Board members should meet at the Town Garage.
- I. 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 as stated above. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- J. MOVE INTO CLOSED SESSION: The closed session began at 7:55 P.M.
- K. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Anders/DuPlayee to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 8:20 P.M.
- L. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: None.

(The remaining agenda items were taken up prior to the closed session)

III. CLERKS REPORT

A. Dane County Ordinances:

- 1. Ord. Amdt. 37, 10-11 – Defining small scale electric generating stations and requiring a conditional use permit for such uses in the A-1 Exclusive Agriculture District: **MOTION** by Anders/Kindschi to postpone until the April 18, 2011 meeting. **MOTION CARRIED 5-0.**

IV. BOARD REPORTS AND COMMUNICATIONS:

A. Hampton:

- 1. The DOT will hold a public information meeting on the Corridor Study for US Hwy 12 & 18 from County N to Fort Atkinson on March 24th. Hampton and Smith are planning to attend.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 21, 2011

2. Current estimates from the Legislative Fiscal Bureau indicate that under the proposed State Budget Bill, the Town will see a 50% reduction in shared revenue in 2012. Combined with the elimination of the State Recycling Grant, the Town stands to lose \$45,000 in revenue.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Village Parks, Recreation and Forestry Committee: The playground build for the Kid's Park is scheduled for June 1-5, 2011, and volunteers are needed. Information is posted on the Village's web site, and Anders asked the Clerk to put a link on the Town's site as well.
- B. Deer-Grove EMS Commission: The Commission discussed budgetary concerns relating to the Budget Repair Bill and proposed State Budget.

VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:20 P.M.

Kim Banigan, Clerk
Approved 4-4-2011

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
APRIL 4, 2011

**PUBLIC HEARING REGARDING POSSIBLE REVISION OF ORDINANCE SECTION
5.03 ALCOHOL BEVERAGE LICENSE.**

- I. Notice of the public hearing was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- II. Hampton called the public hearing to order at 7:00 P.M. and asked if there were any questions or comments from the public. There were none. The Clerk noted that notice of the public hearing and a copy of the proposed amendment had been mailed to all alcohol beverage license holders in the town.
- III. **MOTION** by Anders/Kindschi to close the public hearing. **MOTION** carried 5-0. The public hearing ended at 7:02 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting was posted as stated for the public hearing above, and attendance was also the same as the public hearing.
 - B. Hampton called the meeting to order at 7:03 P.M.
 - C. Minutes of previous meeting(s):
 1. **MOTION** by DuPlayee/Kindschi to approve the minutes of the March 21, 2011 Town Board meeting as printed. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/Kindschi to approve the minutes of the March 21, 2011 closed session as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #18670-18713 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/Fonger to approve payment of March per diems as presented, and payment of \$125.00 to Tom Viken for March building permits. **MOTION CARRIED 4-0.**
 3. The Treasurer stated that Johnson Block and Company, Inc. will report on the 2010 Town Audit at the April 18th meeting. She also reported that she mailed letters today to 11 delinquent personal property accounts. She will be using a new process involving the Wisconsin Dept. of Revenue TRIP program to intercept tax refunds if personal property taxes are not paid.
 - E. Public Concerns: Nancy Kobus, 4525 Sundance Court, brought to the board's attention a situation involving the well shared between her and two neighbors. Kobus noticed that the electric bill for the shared well was unusually high, and upon further investigation found that water had been running in the basement of the home at 4540 American Way, owned by Edna Rose. This home has been unoccupied for some time, and has some history of neglect that the Town has been involved with previously. Kobus had a plumber turn off the water to 4540 American Way. The control panel on the pump had burned out from all of the pumping, and

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
APRIL 4, 2011

had to be replaced. This expense was borne by the Kobus' and the third owner of the joint well at 4535 Sundance Ct. Kobus also said that Rose had not paid her share of a previous pump replacement.

Kobus had contacted the Clerk, who notified the Rose family, and Kobus said they have been making an effort to clean it up, but only on weekends, and the yard is now littered with stuff dragged out of the house. She had spoken with Dane County Public Health, who indicated they are ready and able to help, but the process must begin with the local building inspector. The Board directed the Clerk to contact the Building Inspector to initiate an inspection, possibly jointly with Dane County Public Health. This will be further taken up at the April 18th meeting.

F. Road Right of Way Permits: None.

II. BUSINESS:

A. Plan Commission Recommendations:

1. Richard and Joy Wood: petition for termination of Covenant Agreement regarding LC-1 zoning for a portion of parcel 0711-141-8610-9 at 1965 W. Ridge Road: Hampton noted that the current zoning code covers everything in the covenant. **MOTION** by Anders/Fonger to accept the Plan Commission's recommendation to terminate the Covenant Agreement. **MOTION CARRIED 5-0.**

B. Discuss/Consider adoption of revisions to TCG Ordinance Section 5.03 Alcohol Beverage License: Peter Grefsheim stated that he will soon be the owner of Buster's Bar and Restaurant, and expressed concern over the possibility of a license being revoked when the owner is different from the licensee. Fonger said that payment of taxes should be a provision of the lease. **MOTION** by Kindschi/DuPlayee to adopt the revisions to TCG Ordinance Section 5.03 Alcohol Beverage License as presented. **MOTION CARRIED 5-0.**

C. Discuss/Consider approval of reservation of El Margo Park for a wedding on September 17, 2011 – Sherry Ackerman: Mrs. Ackerman said their plans include a tent, a caterer and grilling, a softball game, dancing with karaoke, with about 75 attendees, and that the neighbors would be invited. Jeff and Beth Klinkner, 2655 Bluebird Lane, had a few questions but were not overly concerned. **MOTION** by Fonger/Kindschi to approve the park reservation for September 17, 2011, to end by 1:00 A.M. On September 18th. Ackerman must contact Jeff Smith regarding placement of the tent. **MOTION CARRIED 5-0.**

D. Discuss/Consider approval of allowing alpacas to be housed in pens outside the Town Hall during an Alpaca Fiber Show on Nov. 12, 2011 - Clayton L. Smith, Irish Ridge Alpaca Farm: Donna Smith explained that weather permitting, they would like to house two alpacas in a pen on the grassy area near the flag pole. **MOTION** by Fonger/Hampton to allow 2 alpacas in a pen on November 12, 2011. The area must be cleaned up upon removal of the pen. **MOTION CARRIED 5-0.**

E. Discuss/Consider approval of allowing Flynn Hall to be used as a childcare location during the Cottage Grove Kid's Park Playground Build on June 1 – 5, 2011: Amy Tourtillot said that she would be in charge of the childcare operation, which would be staffed from 7:30 A.M. To 8:00 P.M. on Wednesday, June 1st thru Sunday June 5th. She expected about 25 kids on Wednesday thru Friday, and 75 on Saturday and Sunday. None would be under the age of 2 years. Discussion included possible conflicts with other groups. Tourtillot had already

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
APRIL 4, 2011

spoken to the leader of the CG Library reading group that meets on Thursday mornings. The way would also need to be cleared with the Lions Club and Cub Scouts. There would also be a need for a joint waiver to absolve the Town of any liability, which board members felt could be worked out between Tourtillot and the Clerk. **MOTION** by Hampton/Fonger to table until the April 18th meeting, pending resolution of conflicts and drafting of a waiver. **MOTION CARRIED 5-0.**

- F. Discuss/Consider approval of a Certified Survey Map for two lots on Ridge Road for Patrick and Peggy Coffey (rezone previously approved): The Clerk distributed an updated map. **MOTION** by Hampton/Fonger to approve the CSM as shown on dwg. No. 3973-10 Dated 4/01/2011, which includes the flood zone line scaled from FIRM map and the details of the access easement. **MOTION CARRIED 5-0.**

(Anders left for an EMS call at 7:54 PM)

- G. Discuss/Consider allowing the Friends of the Cottage Grove Community Library to use the Town Hall basement for sorting of donated books throughout the year as needed: Peggy Jensen explained that the group is losing their storage at the Bank of Sun Prairie, and they need a sorting spot. Smith agreed to allowing them to set up two tables in the garage area of the Town Hall basement, as long as they stay along the north wall. **MOTION** by Kindschi/DuPlayee to allow the Friends of the Cottage Grove Community Library to use the Town Hall basement for sorting of donated books throughout the year as needed. **MOTION CARRIED 4-0.**
- H. Discuss/Consider approval of Amendment No. 2 of the Deer-Grove EMS Agreement between the Villages of Cottage Grove and Deerfield and the Towns of Cottage Grove and Deerfield: DuPlayee explained the primary purpose of the amendment is to make the Medical Director a non-voting member of the commission so they can get the new Medical Director on board. **MOTION** by DuPlayee/Hampton to approve Amendment No. 2 of the Deer-Grove EMS Agreement between the Villages of Cottage Grove and Deerfield and the Towns of Cottage Grove and Deerfield as presented. **MOTION CARRIED 4-0.**
- I. Discuss/Consider approval of application of weed and feed to Town parks: Smith said that rather than rolling the parks this year, he would like to try applying weed killer and fertilizer to see if it will bring back the grass in the areas worn by soccer. He had a quote from Tru-Green for three applications : 1) pre-emergence crab grass and broad leaf control with fertilizer, 2) late spring broad leaf control and fertilizer, 3) late summer broad leaf control and fertilizer. Costs quoted were \$285 for Ravenwood Park, \$675 for Meadow Grove Park, \$1,125 for American Heritage Park, for a total of \$2,085. When combined with half of the cost to fertilize soccer fields, split with the Monona Grove Soccer Club, this amounts to about half of the parks budget for 2011. **MOTION** by Hampton/DuPlayee to authorize three applications of weed and feed to Ravenwood, American Heritage, and Meadow Grove parks at a cost of \$2,085. **MOTION CARRIED 4-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that the the 2010 Census Count Question Resolution will accept challenge submissions from governmental units beginning June 1, 2011.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
APRIL 4, 2011

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Law Enforcement Committee: Interviews for the officer and sergeant positions are in progress, and hopes are to hire by the end of April or early May.
- B. Joint Town/Village Landfill Monitoring Committee: Bills were approved, monitoring detected no gas.

VI. Adjournment: **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:10 P.M.

Kim Banigan, Clerk
Approved 4/18/2011

TOWN OF COTTAGE GROVE
2011 ROAD INSPECTION
APRIL 05, 2011

- I. Notice of the road inspection was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Chairman Kris Hampton, Supervisors Mike Fonger, Mike Kindschi, Mike DuPlayee and Highway Superintendent Jeff Smith met at the Town Garage at 12:30 P.M.. A quorum was present and Hampton called the meeting or order at 12:30 P.M.
- II. A road inspection was conducted. (list of roads is attached – available in the Clerk’s office).
- III. **MOTION** by Fonger/DuPlayee to adjourn. **MOTION CARRIED 4-0**. The meeting was adjourned at 2:35 P.M.

Submitted by Kris Hampton
Approved 4-18-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 18, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Anders/Fonger to approve the minutes of the April 4, 2011 Public Hearing and Town Board Meeting, with a correction to the date of the next meeting in item I. E. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by DuPlayee/Kindschi to approve the minutes of the April 5, 2011 annual road inspection with a correction to the meeting time. **MOTION CARRIED 4-0-1** (Anders abstained).
 - 3. Finance Report and Approval of Bills:
 - a) **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #18714-18768 as presented, holding check #18752 until the job is complete. **MOTION CARRIED 5-0.**
 - b) The Treasurer asked that April per diem reports be submitted by April 30th.
- D. Public Concerns: None.
- E. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider cleanup time line of property at 4540 American Way: Hampton reported that he had met with Robert Rose, son of the property owner Edna Rose, and Building Inspector Tom Viken at the property. Mr. Rose had begun the cleanup process, and indicated he would need about three months to complete the process, bringing in a dumpster each Thursday or Friday, to be filled over the weekend and removed on Monday. He also plans to bring in a commercial dehumidifier. Hampton had told him to clean up the outside first, and then do all staging for the dumpster inside the garage, and that he would be checking in on the progress each week. **MOTION** by Fonger/Kindschi to allow Mr. Rose two months, beginning April 19th, to clean up the property, with the outside cleaned up within the first 2 weeks. **MOTION CARRIED 5-0.** This will be a standing agenda item until the matter is resolved.

Nancy Kobus, 4525 Sundance Court, complained that Rose had been burning furniture with some kind of accelerant, and said that they had already had 6 weeks since the flooding of the basement to clean up the mess. She stated that the neighbors will be calling Dane County Public Health to get involved. She also brought up the debt of \$1,400 owed by Mrs. Rose to the other joint well owners for repairs.

Robert and Rory Rose arrived after the initial discussion and motion. Robert stated that he has already removed three 30-yard dumpsters and estimates he will need another six. He emphasized that the clean-up is a time consuming and expensive job that he is trying to do in addition to running his business. Three of the five siblings are not willing to get involved. Hampton advised

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 18, 2011

him of the motion, and cautioned him not to burn any more furniture, only brush. Hampton also advised him of the debt to neighbors for well repairs.

- B. Presentation of the Town's 2010 Financial Statements with Auditor's Report as prepared by Johnson Block & Company, Inc.: Carrie Leonard made the presentation. She stated that the the Independent Auditor's Report gives an unqualified opinion of the Town's financial statements, which is the highest level possible. She skipped over the Management's Discussion and Analysis, stating that the Board could read that on their own, and moved on to the Statement of Net Assets. The Town is allowed to have a debt load of up to 5% of equalized value – a number the Town is well within. Next she highlighted the Statement of Activities and the Balance Sheet, which she said are similar to the 2009 statements. Undesignated Funds are at 22% of 2010 Expenditures, which indicates a very healthy balance sheet. Recommendations are that this be at least 15%. Next year fund balances will be broken into five new areas. The Statement of Revenues, Expenditures and Changes in Fund Balances shows an increase in fund balances of \$25,847, which shows good budgeting controls as the 2010 budget actually called for reduction in fund balances. The only deficiency Leonard identified is the lack of ability of staff to prepare the financial statements themselves, but she said that 90% of Towns have the same deficiency. The only change she recommended was the hiring of more staff, but this must be weighed against budgetary concerns.
- C. Discuss/Consider removal of no parking signs on Baxter Road, Femrite Drive, and Lud's Lane: Hampton said this agenda item is in response to discussion during the annual road inspection about removing unnecessary signs due to maintenance costs. New reflectivity standards require replacement at least every 10 years. Steve Goldsmith, 4603 Baxter Road, spoke in favor of removing the signs, at least on the east side of Baxter Road where the ditch will allow parking completely off the pavement. Mark Heine, 4573 Baxter Road, and Mike Steen, 4567 Baxter Road, spoke against removing the signs. Discussion regarding the signs on Luds Lane was that Buster's Bar and Restaurant may be changing hands, so what is to come there is unknown at this point. To replace the signs once they are removed would mean starting the whole process all over again. **MOTION** by Hampton/Kindschi to remove the signs on Femrite Drive, but leave the others up to be reconsidered at next year's road inspection. **MOTION FAILED 2-3** (Anders, DuPlayee and Fonger opposed).
- D. Discuss/Consider approval of allowing Flynn Hall to be used as a childcare location during the Cottage Grove Kid's Park Playground Build on June 1 – 5, 2011: Amy Tourtillot had prepared a release for parents to sign that includes hold harmless language for the Town in regards to both Flynn Hall and the Town Hall. The Lions's club is unwilling to change their meeting plans for June 1st, so Tourtillot asked if she could use the Town Hall on June 1st. **MOTION** by DuPlayee/Anders to allow use of the Town Hall and Flynn Hall for childcare during the Cottage Grove Kid's Park Playground Build from June 1 – 5, 2011. **MOTION CARRIED 5-0**.
- E. Discuss/Consider approval of sending Police Commission member(s) to the Town Lawyers Conference scheduled for April 29, 2011: Sheryl Albers-Anders said that she would pay the difference between the \$159 attorney fee and the \$50 non-attorney fee, stating that the session on Parliamentary Procedure would be of benefit to the Police Commission. The Clerk stated that other Police commission members are not interested in attending. **MOTION** by Kindschi/Hampton to spend \$50.00 to send Sheryl Albers-Anders to the conference. **MOTION CARRIED 4-0-1** (Anders abstained).

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 18, 2011

- F. Set date for 2011 road bid opening: The bids will be opened at 6:45 P.M. on Monday, May 2, 2011. The only bids being sought are for seal coating.
- G. Update on FEMA February blizzard disaster declaration and cost recovery: Smith reported that he attended a meeting last Thursday about the initial application, which he has already submitted. He is hoping to get \$7,000 - \$9,000 in relief. He expects to be called in to a meeting with FEMA soon. Anders brought up the storm damage to the generator at the ESOB, and also asked about possibly getting a mitigation grant to build a fence around it to prevent future damage. Smith will take the repair bill to his meeting and check into the mitigation grant application process.

III. CLERKS REPORT

- A. Dane County Ordinances: Ord. Amdt. 37, 10-11 – Defining small scale electric generating stations and requiring a conditional use permit for such uses in the A-1 Exclusive Agriculture District: An opinion from DCTA looked for further revisions to this ordinance. **MOTION** by Hampton/DuPlayee to reject OA 37 as it now stands. **MOTION CARRIED 5-0.**
- B. The Clerk received notice that the recycling grant amount for 2011 is \$7,444.71, which is ~\$4,000 less than what was budgeted.
- C. The Clerk received login credentials for the Wisconsin Towns Association's new online training videos.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton received a brochure from UW Extension regarding 2011 Town Officials Workshops.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Emergency Government Committee: No report.
- B. Deer-Grove EMS Commission: Resumes were taken through April 16th for the Account's Manager position. The Spring election results mean new commission appointments for May. A meeting with all four boards will be coming up to review the audit results and approve the contract for the Medical Director.

VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:24 P.M.

Kim Banigan, Clerk
Approved 5-2-2011

TOWN OF COTTAGE GROVE
PUBLIC HEARING FOR 2011 COMPREHENSIVE PLAN AMENDMENT
MAY 2, 2011

- I. Notice of the public hearing was published in the Wisconsin State Journal on March 30, 2011, and was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Notice of the public hearing, along with a copy of the proposed amendment, was mailed to adjoining municipalities and other parties as per Plan Commission Resolution 2011-01, as well as to those who had requested such notice as authorized by 2005 Wisconsin Act 208.

Town Board members present were Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, and Mike DuPlayee. Clerk Kim Banigan, Treasurer Debbie Simonson, Planning Consultant Rebecca Houghtaling from Crispell-Snyder, Inc., and Dane County Senior Planner Pam Andros were also present. All others in attendance were asked to sign in and the attendance sheet is available in the Clerk's office.

- II. Hampton called the public hearing to order at 7:00 P.M., and Houghtaling made a brief presentation summarizing the contents of the proposed amendment, including:
- Removal of language in Element J – Land Use relating to the non-transferable RDU's that expired at the end of 2010.
 - Addition of language to allow for zoned residential parcels created prior to 1981 to be subdivided consistent with surrounding residential parcels without the need for a RDU.
 - Map J-2 Existing Land Use shows scattered commercial properties throughout the Town, and Element J-Land Use includes language to allow for expansion of existing commercial uses that are suitable for the surrounding area, regardless of what land use district they fall in.
 - Map J-3 Future Land Use shows a new Limited Commercial area in section 4 and a new Medium Density Residential area in section 26.
 - Addition of language to Element J – Land Use to lay a foundation for a character and design ordinance, especially in commercial areas.
 - Update of the Table of Contents, minor formatting and grammatical corrections.

A list of Changes is attached as Appendix A.

III. Public Comment:

- Jim Franke, 1677 Nora Road, read a statement (Appendix B) encouraging the Town Board to carefully consider the proposed amendment, and background information to support his opposition to the proposed medium density residential (TDR receiving) area in section 26. He also introduced a petition of landowners from the area who are opposed to the creation of the TDR receiving area (Appendix C). Franke did indicate that the petition only asks that no receiving area be created, it does not argue against using splits on a 1:35 acre basis.
- Steve Fehringer, 1703 Nora Road, said that Town residents are once again speaking up against this same request that was denied last year, and asked why not just allow development at a 1:35 acre ratio rather than the bonus 1:8 ratio that a receiving area provides? He indicated that an additional 4-8 homes on Skarstinden Road are acceptable to him, but he believes in slow and smart planning, and does not feel that the market will support anything more at this time. Hampton responded to this by saying that development in the medium density residential district would lead to smaller lots compared to up to two acre lots that are allowed in the Agricultural district. Karen Kessenich, 4075 Vilas Road, said that a receiving area would only

TOWN OF COTTAGE GROVE
PUBLIC HEARING FOR 2011 COMPREHENSIVE PLAN AMENDMENT
MAY 2, 2011

preserve 35 acres of farm land for each 8 lots, while development in the ag district would preserve 35 acres for each lot.

- Woody Knox, 1737 S. Jargo Road, spoke in favor of the medium density residential area, stating that it makes sense to concentrate development in a small area as opposed to allowing a house to be built on each 35 acres. He said that the Skaars have fulfilled all obligations in building the road retention area, and should be allowed to complete the development. He said it is important to hear both sides, and warned of the danger of rumors vs. fact when being urged to sign a petition.
- Troy Eickhoff, 3632 Earlwyn Road, asked how the Town would be able to deny similar requests once the first one is granted, and said these receiving areas could change the way the Town works.
- Kevin Shelley, 1764 US Hwy 12 & 18, asked how making this a receiving area takes pressure off of other farm land? If the rights from one 35 acre parcel are used to create these 8 lots, Skaar's could sell their remaining development rights to developers of other receiving areas. If one landowner is not held to the 1/35 acre rule, how about the rest who want to do the same thing? Hampton said that the proposed receiving area is only large enough to accommodate 8 additional homes, and expressed hopes that this would kick start the Town's TDR program by showing how it can work to benefit everyone.
- Fonger said he interprets the Town's plan as allowing developers to purchase development rights from a farmer for infill development around the Village, and asked why not not develop at a 1:35 acre ratio in other areas rather than setting a precedent by creating receiving areas.
- Anders said that the ETJ authority of the Village and City prevents development around the Village and Town subdivisions. He said there is nothing wrong with clustered development that does not take up 100's of acres, and the Town needs the extra tax base. This is the only area where landowners have expressed interest in developing that is not covered by ETJ.
- Kessenich asked to hear from Dane County Senior Planner Pam Andros regarding changes needed to Dane County Farmland Preservation Plan (FPP) that might be needed if this area is taken out of the ag preservation area. Andros stated that amendments to the FPP now require an ordinance, an additional step in the comprehensive plan amendment process. Otto K. Otteson, 2173 Nora Road, asked if TDR's from other towns could be used in this receiving area, and Andros said no because there are not any other towns with TDR programs at the present time. Kessenich asked what the County's position is regarding this proposed receiving area. Andros said that it is not a unique proposal, but that the County may view this as "double-dipping", allowing a landowner to benefit from the density bonus by simply transferring one of their own RDUs to another property. She acknowledged that the Town faces challenges in ETJ areas.

IV. Adjournment: **MOTION** by Anders/DuPlayee to adjourn the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 8:08 P.M.

Kim Banigan, Clerk
Approved 5-16-2011

TOWN OF COTTAGE GROVE
ROAD BID OPENING
MAY 2, 2011

- I. Official Notice of Advertisement for Bids was published in the Wisconsin State Journal on April 22, 2011, as well as posted at the 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 Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders and Mike DuPlayee. Clerk Kim Banigan and Highway Superintendent Jeff Smith were also present.
- II. Chairman Hampton called the meeting to order at 6:45 P.M.
- III. Only one sealcoating bid was received, and no paving bids were solicited.

Scott Construction, Inc.

| | |
|--|-------------------------|
| Oil Type: | HFRS2 Emulsion |
| Total Estimated Gallons: | 38,700 |
| Est. Gal./Sq. Yd. | .35 |
| Stone Type | Portage Bottom Ash Slag |
| Total Estimated Tons: | 1,190 |
| Est. Lbs./Sq. Yd.: | 20 |
| Oil/20' Mile: | 4,200 gallons |
| Stone/20' mile: | 120 Ton |
| Cost/20 ft. mile: | \$14,662.00 |
| Pickup Broom Cost: | \$95.00/hour |
| Total cost of all sealcoating projects | \$137,157.00 |

A breakdown per road was also provided and attached.

- IV. **MOTION** by Anders/DuPlayee to close the bid opening. **MOTION CARRIED 4-0.** The bid opening ended at 6:47 P.M.

Kim Banigan
Clerk
Approved 5-16-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 2, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, and Mike DuPlayee were in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. Rebecca Houghtaling of Crispell-Snyder, Inc., and Pamela Andros of Dane County Planning and Development were also present. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 8:09 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Fonger to approve the minutes of the April 18, 2011 Town Board Meeting, striking the reference to public hearing in the header. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #18769-18808 as presented, holding check, and voiding check #18747. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by Anders/Fonger to approve payment of April per diems as presented, and payment of \$2,621.72 to Tom Viken for April building permits. **MOTION CARRIED 4-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider awarding of contract for 2011 seal coating projects: **MOTION** by DuPlayee/Anders to award the 2011 seal coating projects to Scott Construction, Inc., with cost not to exceed the budgeted amount. **MOTION CARRIED 4-0.**
- B. Discuss/Consider adoption of an Ordinance of the Town of Cottage Grove Adopting the Comprehensive Plan – 2011 Amendment as recommended by the Plan Commission, incorporating the same into the current comprehensive plan, and adopting the amended comprehensive plan as “Town of Cottage Grove Smart Growth Comprehensive Plan – 2030”: Rebecca Houghtaling, Planning Consultant from Crispell-Snyder, Inc., presented her memo to the Town Board (appendix A), and recommended changes to the amendment in response to a memo from Pamela Andros, Senior Planner with Dane County (appendix B). These included the addition of text in Element J – Land Use to describe the Existing Residential District, and adding a column for this land use district to Exhibit J2 – Allowable uses in the Land Use Districts. There was a brief discussion about how the inventory of RDUs is calculated, by GIS or tax parcel. Andros stated that density studies performed by the County use GIS data, but Hampton indicated that the Town includes tax parcels in the event that the acreage is close, when sometimes road right-of-way can be the difference between having a RDU and not. Houghtaling also recommended that if the proposed medium density residential area in section 26 is approved, item 6. be added to Element J – Land Use, page J-19 under 3. to describe this area.
MOTION by Fonger/DuPlayee to adopt Ordinance 2011-01 - An Ordinance of the Town of Cottage Grove Adopting the Comprehensive Plan – 2011 Amendment as recommended by

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 2, 2011

the Plan Commission, incorporating the same into the current comprehensive plan, and adopting the amended comprehensive plan as “Town of Cottage Grove Smart Growth Comprehensive Plan – 2030”, excluding the medium density residential area in section 26 of the Town of Cottage Grove, with the addition of a description of the Existing Residential District to page J-20, and a column to Exhibit J-2 to show allowable uses in the Existing Residential District. **MOTION CARRIED 3-1** (Hampton opposed).

C. Plan Commission Recommendations:

1. Dave Hanson, applicant, Marc Lea Farms, LLC, Landowner, parcels 0711-2728-000-9 and 0711-2718-500-5 at 2257 Nora Road: Requesting rezone of 2 acres from A1-EX to RH-1 for new single family residence: Hampton stated that the Plan Commission had failed to move the matter forward, but had agreed to allow the Town Board to vote on it. **MOTION** by Hampton/Anders to approve the rezone of 2 acres from A1-EX to RH-1, noting that it does meet the density standards for the Agricultural land use district. The road right-of-way all along Hanson's property is to be dedicated to the town. Discussion followed about the length and slope of the driveway. Anders said that the Town's driveway ordinance is obsolete, does not adequately address concerns over the ability of emergency vehicles to reach structures. Hanson said he would have no problem with a driveway maintenance agreement, but does have a problem with being required to blacktop the driveway. **MOTION CARRIED 3-1 (Anders opposed).**
2. Dennis Viney, applicant, Victor & Janice Horstmeyer, landowners: parcel 0711-044-8590-2 at 4618 County Road N – Requesting rezone of 1.347 acres from R-1 to C-2 for ag, auto and truck parts and service business: **MOTION** by Hampton/Anders to accept the Plan Commission's recommendation to rezone the parcel to C-2, allowing only the following uses:
 - a) Under DCCO 10.13(1)(a) Retail and service uses including, but not limited to, grocery stores, drugstores, hardware stores, appliance and furniture stores, barbershops, and beauty shops without limitation to size
 - b) Under DCCO 10.14(1)(b) Major repairs to motor vehicles
 - c) Under DCCO 10.14(1)(c) Sales of new and used motor vehicles.

Under the newest revisions to the Town's comprehensive plan, this parcel is in the limited commercial land use district, which allows for these uses. **MOTION CARRIED 4-0.**

3. Larry & Linda Notstad – parcel 0711-234-8061-0 at 1882 Hubred Lane – requesting rezone of 23.9 acres from A1-EX to R-1 (.58 acres) and A-4 (remainder) to separate house and outbuildings from total acres: There was a question as to whether the Notstads had a RDU to create the R-1 parcel, with the thought being that maybe they could rezone the entire 23.9 acres to A-4. **MOTION** by Hampton/Anders to hold in abeyance until May 16th to allow the Notstads to consult with the County. **MOTION CARRIED 4-0.**
4. Kurt Dairy – parcel 0711-013-8000-2 at 4544 Ridge Road – requesting Conditional Use Permit under Dane County Code of Ordinances 10.123 (3)(bm), for a secondary farm residence to be occupied by farm workers: It was noted that the trailer residence will utilize the same well and septic system as a previous trailer, and all workers will have income from the farm. **MOTION** by Anders/DuPlayee to accept the Plan Commission recommendation to approve the conditional use permit for a secondary farm residence to be occupied by farm

TOWN OF COTTAGE GROVE
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MAY 2, 2011

workers. All six standards under DCCO 10.255(2)(b) have been determined to be satisfied, all factors under DCCO 10.123(3)(a) have been considered, and it has been determined to be necessary in light of the alternative locations. **MOTION CARRIED 4-0.**

- D. Discuss/Consider approval of Certified Survey Map for 2040 Schadel Road, Donald Viney, Landowner (rezone previously approved): **MOTION** by Anders/DuPlayee to approve the CSM as presented, identified as office map no. 100566, dated 4-18-2011. **MOTION CARRIED 4-0.**
- E. Discuss/Consider Budget Amendment to allocate funds for community welcome signs: **MOTION** by DuPlayee/Anders to approve Budget Amendment 2011-02, allocating \$2,500.00 previously meant for roofing Flynn Hall to pay for community welcome signs. **MOTION CARRIED 4-0.**
- F. Update on cleanup of property at 4540 American Way: Hampton reported that at about 1:00 P.M. last Friday there was no dumpster there, today there was a dumpster with material in it. The outside of the property had not been cleaned up however. Nancy Kobus reported that there is a large pile covered with tarps. **MOTION** by Anders/DuPlayee directing the Clerk or Chair to contact the son of the property owner, giving them until May 8th to have the outside of the property cleaned up. Otherwise, on May 9th, the Building Inspector is directed to issue a Notice of Violation under TCG Ord. Section 11.01 Regulation of Junk Accumulation. **MOTION CARRIED 4-0.**
- G. Discuss/Consider approval of purchase of snow plow for 2011 one-ton pickup truck: Smith stated that he had gotten three prices for the plow, with the lowest coming from Madison Truck Equipment. He requested permission to purchase a new v-box salt spreader and yellow light/rack in addition to the plow, stating that all of this would still come in well below what was budgeted for the truck. The breakdown was:
- | | |
|-------|---------|
| Plow | \$5,180 |
| v-box | \$4,174 |
| light | \$ 686 |
| rack | \$ 455 |
- MOTION** by DuPlayee/Fonger to approve the purchase of the snow plow, v-box, light and rack from Madison Truck Equipment at the quoted prices. **MOTION CARRIED 4-0.**
- H. Discuss/Consider Resolution Appointing the Clerk to a three year term: **MOTION** by Anders/DuPlayee to approve Resolution 2011-03 appointing Kim Banigan to a three year term as Town Clerk. **MOTION CARRIED 4-0.**
- I. Discuss/Consider approval of Committee Appointments for 2011-12: **MOTION** by Anders/Fonger to approve committee appointments for 2011-12 as recommended by the Chair, allowing Linda Fonger to be the acting member for the Emergency Government for the May meeting. **MOTION CARRIED 4-0.**
- J. Discuss/Consider approval of attendees for DCTA meeting on May 11, 2011: **MOTION** by Hampton/DuPlayee to approve up to 3 board members to attend the May 11, 2011 DCTA meeting. **MOTION CARRIED 4-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS: No reports

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 2, 2011

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Village Park, Recreation and Forestry Committee: The CG Elementary 4th graders will plant trees at the Phoebe Bakken park for Arbor Day. The DGEMS association made a donation for a park bench. Volunteers are still needed for the June 1-5 Kid's park build.
- B. Joint Town/Village Fire Department Committee: Two panels of one of the overhead doors need replacing after being struck by the stack of a fire truck. There is no cost estimate yet.
- C. Law Enforcement Committee: The hiring process is moving forward, with a candidate selected for the officer position pending physical and physiological evaluation. The sergeant position is awaiting scheduling of physiological evaluation.

VI. Adjournment: **MOTION** by Fonger/DuPlayee to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 9:55 P.M.

Kim Banigan, Clerk
Approved 5-16-2011

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MAY 16, 2011

**PUBLIC HEARING – BLASTING PERMIT APPLICATION BY R.G. HUSTON COMPANY INC.
FOR THE SKAAR PIT AT 3355 COUNTY ROAD N.**

- I. Notice of the public hearing was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith, and others as shown on the attendance sheet available in the Clerk's office.
- II. Hampton called the public hearing to order at 7:04 P.M., and asked Dennis Richardson and Dale Huston to explain the proposed blasting operations. Richardson provided an aerial map of the quarry and said that blasting would take place in the south east corner where sandstone is located. Northland Explosives Company, LLC will be in charge of the blasting. There were no questions or comments from the public.
- III. **MOTION** by Fonger/Kindschi to close the public hearing. **MOTION CARRIED 5-0.**

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting was posted along with notice of the public hearing as described above. Attendance was the same as for the public hearing.
 - B. Hampton called the meeting to order at 7:12 P.M.
 - C. Minutes of previous meeting(s):
 1. **MOTION** by Hampton/Anders to approve the minutes of the May 2, 2011 Road Bid Opening as presented. **MOTION CARRIED 4-0-1** (Kindschi abstained).
 2. **MOTION** by Anders/DuPlayee to approve the minutes of the May 2, 2011 Town Board meeting as presented. **MOTION CARRIED 4-0-1** (Kindschi abstained). Smith commented that he had decided not to purchase the V-box that was approved on May 2nd after all.
 3. **MOTION** by Fonger/DuPlayee to approve the minutes of the May 2, 2011 public hearing as presented. **MOTION CARRIED 4-0-1** (Kindschi abstained).
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #18810-18859 as presented. **MOTION CARRIED 5-0.**
 2. The Treasurer stated that from now on she will be processing the check to Professional Services Employers Trust with the first board meeting of each month in order to pay it on time. The amount is the same every month, and the bill often comes too late for the first board meeting with payment due before the second board meeting.
 3. The Treasurer asked that May per diem reports be submitted by May 31st.
 4. The Treasurer reported that the Village is two months behind on Police Department invoices.
 - E. Public Concerns: None.
 - F. Road Right of Way Permits:
 1. Landmark Services Co-op, Alliant Energy, agent, trench, jack & bore to cross right-of-way of Coffeytown Road for installation of gas service for new scale house.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MAY 16, 2011

2. Alliant Energy – rebuild single phase overhead power line - suspend on poles overhead to cross right-of-way, and parallel to right-of-way on Vilas Road.
3. Hydrite Chemical, Tetra Tech Geo, agent – install stream gauges at 1) bridge across Koshkonong Creek on Baxter Road, 2) bridge across Koshkonong Creek on Uphoff Road, and 3) culvert over Door Creek on Hope Road.

MOTION by Hampton/DuPlayee to approve applications 1. and 2. above.

MOTION by Kindschi/Anders to require Hydrite and Tetra Tech Geo to 1) provide proof of \$500,000 in liability insurance, with the Town listed as an additional insured, 2) sign a hold harmless agreement and 3) repair the bridges to their current state after the study is complete.

MOTION CARRIED 5-0.

II. BUSINESS:

- A. Discuss/Consider approval of a blasting permit for R.G. Huston Company, LLC at the Skaar Pit, 3355 County Road N: **MOTION** by DuPlayee/Fonger to approve the blasting permit as requested. **MOTION CARRIED 5-0.**
- B. Plan Commission Recommendations: Larry & Linda Notstad – parcel 0711-234-8061-0 at 1882 Hubred Lane – requesting rezone of 23.9 acres from A1-EX to R-1 (.58 acres) and A-4 (remainder) to separate house and outbuildings from total acres (tabled from previous meeting): Mr. Notstad stated that a density study by Dane County showed they have one RDU available. **MOTION** by Hampton/Anders to approve the rezone of .58m acres from A1-EX to R-1 and 23.9 acres from A1-EX to A-4. **MOTION CARRIED 5-0.**
- C. Discuss/Consider Drainage on Simpson Drive: Mike and Judy Imhoff, 2564 Simpson Drive, had obtained a quote from Gausmann Trenching in the amount of \$1,640 to change a culvert and cut a swail to direct stormwater away from their septic field. Smith stated that he had visited the site and reviewed the quote. **MOTION** by DuPlayee/Kindschi to approve the correction of the drainage problems at 2564 Simpson Drive at the owner's expense, noting that the new culvert is the homeowners' responsibility. **MOTION CARRIED 5-0.**
- D. Discuss/Consider replacing wheels and tires on the Town's brush truck: Fire Chief Bruce Boxrucker reported that this issue had already been handled when Smith located a used rim to replace one that had a hole in it.
- E. Discuss/Consider installing no parking signs on Vilas Road across from rugby fields, and on Sandpiper Road across from Ravenwood Park: Mike Stassi, 4610 Sandpiper, Richard McCutchin, 4618 Sandpiper, and Tom Engle of the Monona Grove Soccer Club were in attendance and agreed that no parking signs on the east side of Sandpiper were a good idea. **MOTION** by Fonger/Kindschi to install no parking signs on the east side of Sandpiper, from the corner of Nightingale to 4618 Sandpiper. **MOTION CARRIED 5-0.**

MOTION by Kindschi/DuPlayee to take no action on no parking signs on Vilas Road at this time. **MOTION CARRIED 4-1** (Anders opposed).

- F. Update on cleanup of property at 4540 American Way: Hampton reported that the outside has been cleaned up and it appears progress is being made on the inside. Rob Rose said he has removed 36,000 pounds of debris, and expects to need about three more dumpsters. The only direction from the board was for Rose to continue the cleanup as he has been doing.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MAY 16, 2011

- G. Discuss/Consider submitting a formal application for a Hazard Mitigation Grant for the construction of a dry detention basin and culvert at Lotus Lane: Wisconsin Emergency Management suggested that the Town may want to reapply for the grant that was initially denied since additional funding has been received. **MOTION** by Fonger/DuPlayee to approve having Nahn & Associates, LLC submit the application, at a cost not to exceed \$1,110.00. **MOTION CARRIED 5-0.**
- H. Discuss/Consider proclamation of June 12-18, 2011 as Race Unity Week. **MOTION** by Anders/Fonger to table until the next meeting, and ask that the initiator of the proclamation attend to explain his affiliations. **MOTION CARRIED 5-0.**
- I. Re-affirm Resolution 2011-03 Appointing the Clerk to a three year term: **MOTION** by Hampton/Fonger to reaffirm the resolution appointing the Clerk to a three year term, to expire at 12:00 midnight on April 30, 2014. **MOTION CARRIED 5-0.**
- J. Discuss/Consider referring the Driveway Ordinance to the Ordinance Committee for updating: Anders suggested that an inspection process should be included as part of a driveway permit, particularly those exceeding a certain length. He also suggested that the permit serve as an agreement that the homeowner will maintain the driveway to acceptable standards. Smith said that several municipalities have gone to allowing a 12' wide driveway with a turn around at the end as an option to a 18' wide driveway. **MOTION** by Fonger/Hampton to not refer the ordinance to the ordinance committee. **MOTION CARRIED 3-2.** (Anders and DuPlayee opposed).

III. CLERKS REPORT

- A. Dane County Ordinances: 1. Sub. 1 to Ord. Amdt. 37, 2010-2011, Amending Chapter 10 of the DCCO, Defining Small Scale Electric Generating Stations and Requiring a Conditional Use Permit for Such Uses in the A-1EX District, as adopted by the Dane County Board of Supervisors on May 5, 2011 and approved by the County Executive on May 6, 2011: **MOTION** by Fonger/DuPlayee to table until June 6th. **MOTION CARRIED 5-0.**
- B. Updates to Town's web site: The clerk provided print-outs of the page she has been working on for the CGAHS, and a redesign of the Town's home page. Board consensus was for her to go ahead with the changes.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that:
 - 1. Hydrite had applied for re-licensure of their Hazardous Waste Facility.
 - 2. A new Building Code Effectiveness Grade has been received from the Insurance Rating Organization. On a 1-10 scale, the Town is rated 5 for 1-2 family residences, and a 4 for commercial and industrial.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Emergency Government Committee: They are finalizing their plan for presentation to the Joint Boards. Paula Severson is the new chair.
- B. Joint Town/Village Merger Study Committee: A work session is scheduled for May 23rd, when the committee will begin looking at items to be considered in the study.

- VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:46 P.M.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MAY 16, 2011

Kim Banigan, Clerk Approved 6-6-2011

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
JUNE 6, 2011

PUBLIC HEARING - 2010-2011 Alcohol Beverage License Applications

- I. Notice of 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, and published in the legal section of the Wisconsin State Journal on June 1, 2 and 3, 2011. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Attorney Connie Anderson and others listed on the attached sign-in sheet (available in the Clerk's office). Several attendees did not sign in.
- II. Hampton called the public hearing to order at 7:00 P.M.
- III. Public Comments/Questions: Debra Stueber asked why Badger Farms, LLC is allowed to serve alcohol at their banquet hall without a liquor license. The Clerk and Attorney Anderson said that a written statement had been obtained from David Muehl of Badger Farms, LLC, stating that his location does not fall under the definition of a public place under sec 125.09 (1), and that no sales or transfer of alcohol is permitted (sec. 125.02(20)). Alcohol must be provided free of charge. This written statement was forwarded to Roger Johnson of Wisconsin Alcohol and Tobacco Enforcement. Mr. Johnson said he generally agreed with Mr. Muehl's statement as long as the renter of the facility supplies the alcohol, not Badger Farms, LLC. There were no further public comments.
- IV. Adjournment: **MOTION** by Kindschi/Anders to close the public hearing. **MOTION CARRIED 5-0.**

PUBLIC HEARING - 2010-2011 Non-metallic Mining Permit Applications

- I. Notice of the public hearing was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and mailed to owners of property adjoining the non-metallic mining sites. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Attorney Connie Anderson and others listed on the attached sign-in sheet (available in the Clerk's office). Several attendees did not sign in.
- II. Hampton read the list of permit applicants and called the public hearing to order.
- III. Public Comments/Questions:
 - Ø Andrew Johnson, 2272 US Highway 12 & 18, asked that the address used by the quarry be changed since it is also his address. He also stated that Sun Prairie Sand and Gravel has not honored obligations regarding maintenance of the berm, signage, reclamation and water management, making for a very unsightly quarry.
 - Ø Don Viney, owner of property to the East of the quarry, said water running off of the site causes erosion to his field. He also said that a dirt pile that has been there since Yahara Materials ran the site years ago is over his property line by a few feet. Viney also farms the field to the West of the site, owned by Duane Swalheim, and said that since the pond has been created, this field is almost impossible to work. He also questioned whether the site should be fenced, noting that he has seen cars there after hours, and expressing concerns over the safety of area children.
 - Ø Noel and Barbara Johnson, 2272 US Highway 12 & 18, complained that the burm is not mowed regularly, and is covered in 4-5' weeds.

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
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- Ø Mr. Viney and the Johnson's all said they had been under the impression that mining on the site was to have ended in the early 2000's.
- Ø Kirk Eilenfeldt, owner of the property to the north, said that an easement to his property is obstructed by dirt piles. He has been able to access his property by another route most of the time, but occasionally that route has also had piles of material on it.
- Ø Steve Knaus of Sun Prairie Sand and Gravel stated that he inherited most of the problems when he bought the site, and has taken steps to improve the site, including paving the driveway and watering to keep dust down. He said he will address the mowing more this year. He said that the site contains millions of tons of good material yet, and a reclamation plan is in file with Dane County.
- Ø Board discussion was to have Dan Everson from Dane County Zoning check into the erosion complaints.

IV. Adjournment: **MOTION** by Kindschi/Anders to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:25 P.M.

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Attorney Connie Anderson and others listed on the attached sign-in sheet (available in the Clerk's office). Several attendees did not sign in.
- B. Hampton called the meeting to order at 7:25 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Fonger to approve the minutes of the May 16, 2011 Public Hearing and Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #18860-18925 as presented. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/DuPlayee to approve payment of May per diems as presented, and payment of \$730.00 to Tom Viken for May building permits. **MOTION CARRIED 5-0.**
- E. Discuss/Consider applying overpayment of 2006 personal property taxes by Mathews Tent Rental toward 2008 and 2010 delinquent personal property taxes: The Treasurer explained that when Mathews Tent Rental settled a lien for 2006 personal property, the County overcharged by \$87.00. Rather than refunding the overpayment, she asked the board to allow her to apply it toward delinquent 2008 and 2010 personal property taxes. This would leave an unpaid balance of \$10.54. **MOTION** by Hampton/DuPlayee to apply the \$87.00 to 2008 and 2010 delinquent personal property taxes. **MOTION CARRIED 5-0.**
- F. Public Concerns: Walter Olson brought in several optional lot configurations for a 4-lot CSM on his property on Kennedy Road. He stating that he has an opportunity to stop the appeal currently in progress for his lawsuit against the Town, but wants to be sure he can work with

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
JUNE 6, 2011

the Town Board to proceed with some development. He had been advised by Dane County Planning and Development staff that it would be possible to transfer development rights from his property in the Village of Deerfield to the Town of Cottage Grove if both governments agreed. Board consensus was that he should proceed with presenting the idea to the Deerfield Village Board.

G. Road Right of Way Permits: None.

II. BUSINESS:

A. Recognition of Cottage Grove Police Officer's CPR Save: Jack Henrich, Cottage Grove Police Commission Chair, presented a recognition plaque to Police Officer Jessica Frutiger for her role in a CPR save using a defibrillator in her squad car.

B. Consider approval of July 2011 – June 2012 Non-metallic Mining Permits: **MOTION** by DuPlayee/Anders to approve Non-metallic Mining Permits for:

1. Gaston Road Quarry – 2543 Gaston Road
Permit Holder: Brad Huston, President
R.G. Huston Company, Inc.
2561 Coffeytown Road
Cottage Grove, WI 53527
2. Skaar Pit – 3355 County Road N
Permit Holder: Brad Huston, President
R.G. Huston Company, Inc.
2561 Coffeytown Road
Cottage Grove, WI 53527

MOTION CARRIED 5-0.

MOTION by Hampton/DuPlayee to table the application for the Sun Prairie Sand and Gravel site pending a response from Dane County regarding erosion, maintenance of the berm, fire number for the scale house, and fencing. **MOTION CARRIED 5-0.**

C. Consider approval of July 2011 – June 2012 Alcohol Beverage Licenses:

1. Combination Class B Beer and Class B Liquor Licenses:

MOTION by Fonger/DuPlayee to approve a Combination Class B Beer and Class B Liquor License for July 1, 2011 thru June 30, 2012 for Ball of Fun, LLC ,d.b.a. Doubledays at 4586 Baxter Road: Debra Stueber, Agent. **MOTION CARRIED 5-0.**

MOTION by Fonger/DuPlayee to approve a Combination Class B Beer and Class B Liquor License for July 1, 2011 thru June 30, 2012 for Door Creek Golf Course, Inc., 4321 Vilas Road, Phillip Frederickson, Agent. **MOTION CARRIED 5-0.**

MOTION by Anders/Fonger to approve a Combination Class B Beer and Class B Liquor License for July 1, 2011 thru June 30, 2012 for Nora's Tavern, Inc, 1843 HWY 12 & 18, Timothy Kluever, Agent. **MOTION CARRIED 5-0.**

MOTION by Fonger/Kindschi to approve a Combination Class B Beer and Class B Liquor License for July 1, 2011 thru June 30, 2012 for Patricia J. Youngs, d.b.a. Country Corners, 3737 CTH AB. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
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MOTION by Hampton/DuPlayee to table action on the application by Peter D. Grefsheim d.b.a. Crossroads Bar & Grill, 3562 CTH AB due to unresolved issues.

MOTION CARRIED 5-0. Unresolved issues included ownership/control of the premises, sellers permit number, and proof of completing a responsible beverage server's course. Mr. Grefsheim stated that two plans are under consideration: Under plan A, a third party would purchase and manage the property, under plan B he would hold the license himself. The Clerk advised him that there is a 15 day waiting period between the date application is received and the date that the license can be effective. Publication requirements can make the wait even longer. If an alternate application is to be made, time is running out to have a new license in place by July 1st.

2. Operators and Managers Licenses:

a) **MOTION** by Anders/Hampton to approve Managers Licenses for:

Patricia A. Telvick
Justin M. Johnson
Robert A. Purvis, Jr.
David D. Ruedy
Gary F. Stueber
Sheryl L. Kluever

MOTION CARRIED 5-0.

b) **MOTION** by DuPlayee/Anders to approve Operators Licenses for:

| | | |
|----------------------|----------------------|------------------------|
| Michael A. Aders | Donald A. Huggins | Meredith K. Philipps |
| Bernadette L. Archer | Sue M. Kadrmas | Kevin L. Polesl |
| Kyle F. Banigan | Helen E. Kluever | Elaine E. Ravenscroft |
| Pamela J. Bedward | Becky J. Kratochwill | Sarah J. Schimelpfenig |
| Michael J. Courchane | Connie J. Krawczyk | Michelle L. Shapiro |
| Melissa C. Dean | Michael J. Krawczyk | Tammy J. Smith |
| Pamela J. Erickson | Staci A. Lein | Jayne T. Sproul |
| Lacy J. Griffith | James E. Mickelson | Sandi St. Dennis |
| Jeffery M. Gudel | William I. Moan | Mark A. Stueber |
| Dawn M. Heider | Nancy A Moen | Kimberly A Winburn |
| Gerald D. Heider | Anthony J. Norin | Marcia L. Wood |

MOTION CARRIED 5-0.

D. Plan Commission Recommendations:

1. Otto C. Otteson (a.k.a. J Double O LLC) – 2171 Nora Road, parcel 0711-274-800-7 – rezone 5.4 acres from A-1EX to A-2(4) to create a separate parcel for residence, using non-transferable RDU due to continuous ownership since January 1, 1981 (this is a change in lot configuration and zoning classification from a petition first considered and approved by the Town Board on February 21, 2011.): **MOTION** by Anders/DuPlayee to accept the Plan Commission recommendation to rezone 5.4 acres from A-1EX to A-2(4) to create a separate parcel for residence, using non-transferable RDU due to continuous ownership since January 1, 1981. Application was made prior to December 31, 2010. This meets the residential density for the ag district. A shared driveway

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
JUNE 6, 2011

agreement is required, along with dedication of 235 feet of road right-of-way to the Town. **MOTION CARRIED 5-0.**

2. Heath & Kim Straka, applicant, Marc Lea Farms, LLC, landowner – parcel 0711-271-9000-8 on Nora Road – rezone of 2 acres from A1-EX to RH-1 for a single family residence, and rezone of 13 acres from A-1EX to A-4 for agricultural use: Tim Olson, Realtor, explained that since the Plan Commission's action on the application, he has learned that one additional parcel owned by Lea will need to be rezoned from A-1EX to A-4 because it will less than 35 acres after Straka's parcels are divided off, and it is not contiguous to other A-1EX lands. **MOTION** by Hampton/DuPlayee to rezone 2 acres from A1-EX to RH-1 for a single family residence (Stracka), rezone of 13 acres from A-1EX to A-4 for agricultural use (Stracka), and rezone 21.5 acres from A-1EX to A-4 (Lea). Both of the A-4 parcels are to be deed restricted for no residential development. In addition, the 13 acre parcel is to be deed restricted to prohibit DCCO 10.129(2)(b) utility services. The road right-of-way of the entire 15 and 21.5 acres are to be dedicated to the Town. **MOTION CARRIED 4-1** (Kindschi opposed). Lori Otteson, 2173 Nora Road, objected to the creation of an additional residential lot on the Rustic Road.
- E. Discuss/Consider approval of Certified Survey Map for Kevin Shelley and Sandra Whitney, 1764 US Hwy 12 & 18 (rezone previously approved): The Clerk reported that joint driveway and well agreements are pending to be recorded with this CSM. **MOTION** by Hampton/DuPlayee to table until the agreements are ready for approval. **MOTION CARRIED 5-0.**
- F. Discuss/Consider proclamation of June 12-18, 2011 as Race Unity Week: Mr. Jenkyns was not in attendance. The Board discussed revisions to the proclamation. **MOTION** by Kindschi/Fonger to approve the Proclamation as revised. **MOTION CARRIED 5-0.**
- G. Discuss/Consider allowing the Buckeye School Reunion to use Flynn Hall at no charge: **MOTION** by Hampton/DuPlayee to forgo the fee but require a security deposit for the September 17, 2011 event. **MOTION CARRIED 5-0.**
- H. Discuss/Consider whether to require a Parade, Procession or Race Permit for the BikeMS: Toyota Best Dam Bike Ride on August 7, 2011: **MOTION** by DuPlayee/Kindschi to forgo the permit fee but require the organizers to provide letters to be mailed to residents along the route. The letter was approved as submitted. **MOTION CARRIED 5-0.**
- I. Discuss/Consider parking on Vilas Road across from rugby fields: Discussion was to ask the Village Parks, Recreation, and Forestry Committee if they have any money to pay for the signs since the parking problems are a result of park development by the Village. **MOTION** by Fonger/DuPlayee to table until June 20th. **MOTION CARRIED 4-1** (Anders opposed).
- J. Discuss/Consider purchasing a new police squad car in 2011: The Police Chief has asked the board to consider this since the 2012 models will not be compatible with the equipment currently used. **MOTION** by Fonger/DuPlayee to not purchase a squad car using 2011 funds at this time. **MOTIN CARRIED 5-0.**
- K. Set date for first Town Board Meeting in July: The first meeting in July will be on Tuesday, July 5th.
- L. 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

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
JUNE 6, 2011

oral or written advice concerning strategy to be adopted with respect to the Olson Case:
MOTION by Hampton/DuPlayee to move into closed session for the reason stated above.
ROLL CALL VOTE – all ayes.

- M. MOVE INTO CLOSED SESSION: Everyone but the Town Board, Clerk and Attorney Connie Anderson were asked to leave and the Board moved into closed session at 9:11 P.M.
- N. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Hampton/Kindschi to reconvene to open session. **ROLL CALL VOTE – all ayes.** The closed session ended at 9:37 P.M. and Anderson left the meeting.
- O. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: None.

III. CLERKS REPORT

A. Dane County Ordinances:

- 1. Sub. 1 to Ord. Amdt. 37, 2010-2011, Amending Chapter 10 of the DCCO, Defining Small Scale Electric Generating Stations and Requiring a Conditional Use Permit for Such Uses in the A-1EX District, as adopted by the Dane County Board of Supervisors on May 5, 2011 and approved by the County Executive on May 6, 2011. **MOTION** by Hampton/Fonger to oppose the amendment. **MOTION CARRIED 5-0.**
- 2. Ord. Amdt. 4, 2011-2012, Amending Chapter 10 of the DCCO, Regarding Accessory Structures. **MOTION** by Kindschi/Anders to oppose the amendment. **MOTION CARRIED 5-0.**

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton reported receipt of Hydrite Chemical's Four Year Progress Report on their study in conjunction with the University Consortium.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Deer-Grove EMS Commission: A meeting of all four municipalities will be scheduled soon to review the 2010 audit and other things. A RFP has been sent to local private ambulance services.
- B. Village Parks, Recreation and Forestry Committee: The new Cottage Grove Kids' Park build is complete and the park was dedicated last night.
- C. Joint Town/Village Landfill Monitoring Committee: Nothing new to report.
- D. Joint Town/Village Merger Study Committee: The next meeting is at the Town Hall on June 13th, and will feature a presentation about merger efforts by the Town and Village of Verona.
- E. Law Enforcement Committee: A new officer and sergeant have been hired.

VI. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:48 P.M.

Kim Banigan, Clerk
Approved 6-20-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 20, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others listed on the attached sign-in sheet (available in the Clerk's office).
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Kindschi/DuPlayee to approve the minutes of the June 6, 2011 Public Hearings and Town Board Meeting with one spelling correction. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/Fonger to approve the minutes of the June 6, 2011 closed session, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #18926-18970 as presented. **MOTION CARRIED 5-0.**
 - 2. The Treasurer asked that June per diem reports be submitted by July 1st. She informed the Board that the Village is now two months behind in billing the Town for shared police department expenses. It was suggested that this be a topic on the Joint Town/Village Boards agenda in July.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Consider approval of July 2011 – June 2012 Non-metallic Mining Permit for 2294 US Highway 12 & 18, parcel 0711-341-8600-0: Steve Knaus, Operator, Sun Prairie Sand & Gravel Co., landowner (tabled from June 6, 2011): The clerk provided an explanation from Dane County Zoning as to why this is a non-conforming site and does not require a CUP. An email response to questions from the last meeting from Dane County Assistant Zoning Administrator Dan Everson was reviewed. Everson had made a visit to the site and stated he had no concerns over erosion. He also recommended not mowing the berm. Mike Dunn of Sun Prairie Sand & Gravel brought several photos of the property line between the mining site and Don Viney's field to the east, which Dunn said demonstrated that there is no erosion occurring. Viney disagreed, saying that the waterway has gotten deeper over the years due to the water flow. Viney also said that a 30 – 40' gap between the berms to the south and east allows water to escape the site any time there is a heavy rain. There were questions about whether the pond on the site would be able to handle all of the stormwater if it was directed that way. **MOTION** by Fonger/Kindschi to table until July 5, 2011, and directing the Clerk to ask Dan Everson to meet with board members and neighbors in the meantime to look at erosion concerns, stormwater running off the site, and the status of the pond. **MOTION CARRIED 5-0.**
- B. Consider approval of July 2011 – June 2012 Alcohol Beverage Licenses:

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 20, 2011

1. Combination Class B Beer and Class B Liquor License for Peter D. Grefsheim, d.b.a. Crossroads Bar & Restaurant, 3562 County Road AB (tabled from June 6, 2011): The clerk confirmed that Grefsheim has provided a sellers permit ID and proof of completion of the beverage server's course. Grefsheim said his foreclosure action has been approved through Dane County Courts, and he has an accepted offer. There are still liens to be released, however. He has asked the title company to expedite the process, and expects to close in the next week. Fonger stated that he has a problem with Grefsheim holding the license, especially since he has only one manager (Patty Telvick) licensed to tend bar. Telvick was present and indicated that a deal to manage the establishment has not yet been struck between her and Grefsheim due to the still pending ownership issues. **MOTION** by Anders/Kindschi to table until 1:00 P.M. on June 28th, 2011. Grefshiem will need to pay \$250.00 for this special meeting. **MOTION CARRIED 5-0.**
2. Operators Licenses for Door Creek Golf Course: **MOTION** by DuPlayee/Anders to approve July 2011 – July 2012 operator's license for the following applicants:

| | |
|--------------------|--------------------|
| Emily H. Barden | Breanna M. Paynter |
| Ashlee M. Coorough | Douglas D. Showers |
| Marie J. Greuel | Katie M. Swanson |
| Brandon W. Larson | |

MOTION CARRIED 5-0.

MOTION by Anders/Kindschi to deny the operator's license for Mandi Hutson based on underage drinking ticket in March of 2011. **MOTION CARRIED 5-0.**

MOTION by Fonger/Anders to deny the operator's license for Emily Kreger based on underage drinking ticket in January of 2010. **MOTION CARRIED 4-0-1** (DuPlayee abstained).

- C. Discuss/Consider installing no parking signs on Vilas Road across from rugby fields (tabled from June 6, 2011): The July Parks, Recreation and Forestry Committee meeting was cancelled, so there has been no opportunity to discuss this with the committee. Anders said that Village Recreation Director Jacob Tissue indicated that the Village potentially has money for the signs if the Town would help with installation. Smith said that Village Public Works Director Jim Hessling told him that the signs on the east side of the road are coming down once seed is established, and they are also opening up the festival parking area for events at the park. **MOTION** by Anders/DuPlayee to table. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of a Resolution Establishing Fund Balance Polices as required by GASB 54: Hampton read the resolution. **MOTION** by Kindschi/DuPlayee to adopt the resolution, committing \$25,847.00 (the carryover from the 2010 budget) for Sick Leave Liability. **MOTION CARRIED 5-0.**
- E. Discuss/Consider options for use of One-Time Environmental Impact Fee funds received for the Rockdale – W. Middleton Transmission Line Project: The Town received \$2,661.00 as a one-time environmental impact fee, along with annual fees of \$80.00 (prorated for 2010) and \$319.00 (for 2011). **MOTION** by Fonger/DuPlayee to use the funds received to pay Nahn and Associates for Hazard Mitigation Grant for the construction of a dry detention basin and culvert at Lotus Lane (which was not to exceed \$1,110.00), and retain the rest to fund remediation of environmental impacts. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 20, 2011

F. Discuss/Consider beginning the process to vacate the following dead-end Town Roads:

- Brandt Rd.
- Keena Dr.
- Kennedy Rd. (end of)
- Phillips Rd.
- Rurrup Rd
- Spencer Rd.

MOTION by Fonger/Kindschi to begin the process of vacating the roads listed above, starting with a site visit by Attorney Connie Anderson, followed by a consideration of a resolution at the July 18th Town Board meeting to file notice of pendency and schedule a public hearing for vacation of the roads as recommended by Anderson and Smith. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

A. Dane County Ordinances:

1. Consider approval of zoning Petition 10307 for Victor Horstmeyer as amended and approved by the Dane County Board of Supervisors: **MOTION** by Kindschi/Anders to approve as amended. **MOTION CARRIED 5-0.**
2. Discussion on info received from Wisconsin Department of Revenue regarding Sales Tax: The Clerk said that her interpretation of the information provided is that the Town would need to collect sales tax for certain uses of Town and Flynn Hall if they exceeded 20 days each year. Currently the use is below that level, but it has been increasing. Consensus was to put this on the next agenda for further discussion and possible action.

IV. BOARD REPORTS AND COMMUNICATIONS

A. Hampton reported that the Dane County ZLR committee denied the Hanson/Lea rezone petition on Nora Road by a vote of 3-1 because of the negative impact on the rustic road.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Merger Study Committee: The committee will be reviewing Verona's consolidation ordinance and looking at ways to address concerns over tax implications at their June 27th meeting.
- B. Deer-Grove EMS Commission: Four responses were received to the commission's request for proposal for emergency medical services. The responses will be analyzed at a special work session on June 29th.

VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:55 P.M.

Kim Banigan, Clerk
Approved 07-05-2011

TOWN OF COTTAGE GROVE
SPECIAL TOWN BOARD MEETING
JUNE 28, 2011

- I. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Peter Grefsheim, Gina Heiman, and Patricia and David Telvick.
- II. Hampton called the meeting to order at 5:04 P.M.
- III. Consider Approval of July 2011 – June 2012 Alcohol Beverage Licenses: (note that A. and B. below were taken up in reverse order at the meeting).
 - A. Combination Class B Beer and Class B Liquor License for Peter D. Grefsheim, D.b.a. Crossroads Bar & Restaurant, 3562 County Road AB (tabled from June 20, 2011): Grefshiem provided an accepted offer and un-signed closing papers for review. (Kindschi was asked to do the reviewing since as a realtor he is accustomed to these types of documents). Grefsheim explained that there is still a Federal tax lien on the property that he has been advised will take 30-45 days to clear. In the meantime, he provided a lease giving him control of the property. The Clerk confirmed that property taxes are paid up to date on the property. **MOTION** by DuPlayee/Hampton to approve a Combination Class B Beer and Class B Liquor License for Peter D. Grefsheim, D.b.a. Crossroads Bar & Restaurant, 3562 County Road AB. **MOTION CARRIED 5-0.**
 - B. Operator's Licenses for Crossroads Bar & Restaurant:
MOTION by Kindschi to deny operator's licenses for Dawn Guimond and Ronald Blum. There was no second and Kindschi withdrew the motion. **MOTION** by Hampton/DuPlayee to approve July 1, 2011 thru June 30, 2012 Operator's licenses for Dawn Guimond and Ronald Blum. **MOTION CARRIED 5-0.**

Gina Heiman addressed the board to explain her two recent charges for serving alcohol to underage persons. She took full responsibility for the charge as a result of the County's "sting" operation in May, but is fighting the other local charge, stating that she carded the 4 boys and has surveillance footage that supports this. The Board reviewed a memo from Attorney Connie Anderson regarding the court case. Fonger stated that he has observed her to be a responsible bar tender, and Heiman said she has had no other such charges in 25 years of bar tending. **MOTION** by Fonger/DuPlayee to approve a July 1, 2011 thru June 30, 2012 Operator's License for Gina Heiman. **MOTION CARRIED 5-0.**
- IV. Adjournment: **MOTION** by Fonger/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 6:53 P.M.

Kim Banigan, Clerk
Approved 7-05-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 5, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others listed on the attached sign-in sheet (available in the Clerk's office).
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Kindschi/DuPlayee to approve the minutes of the June 20, 2011 Town Board Meeting as written. **MOTION CARRIED 5-0.**
 2. **MOTION** by Fonger/DuPlayee to approve the minutes of the June 28, 2011 Special Town Board Meeting as written. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #18971-19005 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Fonger/Anders to approve payment of June per diems as presented. **MOTION CARRIED 5-0.**
 3. **MOTION** by Anders/DuPlayee to approve payment of \$3,272.89 to Tom Viken for June building permits. **MOTION CARRIED 5-0.**
 4. The Treasurer reported that the mileage reimbursement rate is increased to 55 cents/mile effective July 1, 2011.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Consider approval of July 2011 – June 2012 Non-metallic Mining Permit for 2294 US Highway 12 & 18, parcel 0711-341-8600-0: Steve Knaus, Operator, Sun Prairie Sand & Gravel Co., landowner (tabled from June 20, 2011): **MOTION** by DuPlayee/Fonger to approve the annual permit with the following conditions:
- The berm to the East is to be rebuilt.
 - The berm to the West is to be rebuilt, sloped to allow access to the field to the West.
 - A fence is to be installed to the North of the pond.
 - The berm to the South is to be uniformly graded with pine trees at least 3 feet high, with existing neighbor's input.
 - Dust control must be maintained on all gravel and blacktop surfaces
 - Hours of operation will be limited to 6 a.m. to 6 p.m., Monday thru Friday. Operations during other times require at least 7 days' notice to the Town and neighbors of the site.
 - The gate must be locked during non-business hours.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 5, 2011

MOTION CARRIED 5-0.

- B. Plan Commission Recommendations: Wade Cattel, Applicant, Sun Prairie Sand & Gravel, landowner – 2294 US Highway 12 & 18, parcel 0711-341-8600-0: Conditional Use Permit for a Concrete Batch Plant on 2 acres. Hampton reported that he had a call at 1:30 P.M. today from a representative of the WDOT saying that they cannot find evidence that a driveway access permit was ever issued for the site. Discussion was that the driveway has been there a long time, longer than the current US Hwy 12 & 18 has been. An email forwarded today from Andrew Johnson, 2272 US Hwy 12 & 18, states that WDOT staff intends to meet on July 7th to address the driveway issues. Noel Johnson, 2272 US Hwy 12 & 18, stated that he is the one who brought the issue to the attention of the WDOT, and he has also looked into the impact of the use of the commercial well for the concrete batch plant. He learned that there is a plentiful aquifer below, but still expressed concern that the commercial well will drain the aquifer supplying the residential wells nearby. He wondered what recourse he would have if that occurred.

MOTION by Fonger/Anders to approve contingent on the owners obtaining a driveway permit from the WDOT, with the conditions recommended by the Plan Commission, which were:

- No use of jake brakes by trucks
- An email must be furnished from the WDOT allowing for continued truck ingress/egress.
- Inquire with the WDOT regarding a “Truck Entrance” sign on west bound Hwy 12 & 18.
- The berm to the south is to be uniformly graded with pine trees at least 3 feet high, with existing neighbor's input.
- Berms to the west and east, and a fence to the north, are to be completed.
- Owner to work with neighbors to straighten out meandering berm and restore/maintain easement to the property to the north.
- All work to be completed prior to the beginning of operation of the batch plant.
- Acceptable work hours of 6 a.m. to 6 p.m., and some Saturdays. Operation outside of those times will require at least 7 days' notice to the Town and neighbors.

The standards in DCCO section 10.255(2)(h) were all considered satisfied. **MOTION CARRIED 5-0.**

Noel and Andrew Johnson wondered what will happen if the plant operates outside permitted hours. Hampton explained that operating hours will be enforced by Dane County Zoning. The Johnson's wanted a limit placed on how many times each year that operation outside of the regular hours could be requested, but the Board did not agree, and Hampton said the Town Chair will determine if such requests become excessive.

- C. Discuss/Consider parking on American Way and Liberty Drive during soccer games: Carl Pulvermacher represented the Monona Grove Soccer Club. The clerk explained that she had a complaint about cars lining both sides of the street, leaving little room for traffic, and especially emergency vehicles, to pass through. The complainant thought the problem had worsened this year, possibly due to there being more than one game at a time. Pulvermacher

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 5, 2011

suggested separating games by an hour and 45 minutes to prevent having cars from two games there at the same time. An email from Tom Engle included the following suggestions:

1. At the fall and spring coaches meeting, stress that cars should be parked on the park side of the street.
2. At the coaches meeting, distribute to the coaches a policy in regards to the parking restrictions and inform them that they need to inform the players' families and the visiting coaches.
3. Make this same policy available on the MGSC website.

MOTION by Hampton/Fonger to schedule games at least an hour and 45 minutes apart and incorporate Engle's suggestions for the Fall season. **MOTION CARRIED 5-0.**

- D. Discuss/Consider lowering of speed limit on Vilas Road in the area of the new Kid's Park: Smith said that in order to lower the speed limit, there must be 20 driveways within 1000 feet, or something contributing to a lack of vision. Neither of these are true for this part of Vilas Road. Smith was directed to contact Pam Dunphy at the Dane County Highway Dept. to see if being adjacent to a park offers any additional options for speed limits. The Board will discuss this with the Village Board on July 7th when they discuss no parking signs for the same stretch of road. **MOTION** by Anders/DuPlayee to table until July 18th. **MOTION CARRIED 5-0.**
- E. Discuss/Consider options to remedy drainage problems in right-of-way at 4514 Bonnie Avenue: This is across the street from the ditch that the Town cleaned out last year. Smith said no engineering would be needed in this case, it just needs to be cleaned out. Daniel Weisensel, 4505 Bonnie Avenue, said that the entire ditch should be cleaned out all the way to Vilas Road. **MOTION** by Hampton/Kindschi directing Smith seek price quotes to clean out the ditch in the area of 4514 Bonnie Avenue and report back to the board with options. **MOTION CARRIED 5-0.**
- F. Discuss/Consider options to address neglect of grounds at 3329 County Highway BN: The Weed Commissinoer sent a notice to the owner of this vacant property that the grass needs to be cut. Hampton stated that it looks like some grass was cut over the weekend. **MOTION** by Hampton/Kindschi to send the owner another letter acknowledging the progress and advising that the mowing needs to continue throughout the growing season. **MOTION CARRIED 5-0.**
- G. Discuss/Consider whether to apply for a FY 2012 Hazard Mitigation Assistance Grant: **MOTION** by Kindschi/Anders to table until results are known of the Hazard Mitigation Grant application currently in progress. **MOTION CARRIED 5-0.**
- H. Discuss/Consider information received from Wis. Department of Revenue regarding Sales Tax: **MOTION** by Hampton/DuPlayee to make no changes to the current practice regarding sales tax. **MOTION CARRIED 5-0.**
- I. Discuss/Consider calling a Special Town Meeting pursuant to Wis. Stats. 60.12 (1)(c) for the purpose of authorizing the Town Board to transfer ownership of Cottage Grove's first fire station (building only; now located at Fireman's Park) to the Cottage Grove Area Historical Society, as allowed under Wis. Stats. 60.10 (2)(g): **MOTION** by Kindschi/Fonger to call a Special Town Meeting on Monday, August 1, 2011 at 7:00 P.M. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 5, 2011

III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS

- A. Hampton reported receipt of:

1. Invitation to Paul Davis Restoration Golf Outing.
2. Notice of Humane Officer Training on September 26-30.
3. Request from the Town of Dunkirk to oppose Motion #252, Item #18 prohibiting municipalities from working together on public works projects.
4. Notice that a sign inventory procedure must be in place by January 1, 2012.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Fire Department Committee: Jeff Weigand is the new Chair and Steve Anders is the new secretary. Parking lot and window repairs were approved.
- B. Joint Town/Village Merger Study Committee: The emphasis is all coming down to cost of a merger to taxpayers.
- C. Law Enforcement Committee: Chief Gould's last day is July 8th. Sgt. David Stortz has been named officer in charge. Gould has expressed interest in coming back in an unsworn capacity to help with the 2012 budget.
- D. Deer-Grove EMS Commission: Proposals for private EMS service are being evaluated, with a recommendation expected for the boards to consider on July 28th.

- VI. Adjournment: **MOTION** by Kindschi/Fonger to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:28 P.M.

Kim Banigan, Clerk
Approved 7-18-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 18, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others listed on the attached sign-in sheet (available in the Clerk's office).
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Kindschi to approve the minutes of the July 5, 2011 Town Board Meeting as written. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Hampton/Anders to approve payment of bills corresponding to checks #19006-190049 as presented. **MOTION CARRIED 5-0.**
 - 2. The Treasurer reported that:
 - a) The funds committed for sick leave liability have been deposited in a new CD at 1.25%.
 - b) FEMA reimbursement in the amount of \$10,308.40 was received for the February 2011 blizzard.
 - c) The Village has still not submitted a police department billing for April.
 - 3. The Treasurer asked that July per diem reports be submitted by July 29th.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of Certified Survey Map for Kevin Shelley and Sandra Whitney, 1764 US Hwy 12 & 18, including joint well and driveway agreements (rezone previously approved): **MOTION** by Anders/DuPlayee to approve the CSM dated June 1, 2011 and identified as office map #4004-11, and to approve the joint well and driveway agreements as presented. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of Certified Survey Map for Larry & Linda Notstad, 1882 Hubred Lane (rezone previously approved): **MOTION** by Hampton/Anders to approve the CSM dated July 14, 2011 and identified as office map #4033-11. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of cost to remedy drainage problems in right-of-way at 4514 Bonnie Avenue: Smith had obtained quotes from Rice Excavating and Voit Bobcat Service totaling \$5,300.00 to do the digging, seeding and straw mat installation for 700 feet from Lane Street to the south side of the lot at 4526 Bonnie Avenue. Smith noted that Bonnie Ave. is scheduled to be seal coated. **MOTION** by Hampton/Kindschi to spend up to \$5,300.00 out of highway funds to remedy the drainage problems in the Bonnie Ave. right-of-way before seal coating. **MOTION CARRIED 5-0.** There was discussion about a future budget amendment to replenish the highway funds with the FEMA reimbursement mentioned earlier.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 18, 2011

- D. Discuss/Consider approval of a Holding Tank Agreement for DuWayne Zimmerman at 4669 Kennedy Road: **MOTION** by Fonger/Kindschi to approve the holding tank agreement. **MOTION CARRIED 5-0.**
- E. Discuss/Consider options to address neglect of grounds at 3329 County Highway BN: Hampton reported that as of last Friday nothing more had been done. **MOTION** by DuPlayee/Hampton to send another notice to the owners that if the grounds are not completely mowed by August 1st, the Town Board will consider ordering it done and placing a special charge on the property tax bill to cover the cost. **MOTION CARRIED 5-0.**
- F. Discuss/Consider installing no parking signs and reducing the speed limit on Vilas Road in the area of the new Kid's Park: Anders reported that the Parks, Recreation and Forestry committee had tabled the discussion on no parking signs pending confirmation of the cost for the signs. **MOTION** by Anders/DuPlayee to request that the CGPD post temporary no parking signs on Vilas Road for Rugby and Soccer tournaments until permanent signs can be installed. **MOTION CARRIED 5-0.** Anders also reported that the Village intends to do some grading of the overflow parking area to make it more user friendly, and the Rugby Club has been contacted about permanent signage directing to the overflow parking area.
- Smith reported that Pam Andros of the Dane County Highway Dept. told him that both sides of a road must have the same speed limit, so if the Village posts their half of Vilas Road at 25 m.p.h., the Town could post their half too, although it would still need to be submitted to WDOT.
- G. Discuss/Consider approval of survey costs for possible vacation of selected dead end Town roads: Smith had obtained a rough estimate from Birrenkott Surveying of \$800 - \$1,200 per road for the survey work. Rurrp Road seems to be the most difficult one due to the proximity to the interstate. Hampton will call the WDOT for more information on this, and Smith will get firmer estimates. **MOTION** by Kindschi/Hampton to table until the next meeting. **MOTION CARRIED 5-0.**
- H. Discuss/Consider increasing limits on insurance coverage of outdoor equipment: **MOTION** by Fonger/DuPlayee to leave the limit at \$50,000 per occurrence. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS: None.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Merger Study Committee: An RFP for financial impact of a merger was mailed to accounting firms, with responses due before the August 8th meeting.
- B. Village Parks, Recreation and Forestry Committee: Discussed above.

VI. Adjournment: **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:40 P.M.

Kim Banigan, Clerk
Approved 8-1-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 1, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others listed on the attached sign-in sheet (available in the Clerk's office).
- B. Hampton called the meeting to order at 7:03 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Kindschi to approve the minutes of the July 18, 2011 Town Board Meeting with a correction to the spelling of Rurrup Road. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #19050-190088 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Fonger/Anders to approve payment of July per diems as presented, and payment of \$545.00 to Tom Viken for July building permits. **MOTION CARRIED 5-0.**
- E. Public Concerns:
 1. Noel and Andrew Johnson, 2272 US Highway 12 & 18, wondered if the Town Board had been aware of a recent meeting between WDOT and the owners of the quarry behind them, stating that neighbors should be notified of such meetings. None of the board members had been aware of the meeting either, and the Johnson's were advised to contact WDOT with their request to be notified of future meetings.
 2. Gloria and David Binette, 3840 Blazing Star Road, had questions about a possible land swap between them and a neighbor. Hampton advised them to contact the county to see if this could be accomplished with a certified survey map or if they would also need a zone change.
- F. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve two Road Right-of-way permits for Charter Communications to plow and drill to replace coaxial cable on Bonnie Avenue and Lane Street. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider approval of Parade, Procession or Race Permit for Safe Harbor of Dane County, Inc. motorcycle ride using Uphoff, W. Ridge, and Ridge Roads on August 20, 2011: The Clerk noted that the applicant has requested to use reverse 911 to notify residents along the route instead of the usual notification by USPS mail. Hampton expressed concern over how many residents may not have land lines and thus not be notified. **MOTION** by Anders/Fonger to approve the permit for the Safe Harbor of Dane County, Inc. motorcycle ride using Uphoff, W. Ridge, and Ridge Roads on August 20, 2011, allowing resident notification to be by reverse 911. **MOTION CARRIED 5-0.**
- B. Discuss/Consider funding of Fiscal Impact Analysis Relating Directly to Consolidation: **MOTION** by Anders/Fonger to table until August 15th. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 1, 2011

- C. Discuss/Consider approval of survey and joint driveway agreement costs for possible vacation of selected dead end Town roads: Estimated survey costs from Birrenkott Surveying were reviewed, and discussion was to narrow the roads to possibly vacate down to just Keena Drive and Kennedy Road. Consensus was for Smith to solicit additional bids to survey these two roads, to be considered at the August 15th meeting.
- D. Discuss/Consider options to address neglect of grounds at 3329 County Highway BN: Hampton reported that nothing has been done to address the neglect of the grounds. Discussion was over ownership of the property as it is thought to be in foreclosure. **MOTION** by Fonger/Anders to table until August 15th. **MOTION CARRIED 5-0.**
- E. Discuss/Consider a Resolution Adopting a Ward Plan and Combining Municipal Wards for Voting Purposes: **MOTION** by DuPlayee/Kindschi to adopt as presented, as Resolution 2011-05. **MOTION CARRIED 5-0.**
- F. Discuss/Consider direction to departments regarding 2012 budget: **MOTION** by DuPlayee/Fonger to direct departments to hold the 2012 budget to as close to a 0% increase over 2011 as possible. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of attendees for DCTA Annual Meeting on August 17, 2011: **MOTION** by Hampton/Kindschi to allow up to 4 board members to attend the DCTA Annual Meeting. **MOTION CARRIED 5-0.**
- H. Set date for first Town Board meeting in September: **MOTION** by Hampton/DuPlayee to hold the first Town Board meeting in September on Tuesday, September 6th. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

A. Dane County Ordinances:

- 1. Discuss/Consider approval of CUP 2175 for Cattel as amended and approved by the Dane County Board of Supervisors: **MOTION** by Anders/Fonger to approve the CUP as amended. **MOTION CARRIED 5-0.**

IV. BOARD REPORTS AND COMMUNICATIONS:

A. Hampton reported that:

- 1. Jeff Gust is the new Southwest Regional Planning Section manager for the WDOT.
- 2. ATC will have a pre-construction open house at the Christiana Town Hall on August 8th.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Landfill Monitoring Committee: Gas detects remain at zero, but a bacterial growth was found on one of the groundwater monitoring well. Strand and Associates are having it analyzed.
- B. Law Enforcement Committee: The committee met jointly with the Police Commission to discuss salary range and job description for the Chief position.

VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:07 P.M.

Kim Banigan, Clerk
Approved 8-15-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 15, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others listed on the attached sign-in sheet (available in the Clerk's office).
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/DuPlayee to approve the minutes of the August 1, 2011 Town Board Meeting with one spelling correction. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #19089-19126 as presented. **MOTION CARRIED 5-0.**
 - 2. The Treasurer asked that August per diem reports be submitted by September 2nd.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider transfer of ownership of Cottage Grove's first fire station (building only; now located at Fireman's Park) to the Cottage Grove Area Historical Society: **MOTION** by Hampton/Kindschi to transfer ownership of Cottage Grove's first fire station to the Cottage Grove Area Historical Society. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of the use of Cedar Knolls park for pee-wee football practice in 2011: **MOTION** by Anders/DuPlayee to approve the use of Cedar Knolls park for pee-wee football practice in 2011. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of survey and joint driveway agreement costs for vacation of Keena Drive and a portion of Kennedy Road: **MOTION** by Fonger/DuPlayee to approve Wisconsin Mapping, LLC to surveying Keena Drive at a cost of \$400 and Kennedy Road at \$800. **MOTION CARRIED 5-0.** There is no need for a joint driveway agreement in either case.
- D. Discuss/Consider approval of a 2011-12 Alcohol Beverage Operator's License for Heather Reed: Ms. Reed was not in attendance, but Peter Grefsheim spoke in favor of her obtaining a license, stating that she is a model employee. **MOTION** by Anders/Fonger to deny in accordance with the *Town Of Cottage Grove Alcohol Beverage Licenses and Arrest / Conviction Records Guidelines* based on her OWI arrest and conviction in February of 2010. **MOTION CARRIED 5-0.**
- E. Discuss/Consider replacing the culvert on Sandpiper Trail at Mourning Dove Dr.: Smith explained that Homburg Construction plans to extend the culvert when the connection between Sandpiper Trail and Mourning Dove Drive is made. He suggested that since the culvert is 30 years old, it might be a good idea to replace it while they are at it. He asked Homburg Construction for a cost but has not received a response yet. **MOTION** by Fonger/DuPlayee to approve replacement of the culvert as long as it can be funded using 2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 15, 2011

highway funds. **MOTION CARRIED 5-0.** There will be an update to this at the September 6th meeting.

- F. Discuss/Consider approval of the Village and Town of Cottage Grove Emergency Response Standard Operating Guidelines: **MOTION** by Hampton/Anders to approve Draft 3.0 of the Village and Town of Cottage Grove Emergency Response Standard Operating Guidelines dated, September 15, 2010. **MOTION CARRIED 5-0.**
- G. Discuss/Consider options to address neglect of grounds at 3329 County Highway BN: **MOTION** by DuPlayee/Anders to direct the ordinance committee to consider drafting an ordinance to address situations such as this, to allow the Town to mow unkempt properties and add the cost as a special charge on the tax bill. **MOTION CARRIED 5-0.**
- H. Discuss/Consider options for development of an Employee Grievance Procedure: There was a brief discussion over who should be identified as the "Hearing Officer". There is to be a presentation on this topic at the Wisconsin Towns Association Annual Convention October. **MOTION** by DuPlayee/Fonger to table. **MOTION CARRIED 5-0.**
- I. Discuss/Consider approval of attendees for WTA Annual Convention October 23-26, 2011: **MOTION** by Hampton/Fonger to allow DuPlayee to attend. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton reported receipt of a request from the Madison Area Transportation Planning Board for the Town's financial support in 2012. There was no interest in contributing. Hampton also reported receipt of the Draft 2012-2016 Transportation Improvement Program, which will be available in the Town Office.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government Committee: The committee is working on a table-top exercise, and had spent much of the August meeting talking about an incident report.
- B. Joint Town/Village Merger Study Committee: Baker Tilly was the sole respondent to the RFP for financial impact, and was authorized to conduct their proposed Phase 1 study of tax implications at a cost of \$5,000, which will be funded by the Village. Hampton said Village officials are wondering if the Town will finance the next \$5,000 of merger expenses.
- C. Flynn Hall Committee: The 2012 budget will be held to the same figure as 2011, although it was noted that the furnace is getting old and hard to find parts for.

VI. Adjournment: **MOTION** by Fonger/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:00 P.M.

Kim Banigan, Clerk
Approved 9-6-2011

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 6, 2011

PUBLIC HEARING – PETITION TO WITHDRAW RUSTIC ROAD DESIGNATION OF NORA ROAD

- I. Notice of the public hearing was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. It was also mailed to all landowners on Nora Road. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others listed on the attached sign-in sheet (available in the Clerk's office).
- II. Hampton called the public hearing to order at 7:00 P.M., read the notice aloud and asked for public comments:
 - A. The following spoke in opposition to the petition:
 - Otto Otteson, Jr. 2173 Nora Road: Feels that the rustic road is good for the Town, it brings visitors in to the Town and maybe increases property values. He filed a complaint with Dane County regarding the Hanson/Lea rezone petition due to the location of the house. He would like to see it lower on the hill. He also expressed dissatisfaction with the Town's action regarding the Stracka/Lea rezone petition; he felt there should have been screening requirements placed on it. He would like to reach a compromise without eliminating the rustic road.
 - Jere Dahl Hanson, 2100 Nora Road, said she thought the idea of the rustic road designation is to keep it natural, and noted that bicyclers make a lot of use of the road.
 - Steve Bilsky, 2047 Nora Road wants to keep the rustic road.
 - Judy Phillips, 2414 Nora Road, said she loves the road the way it is, would like to keep the rustic road designation. She thought the idea of it was to preserve the natural state and to prevent development.
 - Otto Otteson, Sr., 2171 Nora Road would like to keep the rustic road, said it gives off a special feeling.
 - Jim Franke, 1677 Nora Road thought that keeping the rustic road designation may help to preserve the natural state of the road for a longer time period.
 - Kevin Shelley, 1764 US Hwy 12 & 18, views the rustic road as a special acknowledgment of the natural and cultural beauty and history. He would like to see the bar raised for siting standards along the rustic road.
 - A written opposition to the petition was received from Antoinette Molitor, 2005 Nora Road.
 - B. The following spoke in favor of the petition:
 - Sharon Fredenburg, 1968 Nora Road, said if the rustic road designation infringes on property rights, it should be eliminated.
 - Dale Fredenburg, 1968 Nora Road, said that Dane County is using the rustic road designation as a wedge to deny zoning petitions, adding to the loss of control over zoning and property rights by local authorities.
 - Dave Hanson, 4427 American Way, said that there is much mis-information floating around, that he had no intention for his rezone petition to come to this. Even though he has followed every applicable ordinance and jumped through several hoops, his petition was

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 6, 2011

initially denied by Dane County based on the rustic road, and even now that it has been approved, it has conditions placed on it not required anywhere else.

- Dwight Huston, 2465 Nora Road, said that he originally endorsed the rustic road, but the issue tonight is not about whether or not Nora Road should be a rustic road, it is about the Town of Cottage Grove losing control of land use. The County used the rustic road as a lever to place more restrictions on the Hanson/Lea rezone than usual. Because of this, he can no longer support the rustic road designation, and suggested maybe the Town could give Nora Road a special designation of it's own.
- Dale Huston, 4026 County Road N, agreed with Dwight, and said he supports local control.
- Nola Skaar, 1893 US Highway 12 & 18, said that the extra visitors to Nora Road due to the rustic road designation make for inconvenient and dangerous conditions due to the additional traffic, especially bicycles.
- Mike Fonger said that the issue is property rights, and that the County made their own rules based on the rustic road in the case of the Hanson/Lea rezone petition.

III. **MOTION** by Hampton/Anders to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:50 P.M.

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others listed on the attached sign-in sheet (available in the Clerk's office).
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/DuPlayee to approve the minutes of the August 15, 2011 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #19127-19169, holding #19156 for clarification by staff. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Hampton/Anders to approve the August per diems as presented, and payment of \$891.52 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/Consider adoption of a Resolution for Removal of Rustic Road Designation for Nora Road: **MOTION** by Hampton/Anders to table until the first meeting in October, pending the outcome of the Stracka/Lea rezone petition at the County. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 6, 2011

- B. Discuss/Consider Road Repair Reimbursement Agreement with American Transmission Corporation: **MOTION** by Hampton/DuPlayee to table until September 19th for attorney recommendation. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of Certified Survey Map for Dave Hanson/Marc Lea Farms on Nora Road: Discussion was that the proposed lot size of 2.251 acres exceeds the 2.0 acre maximum in the comprehensive plan. **MOTION** by Anders/Kindschi to allow the clerk to sign the CSM if it is revised to show a lot size of 2.0 acres or less. **MOTION CARRIED 5-0.**
- D. Resolution 2011-05 Adopting a Ward Plan and Combining Municipal Wards for Voting Purposes: The clerk explained the reasons that the ward plan needed to be re-visited.
 - 1. Motion to reconsider the resolution to accommodate State Assembly redistricting plan: **MOTION** by Hampton/Anders to reconsider the resolution. **MOTION CARRIED 5-0.**
 - 2. Consider/Adopt Revised Resolution 2011-05 Adopting a Ward Plan and Combining Municipal Wards for Voting Purposes: **MOTION** by Hampton/Anders to re-adopt the resolution as presented tonight, including 7 wards. **MOTION CARRIED 5-0.**
- E. Update on Sandpiper Trail culvert replacement: Smith stated that the highway crew will work with Homburg Construction to offset the cost to the Town. He expects it to come within the 2011 highway budget.
- F. Discuss and Consider installing a stop sign on the West side of the intersection of Mourning Dove Drive and Sandpiper Trail: Smith said it makes sense to install a stop sign here since the Village will be putting one on the East side of the intersection. **MOTION** by Fonger/Kindschi to install a stop sign on the West side of the intersection. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of attendees for the 2011 Fall Budget and Finance Workshops: The clerk noted that this will require issuance of an “emergency” check since the registration must be paid prior to the next Town Board meeting. DuPlayee and Kindschi expressed interest in attending. **MOTION** by Anders/Kindschi to allow two attendees. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS: None.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Town Parks Committee: The committee recommended that the 2012 budget remain the same as 2011. Six parks will have weed/feed application in 2012. Smith will try to replace some of the trees that have recently been cut down in parks with new ones yet this year.
- B. Village Parks, Recreation and Forestry Committee: Winter recreation program guides are available, they are striving for 100% online registration. Final bids are coming in to pave the walking path to the Kids' park. The committee will have preliminary budget discussions at their September meeting.
- C. Deer-Grove EMS Commission: There is a budget workshop on September 8th.
- D. Law Enforcement Committee: The committee settled on a Village Beat officer.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 6, 2011

- E. Joint Town/Village Fire Department Committee: They are meeting on Sept. 29th to work on the 2012 budget.
 - F. Plan Commission Public Hearing for TDR-S Overlay District: The hearing went well, the Plan Commission and Town Board will need to take formal action on the petition on September 19th, before the September 27th ZLR hearing.
- VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:40 P.M.

Kim Banigan, Clerk
Approved 09-19-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 19, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others listed on the attached sign-in sheet (available in the Clerk's office).
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/DuPlayee to approve the minutes of the September 6, 2011 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #19170-19216, along with a correction to the deposit total from the 09-06-2011 meeting. **MOTION CARRIED 5-0.**
 - 2. The Treasurer reported that she has now received the June Police Department billing from the Village, is still waiting for July, and August will be due tomorrow.
 - 3. The Treasurer requested that September per diem reports be submitted by September 30th.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Set 2012 Budget Workshop dates: Budget Workshops will be held on October 4th, 12th, 18th, and 19th, all beginning at 7:00 P.M.
- B. Plan Commission Recommendations:
 - 1. Douglas C. Allen: Discuss/consider approval of site plan for moving the residence from 4618 County Hwy N to 1987 Nora Road, followed by the removal of the existing residence: In their meeting earlier tonight, the Plan Commission recommended approval of the site plan and allowed six months after issuance of an occupancy permit for the new house for removal of the old house. **MOTION** by Anders/Fonger to accept the Plan Commission's recommendation. **MOTION CARRIED 5-0.**
 - 2. Discuss/Consider approval of Dane County Rezone Petition #DCPREZ-2011-10352: Town Blanket Rezone of multiple parcels in the Town from A-1EX Exclusive Ag District to TDR-S Transfer of Development Rights Sending Area Overlay District: Also at their meeting earlier tonight, the Plan Commission recommended approval of the TDR-S Blanket Overlay rezone. It was noted that a public hearing had been held on August 31st, notice of which was mailed to all affected property owners. No property owners have requested to opt out of the rezone. **MOTION** by Anders/DuPlayee to accept the Plan Commission's recommendation to approve petition 10352 for a blanket rezone of multiple parcels in the Town from A-1EX into the TDR-S Overlay district. **MOTION CARRIED 5-0.**
- C. Discuss/Consider adoption of a Resolution Approving Decision To File Notice Of Pendency For Vacation of Keena Drive and a portion of Kennedy Road and Introduction of the Vacation

TOWN OF COTTAGE GROVE
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Resolution: Hampton read the resolution. **MOTION** by Hampton/Kindschi to adopt the resolution as read. It will be Town Board Resolution 2011-06. **MOTION CARRIED 5-0.** The public hearing for vacation of Keena Drive and a portion of Kennedy Road was set for November 7, 2011 at 7:00 P.M.

- D. Discuss/Consider approval of 2012 use of the Town Hall by the Supplemental Nutrition Program for Women, Infants and Children (WIC): Karri Bartlett, WIC Director, described her proposed use of the Town Hall for distribution of vouchers on the second Friday morning of each month in 2012. She said WIC serves about 120 families in this region. **MOTION** by Kindschi/DuPlayee to approve the use of the Town Hall for this purpose in 2012. **MOTION CARRIED 5-0.**
- E. Discuss/Consider Road Repair Reimbursement Agreement with American Transmission Corporation (tabled from September 6th meeting): Recommendations from Attorney Connie Anderson were reviewed. There were questions about why ATC wants to use Siggelkow Road and how it might affect the wooden bridge. **MOTION** by Hampton/DuPlayee to table until October 3rd, in the meantime asking ATC to incorporate Anderson's recommendations into the agreement and requesting an ATC representative to attend the October 3rd meeting to respond to questions. **MOTION CARRIED 5-0.**
- F. Update on Sandpiper Trail culvert replacement: Smith reported that the culvert has been replaced, and said it was a good thing because the culvert was in bad shape, it would have been a shame to have to dig up a new road in the near future to replace the culvert.
- G. Discuss/Consider approval of installing a dead end or no outlet sign on Brown Thrush Trail: Discussion was that installing such a sign would set a precedent, and Smith said he can think of at least 12 more dead end or no outlet roads. **MOTION** by Fonger/DuPlayee to not install dead end or no outlet signs. **MOTION CARRIED 5-0.**
- H. Discuss/consider disposal of old pull-type grader: Hampton reported that Orville Freudenberg told him that an old pull-type grader still owned by the Town is out on Hubred Lane. Research into Town Board minutes showed that a replacement grader was purchased in 1951, but there is no mention of disposing of the old one. **MOTION** by Anders/Fonger directing Smith to investigate the condition of the grader and report back on October 3rd. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: Discuss/Consider approval of Zoning Ordinance Amendment 10314 as amended and adopted by the Dane County Board Of Supervisors on September 1, 2011: **MOTION** by Hampton/Anders to accept the conditions placed on Zoning Ordinance Amendment 10314 by the Dane County Board of Supervisors. **MOTION CARRIED 5-0.**
- B. The Clerk reported that she attended training on election law changes today, and said that the election budget for 2012 will need to be increased to allow for the extra work involved in complying with the new requirements. She also reported that Dane County Emergency Management made a presentation on their plans to standardize reporting of disaster damage.

IV. BOARD REPORTS AND COMMUNICATIONS

- A. Report on Budget and Finance Workshop: Kindschi had made copies of the workshop handout for board members. Both Kindschi and DuPlayee said the workshop had been worthwhile.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 19, 2011

- B. Hampton reported that a draft Congestion Management Process for the Madison Metropolitan area is available in the Town Office, and the Town has been commended by the Wisconsin Building Safety Network for promoting public safety.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government Committee: Did not meet.
- B. Deer-Grove EMS Commission: Working on 2012 budget to be presented to the four municipal boards on October 20th.
- C. Joint Town/Village Merger Study Committee: Baker Tilly will present preliminary results of their fiscal impact study to the committee on September 26th, with the final report presented to the joint boards on October 6th.
- D. Parks, Recreation and Forestry Committee: No increase in funding from the Town will be requested in 2012.

VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:17 P.M.

Kim Banigan, Clerk
Approved 10-03-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 3, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Attorney Connie Anderson, and others listed on the attached sign-in sheet (available in the Clerk's office).
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/DuPlayee to approve the minutes of the September 19, 2011 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #19217-19265. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/Fonger to approve the payment of September per diems as presented, and of \$2,909.04 to Tom Viken for September building permits.
- E. Public Concerns: Otto K. Otteson, 2173 Nora Road, feels that the practice of posting agendas on the Friday before the meeting does not give enough notice, thinks it should 15 days before the meeting.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of an amendment to the 2011 Town Budget: **MOTION** by Anders/DuPlayee to table until the October 17th meeting. **MOTION CARRIED 5-0.**
- B. Plan Commission Recommendations: Vikki Rogers, 3108 Hope Hollow Trail, parcel 0711-303-9200-7: Rezone 4.574 acres from RH-2 to A-2(4) with conditional use permit for unlimited animals: **MOTION** by Fonger/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 4.574 acres from RH-2 to A-2(4) with a conditional use permit to allow for up to 12 equine animal units. All six standards in section 10.255(2) (h), DCCO were considered satisfied. **MOTION CARRIED 5-0.**
- C. Discuss/Consider variance for Vikki Rogers, 3108 Hope Hollow Trail, for accessory building too close to road right-of-way: The question was raised as to how the cost to move the building would compare to the cost of seeking a variance from Dane County. **MOTION** by DuPlayee/Anders to table until the October 17th meeting. **MOTION CARRIED 4-1** (Kindschi opposed).
- D. Discuss/Consider adoption of a Resolution for Removal of Rustic Road Designation for Nora Road (tabled from September 6th meeting.): Hampton said that the Dane County ZLR Committee passed the Stracka rezone petition by a vote of 3-2, and it is on the County Board agenda for October 6th. **MOTION** by Kindschi/Fonger to table until the October 17th meeting. **MOTION CARRIED 5-0.**
- E. Discuss/Consider renewal terms for lease of former town garage at 4091 County Road N: Dennis Viney indicated that he would like to renew for another three year term, but asked if the rent could be kept the same, and wondered if language could be added to allow the lease to reassigned if he wanted out and found someone else to rent it. He also noted that the exterior is in need of paint again, the parking lot is breaking up a bit, and a single pane

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 3, 2011

window in the office area should be replaced.

Attorney Anderson stated that the Town Board would probably want to approve any new renter, and the option for both parties to agree to end the lease was always there.

MOTION by Fonger/Kindschi to renew the lease for a three year period from June 1, 2012 to May 31, 2015, with a 2% annual escalation in the rent and leaving all other terms in the lease the same. **MOTION CARRIED 5-0.**

- F. Discuss/Consider Road Repair Reimbursement Agreement with American Transmission Corporation (tabled from September 19th meeting): Charles Gonzales from ATC presented the road access plan for the 345kV Transmission line project, explaining that while the line will run along the interstate, ATC's contractors will not be allowed to access the construction sites from the interstate. He said that they will give preference to using State and County Highways, but would like to use Siggelkow Road between County AB and Pierce Road because they have permission from landowners to the South of Siggelkow in that stretch to gain access to the construction site. Anderson asked why not just remove the rest of Siggelkow Road from the plan, but Gonzales said they would like to have the option of using it as a backup. He gave assurance that the weight limit of the bridge would be respected, but noted that if damage is done, the agreement would ensure that ATC paid to fix it. He said that contractors must track the number of trips and vehicle weight on all roads as part of their construction reports.

The clerk had inserted suggestions from Attorney Anderson's September 16, 2011 memo. In addition these, discussion was to eliminate the requirement for a permit for vehicles exceeding 80,000 GVW in item 2, and instead add require advance notice to the Town's Highway Superintendent of all vehicles that will exceed 80,000 GVW.

MOTION by Hampton/DuPlayee to authorize the Town Chair and Clerk to sign the agreement once the changes suggested by Anderson and discussed above have been incorporated, and that a copy of the report showing vehicle trips and weights on Town Roads should be submitted to the Town at the end of the project. **MOTION CARRIED 5-0.**

- G. Discuss/consider disposal of old pull-type grader (tabled from September 19th meeting.): Larry Notstad, 1882 Hubred Lane, stated that the grader was on the property when he bought it back in 1989, and he assumed it came with the farm. **MOTION** by Fonger/Kindschi to consider the grader abandoned by the Town. **MOTION CARRIED 5-0.** There was a suggestion to get a photo of the grader for the Historical Society.
- H. Discuss/Consider approval of 2012 Landfill monitoring contract: The Joint Landfill Monitoring Committee had reviewed and recommended approval of the contract. **MOTION** by Hampton/Kindschi to approve the contract as presented. **MOTION CARRIED 5-0.**
- I. Discuss/Consider approval of construction of a turn-around on Kennedy Road: Smith said that while the proposed road vacation is not finalized, the turn-around would be constructed entirely within the current road right-of-way, and should be done before the weather turns. **MOTION** by Kindschi/DuPlayee to go ahead with the construction of the turn-around. **MOTION CARRIED 5-0.**
- J. Discuss/consider approval of sale of 2001 Ford Pickup Truck: **MOTION** by DuPlayee/Anders to approve the sale of the 2011 Ford Pickup Truck with snowplow for a minimum price of \$8,500.00. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
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III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

A. Hampton:

1. The 2012 Unified Planning Work Program is available in the Town Office.
2. He received notice of Municipal Flood Control Grant Application Availability. The Clerk will scan and email to all board members.
3. The Dane County ZLR committee tabled the Town's TDR-S Overlay petition after Eugene Wagner opposed and requested to opt out.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Landfill Committee: They approved the 2012 maintenance contract.
- B. Law Enforcement Committee: The next meeting will be October 27th, after the Village meets on their budget so the impact of the Village budget on wages will be known. There are 23 applicants for the Chief position. A new squad car will be purchased using funds in the 2011 budget that not been needed for the Chief's salary.
- C. Joint Town/Village Fire Department Committee: The committee recommended the 2012 operating budget, and no increase for the 2012 Emergency Services Building budget. Call volume in Pleasant Springs has been down. The Committee recommended only a 1% increase to Pleasant Springs for 2012 fire service.

- VI. Adjournment: **MOTION** by Fonger/Kindschi to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 9:02 P.M.

Kim Banigan, Clerk
Approved 10-17-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 17, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others listed on the attached sign-in sheet (available in the Clerk's office).
- B. 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 October 3, 2011 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by DuPlayee/Kindschi to approve the open session minutes from the October 4, 2011 Budget Workshop as printed. **MOTION CARRIED 4-0-1** (Anders abstained).
 - 3. **MOTION** by Kindschi/Hampton to approve the closed session minutes from the October 4, 2011 Budget Workshop as printed, and to keep them closed until the 2012 budget is finalized. **MOTION CARRIED 4-0-1** (Anders abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #19266-19317 as presented. **MOTION CARRIED 5-0.**
 - 2. The Treasurer reported that July and August Police Department billings have now been received from the Village, and asked that October per diem reports be submitted by November 5th.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of an amendment to the 2011 Town Budget: **MOTION** by Hampton/DuPlayee to approve Budget Resolution 2011-03 as presented. **MOTION CARRIED 5-0.**
- B. Discuss/Consider adoption of a Resolution for Removal of Rustic Road Designation for Nora Road (tabled from October 3rd meeting.): **MOTION** by Hampton/Anders to let the resolution die and leave the rustic road designation for Nora Road in effect. **MOTION CARRIED 4-1** (Fonger opposed. He expressed concern that the County may add restrictions on rustic roads to their comprehensive plan.)
- C. Discuss/Consider approval of CSM and joint driveway agreement for Otto C. Otteson, 2171 & 2173 Nora Road: **MOTION** by Hampton/Anders to approve the CSM identified as Dwg. No. 4030-11 dated 10/12/2011, showing the shared driveway easement area, and to approve the shared driveway agreement as presented. **MOTION CARRIED 5-0.**
- D. Discuss/Consider the ban of open or concealed carrying of weapons into municipal buildings: **MOTION** by Fonger/DuPlayee to take no action. **MOTION CARRIED 5-0.**
- E. Discuss/Consider adoption of a Resolution Adopting Certain Fees as Permitted by the Town of Cottage Grove Code of Ordinances: The proposed resolution included fee changes as discussed by the board on October 4th. **MOTION** by Kindschi/DuPlayee to approve

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 17, 2011

Resolution 2011-07 Adopting Certain Fees as Permitted by the Town of Cottage Grove Code of Ordinances as printed. **MOTION CARRIED 5-0.**

- F. Discuss/Consider response to annual insurance renewal questionnaire: The board reviewed the questionnaire and discussed asking the Assessor to appraise the municipal buildings to be sure insurance limits are adequate. The clerk noted that while she had notified the insurance company of delivery of the 2012 pickup, it is not listed on the renewal. **MOTION** by Hampton/DuPlayee to respond to the questionnaire by reversing the limits on the current garage at 4062 County N (should be \$283,749) and the former garage at 4091 County N (should be \$200,000), questioning the classification of the 2007 one-ton pickup as a “Dump Truck”, and making sure that the 2012 pickup is added to the schedule of vehicles. The motion also including choosing the \$10,000 limit for auto medical payments. **MOTION CARRIED 5-0.** It was agreed that the questionnaire should be submitted this way to generate a renewal quote for now. The clerk will inquire with the insurance company as to what the premium difference would be to go with a lower medical payment limit, and check with the assessor about appraisal of the municipal buildings.
- G. Discuss/Consider the 2012 budget for the Town of Cottage Grove, possibly including but not limited to:
1. Revenue Estimates: The board estimated revenues from licenses and permits, fines, forfeitures and penalties, public charges for services, investment incomes, and other income items.
 2. General Government Expenses: General administration and judicial costs were mostly filled in based on input from the Clerk, Treasurer and Court Clerk, and based on the October 4th workshop. The board estimated legal expenses, based on written input from Attorney Connie Anderson, and legislative expenses.
 3. Fire Protection Expenses/Capital Outlays: Expenses were filled in based on the fire department budget approved by the Joint Town/Village Fire Protection Committee.
- H. Public Works/Highway Department Expenses/Capital Outlays: Smith estimated expenses for highway, non-highway and cemetery expenses. In 2012 he plans to mill and resurface Baxter Road at an estimated cost of ~\$140,000. He has applied for a LRIP grant for the project, and hopes to receive ~\$20,000. The remainder of the highway maintenance expense line item of \$171,995 would go toward sealcoating and crack filling. He suggested a capital outlay of \$57,000 for the purchase of a new tractor and mower, and estimated that the sale of the tractor and mower to be replaced would bring in \$23,500. He estimated expenses for tree trimming and removal at the Liberty Prairie Cemetery at \$600, and asked that \$1,400 be taken from the Liberty Prairie designated fund: \$600 to cover the tree work and \$800 toward other maintenance of the cemetery (mowing, leaf removal, etc.). It was noted that Kevin Shelley is scheduled to address the board tomorrow night regarding use of the Liberty Prairie funds.
- I. Culture, Recreation and Education Expenses: Park expenses were filled in at \$5,000 as recommended by the Parks Committee. Recreation department expenses were left until after the committee meets on October 20th.
- J. Conservation and Development Expenses: The board estimated building inspector payments, plan commission wages, and Town Planner expenses. The question was raised as to whether a fee could be charged to those requesting a change to the comprehensive plan. The Clerk will ask this question of the Town Attorney.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 17, 2011

III. CLERKS REPORT

- A. Dane County Ordinances: Discuss/Consider approval of rezone petition #10324 as amended and adopted by the Dane County Board of Supervisors: **MOTION** by Hampton/DuPlayee to approve rezone petition #10324 as amended and adopted by the Dane County Board of Supervisors, but it was noted that the County's approval of 2.24 acres exceeds the Town's 2.0 acre maximum lot size, and when the CSM comes in for approval, this will need to be addressed. **MOTION CARRIED 5-0.**

IV. BOARD REPORTS AND COMMUNICATIONS: None.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government Committee: A tabletop exercise is planned for November 2nd.
- B. Joint Town/Village Merger Study Committee: The committee is asking for \$4000 from each municipality in 2012 to cover Phase II of the fiscal impact study. They are working on a mailing to get resident input, which will be sent along with tax bills.
- C. Deer-Grove EMS Commission: The four municipal boards meet this Thursday to consider approval of the 2012 budget recommended by the commission.

VI. Adjournment: **MOTION** by Anders/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:45 P.M.

Kim Banigan, Clerk
Approved 11-07-2011

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
NOVEMBER 7, 2011

PUBLIC HEARING – PROPOSED DISCONTINUANCE AND VACATION OF KEENA DRIVE
AND A PORTION OF KENNEDY ROAD

- I. Notice of the public hearing was personally served to all affected landowners, published in the legal section of the Wisconsin State Journal on October 10, 17 and 24, 2011, and posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Steve Anders, Mike Kindschi and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others listed on the attached sign-in sheet (available in the Clerk's office).
- II. Hampton called the public hearing to order at 7:00 P.M. and asked for public comment.
 - Ø Penny Andrews, 2274 Uphoff Road, spoke in opposition of the vacation of Keena Drive. She said that a few years ago the Town Board granted Jesse Hurley driveway access from Keena Drive to his business against her wishes. She said a benefit to her of having Keena Drive remain a Town road is the snow plowing, and said her preference is to leave things as they are, except maybe only plow with significant snowfall. Hampton explained that if the Town vacates the road, it becomes her private drive. He suggested that she could negotiate a driveway agreement with Hurley, perhaps with him doing the snowplowing as part of the agreement.
 - Ø Glenn Sitts, 21482 Calloway Lane, Gays Mills, WI, and owner of the property along Kennedy Road, said that he is not particularly concerned over the plans to vacation a portion of the road, but questioned whether the new turn-around is on his land or the Town's. Hampton and Smith confirmed that it is within the remaining road right-of-way.
- III. **MOTION** by Anders/DuPlayee to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 7:06 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Attendance was the same as for the public hearing above. Supervisor Mike Fonger arrived at 8:12 P.M.
 - B. Hampton called the meeting to order at 7:07 P.M.
 - C. Minutes of previous meeting(s):
 1. **MOTION** by Kindschi/DuPlayee to approve the minutes of the October 17, 2011 Town Board Meeting as printed. **MOTION CARRIED 4-0.**
 2. **MOTION** by DuPlayee/Kindschi to approve the minutes of the November 3, 2011 budget worksheet as printed. **MOTION CARRIED 4-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #19318-19377 as presented. **MOTION CARRIED 4-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of October per diems as presented, and payment of \$515.00 to Tom Viken for October building permits. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
NOVEMBER 7, 2011

- E. Public Concerns: Edna J. Rose, 4540 American Way, addressed the board with her account of issues spanning several years, including clean-up efforts of her property and removal of bushes in the road right-of-way as directed by the Town Board, Dane County zoning violations, various disagreements with neighbors, and damage to her mailbox. She asked the Board to leave her alone. Hampton advised that the Board has no authority over Dane County ordinances and is not responsible for damage to her mailbox, and will have no need to bother her as long as she follows Town ordinances.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider adoption of a Resolution to vacate Keena Dr. and a portion of Kennedy Rd.: **MOTION** by DuPlayee/Anders to adopt Resolution 2011-08 Vacating Keena Drive and a portion of Kennedy Road as presented. **MOTION CARRIED 4-0.**
- B. Discuss/Consider approval of a Lock box Service Agreement with Wisconsin Community Bank to provide lock box service for processing of first installment of 2011 property tax payments: The Treasurer noted that the agreement is identical to last year's agreement, and that Wisconsin Community Bank does an excellent job for the Town. **MOTION** by Hampton/DuPlayee to approve the agreement as presented. **MOTION CARRIED 4-0.**
- C. Discuss/Consider approval of CSM for residential lot for Heath and Kim Stracka on Nora Road: **MOTION** by Hampton/Anders to approve the CSM identified as Dwg. No. 4031S-11 dated 11-03-2011. **MOTION CARRIED 4-0.**
- D. Discuss/Consider approval of Snowmobile Routes Planned in the Town for 2011-12 – Mike Northouse, Cottage Grove Snowmobile Assn.: Northouse presented maps and described plans for a trail spur to go to the new Landmark pumps on Coffeytown Road, along with a new loop using Huston's easement to connect the the Bike Trail to Nora Road. He expects these changes will bring more traffic to Cottage Grove businesses. Details are pending Village approval of the trail on the north side of Coffeytown Road where it has been annexed into the Village. **MOTION** by Hampton/Kindschi to approve the snowmobile routes within the Town for 2011-12 as presented on the maps. **MOTION CARRIED 4-0.**
- E. Discuss/Consider approval of revisions to Job Descriptions for the Clerk and Treasurer positions: The changes to the job descriptions were mainly in format, putting them more in outline form which board members commented were easier to read. **MOTION** by Hampton/DuPlayee to approve the Clerk and Treasurer Job Descriptions as presented. **MOTION CARRIED 4-0.**
- F. Discuss/Consider approval of Building Inspector Contract for 2012-2014: The Clerk explained that the draft presented for approval included the requirement of quarterly reporting of inspections as the board directed. In the process of inserting these, she realized that the monthly permit submission procedures were not identified, so she took the liberty of spelling these out as well. Tom Viken had reviewed these and given his approval. **MOTION** by Hampton/Kindschi to approve the Building Inspector Contract for 2012-2014 as presented. **MOTION CARRIED 4-0.** Kindschi said he had heard that Viken sometimes sends those seeking permits to the Village Hall to do the paperwork, and there was general agreement that this should not be allowed.
- G. Discuss/Consider approval of Agreement (with Crispell-Snyder, Inc.) for Professional Consulting Services for 2012 Planning Services: There was discussion that the Town go out

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
NOVEMBER 7, 2011

for bids for Town Planner, but agreement that there is not time to do it before 2012, nor is it necessary as no major changes to the Town's comprehensive plan are anticipated. It was suggested that the Plan Commission work on this in 2012 for the 2013 contract year.

MOTION by DuPlayee/Anders to approve the Agreement with Crispell-Snyder for 2012 Planning Services as presented. **MOTION CARRIED 4-0.**

(Fonger arrived)

- H. Discuss/Consider development of an Employee Grievance Procedure: Two models were considered: one from the Wisconsin Towns Association and one from the Dane County Towns Association. After some discussion, it was agreed that the DCTA version was probably the one to use, especially since DCTA Attorney Mark Hazelbaker has agreed to serve as hearing officer. There were some questions that Board Members thought they would be able to get answered at the DCTA meeting later this week. **MOTION** by Anders/Kindschi to table until November 21st. **MOTION CARRIED 5-0.**
- I. Discuss/Consider approval of attendees for the Dane County Towns Association meeting on November 9, 2011: **MOTION** by Hampton/DuPlayee to allow three Board members to attend. **MOTION CARRIED 5-0.**
- J. Discuss/Consider approval of enclosures for 2011 property tax bill mailing: The Clerk suggested two possible enclosures: A flier from myfairlakes.com about how to keep leaves out of the lakes and a brochure from the DNR on recycling of electronics. The Town is required to provide education on each of these topics. The Town would need to print the myfairlakes.com flier, but the recycling brochures are available free of charge from the DNR. **MOTION** by Hampton/DuPlayee to include both with 2011 property tax mailing, with the myfairlakes.com flier printed black & white. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: Discuss/Consider approval of rezone petition #10352 (TDR-S Overlay District) as amended and adopted by the Dane County Board of Supervisors: The only change since the Town's initial approval was the removal of property owned by Eugene Wagner from the TDR-S Overlay District. **MOTION** by Hampton/Anders to approve rezone petition #10352 as amended. **MOTION CARRIED 5-0.**

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton received the official ballot from the USDA for the FSA committee.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Village Parks, Recreation and Forestry Committee: Anders was unable to attend the October meeting due to a conflict with the DGEMS District meeting.
- B. Deer-Grove EMS Commission: The commission will perform the Chief's annual evaluation at the November meeting.
- C. Joint Town/Village Fire Department Committee: The committee discussed getting quotes for outdoor lights and a safety switch for the garage door. Brakes on the tender were repaired.
- D. Joint Town/Village Merger Study Committee: The committee will continue drafting a survey to go out with property taxes at their next meeting.
- E. Law Enforcement Committee: The committee completed the 2011 budget. They will review the interim OIC at the December meeting. An officer is on administrative leave for undisclosed reasons.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
NOVEMBER 7, 2011

F. Emergency Government Committee: The tabletop exercise at the October meeting went well.

VI. Adjournment: **MOTION** by DuPlayee/Anders to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:47 P.M.

Kim Banigan, Clerk
Approved 11-21-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 21, 2011

D R A F T

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:07 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Kindschi to approve the minutes of the November 7, 2011 Public Hearing and Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #19378-19426 as presented. **MOTION CARRIED 5-0.**
 2. The Treasurer reported that the \$6,000 road maintenance fee from ATC is in a temporary account until it can be placed in a designated fund at the time of the 2011 audit.
 3. The Treasurer asked that November per diem reports be submitted by December 2nd.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider input from Recreation Director Jacob Tisue regarding Town's contribution to 2012 Recreation Budget: Tisue distributed copies of his memo to PRF committee members for their November 17th meeting. It stated that from 2008-2010, on average 23% of recreation program participants were Town residents. In the memo, Tisue offered four options for recouping costs for Town participants in 2012. He stated that the committee's initial recommendation was to hold the Town's contribution steady at \$10,000, and that it was the Village Board who asked for the additional \$5,000. After further discussion at their November 17th meeting, however, the committee recommended recouping the entire 24% of the Recreation Department budget from the Town by increasing participant fees by ~\$30/sign-up. He said that his research found this to be the highest non-resident fee in the entire state, but added that the Town participation level is high compared to the typical Town-Village program. Fonger said he is against contributing anything to the recreation programs, he does not see that as something the Town should fund. Kindschi wondered where to draw the line on what to subsidize, and there was mention that participants in other recreation programs did not receive the same benefit. Hampton said that the Town subsidizes the Colonial Club for senior citizens, and should also do something to promote healthy activities for children. **MOTION** by Hampton/Anders to reconsider restoring the 2010 recreation program budget to \$10,000. **MOTION CARRIED 3-2** (Fonger and Kindschi opposed – see further discussion under item J. below).
- B. Discuss/Consider approval of Agreement (with the Cottage Grove Chamber of Commerce) for Cottage Grove Welcome Signs: **MOTION** by DuPlayee/Fonger to approve the agreement as presented. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 21, 2011

D R A F T

- C. Discuss/Consider plan to address possible road damage due to final expansion of Safeguard Storage, 3164 Luds Lane: Mike Niebuhr said he is ready to complete the final building next spring, and has all of his zoning, watershed management, etc. lined up. He expected there would be damage to Luds Lane from construction trucks entering and leaving the site, and sought permission to have his asphalt contractor make any necessary repairs under Smith's supervision. There was general agreement to this plan. Hampton reminded Niebuhr that when development occurs on the property to the south of Luds Lane, Niebuhr would be assessed for a portion of the cost to improve Luds Lane. Niebuhr said he was aware of that.
- D. Discuss/Consider approval of a second driveway for Jesse & Sarah Hurley, 2284 Uphoff Road: Jesse Hurley distributed copies of a sketch showing the location of the second driveway he was requesting, which was just to the south of the former Keena Drive. **MOTION** by Fonger/Kindschi to approve the second driveway for 2284 Uphoff Road. **MOTION CARRIED 5-0.**
- E. Discuss/Consider replacement of lighting fixtures for the Town Hall flag pole and monument: An estimate from Electrical Solutions Inc. had the cost of new light fixtures at \$422.00. Hampton stated that the new fixtures would be more energy efficient. Fonger said that the American Legion Post would pay half. **MOTION** by Anders/DuPlayee to approve replacement of the light fixtures, with the \$422.00 cost split 50:50 with the American Legion Post. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of the purchase of a new road sweeper: Smith said that because the new pickup truck came in under budget, there is still money in the highway department's capital outlay budget, and asked to purchase a new 8' road sweeper at a cost of \$6,315.00. He would sell the old 5' sweeper to recoup at least the cost of the new broom that was recently put on it. It is an early 1970's model. **MOTION** by Kindschi/DuPlayee to approve the purchase of a new road sweeper at a cost of \$6,315.00. **MOTION CARRIED 5-0.**
- G. Discuss/Consider adoption of a Resolution Adopting an Employee Grievance Procedure: The Clerk had customized the DCTA's model grievance procedure for the Town's purposes. **MOTION** by DuPlayee/Hampton to adopt Resolution 2011-09 Adopting an Employee Grievance Procedure. **MOTION CARRIED 5-0.**
- H. Discuss/Consider setting of holiday office hours: Christmas Eve, Christmas Day, New Year's Eve and New Year's Day are all paid holidays per the Town's Personnel Policy, but this year all four days fall on the weekend. **MOTION** by Hampton/Kindschi to close the Town Office on Friday, December 23rd, Monday December 26th and Monday January 2nd. The clerk will work on Friday, December 30th since it is the last day to pay taxes in 2011, but will be allowed one paid day off in December. **MOTION CARRIED 5-0.**
- I. Reconsider enclosures for 2011 property tax bill mailing: The Clerk said that she found a different brochure at myfairlakes.com that covered more aspects of stormwater management than the one previously approved as a tax bill enclosure. She also suggested a brochure available from the Wisconsin Government Accountability Board's web site on election law changes for 2012. **MOTION** by Hampton/DuPlayee to use the myfairlakes.com brochure in place of the one previously approved, and also include the election brochure. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 21, 2011

D R A F T

- J. Discuss/Consider 2012 Town of Cottage Grove Budget: Discussion included restoring the 2012 recreation department to \$10,000 and increasing the Colonial Club contribution. Fonger said that if the Village increases any cost to Town participants this year, he would favor eliminating the entire contribution. **MOTION** by DuPlayee/Anders to reduce Highway Maintenance Contracts by \$5,594.00 (making it \$186,483.00) and allocate \$5,000.00 more toward Recreation Department Expense (bringing it up to \$10,000), and \$594.00 to Colonial Club Donation (bringing it to an even \$6,000). **MOTION CARRIED 5-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that the October Police Department billing has not yet been received from the Village, and that the 2012-2016 Transportation improvement Plan is available in the Town Office.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Merger Study Committee: The next meeting is January 9th, when the committee will consider whether to continue studying a merger.
- B. Deer-Grove EMS Commission: Nothing to report.
- C. Village Parks, Recreation and Forestry Committee: Discussed above.

- VI. Adjournment: **MOTION** by DuPlayee/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:40 P.M.

Kim Banigan, Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 5, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan and Treasurer Debbie Simonson. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Anders/DuPlayee to approve the minutes of the November 21, 2011 Public Hearing, Special Meeting of the Electors and Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #19427-19471 as presented. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/DuPlayee to approve payment of November 2011 per diems as presented, and payment of \$335.00 to Tom Viken for November building permits. **MOTION CARRIED 5-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of Election Inspectors for 2012-2013: **MOTION** by Kindschi/Anders to approve the list of election inspectors for 2012-2013 as presented. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of Intergovernmental Agreement Between Dane County and Other Municipalities within Dane County Creating a County-Wide Interoperable VHF-Based Emergency Radio system known as "DANECOM": **MOTION** by Hampton/Kindschi to approve the agreement which runs through 2015, with note that the cost to municipalities is not to exceed \$825,000 annually. **MOTION CARRIED 5-0.**
- C. Discuss/Consider charges for changes to the Land Use Plan, etc: There was discussion about implementing an application fee for requests to the land use plan, especially if the apparent benefit is only to the applicant. A figure of was \$250.00 suggested. Questions remained as to when the fee should be charged: before application or upon agreement by the Plan Commission and/or Town Board to proceed with the requested amendment. There was also a question of how the fee would be defined, by ordinance or within the Comprehensive Plan. **MOTION** by Hampton/DuPlayee to table until the first meeting in January, directing the Clerk to ask the attorney about how to define the fee. **MOTION CARRIED 5-0.**
- D. Discuss/Consider need for December 19th Town board meeting: **MOTION** by Kindschi/Hampton to cancel the December 19th meeting unless called by the chair, and to authorize the Chair, Treasurer and Clerk to issue payment for all bills due before the first meeting in January. **MOTION CARRIED 5-0.**
- E. Discuss/Consider date for first Town Board Meeting in January: The meeting will be on the regularly scheduled date of Monday, January 2, 2012 at 7:00 P.M.

III. CLERKS REPORT

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 5, 2011

A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

A. Kindschi reported that Village Trustee Ken Dahl initiated a meeting with him to discuss how to “breathe life” back into the merger of the Town and Village.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

A. Law Enforcement Committee: The committee is working on Sgt. Stortz's evaluation.

B. Joint Town/Village Landfill Monitoring Committee: The November meeting was a short one. They paid the bills and confirmed that there were no monitoring concerns.

VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:00 P.M.

Kim Banigan, Clerk
Approved 12-19-2011

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 19, 2011

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/DuPlayee to approve the minutes of the December 5, 2011 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by Hampton/DuPlayee to approve payment of bills corresponding to checks #19472-19521, including voided check #19502, as presented. **MOTION CARRIED 5-0.**
 - 2. The Treasurer asked that December per diem reports be submitted by December 31st.
- E. Public Concerns: Betty Devine, 2342 Uphoff Road, asked why the Town had not been proactively involved with the DNR concerning the spreading of material from the Royster-Clark redevelopment site on Town lands. She was concerned about nitrates getting into wells, and said that she had spoken with Rick Graham of the DATCP who told her there are trace levels of Atrazine in the material. Dennis Richardson of R.G. Huston Co., Inc, the company hauling and spreading the material, said that to his knowledge any Atrazine contaminated material was being landfilled. Hampton said that the Town Board was not consulted on the project, and only learned of it when it was published in the Wisconsin State Journal. He said that the DNR is by far the most knowledgeable authority over such a project. He also noted that Dane County Land Conservation is involved and that nitrogen levels are matched with the needs of the crops. Anders said that the Town has no statutory authority to challenge the DNR. Charles Curran, 3902 Laudon Road, said he saw digging in a field off of Laudon Road. Richardson and Huston both said there had been no digging, but Curran may have seen a loader filling the spreaders. Mike Northouse, 3882 Laudon Road, said a backhoe was sorting the rocks from the material.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of a Resolution Adopting Compliance Order Concerning the Continuing Violation of TCG Ord. Ch. 17 at the Nora Road Pit: Hampton read the resolution as prepared by the Town's attorney. Dennis Richardson said that the landowner of the Nora Pit is Huston Holdings, LLC, not R.G. Huston as the resolution states. Richardson said that the hauling out of material from the Nora Pit without a non-metallic mining permit was an oversight, but stated that the sand pile is gone and they are finished hauling as of this morning. R.G. Huston Co. will comply with applying for the permit but have no intention of using it. Dale Huston said that they will continue to stockpile material from the Royster-Clark project for land spreading in the spring, and that procedures are in place to prevent the piles from eroding until then, just as is being done with all of the farm fields where material is going. Charles Devine asked if any more topsoil would be leaving the pit, and Dale Huston said no, but that the material Devine had previously seen being hauled out was peat from the

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wetland restoration project to the north, not topsoil. **MOTION** by Anders/DuPlayee to adopt Resolution 2011-10 Adopting Compliance Order Concerning the Continuing Violation of TCG Ord. Ch. 17 at the Nora Road Pit, correcting the landowner to Huston Holdings, LLC. **MOTION CARRIED 5-0.**

- B. Discuss/Consider use of Town roads for hauling of material to and from the Royster-Clark project: Hampton stated R.G. Huston Co. has provided the Clerk with video of Nora, Coffeytown and Vilas Roads before the hauling began, and this list was later amended to include Uphoff and Laudon Roads. Richardson and Huston explained that the heaviest truck traffic is over as return trucks are now picking up fill material at the Skaar pit and taking it back via US Highway 12 & 18 rather than on Vilas Road.

Richard Payne, 4235 Vilas Road, asked how long the hauling would continue on Vilas Road. Dale Huston said another 20-30 loads will go to Laudon Road, then maybe 2 1/2 days of hauling to the Nora Pit.

Susan Payne suggested that it would be safer to run the trucks on the county roads, especially due to the dangerous corner of Vilas Road at County BB. Richardson said school zones and crosswalks are a concern if using Highway N through the Village.

Betty Devine said that trucks are speeding and failing to obey stop signs. Huston said the trucking sub-contractor has a reputation for very safe drivers, and noted that not all of the trucks running on Vilas Road are part of this project. Engineers and consultants often follow the trucks and are monitoring them to ensure safe driving. Smith said that the CGPD only caught one truck at one mile above the speed limit.

Caryn Schmidt, 4345 Vilas Road, and Loren Kylo, 4341 Vilas Road, both had concerns over the intersection of Vilas Road and County BB. Smith said that the County has not placed it on their list of priorities, and Hampton confirmed that there are no improvements included in the County's 5 year plan.

MOTION by Hampton/DuPlayee that any Town Roads to be used for hauling of material from the Royster-Clark site be video taped before and after the hauling takes place, and that representatives from R.G. Huston Company return for an update at the January 16, 2012 Town Board meeting. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of a holding tank agreement for Dennis Viney at 4618 County Road N: Viney provided a plan showing the location of the two tanks, one for the rest room and one for shop waste. He also showed a holding tank pumping agreement with Dvorak Pumping. **MOTION** by Hampton/DuPlayee to approve the holding tank agreement as presented. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of another 8 hours of work by Nahn & Associates, LLC to apply for a Hazard Mitigation Grant for the construction of a dry detention basin and culvert at Lotus Lane: **MOTION** by Kindschi/DuPlayee to ask Chuck Nahn to come to the January 2nd Town Board meeting to discuss this further. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton:

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1. Baxter Road does not meet the width requirements for the LRIP grant that the Town has been awarded for 2012-13, but the money. Smith said he plans to still do Baxter Road in 2012 and select another road that will qualify for the grant money in 2013.
2. A joint meeting of the Town Boards from Cottage Grove and Bristol, possibly also Dunn and Pleasant Springs, is tentatively scheduled for January 17th to hear about a pilot program planned by the State and MMSD to clean up phosphorus in the Phase II Stormwater areas. The Town of Cottage Grove's share of the cost would be \$5,300.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Fire Department Committee: The Committee would like to place unspent 2011 funds in a designated account for future repair projects.
- B. Deer-Grove EMS Commission: The Town of Deerfield has given notice of its intent to withdraw from the Deer-Grove EMS district at the end of 2012. The Commission conducted the Chief's annual performance review at their December meeting.

VI. Adjournment: **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:23 P.M.

Kim Banigan, Clerk
Approved 1-2-2012