

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MEETING  
JANUARY 3, 2012

**PUBLIC HEARING – NON-METALLIC MINING PERMIT APPLICATION FOR THE NORA ROAD PIT**

- 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. Town Chair Kris Hampton and Supervisors Mike Fonger, 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.
- II. Hampton called the public hearing to order and announced that the permit application has been withdrawn. He then asked for public comment:  

Ø Betty Devine, 2342 Uphoff Road, was concerned that a precedent was being set encouraging other town residents to apply for permits after the fact only if caught. Hampton said that the applicant was fined for operating without a permit, and in addition would be required to pay related legal fees.
- III. **MOTION** by DuPlayee/Kindschi to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 7:04 p.m.

**TOWN BOARD MEETING**

- I. ADMINISTRATIVE
  - A. Posting of the meeting and attendance were as stated above for the public hearing. Steve Anders arrived as the Town Board meeting was being called to order.
  - B. Hampton called the meeting to order at 7:05 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 Anders/DuPlayee to approve payment of bills corresponding to checks #19522-19575 as presented. **MOTION CARRIED 5-0.**
    2. **MOTION** by Fonger/DuPlayee to approve December per diems as presented. **MOTION CARRIED 5-0.** The Building Inspector will submit December permits with the January ones.
  - E. Public Concerns: None.
  - F. Road Right of Way Permits: None.
- II. BUSINESS:
  - A. Discuss/Consider approval a Non-Metallic Mining Permit through June of 2012 for the Nora Pit, 2494 Nora Road, to be operated by Brad Huston, President, R.G. Huston Company, Inc, owned by Huston Holdings, LLC: The application was withdrawn, no action was taken. Dale and Dwight Huston were present, however, and Dale used the opportunity to update the board on the Royster-Clark project. Material is currently being spread on D&D Olson farm land off of Ridge Road. The Clerk received a 'before' video of Ridge Road today. Next they will be hauling to more D&D Olson property off of US Highway 12 & 18. If any more Town roads are used, video will be taken first. Huston stressed that the material contains no pesticides or insecticides. There were 60 yards of atrazine-contaminated material on the site, but all of this is being hauled by other parties to a landfill. Material spread on farm land is being incorporated unless the farming operation is no-till, then no-till regulations are being followed.
  - B. 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: Nahn distributed copies of the additional questions from Wisconsin Emergency Management

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related to the grant application. Of greatest significance is the request for details about damages to the nine homes on Valley Street. Nahn has attempted to get this information, but has not found the homeowners to be very cooperative. He estimates he will need about an hour for each. He explained that this level of detail has not been required in similar application he has written, but this one is different because it deals with an un-mapped flood plain. **MOTION** by Kindschi/DuPlayee to authorize an additional 8 hours of Nahn's time (he stated his rate at \$92/hour) to respond to the questions regarding the original application. **MOTION CARRIED 5-0.** Hampton will try to accompany Nahn when he visits the homeowners.

- C. Discuss/Consider waiving or reducing non-resident fee for the use of Flynn Hall Zumba instruction in conjunction with the 1st Annual Spring Parkinson's Half Marathon and 5K Run on April 21, 2012: **MOTION** by DuPlayee/Kindschi to allow the non-resident fee to be charged to the WI chapter of the APDA for their use of Flynn Hall on April 21<sup>st</sup>. This allowance was made due to the charitable nature of the event. **MOTION CARRIED 5-0.**
- D. Discuss/Consider adoption of a Resolution setting the application fee amount for all amendments to the future land use map that are initiated by the owner or another person having contractual interest in land to be affected by the proposed amendment: **MOTION** by Kindschi/DuPlayee to adopt Resolution 2012-01 Setting the Application Fee Amount for Landowner Initiated Changes to the Future Land Use Map, setting the amount at \$500.00 to be paid upon application. **MOTION CARRIED 4-1** (Hampton opposed).
- E. Discuss/Consider direction to the Ordinance Committee for 2012, including but not limited to:
  - 1. Maintenance of residential properties
  - 2. Allowing for expiration dates for variances
  - 3. Road weight limitsHampton added reconstruction of cement driveways when the adjoining Town Road is re-milled to the list. Maintenance of residential properties is mainly in response to properties abandoned due to foreclosure. **MOTION** by DuPlayee/Anders to refer these four items to the Ordinance Committee, with direction to begin with 1. and 3. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

- A. Dane County Ordinances: The Clerk distributed a proposed amendment to allow poultry and rabbits on residential properties for future consideration.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton: A meeting is proposed for 7:00 P.M. on January 31<sup>st</sup> regarding MMSD's Adaptive Management Proposal.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Law Enforcement Committee: The Police Commission reported making headway on hiring a new Chief, including an upcoming meet-and-greet with the candidates. Filling the vacant officer spot is back to square one since all previously qualified applicants are no longer looking for employment.

- VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:04 P.M.

Kim Banigan, Clerk  
Approved 1-16-2012

**TOWN OF COTTAGE GROVE**  
**TOWN BOARD RESOLUTION 2012-01**  
**SETTING THE APPLICATION FEE AMOUNT FOR LANDOWNER INITIATED**  
**CHANGES TO THE FUTURE LAND USE MAP**

WHEREAS, the Town of Cottage Grove Comprehensive Plan, Chapter L – General Provisions, section 3-6(a) states that *“For all amendments to the Future Land Use Map that are initiated by the owner or another person having a contractual interest in land to be affected by the proposed amendment, an application fee, as set by the Town Board and on file at the Town Clerk’s office, shall be submitted at the time of application”*.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, does hereby adopt an application fee for landowner initiated amendments to the Future Land Use Map in the amount of \$ 500.00 to be paid at the time of application.

Adopted this 3<sup>rd</sup> day of Jan, 2012 by a vote of 4 for and 1 against.

**TOWN OF COTTAGE GROVE**

  
\_\_\_\_\_  
Kris Hampton, Town Chair

ATTEST:

  
\_\_\_\_\_  
Kim Banigan, Clerk

TOWN OF COTTAGE GROVE  
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JANUARY 16, 2012

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, 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. Supervisor Steve Anders arrived at 7:07 P.M.
- 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 January 3, 2012 Public Hearing and Town Board Meeting as printed. **MOTION CARRIED 4-0.**

(Anders arrived)

D. Finance Report and Approval of Bills:

- 1. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #19576-19619 as presented. **MOTION CARRIED 5-0.**
- 2. **MOTION** by Hampton/DuPlayee to approve payment of \$445.00 to Tom Viken for December building permits. **MOTION CARRIED 5-0.**
- 3. The Treasurer asked that January per diem reports be submitted by February 1<sup>st</sup>, and reported that the 2011 field audit will be February 23<sup>rd</sup> and 24<sup>th</sup>.

E. Public Concerns: None.

F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Update on hauling of material from the Royster-Clark project on Town Roads: Hampton read an email update from Dennis Richardson of R.G. Huston Co., Inc., which stated that they are about 1/3 of the way done with hauling material from the site. They are tentatively planning to haul to the Olson Farm off of Nora Road next week, weather permitting. A "before" video of Nora Road has been provided to the Clerk.
- B. Discuss/Consider personal property tax bill for Skala Photography: Skala Photography was billed \$99.40 for \$5,000 worth of personal property, which was the result of a dooamage assessment. Jon and Toni Skala stated that they had emailed and mailed a statement of personal property to Accurate Appraisal on May 26, 2011, and spoken to someone there about it. They had reported amounts for personal property considerably less than \$5,000, but in addition included a statement that they had not moved their business to the Town of Cottage Grove until February of 2011, and in the May 26<sup>th</sup> email they asked for an on-site inspection. Accurate Appraisal had no record of receiving the statement of personal property, so the dooamage assessment stood. (The Clerk did receive a copy of the May 26<sup>th</sup> email from Toni Skala to Accurate Appraisal). **MOTION** by DuPlayee/Fonger to bill Accurate Appraisal \$99.40 for the personal property tax billed as a result of their error. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of a Parade, Procession or Race permit for the Ragnar Relay Chicago running race to pass through the Town of Cottage Grove on June 8, 2012: This race has been run on the same course for several years, although this year the number of runners is significantly higher. **MOTION** by DuPlayee/Fonger to approve the permit and letter for notifying Town residents along the way. **MOTION CARRIED 5-0.**
- D. Discuss/Consider whether to require application for a Parade, Procession or Race permit for the 1st Annual Spring Parkinson's Half Marathon and 5K Run to cross Uphoff and Ridge Roads at the Glacial Drumlin Bike Trail on April 21, 2012: **MOTION** by Anders/Fonger to require the

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organizers of the race to comply with the conditions of the permit, including letters to notify residents near the bike trail crossings, but no fee will be required. A certificate of insurance is also required. **MOTION CARRIED 5-0.**

- E. Discuss/Consider approval of attendees for 2012 Wisconsin Towns Association Meetings: **MOTION** by Hampton/Kindschi to allow Hampton, Kindschi and DuPlayee to attend the February 25<sup>th</sup> meeting in DeForest. **MOTION CARRIED 5-0.** Anders expressed interest in the March 17<sup>th</sup> meeting in Fort Atkinson. There is still time to consider this at a later meeting if need be.

III. CLERK'S REPORT

- A. Dane County Ordinances: Amending Chapter 10 of the DCCO, regarding the keeping of poultry on residential lots. No action taken
- B. BOARD REPORTS AND COMMUNICATIONS: Hampton reported on receiving notice of a grant opportunity to fund capital projects that enhance recreational or outdoor opportunities.

IV. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government Committee: They had a report on the corn fire at Landmark Cooperative.
- B. Joint Town/Village Merger Study Committee: The committee acknowledged that they may not have had a realistic time line, but there are still valid arguments to continue exploring a merger.

- V. Adjournment: **MOTION** by Hampton/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:52 P.M.

Kim Banigan, Clerk  
Approved 2-6-2012

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
FEBRUARY 6, 2012

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, Highway Superintendent Jeff Smith, and Police Sgt. Dave Stortz. 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 DuPlayee/Anders to approve the minutes of the January 16, 2012 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
  2. **MOTION** by Anders/DuPlayee to approve the minutes of the January 31, 2012 Joint Meeting with the Towns of Dunn and Bristol as printed. **MOTION CARRIED 4-0-1** (Fonger abstained).
- D. Finance Report and Approval of Bills:
1. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #19620-19679, including 2011 property tax over payments, as presented. **MOTION CARRIED 5-0.**
  2. **MOTION** by DuPlayee/Kindschi to approve January 2011 per diem payments as presented, and payment \$4,176.60 to Tom Viken for January building permits. **MOTION CARRIED 5-0.**
- E. Public Concerns: Betty Devine, 2342 Uphoff Road, asked what would be the appropriate way to request information on Town Board proceedings. She had emailed board members a question about the Royster Clark project update at the January 16<sup>th</sup> meeting, but did not receive a response and was not happy that her question had been forwarded to R.G. Huston Company, Inc. She was advised that it would be best to contact the Clerk with questions related to Town Board proceedings/minutes. If she has questions for individual board members about Town issues, it would be appropriate to contact them.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of a resolution amending the 2011 Town of Cottage Grove budget: **MOTION** by Hampton/Fonger to approve Budget Resolution 2011-04 as presented. **MOTION CARRIED 5-0.**
- B. Plan Commission Recommendations:
1. Discuss/Consider allocation of RDU's from property formerly owned by Orville Freudenberg between current owners Huston Holdings, LLC, Dale R. & Dwight D. Huston and Maureen Casey: Hampton explained the Plan Commission's recommendation to the rest of the board.
- MOTION** by Hampton/Anders to accept the Plan Commission's recommendations regarding the allocation of the 10 RDU's: Six are assigned to specific parcels that are all at least 35 acres, two are assigned to a group of six smaller parcels owned by Dale R. & Dwight D. Huston, and two are assigned to a group of four smaller parcels owned by Huston Holdings, LLC, as shown in the following tables:

Six RDU's specifically assigned to individual parcels:

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<u>Parcel #</u>	<u>Acres</u>	<u>Owner Name</u>	<u>RDUs</u>
0711-164-9000-8	36.22	Dale R. & Dwight D. Huston	1
0711-153-8500-8	40.7	Huston Holdings LLC	1
0711-212-9500-4	38.73	Maureen Casey	1
0711-211-8500-7	37.43	Dale R. & Dwight D. Huston	1
0711-213-8000-0	39.35	Maureen Casey	1
0711-164-9500-3	38.16	Huston Holdings LLC	1

Two RDU's assigned to the following group of parcels:

<u>Parcel #</u>	<u>Acres</u>	<u>Owner Name</u>
0711-211-9700-3	19.48	Dale R. & Dwight D. Huston
0711-211-9190-1	19.03	Dale R. & Dwight D. Huston
0711-211-9000-0	19.93	Dale R. & Dwight D. Huston
0711-214-8060-7	25.36	Dale R. & Dwight D. Huston
0711-211-8001-1	23.11	Dale R. & Dwight D. Huston
0711-214-8500-4	17.57	Dale R. & Dwight D. Huston

Two RDU's assigned to the following group of parcels:

<u>Parcel #</u>	<u>Acres</u>	<u>Owner Name</u>
0711-153-8070-9	20.41	Huston Holdings, LLC
0711-164-8011-7	30.55	Huston Holdings, LLC
0711-153-9001-0	33.74	Huston Holdings, LLC
0711-164-9880-4	0.01	Huston Holdings, LLC

In the event that Dane County does not agree with assigning RDU's to groups, the last four parcels would be assigned to specific parcels as follows:

<u>Parcel #</u>	<u>Acres</u>	<u>Owner Name</u>	<u>RDUs</u>
0711-214-8060-7	25.36	Dale R. & Dwight D. Huston	1
0711-211-8001-1	23.11	Dale R. & Dwight D. Huston	1
0711-164-8011-7	30.55	Huston Holdings LLC	1
0711-153-9001-0	33.75	Huston Holdings LLC	1

**MOTION CARRIED 5-0.**

- Discuss/Consider rezone application by Royal Oak & Associates/Eric Sandsnes, James & Nola Skaar, Landowners – Parcel #0711-264-9501-0, seeking rezone from A-1(EX) to R-1 for 6.92 acres to create four residential lots on Skarstinden Road: Eric Sandsnes represented Jim and Nola Skaar, who were also present. **MOTION** by Hampton/Anders to accept the Plan Commission's recommendation to approve the rezone of 6.92 acres from A-1EX to R-2 to create four residential lots, noting that lots 1 and 2 exceed the Town's 2 acre

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maximum slightly due to abutting roads and property lines, and it would not be reasonable to make them conform. RDU's to come from the following parcels: 0711-251-9500-7, 0711-351-8500-8, 0711-354-9000-8, 0711-354-9500-3, either by deed restriction or conservation easement, whichever the County requires. Road right-of way on Skarstinden and Nora Roads to be dedicated to the Town. **MOTION CARRIED 5-0.**

3. Discuss/Consider rezone application by Larry G. Skaar – Parcel # 0711-342-8560-7 at 3380 North Star Road, seeking rezone from A-1(EX) to RH-1 for 2.28 acres to separate house and buildings from farm land: Surveyor Dan Birrenkott represented Larry Skaar. **MOTION** by Hampton/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 2.14 acres (net) from A-1EX to RH-1. The lot is slightly over the 2.0 acre maximum in order to encompass all farm buildings. The North Star Road right-of-way is to be dedicated to the Town along both lots. In addition, the remaining 29.07 acres should be rezoned to A-2(4), and notation should be made that the tobacco shed along North Star Road is too close to the road, and must be moved if any improvements requiring a building permit are made. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of use of Town parks for organized Soccer in 2012: Tom Engle represented the Monona Grove Soccer Club and Tok Kim represented The Celtics.

Engle indicated that MGCS will hold Spring season games at Ravenwood and American Heritage Parks, and at the Town Hall field. During the Fall season, games will only be at the Town Hall. The Ravenwood, American Heritage and Bass fields will be used for practice only.

Kim said the Celtics would only use the American Heritage field for practice.

- D. Discuss/Consider 2012 fertilizing plans for Town parks in cooperation with the Monona Grove Soccer Club: The Town plans to fertilize soccer fields every other year. Since soccer fields were fertilized in 2011, other parks will be fertilized in 2012. Engle asked if it would be OK for the MGSC to apply weed killer to the Town Hall field, and weed & feed to Ravenwood and American Heritage.

**MOTION** by Hampton/Anders to approve the 2012 use of Town soccer fields as described by Engle and Kim in C. above, and to allow the MGSC to apply weed killer and/or fertilizer to the fields at Ravenwood, American Heritage and the Town Hall at their own expense. **MOTION CARRIED 5-0.**

- E. Discuss/Consider approval of second driveway for Huston Holdings, LLC, parcel #0711-153-9001-0 on Nora Road (actually on Uphoff Road): Dwight Huston explained that he plans to pasture cattle there, and can't use the existing driveway since it is used by Hydrite as an access to their monitoring wells. He plans to put up a fence to the west of the access driveway, and proposed a field access driveway on Uphoff Road just to the east of 2342 Uphoff Road. He said he would be using the driveway twice per day.

Betty Devine, 2342 Uphoff Road, presented a board of photos showing the location of the proposed driveway. She pointed out a drainage ditch that she said would limit access to the field below it, and also pointed out a septic drain field easement for 2360 Uphoff Road that makes part of the field unusable for other purposes. She was concerned over the hazard of large machinery pulling onto the road at that location at the top of the hill, and thought that a culvert would be needed in any new driveway to allow water to continue to flow to the east away from her property.

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Huston was willing to move the driveway 60 feet to the east. **MOTION** by Hampton/Kindschi to approve a field access driveway for Huston Holdings, LLC, on Uphoff road 60 feet to the east of the Devine property line. Jeff Smith will determine whether a culvert is needed. **MOTION CARRIED 5-0.**

- F. Discuss/Consider notice from Cottage Grove Baptist Church of withdrawal from their lease for the Town Hall: Pastor John McAusland provided written notice dated January 29, 2012 that the Church will turn in keys to the Town Hall on or before February 27, 2012. Hampton said he had offered that the Town would accept the 20 chairs owned by the Church in place of rent for February, and McAusland's letter indicated they would like to take advantage of this offer. **MOTION by Kindschi/DuPlayee** to accept the Cottage Grove Baptist Church's withdrawal from the lease effective at the end of February 2012, and accept the 20 chairs as the last month's rent. **MOTION CARRIED 5-0.**
- G. Discuss/Consider Trust of Mr. Clifford Wood, et al's Letter regarding Public Access to Parcel No. 018/0711-272-9000-7: Page 57 of the Dane County Highway Registry has an entry laying out North Star Road going all the way from Hwy 12 & 18 to Nora Road, however the entry is not dated, and the road is not shown going through on County maps. The same language and a map were found in the Town's highway book, also not dated (the previous entry in the Town's book was April 24, 1909). Attorney Connie Anderson had provided a memo and email to the Town Board in response to this letter, in which she said that even if there is a public easement to the parcel, the Town is not obligated to improve the public easement. There are no residential development rights on the 20 acre parcel, origins of which were traced back to at least 1890. **MOTION** by Fonger/Anders to direct Attorney Anderson to draft a response letter to Attorney Adam Walsh based on the advice in her memo that the Town is not under obligation to improve the public easement, if there is in fact one there. Her response should also explain that there are no residential development rights on the parcel. **MOTION CARRIED 5-0.**
- H. Discuss/Consider whether the Town should participate in Madison Metropolitan Sewerage District's Adaptive Management Pilot Project for the Yahara Watershed: There was discussion about what options the Town will have to deal with phosphorus load limits and at what cost. Most felt the pilot could lead to lower cost options, but Fonger did not think the study area proposed for the pilot was relevant to the Town of Cottage Grove. **MOTION** by Kindschi/DuPlayee to participate in MMSD's Adaptive Management Pilot Project for the Yahara Watershed, cost not to exceed \$5,300 for each of the three years. The Town Board would like to see a schedule of expenditures before a memorandum of understanding is signed. **MOTION CARRIED 5-0.**
- I. Review Deer-Grove EMS Agreement in light of upcoming renewal negotiations: There was discussion about the future of Deer-Grove EMS without the Town of Deerfield might look like, and general agreement that the Town of Cottage Grove should continue to be part of the district. DuPlayee reported that the Town of Blooming Grove has shown interest in combining with Deer-Grove EMS. He also reported that an ambulance is down for repairs. Board members would like an action item on the next Town Board agenda to allow them to formally vote to continue with Deer-Grove EMS and direct the commission to start looking at any revisions that might be needed to the agreement for renewal.
- J. Review Cottage Grove Law Enforcement Agreement in light of upcoming renewal negotiations: Hampton reported that during a chance meeting, the Dane County Sheriff told him that he has had a change of heart since the last time the Town inquired about contracting for police services, and would now agree to retain Cottage Grove officers if a contract was entered into. It was suggested

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that a discussion about the Law Enforcement Agreement be included on the May agenda for the Joint Town and Village Boards.

(Anders left for an EMS call at 8:35)

III. CLERK'S REPORT

A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS: Board members attending the DCTA meeting on February 15<sup>th</sup> should plan to meet at the Town Hall at 6:30 P.M.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

A. Deer-Grove EMS Commission: see item II. I. above.

B. Village Parks, Recreation and Forestry Committee: No report.

C. Law Enforcement Committee: No problems to report.

D. Ordinance committee: Two meetings have been held recently and a third is scheduled.

E. Joint Town/Village Landfill Monitoring Committee: 2011 expenses came in \$33 under budget. No problems to report.

F. Joint Town/Village Merger Study Committee: The next meeting is February 13<sup>th</sup>, when they will work on governance and rural affairs. DuPlayee said a lot of people have asked him for a flier about the possible merger.

VI. Adjournment: **MOTION** by Hampton/DuPlayee to adjourn. **MOTION CARRIED 4-0**. The meeting ended at 8:42 P.M.

Kim Banigan, Clerk  
Approved 3-5-2012

TOWN OF COTTAGE GROVE  
PUBLIC HEARING and TOWN BOARD MEETING  
MARCH 5, 2012

PUBLIC HEARING – Ordinance to extend town officer terms in response to election law changes.

- 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. Town Chair Kris Hampton called the public hearing to order at 7:00 P.M. Supervisors Steve Anders, Mike Kindschi and Mike DuPlayee were also present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others as listed on the meeting sign-in sheet, available in the Clerk's office.
- II. Hampton read the proposed ordinance, and asked if there were questions for comments – there were none.
- 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 and attendance of the meeting were the same as for the public hearing above, with Supervisor Mike Fonger arriving as the meeting was called to order.
- B. Hampton called the meeting to order at 7:03 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/DuPlayee to approve the minutes of the February 6, 2012 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 #19680-19786 as presented. **MOTION CARRIED 5-0.**
  2. **MOTION** by DuPlayee/Anders to approve February 2012 per diem payments as presented, and payment \$485.00 to Tom Viken for February building permits. **MOTION CARRIED 5-0.**
  3. The Treasurer reported that the 2011 field audit by Johnson Block & Company had gone very smoothly, and there will be a presentation of the 2011 Financial Statements at the April 16<sup>th</sup> Town Board meeting.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider adoption of Ordinance No. 2012-01 To Extend Town Officer Terms in Response to Election Law Changes: **MOTION** by Anders/DuPlayee to adopt the ordinance as presented. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of Proclamation of March 11-17th as Girl Scout Week: Hampton read the proclamation. **MOTION** by Kindschi/Anders to adopt the proclamation as read. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval acceptance of OJA Grant for Deer-Grove EMS radio purchases, and expenditure of required matching funds (this item was taken out of order after the other items since Jerry McMullen was also presenting at the Village of Cottage Grove and did not arrive until near the end of this meeting): McMullen explained that the grant is for \$10,000 to be used towards radio upgrades. The total cost to upgrade all district radios is \$24,691.00. Each of the four municipalities will need to put out the funds to purchase their share of the radios, and then will receive their share of the reimbursement. The grant comes with a short time-frame – radios must be purchased and installed and all paperwork must be filed by April 30<sup>th</sup>. **MOTION** by

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- DuPlayee/Kindschi to accept the OJA grant and authorize expenditure of the Town of Cottage Grove's share of the radio cost, using undesignated funds. **MOTION CARRIED 5-0.**
- D. Discuss/Consider directing the Deer-Grove EMS Commission to draft a new intermunicipal agreement with the Town Board's support: **MOTION** by Anders/DuPlayee to direct the Deer-Grove EMS Commission to draft a new intermunicipal agreement with the Town Board's support. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of installation of a street light at the corner of Buss Road and Lane Street: The request for this light came from a bus driver for the Monona Grove School District. The cost was quoted by MG& E at \$6.75/month. Smith explained that while the Town pays for street lights where Town roads intersect County highways, all of the street lights at intersections of two town roads are paid by special charges to residents. The Clerk had notified residents in the immediate area of the proposed light, but none were in attendance. **MOTION** by Fonger/DuPlayee to deny the request for a street light at the corner of Buss Road and Lane Street. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of plans for plantings on the south berm of the Cattel Non-metallic Mining Site/Concrete Batch Plant at 2294 US Highway 12 & 18: Wade Cattel indicated in an email message that he intends to plant 30-40 white pines on top of the berm, with a 25' staggered spacing. These plans were mailed to the three residences south of the berm with instructions to respond by the end of February with any concerns. No responses were received. Chris Moerke, 2252 US Hwy 12 & 18, said she has been away and missed the notice as well as last summer's meetings on the Cattel concrete batch plant conditional use permit. She had questions about maintenance of the berm as well as operating hours of the plant. The Clerk said she will email the conditional use permit and other relevant information, and Hampton gave Moerke contact information for Wade Cattel. **MOTION** by DuPlayee/Fonger to approve the plans to plant 30-40 White pines on the berm. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of an amendment to the DaneCom Agreement to delete the December 22, 2011 deadline for municipalities to execute the agreement: **MOTION** by Kindschi/Anders to approve the amendment as written. **MOTION CARRIED 5-0.**
- H. Discuss/Consider approval of attendees for the DaneCom Seminar on March 15, 2012: **MOTION** by Hampton/Anders to allow for two attendees (Kindschi and DuPlayee). **MOTION CARRIED 5-0.** The Clerk will RSVP.
- I. Discuss/Consider approval of amending the 2012 Emergency Services Building Maintenance Budget to carry over \$2,961.18 of unused funds from 2011: Hampton explained that this was proposed by the Jt. Fire Department Committee to begin building a fund for blacktopping at the ESOB. **MOTION** by Hampton/Fonger to NOT designate unused funds from 2011 for ESOB maintenance, but rather leave them in the general fund. **MOTION CARRIED 3-2** (Anders and Kindschi opposed).
- J. Discuss an ordinance to authorize an alternative procedure for approving financial claims against the Town that are in the nature of bills and vouchers: A model ordinance from the Wisconsin Towns Association was reviewed. The purpose of this would be to establish the authority and procedures for the the Clerk, Treasurer and Chair to pay bills that are monthly or routine by nature when they are due before the next Town Board meeting. There was agreement to go ahead and post this ordinance for public hearing and possible adoption at the March 19<sup>th</sup> meeting.
- K. Discuss/Consider agenda items for the Annual Town Meeting on April 10, 2012: **MOTION** by Hampton/Anders to include the following on the Annual Meeting agenda: Update on the Jt.

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Merger Committee's progress, Update on Deer-Grove EMS, Presentation from the Colonial Club, Discussion of keeping of chickens in residential areas. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT

- A. Dane County Ordinances: Discuss/Consider approval of the following, all for Screamin' Norwegian Farms, as amended and approved by the Dane County Board of Supervisors:
1. Ord. Amend. 10374 for separation of residence at 1888 Nora Road: County Board approval included filing of deed restrictions to prevent residential development on three parcels. These were unexpected by the Town since this rezone was to utilize the non-transferrable RDU that expired on December 31, 2010. An email from Senior Planner Majid Allen indicated that the County's deed restrictions were unnecessary since the named parcels were already deed restricted when 4 lots were created on Skarstinden Road in 2006. **MOTION** by Hampton/DuPlayee to approve Ord. Amend. 10374 as approved and amended and approved by the Dane County Board of Supervisors. **MOTION CARRIED 5-0.**
  2. Ord Amend. 10375 for separation of residence at 1872 US Highway 12 & 18: The County's approval was for R-1A, while the Town originally approved R-1. This was thought to be due to parcel size. **MOTION** by Hampton/DuPlayee to to approve Ord. Amend. 10375 as approved and amended and approved by the Dane County Board of Supervisors. **MOTION CARRIED 5-0.**
  3. Ord. Amend. 10376 for separation of residence and zoning compliance at 3586 S. Jargo Road: The Town had approved the rezone of two lots of 2.8 and 2.6 acres, but the County's description of the area to be rezoned include 5.4 acres and did not seem to include two separate lots. An email from Senior Planner Majid Allen acknowledged that this is confusing, but explained that the legal description lumped the two lots together since one was already established by an existing CSM. There was further confusion over a condition that the zoning district boundary be increased to accommodate the maxim 10% building coverage, but there appeared to be no increase in size to either of the lots. The Skaars are in the process of removing some of the buildings which will also solve the maximum coverage problem. **MOTION** by Hampton/DuPlayee to to approve Ord. Amend. 10376 as approved and amended and approved by the Dane County Board of Supervisors. **MOTION CARRIED 5-0.**
  4. The Clerk reported receipt of a notice of price increases from the Cottage Grove Cemetery Association. The Board will need to consider whether to apply these increases to the Door Creek and Salem Cemeteries.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported:
1. Receipt of a feasibility study for Hydrite Chemical's relicensure as a hazardous waste facility.
  2. Receipt of a draft of the 2033 Regional Transportation Plan for the MPO.
  3. At the March 28<sup>th</sup> Plan Commission meeting, the WDOT will present plans for US Hwy 12 & 18 between I-39 and County N. Board members are encouraged to attend.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Merger Study Committee: DuPlayee said the committee is making headway on defining the Rural Affairs Committee makeup and function.

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- B. Village Parks, Recreation and Forestry Committee: The committee is working on a presentation to the Village Board regarding plans for a swimming pool at Fireman's Park.
  - C. Deer-Grove EMS Commission: Commission is working on a new intermunicipal agreement.
  - D. Joint Town/Village Fire Department Committee: The Fire Department billed Landmark ~\$18,000 for their involvement in the recent corn fire. The funds have been used to reimburse volunteers for time spent there, and to replace damaged equipment as a result of the fire (both Town owned and jointly Town and Village owned). The remainder will be split proportionally between the Town and Village, with the remaining joint funds being used to building repairs and the remaining Town only funds coming back to the Town.
  - E. Law Enforcement Committee: Today was new Chief Chris Hughes' first day on the job.
  - F. Ordinance committee: They will continue their work on road weight limit and property maintenance ordinances at their March 12<sup>th</sup> meeting.
- VI. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:35 P.M.

Kim Banigan, Clerk  
Approved 3-19-2012

## ORDINANCE NO. 2012-01

### AN ORDINANCE OF THE TOWN OF COTTAGE GROVE TO EXTEND TOWN OFFICER TERMS IN RESPONSE TO ELECTION LAW CHANGES

Whereas, the term of elected town officers (other than elected assessors) have previously begun on the 2nd Tuesday in April;

Whereas town officers (other than assessors) elected in April 2012 and thereafter will now have their terms of office commence on the 3rd Tuesday in April due to recent state election law changes;

Whereas this law change results in a week long "gap" between the end of the current terms of office for those town officers elected in either 2010 or 2011 and the start of the new terms of office for those officers elected in April 2012 or April 2013;

Whereas, 2011 Wis. Act 115 provides that a town board may enact an ordinance providing that the terms of any elective officers in the town who were elected or appointed to serve for terms expiring on the 2nd Tuesday in April 2012 or 2013 may be extended to the 3rd Tuesday in April in the same year in which the terms would otherwise have expired;

Therefore, be it hereby ordained by the Town Board of the Town of Cottage Grove, Dane County, that the terms of elected town officers which shall expire after 11:59 p.m. on the 2nd Monday of April in either April 2012 or April 2013 shall be extended until the 3rd Tuesday of April in the same year in which the terms would otherwise have expired.

This ordinance shall be effective upon publication or posting by the town clerk as required, pursuant to s. 60.80, Wis. Stat.

Adopted this 5<sup>th</sup> day of March 2012

By the Town Board of the Town of Cottage Grove Dane County, Wisconsin:

  
Town Chairperson

Attest:   
Town Clerk

TOWN OF COTTAGE GROVE  
PUBLIC HEARING and TOWN BOARD MEETING  
MARCH 19, 2012

PUBLIC HEARING – Ordinance to authorize an alternative procedure for approving financial claims against the Town that are in the nature of bills and vouchers, when payment is due before the next Town Board Meeting.

- 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. Town Chair Kris Hampton called the public hearing to order at 7:00 P.M. Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were also present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Police Chief Chris Holmes. See the attendance sheet available in the Clerk's office for other attendees.
- II. Hampton read the proposed ordinance, and asked if there were questions for comments – there were none.
- III. **MOTION** by DuPlayee/Kindschi to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:01 p.m.

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. Notice and attendance of the meeting were the same as for the public hearing above.
- B. Hampton called the meeting to order at 7:02 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Fonger/DuPlayee to approve the minutes of the March 5, 2012 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  1. **MOTION** by Hampton/Anders to approve payment of bills corresponding to checks #19787-19833 as presented. **MOTION CARRIED 5-0.**
  2. The Treasurer asked that March per diem reports be submitted by April 1<sup>st</sup>.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider adoption of Ordinance Section 22.07 Alternate Claims Procedure: **MOTION** by Kindschi/Fonger to adopt the ordinance as written. **MOTION CARRIED 5-0.**
- B. Discuss/Consider awarding of bid for tractor purchase: The following bids were received:
  - Carl F. Statz, Inc.
    - 2012 TMAX 90-4 McCormick: List \$57,595.76, Discount \$13,295.76, Trade \$20,500.00. Bid Price \$23,800.00, 90-120 day delivery.
    - 2011 CS-110-4 McCormick with 196 hours, List \$66,833.00, Discount: \$17,833.00, Trade \$19,500.00. Bid Price \$29,500.00, in stock.
    - 2012 85c Farmall: List \$59,645.00, Discount \$16,145.00, Trade \$20,500.00 Bid Price \$22,900.00, 4-6 months delivery
  - Sloan Implement: 2012 5085m John Deere: List \$62,323.79, Discount \$16,432.14, Trade \$16,900.00. Bid Price: \$29,044.00, June 27 or sooner delivery
  - Midstate Equipment: 5085m John Deere: List \$66,722.00, Discount \$16,722.00, Trade \$13,500.00. Bid Price: \$36,500.00, June or sooner delivery

TOWN OF COTTAGE GROVE  
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- o Waupun Equipment Company (Watertown): 2012 T5040 New Holland: List \$61,500.00, Discount \$16,000.00, Trade \$19,000.00, Bid Price \$26,500.00, June-July delivery.

Smith recommended the T5040 New Holland from Waupun Implement, stating that it is a heavier tractor for better mower stability, and has a larger fuel tank. **MOTION** by DuPlayee/Kindschi to accept the bid from Waupun Implement for a 2012 T5040 New Holland for \$26,500.00 with trade-in of the Case tractor. **MOTION CARRIED 5-0.**

- C. Discuss/Consider whether to require application for a Parade, Procession or Race permit for the Hot2Trot 5K Run to use Clark St. and Vilas Roads on June 16, 2012: Jenny Capouch provided a handout showing the race route and was available to answer questions about the race, which will be run in conjunction with the Cottage Grove Firemen's Festival. The Clerk will verify that the Fire Department's insurance policy will cover the race. **MOTION** by Hampton/DuPlayee to forgo race permit and fee requirements. **MOTION CARRIED 5-0.**
- D. Discuss/Consider increasing the price of grave spaces and opening and closing charges at the Door Creek and Salem Church Cemeteries: **MOTION** by Hampton/Anders to adopt the same fees for the Door Creek and Salem Cemeteries as were recently adopted by the Cottage Grove Cemetery Association, namely: Single grave space: \$450 resident, \$900 non-resident, Opening/Closing: \$590 resident, \$705 non-resident, Cremation: \$225 resident, \$255 non-resident. **MOTION CARRIED 5-0.**
- E. Discuss/Consider direction to the Law Enforcement Committee regarding renewal of the Cottage Grove Joint Law Enforcement Agreement: Fonger said he is in favor of renewing the agreement as long as the funding formula remains the same. **MOTION** by Anders/DuPlayee directing the Law Enforcement Committee to begin negotiations for renewal of the Cottage Grove Joint Law Enforcement Agreement. **MOTION CARRIED 5-0.**
- F. Set date for annual road inspection: Road inspection will begin at 1:00 P.M. on April 25, 2012. Meet at the Town garage.

III. CLERK'S REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported:
  - 1. The WTA Urban Towns Association will meet on April 21<sup>st</sup> – no Town Board members plan to attend.
  - 2. Hampton wondered if the Town should purchase banquet tables for the Town Hall since the Cottage Grove Baptist Church took theirs when they ended their lease. Consensus was to put purchase of tables on a future agenda.
- B. DuPlayee reported on the DaneCom informational session he attended. They plan to have it operational by July of 2013. When complete, there will be 8 sites, two of which will be in Fitchburg, which should provide 95% coverage with a planned up-time of 99%.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government Committee: Todd Pritchard of Dane County Emergency Management made a presentation on the Joplin, MO tornadoes in 2011.
- B. Ordinance Committee: The Committee is continuing its work on ordinances regulating road weight limits and maintenance of foreclosed properties.
- C. Joint Town/Village Merger Study Committee: The next meeting will be April 26<sup>th</sup>, the committee is looking at ordinances.

TOWN OF COTTAGE GROVE  
PUBLIC HEARING and TOWN BOARD MEETING  
MARCH 19, 2012

- D. Deer-Grove EMS Commission: The commission is working on drafting an agreement to extend the term beyond December 31, 2012.
- E. Village Parks, Recreation and Forestry Committee: Anders reported that the Rugby club has big expansion plans and is asking the Village to donate land in exchange for the use of a clubhouse as a community center. The Village is planning a swimming pool questionnaire to be handed out at the April election, with a referendum possible in November.

VI. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:35 P.M.

Kim Banigan, Clerk  
Approved 4-16-2012

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
APRIL 16, 2012

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, and Mike DuPlayee were present, along with Clerk Kim Banigan and Treasurer Debbie Simonson. Supervisor Mike Kindschi was absent and excused. See the attendance sheet available in the Clerk's office for other attendees.
- 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 March 19, 2012 Public Hearing and Town Board Meeting as printed. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by DuPlayee/Hampton to approve payment of bills corresponding to checks #19834-19914 as presented. **MOTION CARRIED 4-0.**
  2. **MOTION** by Fonger/DuPlayee to approve payment of March 2012 per diems as presented, and payment of \$2,278.00 to Tom Viken for March building permits. **MOTION CARRIED 4-0.**
  3. The Treasurer asked that April per diem reports be submitted by May 5<sup>th</sup>.
  4. Public Concerns: None.
  5. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve permits for Alliant Energy/Intercon Construction to work in the right of way for the following two applicants:
    - a) Kirk Eilenfeldt, 3710 Ridge Road, trench and suspend on poles parallel to the right-of way for new underground service.
    - b) Terry Gulmire, 4623 Conestoga Trail, trench and jack & bore to cross the right of way, to install new gas service to garage.**MOTION CARRIED 4-0.**

II. BUSINESS:

- A. Johnson Block and Company, Inc.: Presentation of Town of Cottage Grove Financial Statements for the Year Ended December 31, 2011: Carrie Leonard began by stating that Johnson & Block and Company, Inc. has given an unqualified opinion that the Town's 2011 financial statements fairly represent the financial position of the Town. She distributed copies of a summary document showing highlights of the 2011 Financial Statements. (Board members had received the full financial statements for review prior to the meeting.) Leonard noted that fund balance category names are slightly different than in previous years due to changes in GASB standards. Overall, 2011 revenues were slightly below budgeted levels, but since expenditures were significantly below budget levels, the end result was a carryover of \$117,510. The Unassigned balance as of 12/31/2011 was \$598,376, or 28% of expenditures. This exceed the recommended level of 15-20%. Another significant point was that with \$395,000 in outstanding General Obligation Debt, the Town is at just 2.06% of its debt capacity.
- B. Discuss/Consider bid award for rebuilding of retaining wall on Town Hall property: Two bids were received (the town will provide the boulders):
1. Voit Bobcat Service: \$3,775.00
  2. Al Pulvermacher: \$3,000.00

It was noted that Pulvermacher's bid did not include mesh and three feet of stone behind the walls. **MOTION** by Anders/Fonger to award the job to Voit Bobcat Service for \$3,775.00. **MOTION**

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TOWN BOARD MEETING  
APRIL 16, 2012

**CARRIED 4-0.** Discussion was that Voit should wait until after soccer season to begin the project, but he said he would work from early morning and be sure to finish up before soccer practice, and put caution tape around the project. It was noted that a phone line that the Town buried to run from the ESOB to the Town Hall and Garage will need to be located.

- C. Discuss/Consider request to reduce speed limit on Vilas Road: Donna Smith, 2727 S. Coffeytown Road, had emailed the clerk asking that the Town Board consider lowering the speed limit on Vilas Road from the railroad tracks to Coffeytown, however the current speed limit of 45 mph is as low as the Town Board has authority to lower it without 150' driveway spacing over at least a 1,000 foot stretch. Smith asked for more enforcement of the posted speed limit, and gave examples of unsafe conditions due to excessive speed, curves, bicyclists, farm implements, and increased traffic due to the County N detour. There are yellow recommended 35 mph speed limit signs posted in the area. **MOTION** by Fonger/Anders to drop the two recommended speed limit signs to 25 mph and flag them, as well as to make use of the speed board in the area. **MOTION CARRIED 4-0.** Chief Hughes will look into any options that might exist to drop the speed limit due to the proximity to the park.
- D. Discuss/consider bid award for stripping and waxing floors: Three bids were received:
1. Jani-King: Strip/wax 2 side rooms, burnish the rest: \$203.00
  2. Coverall Health-Base Cleaning System: Strip and refinish all vinyl floors: \$762.64
  3. Greyhound Professional Cleaning and Floor Care LLC: Strip and wax the two side rooms and apply 5 coats of finish, machine scrub and apply 3 coats of finish to the rest: \$495.00
- MOTION** by DuPlayee/Anders to award the job to Greyhound Professional Cleaning and Floor Care LLC. for \$495.00 **MOTION CARRIED 4-0.**
- E. Discuss/Consider the Police Chief's request for a joint meeting of the Town and Village Ordinance Committees: Chief Hughes explained that he has discovered several ordinances that are not in sync between the Town and Village, or with Statutory amendments. In addition he would like both the Town and Village to consider daytime curfew and juvenile drug paraphernalia ordinances. **MOTION** by Anders/DuPlayee to authorize the Police Chief to meet with the Town's Ordinance Committee to address any inconsistencies he has discovered in Town ordinances. **MOTION CARRIED 4-0.**
- F. Review Ordinance revisions as recommended by the Ordinance Committee:
1. Revisions to Section 09.07 Road Weight Limits
  2. Creation of Section 11.07 Unoccupied Property Maintenance Ordinance
- A couple of grammar corrections were suggested. The ordinances will be posted for public hearing and possible adoption on May 7, 2012.
- G. Discuss/Consider revisions to the DGEMS Agreement as drafted by the DGEMS Commission: **MOTION** by Hampton/Anders to support the revisions suggested by the DGEMS Commission. **MOTION CARRIED 4-0.**
- H. Discuss how to allocate 2011 carryover funds: The 2011 financial statements show a carryover of \$117,510. Discussion was to allocate ~\$16,000 to the sick leave fund, which would fully fund it through 2012, allocate \$1,000 to rebuilding the rock wall since the budgeted amount is short of the bid price, and allocate the remainder toward 2012 road contracts. The clerk will prepare a budget amendment for the May 5<sup>th</sup> meeting.

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
APRIL 16, 2012

- I. Discuss/Consider purchase of banquet tables for Town Hall: **MOTION** by Fonger/Anders to spend up to \$800 on 6 foot plastic tables, funds to come from the 2011 carryover. **MOTION CARRIED 4-0.**
- J. Discuss/Consider directive regarding requiring insurance certificates with bids from subcontractors: The Clerk stressed the importance of verifying that subcontractors have insurance, and making sure that sole proprietors without workmen's compensation insurance are not bringing other workers onto the job. She also suggested that there may be times when the Town should ask to be an additional insured. **MOTION** by Hampton/DuPlayee to require a certificate of insurance with all bids from subcontractors. The board can make a determination regarding the Town as an additional insured at the time bids are awarded. **MOTION CARRIED 4-0.**

III. CLERK'S REPORT

- A. Dane County Ordinances: None.
- B. The Clerk gave a recap of the April 3<sup>rd</sup> Spring Election. There were 783 voters and the cost to the Town in supplies and wages was ~\$1,850.00, or \$2.36/ballot.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported:
  - 1. The February 2012 draft of the MPO Regional Transportation Plan 2035 is available on CD in the Town Office.
  - 2. Alliant has given notice of an change in rates for the Emergency Services Building from GC2 to GC1.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Landfill Monitoring Committee: Nothing to report.
- B. Law Enforcement Committee: Nothing to report
- C. Plan Commission: One landowner requested a change to the land use plan during the annual review.

- VI. Adjournment: **MOTION** by DuPlayee/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:56 P.M.

Kim Banigan, Clerk  
Approved 5-7-2012

TOWN OF COTTAGE GROVE  
2012 ROAD INSPECTION  
APRIL 25, 2012

- 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, Steve Anders, Mike Kindschi, Mike DuPlayee and Highway Superintendent Jeff Smith met at the Town Garage at 1:00 P.M. A quorum was present and Hampton called the meeting or order at 1:00 P.M.
- II. A road inspection was conducted. (list of roads is attached.). In addition, the board viewed the Femrite Road bridge.
- III. **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 2:45 P.M.

Submitted by Kris Hampton  
Approved 05-07-2012

TOWN OF COTTAGE GROVE  
PUBLIC HEARING and TOWN BOARD MEETING  
MAY 7, 2012

PUBLIC HEARING - Revisions to TCG Ord. Section 09.07 Weight Limits for Vehicles on Town Roads  
Creation of TCG Ord. Section 11.07 Unoccupied Property Maintenance Ordinance

- 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. Town Chair Kris Hampton and supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Fire Chief Bruce Boxrucker. See the attendance sheet available in the Clerk's office for other attendees.
- II. Hampton read the notice of the public hearing and asked if there were any questions or comments – there were none.
- III. Hampton closed the public hearing.

TOWN BOARD MEETING

IV. ADMINISTRATIVE

- A. Notice and attendance of the meeting was as described above for the public hearing. Hampton called the meeting to order at 7:00 P.M.
- B. Minutes of previous meeting(s): **MOTION** by DuPlayee/Anders to approve the minutes of the April 16, 2012 meeting with the addition that Kindschi's absence was excused, and to approve the minutes of the April 25, 2012 Road Inspection **MOTION CARRIED 4-0-1** (Kindschi abstained).
- C. Finance Report and Approval of Bills:
  1. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #19915-19969 as presented. **MOTION CARRIED 5-0**. The treasurer noted that the invoice from Accurate Appraisal had been reduced by the amount of the Skala personal property tax for 2011 per previous direction by the Board.
  2. **MOTION** by Anders/DuPlayee to approve payment of April 2012 per diems as presented, and payment of \$3,181.74 to Tom Viken for April building permits. **MOTION CARRIED 5-0**.
- D. Public Concerns:
  1. Jim Bradt stated that he recently purchased a property in the Town, and wanted to know how long he would have to remove the old house after he builds a new one. The Board advised that typically they have allowed 60 days after an occupancy permit is issued for the new house.
  2. Former Monona Mayor Robb Kahl, who is running for Assembly District 47, introduced himself.
- E. Road Right of Way Permits: **MOTION** by Hampton/Kindschi to approve the following permits:
  1. Alliant Energy to jack & bore and trench at 4526 Bonnie Avenue to install new gas service.
  2. Charter Communications/Nick Fischer, agent, to plow and drill along Susan Lane, Deerfield Road and North Jargo Road to install fiber optic cable. Jeff Smith to approve vault locations.

**MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
PUBLIC HEARING and TOWN BOARD MEETING  
MAY 7, 2012

V. BUSINESS:

- A. Discuss/Consider adoption of a Resolution Amending the 2012 Budget for the Town of Cottage Grove: Hampton read the resolution **MOTION** by Fonger/Kindschi to approve Budget Resolution 2012-01 as read. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of the Cottage Grove Fire Department using a portion of the grain fire payment from Landmark Services Co-op to purchase tires for the Brush Truck and Tanker 1: Fire Chief Bruce Boxrucker presented two quotes for tires for Tanker 1, one from Pomp's Tire and one from GCR Tire Centers, both for the same price, but GCR would have a disposal fee while Pomp's has a potential credit for the old tires. Pomp's Tire had the only quote for tires for the Brush truck. Payment would be made with the Town's portion of revenues from the Landmark grain fire. **MOTION** by Anders/DuPlayee to purchase tires for Tanker 1 from Pomp's Tire at \$3,777.08 less any credits available. **MOTION CARRIED 5-0.**
- MOTION** by Anders/DuPlayee to purchase tires and rims for the Brush Truck from Pomp's Tire at \$1064.64. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of a street light at the corner of Vilas Hope Road and County Road AB: Marilyn Neese, a resident on Gala Way, described a near accident as she turned left onto Vilas hope from County Road AB, and said it would have been easier to see the oncoming motorcycle if there has been a street light there. She also said that the turn itself can be hard to pick out in the dark unless there is a car coming out of Vilas Hope to light the way. Smith estimated the cost for a street light at \$452 to install the pole/light plus an annual charge of \$100.00. **MOTION** by Fonger/Anders to get a police report on any accidents at that corner for consideration at the next meeting. **MOTION CARRIED 5-0.** DuPlayee also asked that Smith have the County look at the placement of the signs on County Road AB because he felt they obstruct vision at the intersection.
- D. Discuss/Consider approval of an Operator's license for Heather Killerlain: Ms. Killerlain was not present. **MOTION** by Fonger/DuPlayee to hold in abeyance until the next meeting. **MOTION CARRIED 5-0.**
- E. Discuss/Consider adoption of:
1. Revisions to TCG Ord. Section 09.07 Weight Limits for Vehicles on Town Roads: **MOTION** by Kindschi/Fonger to adopt the ordinance revisions as presented. **MOTION CARRIED 5-0.**
  2. Creation of TCG Ord. Section 11.07 Unoccupied Property Maintenance Ordinance: **MOTION** by Hampton/Fonger to adopt the new ordinance as presented. **MOTION CARRIED 5-0.**
- F. Discuss/Consider adoption of a Resolution Setting the Fee for Conditional Use or Variance Permits Issued under TCG Ord. Section 09.07 Weight Limits for Vehicles on Town Roads: **MOTION** by Hampton/Anders to set the permit fee at \$25.00 and adopt as Resolution 2012-02. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of Certified Survey Maps for:
1. 3586 W. Jargo Road, owned by Screamin' Norwegian Farms, LLC.: **MOTION** by Fonger/DuPlayee to approve the CSM identified as Office Map No. 16045 dated 04-09-12. **MOTION CARRIED 5-0.**

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2. 1888 Nora Road, owned by James N., Nola J. and Neli J. Skaar: **MOTION** by Anders/Kindschi to approve the CSM identified as Office Map No. 16040 dated 04-09-12. **MOTION CARRIED 5-0.**
3. 1872 US Highway 12 & 18, including driveway easement map and joint driveway agreement, owned by Screamin' Norwegian Farm #1: **MOTION** by DuPlayee/Kindschi to approve CSM identified as Office Map No. 16046 dated 04-24-2012, CSM identified as Office Map No. 16047 dated 04-30-2012, and the Joint Driveway Easement Agreement as drafted by Attorney Lan Waddell. **MOTION CARRIED 5-0.** Hampton asked that a copy of the recorded driveway agreement be provided to the Town.

- H. Discuss/Consider approval of Committee Appointments for 2012-13: **MOTION** by Kindschi/Fonger to approve the committee appointments as recommended by the Chair. New appointments were Joel Hammond to the Emergency Government Committee and David Pokorski to the Police Commission. All other appointments were the same as in 2011-12. **MOTION CARRIED 5-0.**
- I. Discuss/provide feedback to the DGEMS Commission regarding draft agreement, district funding alternatives, creation of a capital expense fund: **MOTION** by DuPlayee/Hampton to make no changes to the funding formula, and no creation of a capital expense fund. Under section 2.01 (B) (1) Commissioner Term, add *or until replaced within 45 days*, (in case there is a need for a commission meeting before new appointments are made). **MOTION CARRIED 5-0.**
- J. Discuss/Consider approval of attendees for the Dane County Towns Association Annual Meeting on May 16, 2012: **MOTION** by Hampton/Anders to allow the entire board to attend. **MOTION CARRIED 5-0.**

VI. CLERK'S REPORT

- A. Dane County Ordinances: None.

VII. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported:
  1. Receipt of notice of a bicycle ride sponsored by Cambridge Community Activity Program that will pass through the Town on July 28<sup>th</sup>. This should be placed on the next agenda for a decision of whether to require a Parade, Procession or Race permit.
  2. John Walsh will present an update on expansion plans for Dane County Landfill #2 (Rodefeld site) at the May 21<sup>st</sup> meeting. Copies of the 1993 agreement between the Town and County for this site were distributed to Board members.
  3. Smith reported that he had met with Chief Hughes and Pam Dunphy regarding speed limits on Vilas Road, and Dunphy suggested lowering the speed limit on Vilas at Damascus to 35 m.p.h. for a smoother transition to the Village limit of 25 m.p.h. He also mentioned that Vilas and Clark street are seeing a lot of truck traffic due to the Main Street detour, and noted that the Village had not consulted with the Town in choosing this detour route that includes Town roads.

VIII. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Village Parks, Recreation and Forestry Committee: Anders reported that the Village may hold an advisory referendum for a swimming pool. The rugby club is considering building a stadium for 2000 people.
- B. Joint Town/Village Fire Department Committee: Lighting upgrades for the ESOB and replacement of tires was discussed.

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- C. Plan Commission: A resolution recommending an amendment to the future land use map was recommended. A public hearing is scheduled for June 18<sup>th</sup>.
- D. Joint Town/Village Merger Study Committee: Kindschi has been approached by three people who did not recognize the survey in the annual report
- E. Adjournment: **MOTION** by DuPlayee/Fonger to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:30 P.M.

Kim Banigan, Clerk  
Approved 5/21/2012

# TOWN OF COTTAGE GROVE

4058 County Road N  
COTTAGE GROVE, WI 53527

## BUDGET RESOLUTION NO. 2012-01

A resolution amending the 2012 budget of the Town of Cottage Grove, Wisconsin, adopted by a two-thirds majority vote of the entire membership of the TOWN BOARD.

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

That the sum of \$117,510.00 be taken from Unassigned Funds and allocated to the 2012 budget as follows:

- 1) That \$17,557.00 be committed to be committed for sick leave liability.
- 2) That expense account 50710 - Town Hall Maintenance be increased from \$5,800.00 to \$7,575.00.
- 3) That expense account 50730 – Town Hall Supplies be increased from \$700.00 to \$1,500.00.
- 4) That expense account 52000 – Highway Maintenance Contracts be increased from \$186,483.00 to \$283,861.00.

Explanation: This budget amendment is to allocate 2011 Carryover funds (\$117,510.00) to:

- 1) fully fund the sick leave liability fund through 2012 (+\$17,557.00).
- 2) provide funds for rebuilding of rock walls at the Town Hall in excess of the amount originally budgeted. (+\$1,775.00).
- 3) provide funds to purchase banquet tables for the Town Hall (+\$800.00).
- 4) allocate remainder to fund 2012 highway maintenance (+\$97,378.00)

That the sum of \$411.00 be taken from Assigned Pleasant Springs Fire Expenses and allocated to the 2012 budget as follows:

- 1) Revenue account 41710 – Pleasant Springs Reimbursements be increased by \$411.00.
- 2) Expense account 51230 – Pleasant Springs Expense be increased by \$411.00.

This resolution was duly considered and adopted by the Cottage Grove Town Board pursuant to a vote of 5 for and 0 against and 0 abstentions on this 7th day of May, 2012.

**TOWN OF COTTAGE GROVE**

  
\_\_\_\_\_  
Kristopher Hampton, Town Chair

ATTEST:

  
\_\_\_\_\_  
Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE  
TOWN BOARD RESOLUTION 2012-02  
SETTING THE FEE FOR CONDITIONAL USE OR VARIANCE PERMITS ISSUED  
UNDER TCG ORD. SECTION 09.07  
WEIGHT LIMITS FOR VEHICLES ON TOWN ROADS

WHEREAS, TCG Ord. Sec. 09.07(7)(a) states that a permit fee, as specified in TCG 07.02(8), shall be charged for all conditional use or variance permits issued by the town, and;

WHEREAS, TCG Ord. Sec. 07.02(8) defines a fee for overweight permits that is to be set by resolution of the Town Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, does hereby adopt a fee for overweight permits in the amount of \$ 25.00 to be paid at the time of application.

Adopted this 7<sup>th</sup> day of May by a vote of 5 for and 0 against.

**TOWN OF COTTAGE GROVE**

  
\_\_\_\_\_  
Kris Hampton, Town Chair

ATTEST:

  
\_\_\_\_\_  
Kim Banigan, Clerk

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
MAY 21, 2012

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Police Chief Chris Hughes. Attorney Connie Anderson arrived at 7:30 P.M. and was present for most of the presentation on the County Landfill. See the attendance sheet available in the Clerk's office for other attendees.
- B. Hampton called the meeting to order at 7:05 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Fonger to approve the minutes of the May 7, 2012 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 #19970-20021 as presented, with voided check #19969. **MOTION CARRIED 5-0.**
  - 2. The Treasurer asked that May per diem reports be submitted by June 1<sup>st</sup>.
- E. Public Concerns: Sheryl Albers, Chair of the Police Commission, presented a plaque to honor retiring Police Commissioner Linda Sue Kettinger for her service.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider awarding of bids for 2012 Road Construction projects: Bids were opened on Friday, May 18<sup>th</sup> by the Chair and Highway Superintendent.

Sealcoating: Two sealcoating bids were received, one from Scott Construction for \$83,143.00 and one from Dane county for \$95,000.00. Both bids were for the same material, and Smith recommended going with the lowest price. **MOTION** by Hampton/Fonger to accept the sealcoating bid from Scott Construction at \$83,143.00. **MOTION CARRIED 5-0.**

Paving: Three paving bids were received. Smith had averaged the tonnages estimated by the three bidders and estimated the cost of all paving projects based on each bidder's per ton and milling prices as follows:

Payne and Dolan (hot mix):	\$137,954.00
B.R. Amon & Sons (warm mix):	\$138,874.65
Scott Construction (cold mix):	\$155,087.00

Smith said he preferred the cold mix, but advances in the oil used in the other mixes made them more acceptable than in the past, He recommended going with the lowest cost, and suggested that since the cost was below budget, another road (Thrush Lane) be added to the paving projects.

**MOTION** by Hampton/DuPlayee to accept the paving bid from Payne and Dolan for an estimated cost of \$137,954.00. Smith is to get a quote from Payne and Dolan for paving Thrush Lane and add that to the project list as long as it fits in the budget. **MOTION CARRIED 5-0.**

Smith reported that he will make the offer to Larry Skaar that while Payne and Dolan is working in the Town, Skaar could take advantage of the Town's discounted rate to have the cul du sac on Hope Hollow trail paved, at his cost but under the Town's supervision.

- B. Discuss/Consider acceptance of donation of remaining funds raised by the Cottage Grove Chamber of Commerce for the community welcome signs: Kindschi presented a check from the Chamber in the amount of \$1,198.10 to be used for future maintenance of the community

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TOWN BOARD MEETING  
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welcome signs. **MOTION** by Hampton/DuPlayee to accept the donation and designate it for future maintenance of the community welcome signs. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of a street light at the corner of Vilas Hope Rd. and County Rd. AB: This was tabled from the last meeting. Chief Hughes had determined that there have not been a concerning number of accidents at the intersection, and upon visiting the site, he did not see any need for a street light or movement of any signs. **MOTION** by Fonger/DuPlayee to not put a street light at the intersection at this time. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of an Operator's license for Heather Killerlain: This was tabled from the last meeting, but once again Ms. Killerlain was not in attendance. Peter Grefsheim, operator of Crossroads Bar and Grill, was present and stated that she was working at another job tonight. **MOTION** by DuPlayee/Kindschi to deny the operator's license based on an underage drinking arrest in the summer of 2011. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of the planting of a memorial tree in the Rolling Wheels park: Sue Johanns and Janice Platz were present in support of the request to plant a Sienna Maple tree and place a memorial plaque in the Rolling Wheels park in memory of Austin Poppa. There is already a memorial tree for Austin's sister Amanda in the park. **MOTION** by Hampton/DuPlayee to approve the tree and memorial plaque. **MOTION CARRIED 5-0.** Tree planters should work with Jeff Smith for placement of the tree and plaque.
- F. Update on expansion plans for Dane County Landfill site #2 (Rodefeld site) - John Welch, P.E., Dane County Interim Solid Waste Manager: In addition to Welch, Jerry Mandli, Director of Dane County Public works, Pam Dunphy of the Dane County Highway Dept., and County Supervisor Cynda Solberg were also present. Welch displayed a map of the landfill site, and began by stating that if nothing is done, the landfill will be full in 1 1/2 to 2 years. He then outlined three strategies to extend the life of the site:
1. Short Term: Leachate recirculation. Currently liquid waste is sent to the sewage treatment plant. Instead, if it were recirculated it would keep the waste mass moister which would lead to faster breakdown, more stabilization, and more methane production. (Currently the landfill produces \$4 million worth of renewable electricity).
  2. Mid Term: Build a Waste Transfer Station to divert some of the waste stream to recycling markets, specifically construction/demolition waste, which accounts to 40 – 50% of the waste stream. The transfer station would be able to utilize heat from the methane generators, and would also contain a year-around clean sweep facility.
  3. Long Term: Expansion of the landfill eastward on 23-30 acres. This would bring it to within ~120 feet of County Highway AB, and add 20 – 90 feet of height to the existing landfill. This would require a new agreement with the Town and adjacent landowners, similar to the one negotiated in 1993.

Welch stated that the leachate recirculation and waste transfer station would add 4-5 years to the life of the landfill. Expansion to the east would add 20-35 years. All three of these strategies would have a combined cost of ~\$10 million. A new landfill site, which would last 60 – 70 years, could cost up to \$100 million plus 200 acres of farmland. It could take up to 10 years to locate and get the necessary approvals for a new site.

Welch also described plans for a County Garage site across County BB from the Landfill site, which would then be able to take advantage of heat from the generators. This would require that the County purchase three residential properties. Suggestions were made for alternative sites for the garage that would not take tax base from the Town, including the hotel site west of the landfill, or the city property north of the landfill. Welch said that access would be a problem for

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
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the hotel site, and the site to the north is classified as wetlands. Peter Grefsheim suggested that the Crossroads property would be better suited for the garage.

Discussion followed including:

- Ø How do the State's plans to for the US Highway 12 & 18 and County Highway AB interchange affect the Landfill? Welch said that the Landfill would be likely to lose access from Hwy 12 & 18 and County AB would be busier.
  - Ø Questions were raised as to why the County waited so long to address this problem. Mandli said he has had it in his budget for years but it has not been a priority of political leaders. Solberg said that the current County Executive is showing more support than the previous one had.
  - Ø Hampton asked where the clay would be gotten for an expansion, and said that if they do not plan to take clay from the site at Hwy 12 & 18 and N, they should sell it so it gets back on the Town's tax roll.
  - Ø Questions were raised as to whether the County will condemn property for the landfill expansion or garage – Welch said that would not happen.
  - Ø Attorney Anderson asked to see the current landfill's plan of operation, and a list of property owners in the current agreement. There were statements to the effect that the list has not been kept up to date.
  - Ø Hampton asked that the Town be kept in the loop, and monthly meetings with the surrounding property owners were mentioned.
- G. Discuss/Consider whether to direct the Ordinance Committee to consider Alcohol Licensing Procedure as recommended by the Police Chief: Chief Hughes said that the Village has asked for the PD's assistance with alcohol licensing, and he wanted to extend the offer to the Town as well. The main advantage would be the additional resources the PD has for background checks. He also suggested a point system for establishments to keep business owners accountable. There were concerns over the turn-around time for issuing of operator's and manager's licenses compared to the current system of allowing the Clerk to issue the licenses when no violations of the Alcohol Beverage Licensing Guidelines are found. Kindschi suggested that background checks could be performed by the PD if they could turn them around quickly enough, but still allow the Clerk to issue the licenses per the guidelines, or maybe just wait and see how it goes for the Village before making any changes. **MOTION** by Fonger/Kindschi to not send this question to the Ordinance Committee at this time. **MOTION CARRIED 5-0.**
- H. Discuss/Consider effects of County Road N detour on Town Roads: Smith explained that not only does the Village's official detour route traffic on Town roads, but some drivers have now begun to figure out that staying on Town roads takes them to their destination faster than the detour. Much of this is truck traffic, and Smith is concerned over the damage that may result to the Town roads. **MOTION** by Kindschi/Anders to allow Smith to post temporary weight limits on the roads affected by the County N detour. **MOTION CARRIED 5-0.**
- I. Discuss/Consider approval of attendees for the Dane County Sheriff's Dept. Meeting on May 23, 2012: **MOTION** by Hampton/DuPlayee to allow DuPlayee, Kindschi and Smith to attend the meeting. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT

- A. Dane County Ordinances:

TOWN OF COTTAGE GROVE  
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1. The Clerk distributed copies of the draft “Chicken Ordinance”, which would allow for up to 8 domestic fowl or rabbits on residential zoned lots. Solberg explained that it has not yet been introduced to the County Board. Supervisor Patrick Miles has been working with County staff and the Towns to make it acceptable to all first. Solberg said she has had several calls from Town residents who are in favor of such an ordinance. The latest draft addresses containment, but still does not address manure management. Solberg said that the nuisance ordinance would cover that to some degree, but agreed to push for more specific language in the “chicken” ordinance itself.
2. The Clerk distributed copies of an amendment regarding mineral extraction conditional use permit application requirements. Town action on this is requested by June 21<sup>st</sup>.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that the Nelson Bus Service will have a grand opening on July 9<sup>th</sup>.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Merger Study Committee: DuPlayee reported that the committee worked on getting ordinances aligned and reviewed survey responses. He said that most responses were personally motivated. Of interest was that responses from Village residents included support for farmland preservation and concern over more Village debt.
- B. Deer-Grove EMS Commission: The Village of Cottage Grove made several unpopular suggestions for the renewal agreement. The commission was in agreement that the withdrawing municipality should be required to pay for the resulting audit, and with the Town of Cottage Grove's suggestion regarding commissioner terms. All four boards will meet on May 31<sup>st</sup> for a presentation of the 2011 financial statements and consider the renewal agreement.

- VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:54 P.M.

Kim Banigan, Clerk  
Approved 06-04-2012

TOWN OF COTTAGE GROVE  
PUBLIC HEARINGS AND TOWN BOARD MEETING  
JUNE 4, 2012

PUBLIC HEARING – 2012-13 ALCOHOL BEVERAGE LICENSES

- I. Notice of the public hearing was published in the legal section of the Wisconsin State Journal on May 25, 31 and June 1, 2012, 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 Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. See the attendance sheet available in the Clerk's office for other attendees.
- II. Hampton read the notice of the public hearing, including the list of applicants, and asked for public comment – there was none.
- III. **MOTION** by Anders/Kindschi to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:02 P.M.

PUBLIC HEARING – 2012-13 NON-METALLIC MINING PERMITS (note that the board broke for this public hearing to be held at 8:00 P.M.)

- 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. Attendance was the same as the Town Board meeting below.
- II. Hampton read the notice of the public hearing and the list of applicants, and asked if there were any public comments or questions; there were none.
- III. **MOTION** by DuPlayee/Anders to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 8:01 P.M.

TOWN BOARD MEETING

IV. 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 as listed above for the Alcohol License public hearing, with Police Chief Chris Hughes arriving during the Finance Report.
- B. Hampton called the meeting to order at 7:02 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Anders to approve the minutes of the May 21, 2012 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 #20022-20056 as presented. **MOTION CARRIED 5-0.**
  2. **MOTION** by Anders/DuPlayee to approve payment of May per diems as presented, and payment of \$3,255.00 to Tom Viken for May building permits. **MOTION CARRIED 5-0.**
- E. Public Concerns: Hampton thanked Smith and his crew for their assistance to Art Voit in constructing the rock wall and split rail fence behind the Town Hall, stating that it looks nice and safe.
- F. Road Right of Way Permits: **MOTION** by Anders/Fonger to approve the following permits:
  1. Charter Communications to use directional bore to replace faulted cables along Meadowlark St. from Gaston Road to just past Bluebird Lane.

TOWN OF COTTAGE GROVE  
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JUNE 4, 2012

2. Alliant energy to jack & bore for new electric service at 2944 Hope Road.

**MOTION CARRIED 5-0.**

V. BUSINESS:

- A. Consider approval of July 2012 – June 2013 Alcohol Beverage Licenses:

1. Combination Class B Beer and Class B Liquor Licenses: **MOTION** by Fonger/DuPlayee to approve July 2012 – June 2013 Class B Beer and Class B Liquor Licenses for:

Ball of Fun, LLC  
d.b.a. Doubleday's  
Debra Stueber, Agent  
4586 Baxter Road  
Cottage Grove, WI 53527  
  
Door Creek Golf Course, Inc.  
Phillip C. Frederickson, Agent  
4321 Vilas Road  
Cottage Grove, WI 53527

Patricia J. Youngs  
d.b.a. Country Corners  
3737 CTH AB  
McFarland, WI 53558  
  
Peter D. Grefsheim  
d.b.a. Crossroads Bar & Grill  
3562 CTH AB  
McFarland, WI 53558

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

**MOTION CARRIED 5-0.**

2. Operators and Managers Licenses: The clerk stated that background checks had not revealed anything that would conflict with the Alcohol Arrest and Conviction guidelines for any of the operator or manager applicants. **MOTION** by Kindschi/Fonger to approve July 2012 June 2012 Operators Licenses and Managers licenses for all applicants (see attached list). **MOTION CARRIED 5-0.**

- B. Discuss/Consider whether to require a Parade, Procession or Race permit for the Cambridge Community Activities Program charity bicycle ride to use Town Roads on July 28, 2012: Ride coordinator Mark Sewell provided a map of the route, explaining that only the longest option for riders (63 miles) includes Town of Cottage Grove roads. He expects that there will not be many riders opting for such a long ride, and that they will be pretty well spread out. Sewel said a latex chalk will be used to mark the roads, which will completely wash off with the first rain. Route signs will be picked up immediately following the ride. **MOTION** by Fonger/DuPlayee to allow the ride on July 28<sup>th</sup> to utilize Town roads according to the map without requiring application for a parade, procession or race permit or notification of residents along the route, as long as the numbers stay small. **MOTION CARRIED 5-0.** Sewel agreed that if registrations exceed his expectations, he will notify the Town.

TOWN OF COTTAGE GROVE  
PUBLIC HEARINGS AND TOWN BOARD MEETING  
JUNE 4, 2012

- C. Discuss/Consider reducing or waiving the fee to rent Flynn Hall for the Glacial Drumlin End of Year Retirement Party: Cathy Carew explained that the retirement party held at Flynn Hall on May 31<sup>st</sup> was originally scheduled for a shelter house, but due to the treat of wet weather, was held at Flynn Hall instead. The event is financed by the teachers buying tickets, and she asked that the fee be waived to keep the cost down. Middle school teacher and coach Ken Eeg retired. **MOTION** by Kindschi/Anders to waive the rental fee. **MOTION CARRIED 5-0.**
- D. Plan Commission Recommendations:
1. Discuss/Consider application by Dale & Dwight Huston, parcel 0711-283-9800-6 at 3355 County Highway N, for rezone from A1-EX to A-2 and conditional use permit for concrete batch plant on +/- 30 acres: Dennis Richardson explained that while the non-metallic mining site is 45 acres, the rezone is for 30 acres, and the CUP application is for only 15 acres. The concrete batch plant would be much the same setup as was used recently at the Gaston Quarry. It is not project specific, but production would begin in August to utilize gravel on the site. The time frame requested for the CUP consistent with the non-metallic mining CUP. It was noted that the immediate neighbor to the site attended the Plan Commission meeting and had no concerns over the concrete batch plant. **MOTION** by Kindschi/Fonger to approve the rezone of +/- 30 acres from A-1EX to A-2 with a CUP for a concrete batch plant. All six standards from DCCO 10.255(2) (b) were discussed and considered satisfied. Conditions for the CUP to be: 1) Only one batch plant on the property at a time; 2) CUP to expire 5/11/2015; 3) limit dust dispersal outside of parcel boundaries. **MOTION CARRIED 5-0.**
- E. Consider approval of July 2012 – June 2013 Non-metallic Mining Permits: Hampton noted that the Town Board really does not have much authority over the non-conforming sites (Gaston Quarry and the former Hellickson Pit at 2294 US Highway 12 & 18 now owned by Rocky Rights, LLC). He has had complaints from a neighbor of the 2294 US Highway 12 & 18 site of operations beginning at 6:00 a.m. on a Saturday, but that is the start time allowed by the current permit at the site. **MOTION** by Kindschi/Anders to approve July 2012 – June 2013 Non-metallic Mining permits for the following sites/applicants:

**Nonmetallic Mining Site: Gaston Road Quarry – 2543 Gaston Road**

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

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

**Nonmetallic Mining Site: Skaar Pit – 3355 County Road N**

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

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

TOWN OF COTTAGE GROVE  
PUBLIC HEARINGS AND TOWN BOARD MEETING  
JUNE 4, 2012

**Nonmetallic Mining Site: 2294 US Highway 12 & 18**

Applicant: Wade Cattell  
Raymond P. Cattell, Inc.  
2401 Vondron Road  
Madison, WI 53718

Landowner: Rocky Rights LLC  
2401 Vondron Road  
Madison, WI 53718

**MOTION CARRIED 5-0.**

- F. Consider approval of attendees for June 18, 2012 Operational Planning/Local Officials Meeting for US 12/18 Freeway Conversion I-39/90 – County N: Anyone who wants to attend should. The meeting will be posted for a possible quorum.

**VI. CLERK'S REPORT**

- A. Dane County Ordinances: Dane County Ordinances: Discuss/Consider approval of Ord. Amend. No. 39, 2011-12 amending Chapter 10 of the DCCO regarding mineral extraction conditional use permit application requirements: **MOTION** by Hampton/DuPlayee to approve the amendment as presented. **MOTION CARRIED 5-0.**

**VII. BOARD REPORTS AND COMMUNICATIONS:**

- A. Hampton received an email from Dave Taylor of MMSD regarding a on June 11<sup>th</sup> to announce the Adaptive Management Pilot Project in the Yahara Watershed.

**VIII. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)**

- A. Law Enforcement Committee: New officers were elected.
- B. Dane County Sheriff's Dept. meeting on weight limits: DuPlayee reported that his impression was that the County is not very interested in weight limit enforcement and is encouraging towns to handle the matter using their own police departments and courts.
- C. Village Parks, Recreation and Forestry Committee: No report.
- D. Joint Town/Village Landfill Committee: All test results were zeros.

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

Kim Banigan, Clerk  
Approved 6-18-2012

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MEETING  
JUNE 18, 2012

PUBLIC HEARING – TO REVIEW THE PROPOSED COMPREHENSIVE PLAN AMENDMENT

- I. Notice of the public hearing was published in the legal section of the Wisconsin State Journal on May 18, 2012 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 Mike Fonger, Mike Kindschi and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. See the attendance sheet available in the Clerk's office for other attendees.
- II. Hampton called the public hearing to order at 7:00 P.M., and read the notice of the public hearing, then asked for public comment – there was none.
- III. **MOTION** by DuPlayee/Kindschi to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 7:04 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 as listed above for the public hearing. Supervisor Steve Anders arrived at 7:07 P.M.
  - B. Hampton called the meeting to order at 7:04 P.M.
  - C. Minutes of previous meeting(s): **MOTION** by Fonger/DuPlayee to approve the minutes of the June 4, 2012 Public Hearings and Town Board meeting with the date on the header corrected. **MOTION CARRIED 4-0.**

(Anders arrived)

- D. Finance Report and Approval of Bills:
  1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #20057-20119 as presented. **MOTION CARRIED 5-0.**
  2. The Treasurer asked that June per diem reports be submitted by June 30<sup>th</sup>.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.
- II. BUSINESS:
  - A. Consider adoption of an ordinance adopting an amendment to Map J-3 Future Land Use Plan: 2030 of the Town of Cottage Grove Smart Growth Comprehensive Plan 2030, and adopting the amended comprehensive plan as “Town of Cottage Grove Smart Growth Comprehensive Plan - 2030”: **MOTION** by DuPlayee/Fonger to adopt the ordinance as Ordinance 2012-02. **MOTION CARRIED 5-0.**
  - B. Consider approval of July 2012 – June 2013 Operator’s Licenses for:

Ronald Blum	Nichole Mell
Kathleen Crawford	Renee Nelson
Dawn Guimond	Kristi Wiessinger
Kaitlin Kolka	Adam Smith
Haeli Kruse	

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MEETING  
JUNE 18, 2012

The clerk stated that all applications were in order and background checks were favorable. **MOTION** by DuPlayee/Fonger to approve June 2012 – July 2013 operator's licenses for the nine individuals listed. **MOTION CARRIED 5-0.**

- C. Consider whether to require application for a Parade, Procession or Race Permit for 4 Lakes-Capital City HOG Thunder Run on July 14, 2012 to use S. Jargo and Nora Roads: Dennis O'Loughlin described the event, which will benefit juvenile diabetes, as having 300-500 motorcycles with 15 police motorcycle escorts, and Dane County Sheriff squads at major intersections. Participants pay a \$25.00 entry fee, and O'Loughlin said that there is precedent for waiving the fees set by other towns. The organization will work with Dane County to notify residents one week in advance. **MOTION** by Kindschi/DuPlayee to waive the permit fee and allow for County notification of residents. **MOTION CARRIED 5-0.**
- D. Consider approval of closing Ruffian Circle for a neighborhood party on July 1, 2012: Marylee Steinmuller presented the request to close Ruffian Circle from 4-9 p.m. on July 1<sup>st</sup>, and asked whether the Town could provide any barricades. **MOTION** by Kindschi/Anders to allow for the closure of Ruffian Circle from 4-9 p.m. on Sunday, July 1<sup>st</sup>. Town crews will drop off barricades on Friday June 29<sup>th</sup> and pick them up on Monday, July 2<sup>nd</sup>. **MOTION CARRIED 5-0.**
- E. Discuss/consider enforcing TCG Ord. Section 11.09 Unoccupied Property Maintenance with regards to 2727 Nightingale Lane: Smith reported that the lawn has been mowed and looks much better, although trimming was not done. Consensus was to continue to watch the condition of the property.
- F. Consider approval of Memorandum of Understanding for an Adaptive Management Pilot Project in the Yahara Watershed: **MOTION** by Kindschi/DuPlayee to approve the MOU as presented. **MOTION CARRIED 4-1** (Fonger opposed.)
- G. Consider approval of a Resolution Recommending Dissolution of the Capital Area Regional Planning Commission: Steve Schultz, supervisor for the Town of Medina and Dane County Town's Association representative for the Town of Cottage Grove, explained the reasons behind the DCTA's recommendation to dissolve CARPC. He said that the CARPC members appointed by the Towns and data collection staff are doing a good job in his opinion. The reasons that DCTA is calling for dissolution include the lack of a director and the movement by CARPC to eliminate oversight by elected officials (the Budget and Personnel Panel consisting of the County Clerk, Madison Mayor, and the presidents of the Dane County Towns Association and Dane County Villages & Cities Association). Beyond that, DCTA questions the value of the commission when their decisions can be overruled by the DNR, and they have failed to complete their major goals. Schultz said that a few towns have already turned in resolutions, but his recommendation to his own board will be to wait and see if there will be positive negotiations to rebuild the existing commission. **MOTION** by DuPlayee/Kindschi to table until August 6, 2012. **MOTION CARRIED 5-0.**
- H. Consider appointments to a Rodefild Landfill Expansion Negotiating Committee: Hampton recommended Kyle Mathews, who was on the original negotiating committee, along with himself and Kindschi. **MOTION** by Anders/Fonger to appoint Kyle Mathews, Hampton and Kindschi to the Rodefild Landfill Expansion Negotiating Committee. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MEETING  
JUNE 18, 2012

- I. Consider approval of attendees to the WTA Annual Convention on October 14-16, 2012:  
**MOTION** by Hampton to allow for two attendees to the convention. **MOTION CARRIED 5-0.** Kindschi and DuPlayee showed interest in going.

III. CLERK'S REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that the PSC is looking for public comments on their Strategic Energy Assessment, Nelson Bus is having a grand opening on July 9<sup>th</sup> from 4-7 p.m, MPO is looking for recommendations from Town Chairs for two appointees.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government committee: Officers were elected: Jack Henrich is Chair, DuPlayee is Vice-Chair, Lori Dahlhauser is secretary.
- B. Joint Town/Village Merger Study: They are working on a list of benefits and risks of a merger.

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

Kim Banigan, Clerk  
Approved 7-02-2012

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND SPECIAL TOWN BOARD MEETING  
JUNE 28, 2012

PUBLIC HEARING – REGARDING A PROPOSED AMENDMENT TO TCG ORDINANCE  
CHAPTER 05 ALCOHOL BEVERAGES

- I. Notice of the public hearing 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, and Mike Kindschi were present. Clerk Kim Banigan took the minutes. See the attendance sheet available in the Clerk's office for other attendees.
- II. Hampton called the public hearing to order at 6:30 P.M., and read the notice of the public hearing, then asked for public comment – there was none.
- III. **MOTION** by Fonger/Kindschi to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 6:34 P.M.

TOWN BOARD MEETING

- I. Determination that a quorum is present and that the meeting was properly posted: Attendance and notice of the meeting was the same as for the public hearing above. Supervisor Mike DuPlayee arrived at 6:45 P.M.
- II. Call to Order: Hampton called the meeting to order at 6:34 P.M.
- III. Discuss/Consider adoption of an amendment to TCG Ordinance Chapter 05 – Alcohol Beverages: **MOTION** by Hampton/Kindschi to adopt the amendment to sections 5.03 (4)(g), (6)(f) and (8) as presented. **MOTION CARRIED 4-0.**

(DuPlayee arrived)

- IV. Discuss/Consider approval of an agreement with Stueber Properties, LLC for payment of property taxes: Gary and Debra Stueber were both in attendance. Mr. Stueber gave a short presentation of the history and current status of the business, which he described as being down due the economy, although he is optimistic about it coming around. The Stuebers had some concern of the proposed requirement for a \$3,000 monthly payment. They indicated that \$2,000 would be more acceptable to them, allowing them to pay more when they can to settle the entire 2011 property tax bill by December 31, 2012. **MOTION** by Hampton/Fonger to approve the agreement requiring that Stueber Properties, LLC pay a minimum of \$2,000 by the 15<sup>th</sup> of each month, beginning with July 15, 2012, with the entire balance of 2011 property tax, including interest and penalties, to be paid by December 31, 2012. The agreement also states that if payment is not received by the 15<sup>th</sup> of the month, the liquor license for Ball of Fun LLC (d.b.a. Doubledays) is to be terminated on the 20<sup>th</sup> day of the same month. **MOTION CARRIED 4-0-1** (DuPlayee abstained).
- V. Adjournment: **MOTION** by Anders/Hampton to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 6:53 P.M.

Kim Banigan, Clerk  
Approved 07-02-2012

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MEETING  
JULY 2, 2012

PUBLIC HEARING – TO HEAR PUBLIC COMMENTS REGARDING AN APPLICATION BY DALE & DWIGHT HUSTON, FOR A REZONE FROM A1-EX TO A-2 AND CONDITIONAL USE PERMIT FOR CONCRETE BATCH PLANT ON +/- 30 ACRES ON PARCEL 0711-283-9800-6 AT 3355 COUNTY HIGHWAY N

- 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 residents and landowners of property on Natvig Rd., Maxwell St., Crestview Dr., Graham Paige Rd., Hupmobile Dr., T-Bird Way, Fieldview Lane, and on County N near the proposed site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. See the attendance sheet available in the Clerk's office for other attendees.
- II. Hampton called the public hearing to order at 7:00 P.M. He used the Future Land Use Map to show that planned use of the site in question is commercial, and has been since the first comprehensive plan was adopted. He outlined the history of the site as follows:
  - ò On 2/17/1998 a Conditional Use Permit for non-metallic mining went into effect for 4 years. It has been extended three times and currently will expire on 5/11/2015. The current proposal for a Conditional Use Permit for a concrete batch plant would also expire on 5/11/2015.
  - ò On 5/26/1998 a Conditional Use Permit for a concrete batch plant went into effect to supply the Hwy 12 & 18 reconstruction project, and has since expired.
  - ò On 6/8/1999 a Conditional Use Permit for a hot mix asphalt plant went into effect, also to supply the public highway project, and has since expired.

Hampton read from an email correspondence between Dennis Richardson, PE with R.G. Huston Company, Inc, and Dane County Assistant Zoning Administrator Dan Everson that was intended to clear up questions raised at the recent ZLR Committee meeting. The email is attached as Exhibit A, and addressed questions about fencing, road accommodations, violations by the existing mineral extraction site and reclamation. Hampton then asked for public comments and concerns.

The following individuals spoke in opposition to the concrete batch plant:

Don Huibregtse, 3657 T-Bird Way	Dan Foley, 3673 T-Bird Way
Cheryl Retzlaff, 3651 T-Bird Way	Andy and Janice Platz, 3667 T-Bird Way
Richard Teale, 2574 Hupmobile Drive	Mike Dahl, 3633 T-Bird Way
Boyd Womack, 3670 Graham Paige Road	Karen Lex, 3668 Graham Paige Road
Mike Graf, 3593 Natvig Road	Greg Scalissi, 3637 Natvig Road
Pam Keiner, 2570 Hupmobile Drive	

Concerns raised included:

- ò An understanding that residents had back in 1998 when the original CUPs were issued that the operation of the non-metallic mining site would end upon completion of the Hwy 12 & 18 reconstruction project.
- ò Increased and heavy traffic on Natvig Road and Hwy N as a result of a concrete batch plant, and the corresponding threat to motorists, bicyclists, and walkers. Several people noted that the acceleration lane mentioned in the email above does not exist, and would be necessary. Hampton said that improvements have been made to both Hwy N and Natvig Road to meet

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MEETING  
JULY 2, 2012

County standards for the non-metallic mining site. Dennis Richardson estimated that at peak operation of a concrete batch plant, there could be 20-40 trucks per hour, but during slower times there may be only 1-2 trucks per hour.

- ò Environmental hazards such as dust, especially silica, water issues run-off and contamination, noise and light pollution. There were suggestions that an environmental study should be done. Hampton said that it is up to the DNR to regulate dust, water, etc.
- ò Aesthetic concerns over the view from overlooking properties as well as to those entering the community on Hwy N.
- ò Fencing of the non-metallic mining site.
- ò Questions over the size and appearance of the proposed concrete batch plant.
- ò Frustration that board members had already approved the concrete batch plant without thinking to notify the residents in Rolling Wheels. Hampton said that the Town's policy is to notify adjoining land owners and others who have expressed concerns in the past. Town Non-metallic mining permits are always considered for renewal at the first Town Board meeting in June, and no one has come to voice concerns over this site.

The following spoke in favor of the concrete batch plant:

- ò Pat Leonhardt, 3479 Natvig Road, lives right next to the site and said that noise and dust are not that big of an issue. In her opinion, traffic safety issues at the entrance to the pit are more due to motorists going too fast on Natvig Road and not obeying the signs to yield to trucks entering and leaving the pit. She has found R.G. Huston Company, Inc. to be very cooperative with any complaints she has expressed.
- ò Dennis Richardson said that while it has created extra work and expense for R.G. Huston Company, Inc., he thinks it is probably to the Town's advantage to have short term CUPs that are periodically reviewed for renewal vs. longer term ones. He noted that mining and concrete production are not steady businesses due their dependence on the economy and other factors, and are only profitable over the long term. He addressed water quality questions by stating that they will use the existing well and surge bins rather than drilling a high-capacity well. As for fencing of the property, he said that the County had only required that the border along Hwy N be fenced, but R.G. Huston Company, Inc. would be willing to consider fencing other areas as a condition of a CUP.
- ò Dwight Huston explained that the reason behind the request for a concrete batch plant is to meet a need for a more affordable product in the Madison area.

County Supervisor Cynda Solberg said she has not made up her mind on the proposal yet, but cautioned residents to be careful what they wish for and asked Hampton to read from the list of other allowable uses for the property. She explained that the County has the ability to put conditions on a conditional use permit. The rezone and CUP request is to be discussed at the County ZLR work session on July 17<sup>th</sup>. The hearing tonight was called in response to a suggestion by ZLR committee member John Henrich after several Town residents showed up in opposition of the concrete batch plant at the recent ZLR committee meeting.

The public hearing ended with consensus that the Town Board will reconsider its position on the concrete batch plant at their July 16<sup>th</sup> meeting. Residents asked that a schematic of the proposed plant from several angles be provided for that meeting, along with assurances of environmental safety and public health, and ways that the concrete batch plant will benefit Town of Cottage

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MEETING  
JULY 2, 2012

Grove residents. Residents were advised to bring backup for their positions of opposition to the concrete batch plant.

- III. **MOTION** by Anders/Fonger to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 8:07 P.M. Cheryl Retzlaff brought the Clerk a memo to the Board requesting denial of the rezone and CUP, and enforcement of existing CUP. There was a short recess before the Town Board meeting.

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. Notice of the meeting and attendance were as listed above for the public hearing.
- B. Hampton called the meeting to order at 8:15 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/DuPlayee to approve the minutes of the June 18, 2012 Public Hearings and Town Board meeting as presented. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #20120-20158 as presented. **MOTION CARRIED 5-0.**
  2. **MOTION** by Fonger/DuPlayee to approve payment of June per diems as presented, and payment of \$4,170.00 to Tom Viken for June building permits. **MOTION CARRIED 5-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Plan Commission Recommendations:
1. Discuss/Consider application by Terry Peckham, parcel 0711-112-9340-9 at 2080 County Highway BB, for rezone from A1-EX to RH-1 (2.01 acres) and A-4 (18.29 acres and 22.00 acres): (This will use the last development right on the former Goodman farm.) **MOTION** by DuPlayee/Anders to accept the Plan Commission's recommendation to approve the rezone from A1-EX to RH-1 (2.01 acres) and A-4 (18.29 acres and 22.00 acres), with only one access for both the RH-1 and the A-4 parcels. **MOTION CARRIED 5-0.**
  2. Discuss/Consider application by Daniel Viney, parcel 0711-341-9310-0 at 2236 US Highway 12 & 18, for rezone from A-2(4) to A-2(2) (3.043 acres) and A-2(4) to A-1Ex (2.818 acres): The purpose of this is to sell back the 2.818 acres to the family farm. **MOTION** by Anders/DuPlayee to accept the Plan Commission's recommendation to approve the rezone from A-2(4) to A-2(2) (3.043 acres) and A-2(4) to A-1EX (2.818 acres). **MOTION CARRIED 5-0.**
- B. Discuss/Consider direction to the Deer-Grove EMS Commission regarding the Village of Cottage Grove's response to the May 31, 2012 discussion among the Town of Cottage Grove and the Villages of Cottage Grove and Deerfield over the DGEMS Agreement: Village President Diane Wiedenbeck was present at the meeting. Her memorandum containing the Village Board 's suggested language for the DGEMS agreement was discussed, with board members in disagreement with the requirements for unanimous approvals of contracts by the

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MEETING  
JULY 2, 2012

commission and joint boards. Comments were that this would “hamstring” the district, does not go along with what government is predicated on, and sets a dangerous precedent. Wiedenbeck said that the Village Board felt they were not listened to in regards to the recent OJA grant, and they do not want that to happen again. **MOTION** by Hampton/Fonger to direct the Town's EMS Commission member to not support the changes presented by the Cottage Grove Village President's letter received on June 26, 2012. **MOTION CARRIED 5-0.**

- C. Discuss/Consider whether the Town will pay towards replacing the stolen sign for Di Piazza Drive (a private drive): It was noted that though this is a private drive, the residences' addresses are on it so the sign is necessary in order for emergency services to find them. **MOTION** by DuPlayee/Hampton for the town to pay for the replacement sign for Di Piazza Drive. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported:

1. Notice of the 29<sup>th</sup> annual Bike MS: Toyota Best Dam Bike Ride on August 4-5, 2012 was received. This will be on the July 16<sup>th</sup> agenda for consideration of a Parade, Procession or Race permit.
2. The Dane County Surveyor's office will be performing Public Land Survey System maintenance in the Town of Cottage Grove, including finding, restoring and/or replacing section corner monuments, during the summer and fall of 2012.
3. Notice of feasibility modification request and preliminary environmental impact decision for the Rodefild Landfill Facility has been received.
4. Dane County Emergency Government will be having hot weather phone conferences this week.

- B. Kindschi made a request to reconsider the concrete batch plant at the July 16<sup>th</sup> meeting.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Village Parks, Recreation and Forestry Committee: No Report.
- B. Joint Town/Village Fire Department Committee: New LED lights have been installed on the Emergency Services Building.
- C. Law Enforcement Committee: No report.

- VI. Adjournment: **MOTION** by DuPlayee/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:25 P.M.

Kim Banigan, Clerk  
Approved 7-16-2012

----- Original Message -----

**Subject:**FW: Skaar Pit Rezone & CUP

**Date:**Mon, 2 Jul 2012 21:26:11 +0000

**From:**Dennis J. Richardson <[drichardson@rghuston.com](mailto:drichardson@rghuston.com)>

**To:**Kim Banigan ([clerk@towncg.net](mailto:clerk@towncg.net)) <[clerk@towncg.net](mailto:clerk@towncg.net)>

Kim,

Can you get copies of this to the Town Board members please.

Thanks

**Dennis Richardson, PE**

*Sr. Engineer/Safety Director/EEO-AA Officer*

***R.G. Huston Company, Inc.***

*2561 Coffeytown Road*

*Cottage Grove, WI 53527*

*(608) 255-9223*

*(608) 839-5936 Fax*

[dennis@rghuston.com](mailto:dennis@rghuston.com)

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**From:** Everson, Daniel [<mailto:Everson.daniel@countyofdane.com>]

**Sent:** Monday, July 02, 2012 2:56 PM

**To:** Dennis J. Richardson

**Subject:** RE: Skaar Pit Rezone & CUP

-----Original Message-----

**From:** Dennis J. Richardson [<mailto:drichardson@rghuston.com>]

**Sent:** Monday, July 02, 2012 2:41 PM

**To:** Everson, Daniel

**Subject:** Skaar Pit Rezone & CUP

Dan,

We wanted to follow-up last Tuesday's ZLR meeting and all of the accusations that were raised about our current mineral extraction operation (CUP #2136). Would you please provide us with a response to the following questions that were raised:

1. The existing mineral extraction operations were never fenced. I believe the site is fenced, but I would have to verify with a site inspection.
2. The existing CTH N/Natvig Road doesn't have turn lanes, by-pass lanes, acceleration lanes. An acceleration lane going south is in existence, passing lane on the east side of CTH N is in place and a turn lane is in place coming from the Village of Cottage Grove. I would recommend showing an aerial photo.
3. The existing mineral extraction site has several current violations. No, violations on file with the Dane County Zoning office and nothing submitted in writing, nor any phone conversations about a potential violation.
4. The existing mineral extraction site has a history of violations. No history of any violations.
5. None of the original CUP mineral extraction land has ever been reclaimed. A portion of the site to the east has been certified as reclaimed. This is the area where the gravel pad is in place along CTH N.

**Dan Everson**

Assistant Zoning Administrator  
608.267.1541  
[everson.daniel@countyofdane.com](mailto:everson.daniel@countyofdane.com)

We would appreciate your response to these questions so that we may help set the record straight at tonight's town informational meeting.

Thanks

**Dennis Richardson, PE**

*Sr. Engineer/Safety Director/EEO-AA Officer*

***R.G. Huston Company, Inc.***

*2561 Coffeytown Road  
Cottage Grove, WI 53527  
(608) 255-9223  
(608) 839-5936 Fax  
[dennis@rghuston.com](mailto:dennis@rghuston.com)*

\*\*\*\*\*  
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AN EQUAL OPPORTUNITY EMPLOYER

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AN EQUAL OPPORTUNITY EMPLOYER

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
JULY 16, 2012

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Attorney Connie Anderson. See the attendance sheet available in the Clerk's office for other attendees.
- B. Hampton called the meeting to order at 7:02 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Kindschi to approve the minutes of the June 28, 2012 Town Board Meeting and the July 2, 2012 Public Hearing and Town Board meeting as presented. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #20159-20199, including voided check #20183, as presented. **MOTION CARRIED 5-0.**
  - 2. The Treasurer asked that July per diem reports be submitted by August 4<sup>th</sup>.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/Fonger to approve the following Road Right-of-way permits for Alliant Energy: 1) Jack & bore and plow across right-of-way at 2242 Nora Road for new power service, 2) trench and drill parallel to the right-of-way at 2520 Peiper Road to convert single phase to underground three phase. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Review Dane County ZLR Committee decision to defer rezone and cup on application from Dale & Dwight Huston (request for a rezone from A1-EX to A-2 and conditional use permit for concrete batch plant on +/- 30 acres on parcel 0711-283-9800-6 at 3355 County Highway N) and provide additional opportunity for public input and Board discussion:

Hampton asked Dennis Richardson, Sr. Engineer with R.G. Huston Co., Inc. to begin the discussion. Richardson said that while the Zignego Company has not settled on a definite plant design, they are proposing a dry batch retail plant, not a large drum mixer. Trucks would be filled with dry product, followed by water, and would mix the concrete in the truck. The plants they are looking at would have a maximum capacity of 150 cubic yards/hour with typical production of 100-400 cubic yards/day, less in the winter. He said this would mean something like 15 trucks leaving the plant each day. The facility would be enclosed to look similar to a silo, and would be tucked as far to the south as possible to minimize its elevation. The plant itself would be around 55 feet high. If placed at an elevation of 880 feet, the top would be at 930 feet. Highway N at that point is at 915 – 920 feet. In comparison, the farm silos across the road are at 955 feet. Richardson then went on to address some of the questions from the previous meeting:

- The original CUP for non-metallic mining issued in 1998 was for 4 years of operation and 1 year for reclamation. A portion of the 57 acres included in the original CUP has been reclaimed. The current CUP is for 45 acres, and not all of it is currently being mined. Some of it is now under commercial zoning and is considered temporarily reclaimed.

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JULY 16, 2012

- ò There is a large stockpile of topsoil in the north west corner of the pit to be used for reclamation.
- ò The original site plan showed a fence around the entire site, but after inspecting the site, County and MSHAW staff decided there was no need to fence it all since it is not a rock quarry with steep drop-offs. There have been no issues with people getting into the pit, other than the recent theft of copper from MJ Electric.
- ò No bulk fuel is stored on the site. RG Huston Company, Inc. uses a fuel truck.
- ò There are no plans for a high capacity well. The concrete batch plant would use the existing farm well and surge tanks.
- ò Load tickets show 5500 loads were hauled out of the pit in the past 12 months, during which there were no traffic incidents.

Roger Lane, Dane County Zoning Administrator, was next to address the crowd. He explained that the Huston's application was postponed by the Zoning and Land Regulation Committee due to public opposition based on traffic, aesthetic and air pollution concerns. He then addressed these concerns individually:

- ò **Traffic:** Assistant Highway Commissioner Pam Dunphy has determined that traffic patterns, site lines and stopping distances are capable of accommodating the higher volume of traffic to be expected with the proposed plant. The Sheriff's Department and local police department have no record of incidents involving trucks from the pit and cars.
- ò **Aesthetics:** The proposed low volume concrete batch plant will look much like the numerous farm silos and corn drying/storage facilities found throughout rural Dane County.
- ò **Air Pollution:** In consulting with the DNR, Lane learned that dust regulation is based on volume, and the proposed plant would fall below the regulated volume. There is not much residential development in the direction of prevailing winds, which are Northwest to Southwest at the pit. Far more dust is generated by local farming operations.

Finally, Lane addressed the question of Why Here? He explained that only specific areas have the appropriate calcium carbonate content to make for good aggregate. In addition, the area has good transpiration routes and site lines.

In response to a question about zoning violations, Lane stated that the site has no record of zoning violations. He said the County monitors ~150 mining sites, including six others operated by the Hustons, and they do have a record of completing reclamation, which cannot be said for all of the other operators.

There was also a question about whether water used to manufacture concrete would be in violation of the condition in the mining CUP that water not be removed from the site. Lane said the condition was meant to address surface water. The use of well water as an ingredient in concrete would not be considered dewatering.

Questions and comments were then taken from others in attendance.

Greg Scalissi, 3637 Natvig Road, Michael Graf, 3593 Natvig Road, Mary Mielke, 3644 Maxwell Lane, and Cynda Solberg, 3703 County Road N, were concerned over traffic, specifically whether the size of the acceleration lane on County Highway N is large enough,

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
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and the inability to see trucks leaving the pit at the point of the yield sign on Natvig Road due to the trees. There were suggestions of lowering the speed limit on Natvig Road and putting a stop sign for trucks leaving the pit. Janice Platz, 3667 T-Bird Way, cautioned that when considering the traffic impact, employee vehicles and trucks bringing in supplies must also be counted. Andy Platz, 3667 T-Bird Way, asked if the County could be asked to look at the acceleration lane one more time. Carolyn Dahl, 3663 T-Bird Way, was concerned that trucks may use the north exit from Natvig Road, but it was determined that the weight limit on the bridge would prohibit this.

Michael Graf also expressed concern over the carcinogenic properties of silica dust, and asked if environmental studies have been done on the silica dust from concrete plants. Lane said that according to the DNR, emission standards on concrete batch plants are acceptable. Attorney Connie Anderson attempted to shed some light on this topic by sharing the results of her recent research. She had learned that dust is categorized as Total Suspended Particles (TSP) and Particulate Matter. TSP are the larger particles that we see accumulating. These are considered as a nuisance but not health related. Particulate Matter is categorized by size (PM 2.5 – PM 10), with the smaller particles causing health concerns. Silica is rated at PM4. She stated that the batch plant would require a registration permit with the DNR and certain thresholds would need to be met. In addition, the proposed conditions of the CUP include a requirement that DNR standards for particulate emissions be met.

Cheryl Retzlaff, 3651 T-Bird Way, expressed concern over how the amount of water needed to manufacture cement would impact the water table.

Hampton read a written statement from Karen Baker, 3634 Graham Paige Road, regarding health concerns with the proposed plant.

Janice Platz asked what benefits the proposed batch plant would have to the Town. Hampton said that there may be some employment opportunities, it would generate personal property tax, and Fonger said it would support the business of one of the largest taxpayers in the Town.

Mike Dahl, 3663 T-Bird Way, asked whether approval could be limited to a low capacity plant, or could they bring in a higher capacity plant after gaining approval. Pam Andros, Senior Planner with Dane County, said that a Conditional Use Permit is for specific plans that have been presented. Tom Lex, 3658 Graham Paige Road, asked if the site will be closed when all of the aggregate is used up, and if that could be a condition. Karen Lex, 3658 Graham Paige Road, was disappointed in the Town Board and didn't feel they addressed residents' questions. She was concerned that this is leading up to a plant to supply I-90 construction projects, and asked that conditions keep the plant at the proposed size.

Attorney Anderson read some of the proposed conditions for the CUP from the County's composite report, including requirements for erosion control, adherence to local, state and federal permits, operation according to the submitted site and operation plan, expiration in 5 years, hours of operation of 6 am to 6 pm on Monday – Friday and 8 am to 3 pm on Saturday, watering to control dust, and a requirement for mufflers and noise abatement. Andros explained that the Town communicates its suggestions for CUP conditions through a Town Action Report, and cautioned that it is important that conditions are enforceable. Andy Platz recommended that hours of operation be specifically identified as “gate open and gate closed” to prohibit maintenance activities before and after plant operation.

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Mike Dahl asked about screening the view of the pit from Hwy N. There was a suggestion that the Huston's look at improving the berm if possible, but due to the location and make-up of the berm, it may not be possible.

- B. Consider need for update of Town recommendation to County on Huston application (see above). Action by Town Board anticipated following consideration of additional public input: **MOTION** by DuPlayee/Kindschi to add the following conditions to the Conditional Use Permit:

- Ø 2 stop signs to be installed – one at the pit exit for trucks and one approximately at the site of the current yield sign for traffic traveling east on Natvig Road.
- Ø Approval limited to a dry batch operation with a maximum capacity of 150 cubic yards per hour.
- Ø Hours of operation limited to 6 a.m. to 6 p.m., Monday through Friday, 8 a.m. to 3 p.m. on Saturday – this is gate opened to gate closed, no maintenance or other activities to take place outside of these hours.
- Ø Trucks must take the shortest route from the pit entrance to County Highway N, using the improved portion of Natvig Road.
- Ø The County Highway Department is asked to review the acceleration lane on County Highway N in light of the proposed plant, keeping in mind that current traffic levels on County N are reduced due to the construction detour in the Village of Cottage Grove. The North entrance to Natvig Road should also be reviewed.
- Ø No high capacity well is to be installed at the site.
- Ø Elevation of the plant tower not to exceed 955 feet.

**MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of Dane County zoning ordinance amendment #10409 for creation of four residential lots on Skarstinden Road for Screamin' Norwegian Farms, as amended and approved by the Dane County Board of Supervisors: **MOTION** by Hampton/DuPlayee to approve Dane County zoning ordinance amendment #10409 as amended and approved by the Dane County Board of Supervisors. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of Parade, Procession or Race Permit for the Bike MS: Toyota Best Dam Bike Ride on August 7, 2012: **MOTION** by Fonger/DuPlayee to approve the permit and letter to notify affected residents, with no permit or deposit fee required. **MOTION CARRIED 5-0.**
- E. Discuss/Consider Memorandum of Understanding between the Village of Cottage Grove and the Town of Cottage Grove for the sharing of Merger Study related costs: **MOTION** by Fonger/Hampton to not participate in a MOU to share Merger Study Committee related costs. **MOTION CARRIED 5-0.**
- F. Discuss/Consider whether there is any need for a Town referendum at the November 2, 2012 election: The Clerk stated that language for a November 2, 2012 referendum must be submitted to the County Clerk by August 28<sup>th</sup>. Possible reasons for a referendum discussed were to exceed the tax levy limit due to increased EMS costs with the Town of Deerfield leaving the Deer-Grove EMS district, and/or a non-binding referendum recommended by the

TOWN OF COTTAGE GROVE  
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Merger Study Committee. No action was taken, but Hampton urged Board members to think about whether a referendum is needed.

- G. Discuss/Consider approval of UW-Extension/WTA Fall 2012 Town & Village Workshops: DuPlayee expressed interest in attending the workshop.

III. CLERK'S REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton attended the first meeting of the Adaptive Management Pilot Project for the Yahara Watershed. Tom Wilson from the Town of Westport is the Town's representative on the executive committee.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Merger Study Committee: The committee is considering an advisory referendum for November 2, 2012

- B. Emergency Government Committee: The heat wave was the main topic of discussion.

VI. Adjournment: **MOTION** by DuPlayee/Anders to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 9:41 P.M.

Kim Banigan, Clerk  
Approved 8-06-2012

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
AUGUST 6, 2012

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Police Chief Chris Hughes. Attorney Connie Anderson was present for the closed session. See the attendance sheet available in the Clerk's office for other attendees.
- 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 July 16, 2012 Town Board Meeting as presented. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #20200-20237 as presented. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of \$2,660.00 to Tom Viken for July building permits. **MOTION CARRIED 5-0.**
  - 3. **MOTION** by Anders/Fonger to approve payment of July per diems as presented. **MOTION CARRIED 5-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of a temporary extension of operating hours at the Skaar pit, 3355 County Highway N, for the hauling in of concrete chunks from the WisDOT IH 39 Overlay and Base Patching project: Dennis Richardson, Engineer for R.G. Huston Company, Inc., explained that Trierweiler Construction will be sawcutting concrete from damaged areas on the interstate and the material removed is to be hauled to the Skaar pit. Per the WisDOT, work on the project is limited to 7 p.m. to 6 a.m. Trierweiler Construction estimates approximately 10 trucks will bring in material between approximately 7 p.m. and midnight on Monday – Thursday for approximately 3 weeks. Richardson said there would be no extra lights needed, and use of backup alarms would be minimized.

Several residents expressed objections to temporarily extending the hours of the Conditional Use Plan, including Janice Platz, 3667 T-Bird Way, Sheryl Retzlaff, 3651 T-Bird Way, Sandy Goke, 3570 Hupmobile Drive, Linda Foley, 3673 T-Bird Way. Concerns were mainly that the noise from the dumping of the concrete would keep people up at night, but there was also concern that if exceptions can be made to the operating hours, concerns of the residents don't really mean much. They felt that they had compromised on the hours for the concrete batch plant and were not willing to compromise on this.

Alternative dumping sites were discussed, including dumping at the Krueger Pit in the Town of Pleasant Springs, or dumping at R.G. Huston's commercial property on Coffeytown Road or Natvig Road, and then hauling it to the Skaar pit during the daytime. Ultimately the petition was withdrawn by R.G. Huston Company, Inc., and no action was taken by the board.

- B. Discuss/Consider approval of Parade, Procession or Race Permit for Safe Harbor Child Advocacy Center motorcycle ride using Uphoff, W. Ridge, and Ridge Roads on August 18,

TOWN OF COTTAGE GROVE  
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AUGUST 6, 2012

2012: Lt. Gordon Bahler with the Dane County Sheriff's Department said that this will be the 9<sup>th</sup> year of the benefit ride, which is a major fund raiser. The Child Advocacy Center provides support for child witnesses and forensic interviews of children. **MOTION** by Hampton/Anders to approve the Parade, Procession or Race permit, with notice to affected residents by reverse 911 call on the Thursday preceding the event. **MOTION CARRIED 5-0.**

- C. Consider approval of Certified Survey Maps:
1. Larry Skaar at 3380 North Star Road: **MOTION** by Hampton/DuPlayee to approve the CSM identified as office map 110400 dated 7/7/2012. **MOTION CARRIED 5-0.**
  2. Screamin Norwegian Farms for 4 lots on Skarstinden Road: **MOTION** by Hampton/DuPlayee to approve the CSM identified as office map 16030 dated 2/15/2012. **MOTION CARRIED 5-0.**
- D. Discuss/Consider acceptance of Sheryl Albers-Anders' resignation from the Police Commission: **MOTION** by Hampton/DuPlayee to accept Sheryl Albers-Anders' resignation from the Police Commission. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of appointment of David Morrow to the Police Commission: **MOTION** by Kindschi/DuPlayee to appoint David Morrow to the Police Commission, term to expire in May of 2014. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of the Town of Cottage Grove Highway Department performing for-hire shouldering services on DiPiazza Drive: **MOTION** by Fonger/Kindschi to not allow the Highway Department to bid on shouldering services for DiPiazza Drive. **MOTION CARRIED 5-0.**
- G. Consider approval of a Resolution Recommending Dissolution of the Capital Area Regional Planning Commission (tabled from the June 18th meeting): **MOTION** by Anders/DuPlayee to table indefinitely, until there is news on the matter. **MOTION CARRIED 5-0.**
- H. Discuss/Consider whether there is any need for a Town referendum at the November 6, 2012 election (tabled from the July 16th meeting): **MOTION** by Fonger/DuPlayee to not include a referendum on the November 6, 2012 ballot. **MOTION CARRIED 5-0.**
- I. Discuss/Consider feedback to the the Dane County Chapter 10 (Zoning) Task Force regarding farmland preservation zoning text changes: **MOTION** by Hampton/Anders to approve the Farmland Preservation plan as presented, with notation that more control is needed for growth of cities and villages into Ag land. **MOTION CARRIED 5-0.**
- J. Discuss/Consider air conditioning needs for the Town Hall: Consensus was for to get bids from Hi-Tech Heating and A/C, Wohlers Heating and A/C, McCutchin Heating and A/C, and Landmark Co-op.
- K. Discuss/consider direction to department heads regarding the 2013 budget: **MOTION** by Kindschi/Fonger to direct department heads to "hold the line" with the 2013 budget, or be prepared to defend any increases. **MOTION CARRIED 5-0.**
- L. Discuss/consider approval of attendees for the DCTA meeting on August 15, 2012: All five Town Board members plan to attend.

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
AUGUST 6, 2012

- M. Set date for first Town Board meeting in September: **MOTION** by Hampton/Anders to hold the first Town Board meeting in September on Tuesday, September 4<sup>th</sup>. **MOTION CARRIED 5-0.**

(Attorney Connie Anderson arrived)

- N. Consider/Adopt Motion to go into Closed Session at approximately 8:30 pm per Wis. Stat. § 19.85 (1)(e) regarding deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and Wis. Stat. § 19.85 (1)(g) conferring with legal counsel regarding litigation the Town is or may become involved in: terms of EMS Agreement: **MOTION** by Hampton/Anders to move into closed session as per the reasons stated above. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** Upon further consideration, Anders recused himself and left the meeting due to his involvement in Deer-Grove EMS. Banigan asked if she should leave as well, due to her roll at Deer-Grove EMS, but those present, including Atty. Anderson, did not feel it was necessary. The closed session began at 8:32 P.M.
- O. Consider/Adopt Motion to Reconvene to Open Session no earlier than 8:45 pm to take any action necessary from Closed Session, potential action regarding Town's position on terms of EMS Agreement: **MOTION** by Hampton/Kindschi to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 9:35 P.M.

**MOTION** by Hampton/Fonger to send a letter to other participating municipalities of the Deer-Grove EMS District providing notice that the Town of Cottage Grove expects non-renewal of the DGEMS Agreement, and will actively pursue other options. **MOTION CARRIED 4-0.** It was noted that this is a sad day and sad circumstances for all four of the Deer-Grove EMS municipalities.

III. CLERK'S REPORT

- A. Dane County Ordinances: None.

IV. BOARD REPORTS AND COMMUNICATIONS: None.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Village Parks, Recreation and Forestry Committee: No report.
- B. Deer-Grove EMS Commission: discussed earlier in closed session.
- C. Law Enforcement Committee: No report.
- D. Plan Commission: The commission will interview selected respondents from the RFP for planning services at their September meeting.
- E. Joint Town/Village Landfill Monitoring Committee: No report.
- F. Emergency Government Committee: No report.

- VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 9:40 P.M.

Kim Banigan, Clerk  
Approved 8-20-2012

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
AUGUST 20, 2012

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. See the attendance sheet available in the Clerk's office for other attendees.
- 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 6, 2012 Town Board Meeting as presented. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  - 1. **MOTION** by Hampton/Anders to approve payment of bills corresponding to checks #20238-20288 as presented, holding check 20288 until trucking issue is resolved. **MOTION CARRIED 5-0.**
  - 2. The Treasurer reported that Colonial Club only billed \$5,500 for 2012 services, and asked if a check should be issued for the remaining \$500 that was budgeted. Consensus was for her to prepare a check to be approved on September 4<sup>th</sup>.
- E. Public Concerns: Joe Starr, 4533 Baxter Road, reported that residents are happy with the repaving of Baxter Road, and recent speed limit enforcement activities by the police department. He wondered if the Town will be cleaning up gravel that has migrated from the new shoulders into the ditches, but was told it would not be.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of expenditure of Town's portion of the cost to improve the intersection of Vilas Hope Road and County Road BB: Dane County Assistant Highway Commissioner Pam Dunphy explained that the project is funded by a Federal grant with a 10% local match. Dane County will pay 50% of the matching funds, which will leave ~\$10,000 for the Town + DOT review fees. **MOTION** by DuPlayee/Kindschi to approve the expenditure of the Town's portion of the cost to improve the intersection of Vilas Hope Road and County Road BB, not to exceed \$10,000 without further approval. **MOTION CARRIED 5-0.**
- B. Discuss/Consider next steps for providing Emergency Medical Services to the Township: Hampton reported that the Village of Deerfield has given notice similar to the Town's notice as a result of the August 6<sup>th</sup> meeting, and asked the board what the next steps should be.

Anders would like to see Deer-Grove EMS continue, cautioning that while the initial contract from a private service may be affordable, there is no telling what increases there may be in the future and options will be limited once the current infrastructure is dismantled. He thought that indications at the recent DGEMS Commission meeting from Ed Lemay that the Village may drop the request for unanimous votes in favor of attorney involvement upon request were a sign of progress in negotiation of a new agreement.

DuPlayee said it is important to look at the long range provision of emergency medical services to the residents, and thought that 4 months is too short of a period to make a change.

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
AUGUST 20, 2012

He would like to see at least a one year extension to work things out, and felt that the likelihood of reaching an agreement is good.

Kindschi hoped DGEMS could continue, but thought the Town should be looking at other options as well.

Fonger would like to see DGEMS continue, and preferred a long term agreement, but without the unanimous vote language requested by the Village of Cottage Grove.

**MOTION** by Hampton/Fonger for the Town to continue working on coming to a new agreement with the Villages of Cottage Grove and Deerfield, and to put the topic back on the agenda for September 17<sup>th</sup>. **MOTION CARRIED 5-0.**

- C. Motion to reconsider decision at Joint Town & Village board meeting regarding referendum on merger and related expenses: Kindschi said he asked to have this on the agenda because he feels the board owes it to the constituents to follow through with the plan when the Merger Committee was created to end up with some kind of referendum. **MOTION** by DuPlayee/Kindschi to reconsider the decision at the Joint Town & Village board meeting regarding a referendum on merger and related expenses. **MOTION CARRIED 3-2** (Fonger and Hampton opposed).
- D. Consider/Adopt resolution regarding advisory referendum and referendum question(s) on merger of the Town and Village of Cottage Grove, and directing submission of referendum question(s) to the public in the November 6, 2012 election: Attorney Connie Anderson had prepared a resolution for referendum and two suggested questions. Kindschi had also prepared suggested questions. Fonger was not in favor of a non-binding referendum, saying that he thought the idea was to have a binding referendum after the Merger Committee completed their work. He did not think there was enough information for people to decide at this point.

Gary and Doris Garczynski, 2610 Simpson Drive, supported an advisory referendum.

Romayn Rote, 2964 Gaston Road, was concerned over the City of Madison growing into the Town, but said he attended several Merger Committee meetings and saw little progress made.

**MOTION** by DuPlayee/Kindschi to adopt Resolution 2012-03 regarding advisory referendum and referendum question(s) on merger of the Town and Village of Cottage Grove, and directing submission of referendum question(s) to the public in the November 6, 2012 election, with the following questions:

QUESTION NO. 1: Should the Town continue working with the Village of Cottage Grove to achieve a final merger recommendation? (A YES VOTE means that you support the continuing work of the Joint Merger Committee to study the possibility of merging the Town and Village of Cottage Grove into one municipality. A NO VOTE means that you do not support the continuing work of the Joint Merger Committee to study the possibility of merging the Town and Village of Cottage Grove into one municipality.)

QUESTION NO. 2: Do you support the expenditure of the Town's general revenues to study the possibility of the merger of the Town of Cottage Grove and Village of Cottage Grove, in an amount to be reasonably determined by the Cottage Grove Town Board during the 2012 budget process for expenditures to be made in 2013? (A YES VOTE means that you support the expenditure of the Town's general revenues in 2013 to study the possibility of merger. A

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
AUGUST 20, 2012

NO VOTE means that you do not support the expenditure of the Town's general revenues in 2013 to study the possibility of merger. )

**MOTION CARRIED 3-2** (Hampton and Fonger opposed).

- E. Discuss/Consider approval of replacement of air conditioner unit in the Town Hall: Hampton had solicited estimates from 4 vendors, but only two responded: Landmark Heating and Cooling provided two options for Lennox refrigerant 410-A models: one at \$2,881.00 and one at \$3762.00. McCutchin Heating and AC estimated \$2,715.00 for a 410-A refrigerant Goodman furnace, or \$3,635.00 for a wall mounted unit. Smith explained that cooling by the current unit is compromised due to the coil not being properly located, a result of going from two furnaces to one. Both estimates reflected this. McCutchin's estimate included moving the coil and closing off ceiling vents that were used when smoking was allowed in the building but now compromise both heating and cooling. He also recommended additional insulation in the ceiling.

**MOTION** by DuPlayee/Fonger to get prices on insulation for consideration at the next meeting, and to budget \$2,715.00 for McCutchin to replace the furnace in 2013. **MOTION CARRIED 5-0.**

- F. Discuss/Consider advertising for bids for Town Assessor and cleaning services: **MOTION** by DuPlayee/Kindschi to advertise for bids for Town Assessor in the Wisconsin Towns Association newsletter with RFP's mailed to selected assessors currently serving area municipalities, and to advertise for bids for cleaning services. Bids to be due by October 29<sup>th</sup>. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of providing financial support to the Madison Area Transportation Planning Board: **MOTION** by DuPlayee/Kindschi to not provide financial support to the Madison Area Transportation Planning Board. **MOTION CARRIED 5-0.**
- H. Confirm attendees for the WTA Annual Convention on October 14-16, 2012: **MOTION** by Hampton/DuPlayee to allow just one board member to attend the convention. **MOTION CARRIED 5-0.** DuPlayee would like to attend.
- I. Discuss/consider approval of attendees to the September 17, 2012 Forum on Capital Area Regional Planning Commission and Regional Collaboration and Planning: The meeting conflicts with a Town Board Meeting. **MOTION** by Hampton/DuPlayee to allow Plan Commission member Kristi Williams to attend and collect a per diem and mileage. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT

A. Dane County Ordinances:

1. Discuss/Consider approval of Ordinance Amendment 11, 2011-13 amending chapters 10 & 12 of the DCCO regarding the keeping of domesticated fowl in single family residential yards: Hampton noted that nowhere in the ordinance does it refer to how to dispose of waste. **MOTION** by Anders/DuPlayee to approve the amendment as presented. **MOTION CARRIED 4-1** (Hampton opposed).

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton reported that the draft 2013-2017 Transportation Improvement Program for the Madison Metropolitan Area & Dane County is available in the Town office.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
AUGUST 20, 2012

- A. Flynn Hall Committee: The committee recommended the same budget for 2013 as for 2012. The Lions Club is going to remodel the kitchen, including cabinets, counter top, commercial sink, and dishwasher. The pass through wall will be bumped out to make the kitchen larger, and both entry doors will be replaced.
- B. Village Parks, Recreation and Forestry Committee: Emerald ash borers, and the law regarding sports concussions were discussed. The effects of the drought on soccer fields may lead to re-exploring the use of Town fields.

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

Kim Banigan, Clerk

Approved 09-04-2012

**TOWN OF COTTAGE GROVE  
TOWN BOARD RESOLUTION 2012-03  
RESOLUTION REGARDING  
ADVISORY REFERENDUM AND REFERENDUM QUESTION ON MERGER OF  
TOWN & VILLAGE, AND  
DIRECTING SUBMISSION OF REFERENDUM QUESTION TO THE PUBLIC  
IN THE NOVEMBER 6, 2012 ELECTION**

**WHEREAS**, the Town of Cottage Grove commenced a joint study of a possible merger of the Town and Village of Cottage Grove, which study was conducted pursuant to Town Resolution 2011-02, a copy of which is attached hereto as **Exhibit A**, and incorporated by reference, and which was entitled:

**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.**

**WHEREAS**, on August 2, 2012, at a joint meeting of the Town Board and the Village Board, a motion was adopted unanimously by those 11 elected officials present and voting to discontinue the Joint Merger Committee and talks of a joint merger; and,

**WHEREAS**, the Town Board has deemed it necessary, prudent and in the best interest of the public welfare to have an advisory referendum to obtain additional information from the Town residents with respect to the Town residents position on the merger of the Town and Village; and,

**WHEREAS**, the Town Board has determined that putting the question to the Town residents at the upcoming presidential election in November 2012 is the best way to obtain such information; and,

**WHEREAS**, the Town Board wishes to approve the referendum questions to be submitted to the Town's electorate at the presidential election to be held on November 6, 2012;

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

1. The following question(s) shall be submitted to and voted upon by the Town electorate on November 6, 2012, in a non-binding advisory referendum:

**QUESTION NO. 1:**

Should the Town continue working with the Village of Cottage Grove to achieve a final merger recommendation?

**A YES VOTE** means that you support the continuing work of the Joint Merger Committee to study the possibility of merging the Town and Village of Cottage Grove into one municipality.

**A NO VOTE** means that you do not support the continuing work of the Joint Merger Committee to study the possibility of merging the Town and Village of Cottage Grove into one municipality.

**QUESTION NO. 2:**

Do you support the expenditure of the Town's general revenues to study the possibility of the merger of the Town of Cottage Grove and Village of Cottage Grove, in an amount to be

reasonably determined by the Cottage Grove Town Board during the 2012 budget process for expenditures to be made in 2013?

**A YES VOTE** means that you support the expenditure of the Town's general revenues in 2013 to study the possibility of merger.

**A NO VOTE** means that you do not support the expenditure of the Town's general revenues in 2013 to study the possibility of merger.

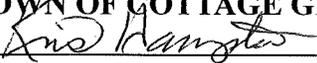
2. The Town Clerk shall submit the referendum questions to the Dane County Clerk no later than August 28, 2012.

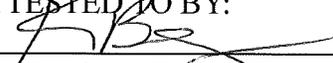
3. Notice of the referendum questions shall be published by the Town Clerk in accordance with law, and as directed by the Government Accountability Board (GAB) and the Dane County Clerk's office.

4. The Town Clerk shall take any and all necessary actions to provide for presentation of the referendum to the voters at the November 6, 2012 election, with assistance from the Town Attorney, GAB and the Dane County Clerk.

Adopted this 20<sup>th</sup> day of August at a duly noticed meeting of the Town Board by a vote of 3 for and 2 against.

**TOWN OF GOTTAGE GROVE**

  
\_\_\_\_\_  
Kris Hampton, Town Chairperson

ATTESTED TO BY:  
  
\_\_\_\_\_  
Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
SEPTEMBER 4, 2012

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Police Chief Chris Hughes. See the attendance sheet available in the Clerk's office for other attendees. There were also others present who did not sign in.
- 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 August 20, 2012 Town Board Meeting as presented. **MOTION CARRIED 5-0.**
  2. **MOTION** by Fonger/Kindschi to approve the minutes of the August 6, 2012 closed session as presented, and to keep them closed until the matter is settled. **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 #20289-20337 as presented, including voided check #20288. **MOTION CARRIED 5-0.**
  2. **MOTION** by Fonger/DuPlayee to approve August per diem payments as presented, and payment of \$2030.00 to Tom Viken for August Building permits. **MOTION CARRIED 5-0.** The clerk reported that Viken told her he has not been charging the \$10.00 administrative fee for demolition permits, the board instructed her to ask him to include it in future permits.
- E. Public Concerns: Deer-Grove EMS Chief Duane Erschen extended an apology to the board, and especially to Hampton, for anything he may have done recently to offend them. He said he respects the service they provide the community, and asked for forgiveness for times when his passion for the EMS service has outstripped his better judgement. He also expressed his hopes that a new agreement can be reached to allow Deer-Grove EMS to move forward.
- F. Road Right of Way Permits: **MOTION** by Anders/Fonger to approve a road right-of-way permit for Alliant Energy to trench, plow and drill and trench across and parallel to the right of way to install new 2" plastic gas main and 2-1" plastic services at 4669 Kennedy Road. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider adoption of a Resolution Amending the 2012 Town Budget: Hampton read the resolution to allocate unaassigned funds to pay for the Town's portion of matching funds to an OJA grant that Deer-Grove EMS was awarded to purchase radios. **MOTION** by Anders/Kindschi to approve the as Budget Resolution 2012-02. **MOTION CARRIED 5-0.**
- B. Discus/Consider approval of the use of Cedar Knolls park for pee-wee football practice during September and October of 2012: It was noted that there have been no issues with the use of this park for pee wee football practice in previous years. **MOTION** by DuPlayee/Anders to approve the use of Cedar Knolls park for pee-wee football practice during September and October of 2012, waiving the park reservation fee. **MOTION CARRIED 5-0.**
- C. Discuss/consider approval of a Certified Survey Map for Skaar Living Trust - three residential lots on Uphoff Road: **MOTION** by Hampton/DuPlayee to approve the CSM identified as

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
SEPTEMBER 4, 2012

Office map #16079 dated 8/16/2012. **MOTION CARRIED 5-0.** It was noted that the driveway for Lot 3 is to be approved by Highway Superintendent Jeff Smith.

- D. Discuss/Consider adoption of a Resolution Confirming the Town's intent to participate in negotiation and arbitration process for the expansion for the Dane County Solid Waste Facility located at 7102 U.S. Highway 12 & 18 in the City of Madison: Hampton read the resolution. **MOTION** by Fonger/DuPlayee to adopt the resolution as read (it will be Resolution 2012-04), appointing Mike Kindschi as the single member to the local negotiation committee. **MOTION CARRIED 5-0.**
- E. Discuss/Consider formation an ad hoc committee to advise on the negotiation and arbitration process for the expansion of the Dane County Solid Waste Facility located at 7102 U.S. Highway 12 & 18: **MOTION** by Hampton/Anders to form an ad hoc committee comprised of Hampton, Kindschi, Kyle Mathews and Steve Hahn. **MOTION CARRIED 5-0.**
- F. Discuss Consider formation of a committee to coordinate public education for the November 6, 2012 merger referendum questions: **MOTION** by Hampton/DuPlayee to put Kindschi and DuPlayee in charge of public information for the upcoming referenda. **MOTION CARRIED 5-0.** The goal is to explain the referendum questions and provide known information on the effects of a merger of the Town and Village. Thoughts were to hold two public sessions, one on a week night and one on a Saturday, dates to be determined.
- G. Plan Commission Recommendations: Discuss/Consider selection of firm to provide planning services to the Town of Cottage Grove: After interviewing three firms, the Plan Commission recommended MD Roffers Consulting. Mark Roffers was present and described his qualifications and experience. **MOTION** by Fonger/Anders to accept the proposal from MD Roffers Consulting to provide planning services to the Town. **MOTION CARRIED 5-0.**
- H. Discuss/Consider allowing Deer-Grove EMS to utilize FAP Funds to purchase a defibrillator: **MOTION** by Kindschi/Fonger to approve the expenditure of ~\$10,000.00 of available FAP funds for the purchase of a defibrillator. **MOTION CARRIED 5-0.**
- I. Discuss the draft Deer-Grove EMS Agreement for a new term to begin January 1, 2013: Village of Cottage Grove Trustee Ed Lemay and Village of Deerfield Trustee Jerry McMullen were also present and participated in the discussion. The following recommendations were discussed:
- Section 2.01 (A): Leave the language that commissioners not be required to be elected officials. Thoughts were that the Town would probably want their representative to be an elected official, but there was no need to limit this choice for the other municipalities.
  - Section 2.02: Change to: *The Commission by using its best efforts and by working in ~~connection~~ cooperation with the EMS Chief shall:*
    - Section 2.02 (L) Change to: *Should any member of the Commission request the Commission to forward an issue to legal counsel for review, the Commission shall forward the issue to counsel for a review not to exceed two billable hours unless specifically authorized in advance by a majority vote of the Commission. Should counsel deem additional time necessary to review the issue, counsel will be instructed to provide an initial report to the Chairperson EMS Chief and advise the Chairperson EMS Chief of what additional work may be necessary to completely review or opine on the issue. The Commission may then vote to authorize additional review by legal counsel.*

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
SEPTEMBER 4, 2012

- Section 2.03 (A): The board did not wish to see contracts for budgeted items, regardless of the cost. They suggested changing (1) and (2) to:
- *Enter into all contracts for budgeted items and contracts for non-budgeted items valued below \$5,000.00 in the name of and for the benefit of the District.*
- *Enter into non-budgeted contracts valued at or above \$5,000.00 or agreements in the name of and for the benefit of the District with approval of the majority of the participating municipal boards.*
- Section 6.02 (A): Change the last sentence to: *At withdrawal, the remaining EMS District will have the option to pay out the value of equipment either in 5 equal annual payments with the first payment to be paid one year after withdrawal or as a single lump sum to be paid within 3 years after withdrawal.*
- Section 9.01: Board members were in agreement with a 10 year term, to end December 31, 2022.

**MOTION** by Anders/Kindschi to send the above recommendations to the Deer-Grove EMS Commission, and allow the Clerk to send draft minutes from tonight's meeting to the Villages of Cottage Grove and Deerfield. **MOTION CARRIED 5-0.**

- J. Set 2013 Budget Workshop dates: Budget workshops were scheduled to begin at 6:30 P.M. on October 17<sup>th</sup>, 25<sup>th</sup> and 29<sup>th</sup>, with November 1<sup>st</sup> held in case another meeting is needed. A special meeting of the electors to approve the levy was tentatively scheduled for November 19<sup>th</sup>.

III. CLERK'S REPORT: No report.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton received two estimates for insulating the ceiling of the Town Hall: One for \$27,180 from Foam-Tek and one for \$3,700 from Rockwieler. The Rockwieler estimate was ruled out, however, since it would require covering the light fixtures, which would not meet building code. Hampton is waiting for one more estimate, and has also contacted McCutchin Heating and A/C for an estimate to install ventilation in the attic.
- B. Hampton also reported that the 2012 New Holland tractor was delivered today.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Town Parks Committee: 2013 plans include spraying of the opposite six parks from those sprayed in 2012, sealcoating and striping of two basketball courts, replenishing of sand and routine repairs to equipment. The budget recommendation was held at \$5,000.
- B. Law Enforcement Committee: A lively 2013 budget discussion included goals for future increases to the size of the department and internal restructuring of existing personnel. There was no movement on renewal of the Law Enforcement Agreement.

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

Kim Banigan, Clerk  
Approved 9-17-2012

**TOWN OF COTTAGE GROVE**  
**TOWN BOARD RESOLUTION NO. 2012-04**

**RESOLUTION CONFIRMING TOWN'S INTENT TO  
PARTICIPATE IN NEGOTIATION AND ARBITRATION PROCESS FOR THE  
EXPANSION OF THE DANE COUNTY SOLID WASTE FACILITY  
LOCATED AT 7102 U.S. HIGHWAYS 12&18 IN THE CITY OF MADISON**

**WHEREAS**, the Town of Cottage Grove has been notified by Dane County Solid Waste Division of Dane County Department of Public Works, Highway and Transportation that it is proposing an expansion of its solid waste facility located at 7102 U.S. Highways 12&18 in the City of Madison and the proposed expansion will be located within 1500 feet of the Town's boundary. Said notification was dated July 31, 2012 and was received by the Town of Cottage Grove on August 1, 2012;

**WHEREAS**, on August 14, 2012, the Town of Cottage Grove timely notified the Dane County Solid Waste Division that there are no applicable local approvals as required pursuant to Wis. Stat. § 289.22(1m);

**WHEREAS**, pursuant to Wis. Stat. § 289.33, the Town of Cottage Grove is entitled to participate, as an "affected municipality," in the negotiation and arbitration process for the proposed expansion of this facility;

**WHEREAS**, the Town of Cottage Grove has participated, as an "affected municipality," in negotiations and arbitration for previous expansions of this solid waste facility, and is party to a Negotiated Agreement between the Town, Dane County, City of Madison and the Village of Cottage Grove dated October 19, 1993;

**WHEREAS**, to promote public health, safety and welfare of the Town and its residents, it is in the best interests of the Town to participate in the negotiation and arbitration process for the proposed expansion of this facility; and,

**NOW, THEREFORE BE IT HEREBY RESOLVED BY THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF COTTAGE GROVE, as follows:**

1. The Town of Cottage Grove, Wisconsin, whose business address is 4058 County Highway N, Cottage Grove, WI 53527, intends to negotiate and, if necessary, arbitrate with Dane County Solid Waste Division whose business address is 1919 Alliant Energy Center Way, Madison, WI, 53713, concerning the proposed expansion of its solid waste disposal facility, which is located in the City of Madison, at 7102 U.S. Highways 12&18.

2. Within seven (7) days of passage of this Resolution, the Town Clerk shall send a copy of this Resolution to the Wisconsin Waste Facility Siting Board, 5005 University Avenue, Suite 201, Madison, Wisconsin, 53705-5400.
3. The Town Board does hereby appoint the following one member to the local committee that will negotiate and, if necessary, arbitrate with the Dane County Solid Waste Division concerning the proposed expansion and shall, within seven (7) days of the appointment, send the name, address, as required by Wis. Stat. § 289.33(7)(c), of the appointee to the Waste Facility Siting Board. Within fifteen (15) days of the appointment, the appointee shall file a statement of economic interests with the Waste Facility Site Board. Following the name of the member is the address of said member:

Name: Michael Kindschi  
Address: 4634 Meadowlark St.  
Cottage Grove, WI 53527

Adopted this 4<sup>th</sup> day of September, 2012.

**TOWN OF COTTAGE GROVE, WISCONSIN**

Kris Hampton  
Kris Hampton, Town Chairperson

Approved by a vote of 5 for and 0 against, at a duly noticed meeting of the Town Board of the Town of Cottage Grove, Wisconsin.

**ATTESTED TO** this 4<sup>th</sup> day of September, 2012.  
**TOWN OF COTTAGE GROVE**

Kim Banigan  
Kim Banigan, Town Clerk

Published/posted: 9/7/2012

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
SEPTEMBER 17, 2012

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. See the attendance sheet available in the Clerk's office for other attendees.
- B. Hampton called the meeting to order at 7:05 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Anders/DuPlayee to approve the minutes of the September 4, 2012 Town Board Meeting as presented. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #20238-20385 as presented. **MOTION CARRIED 5-0.**
  2. The Treasurer asked that September per diem reports be submitted by September 30<sup>th</sup>.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Hampton/DuPlayee to approve three road right-of-way permits:
1. James Bradt, 2256 CTH B, for Alliant Energy to trench and plow parallel to the right of way to install 2" plastic gas main and electric service.
  2. Charter Communications to trench parallel to the right of way on Vilas Road north of Gladview to re existing cable.
  3. Charter Communications directional bore across the right of eay on Bluebird Lane to reapiir faulted cable.

**MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider changing the local appointee to the negotiation and arbitration committee for the expansion for the Dane County Solid Waste Facility located at 7102 U.S. Highway 12 & 18 in the City of Madison: Kyle Mathews, 3646 County Hwy AB, stated his interest in replacing Kindschi on the committee. He has a vested interest due to living across the road from the landfill site, and he has been in contact with county officials regarding the landfill since 1992. He feels he has a good working relationship with Jerry Mandli, Director of Dane County Public Works, and said he will represent the Town of Cottage Grove first, himself secondarily. Kindschi was not opposed to having Mathews replace him, saying that it appears as though Mathews has a wealth of experience and background with the County landfill. There was discussion about whether the Town really has to negotiate on an expansion of the landfill since it already has an agreement on the current site that was supposed to be into perpetuity. **MOTION** by DuPlayee/Anders to replace Mike Kindschi with Kyle Mathews as the the local appointee to the negotiation and arbitration committee for the expansion for the Dane County Solid Waste Facility located at 7102 U.S. Highway 12 & 18 in the City of Madison. **MOTION CARRIED 5-0.**
- B. Discuss/Consider changing the appointees to the ad hoc committee to advise on the negotiation and arbitration process for the expansion of the Dane County Solid Waste Facility located at 7102 U.S. Highway 12 & 18: No action was necessary.

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
SEPTEMBER 17, 2012

- C. Discuss ventilation options for the Town Hall attic: Rich McCutchin from McCutchin Heating and A/C discussed options with the board, and will prepare an estimate to install domed ventilators and vents at the gable ends for the board to consider at their next meeting.
- D. Discuss/Consider approval of an operator's license for Jason M. Simle: **MOTION** by Hampton/Fonger to approve an operator's license through June 30, 2012 for Jason M. Simle. **MOTION CARRIED 5-0.**
- E. Discussion only on the draft Deer-Grove EMS Agreement for a new term to begin January 1, 2013: The Board discussed and had no problems with the recommendations from the Deerfield Village Board.
- F. Update on public education plans for the November 6, 2012 merger referendum questions: Kindschi and DuPlayee plan to meet on September 20<sup>th</sup> to come up with a game plan. Dates for public information sessions were suggested as Saturday, October 27<sup>th</sup> at 9:00 A.M., and Tuesday, October 30<sup>th</sup> at 7:00m P.M.
- G. Discuss/Consider approval of a Continued Well Location Agreement for well at 4407 Vilas Hope Road, owned by John Copenhaver: The Clerk reported that there is a mix-up over ownership of the property at 4407 Vilas Hope Road. No action was taken.

III. CLERK'S REPORT: No report.

IV. BOARD REPORTS AND COMMUNICATIONS: No reports.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

A. Emergency Government Committee: No report.

VI. Adjournment: **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:25 P.M.

Kim Banigan, Clerk

Approved 10-1-2012

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
OCTOBER 1, 2012

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 and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. See the attendance sheet available in the Clerk's office for other attendees. Supervisor Steve Anders arrived at 7:04 P.M.
- B. Hampton called the meeting to order at 7:02 P.M.
- C. Minutes of previous meeting(s):
  - 1. **MOTION** by DuPlayee/Fonger to approve the minutes of the September 17, 2012 Town Board Meeting as presented. **MOTION CARRIED 3-0.**
- D. Finance Report and Approval of Bills:
  - 1. **MOTION** by Fonger/DuPlayee to approve payment of bills corresponding to checks #20386-20424 as presented. **MOTION CARRIED 4-0.**
  - 2. **MOTION** by Fonger/DuPlayee to approve payment of September per diems as presented, and payment of \$3,352.00 to Tom Viken for September building permits. **MOTION CARRIED 4-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of a Continued Well Location Agreement for well at 4407 Vilas Hope Road, owned by Thomas and Julia Willan: Mr. Willan stated that he has no intention of signing the agreement. He does not want the responsibility for insurance or Digger's Hotline membership. He said that calling the agreement a "Continuing Well Location Agreement" indicates that there was a prior agreement, but neither he nor the prior owner were aware that the well is in the road right-of-way. He is willing to work with the Town in some kind of agreement, suggesting that the expense to move the well be shared by himself and the Town. Hampton pointed out that the agreement allows continued use of the well as long as it provides potable water, and that liability for the well falls on the Willan's with or without the agreement.  
  
Mr. Willan stated that he will send written notice that he will not sign the agreement. The Clerk was directed to send the notice to the Town Attorney for advice on the next steps for the Town to take.
- B. Discuss/Consider approval of Deer-Grove EMS' replacement of Car 1: DGEMS Lieutenant Jerry McMullen described the need for a replacement vehicle, stating that because the current Car 1 is a danger due to an exhaust leak and suspension problems that would cost more to repair than the car is worth, it will need to be retired with the onset of cold weather. The proposed replacement vehicle is a SUV under the State bid at a cost of ~\$26,300, which is proposed to come from DGEMS unassigned funds. Chief Erschen indicated that DGEMS has sufficient unassigned funds to cover this. McMullen said that outfitting of the new vehicle could be accomplished in house using mostly equipment from the current Car 1. He explained that the use of Car 1 has evolved from its original purpose of transportation to serving as an emergency response vehicle when both ambulances are otherwise engaged and there is personnel in house to staff it. The replacement vehicle would be outfitted with the same equipment as an ambulance, to allow for the same patient care provided by an ambulance response, except for

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
OCTOBER 1, 2012

- transport. **MOTION** by DuPlayee/Fonger to approve DGEMS' replacement of Car 1 using DGEMS unassigned funds not to exceed \$30,000. **MOTION CARRIED 4-0.**
- C. Discuss/Consider approval of Deer-Grove Grove EMS Agreement for term running from January 1, 2013 thru December 31, 2022: The draft agreement for consideration has been approved by the DGEMS Commission and reviewed by DGEMS Attorney Daniel Barker. There was discussion about item 2.03 (A) (2), which was stricken in one draft by the Village of Cottage Grove, but put back in by Attorney Barker. His version included both budgeted and non-budgeted contracts below \$5,000, but the Town Board thought only budgeted contracts should be included. There was also discussion about Section VI Withdrawal from District, which was re-written by Baker Tilly Virchow Krause, LLP in response to the Cottage Grove Village Board's request. There was a question of whether tangible property should be defined. Hampton suggested that the Town not sign the contract at this time due to concern over expenses related to a new ambulance and union contract negotiations. Instead, he proposed that the Town ask the EMS Commission to provide a price for the Town to contract for Emergency Medical Services like Pleasant Springs currently does. Other board members did not support his suggestion. **MOTION** by DuPlayee/Anders to approve the Deer-Grove Grove EMS Agreement for term running from January 1, 2013 thru December 31, 2022 with one change: item 2.03 (A) (2) to be changed to read: "Enter into all contracts for budgeted items ~~and contracts for non-budgeted items~~ valued below \$5,000 in the name of and for the benefit of the District." **MOTION CARRIED 3-1** (Hampton opposed).
- D. Discuss/Consider approval of improvements to ventilation of Town Hall attic: Rich McCutchin presented a proposal from McCutchin Heating and A/C to install an Auto Mount Attic Ventilator for \$1,046.75. He noted that Town Building Inspector Tom Viken had told him that up to 25% of the firewall separating the hall area from the office can be removed without compromising its integrity. **MOTION** by Hampton/DuPlayee to approve installation of an Auto Mount Attic Ventilator by McCutchin Heating and A/C in 2013, sometime before summer, at a cost not to exceed \$1,200.00. **MOTION CARRIED 4-0.**
- E. Discuss revisions to TCG Ordinance Chapter 10 – Public Peace and Good Order, as recommended by the Chief of Police and Town Attorney: The recommended revisions were reviewed and there were no suggested changes to the draft. A public hearing will be held at the October 15<sup>th</sup> Town Board meeting, with the Town Board to consider adoption at their meeting to follow.
- F. Discuss/Consider approval of Agreement for Town Planning Services with MD Roffers Consulting LLC: Tabled until the October 15<sup>th</sup> meeting pending review by the Town Attorney.
- G. Discuss/Consider adoption of a Resolution Regarding Posting in Lieu of Publication for all Election Notices beginning with the Spring 2013 Election Cycle: Hampton read the resolution. **MOTION** by Hampton/Fonger to adopt as read, this will be Town Board Resolution 2012-05. **MOTION CARRIED 4-0.**
- H. Discuss/Consider approval of Agreement for 2013 Services for the Natvig Road Landfill with Strand Associates, Inc.: The agreement has no changes to terms or cost as compared to the 2012 agreement, and has been approved by the Joint Town/Village Landfill Monitoring Committee. **MOTION** by Hampton/Anders to approve the Agreement for 2013 Services for the Natvig Road Landfill with Strand Associates, Inc. **MOTION CARRIED 4-0.**
- I. Discuss/Consider rescheduling the October 17th Budget Workshop: It was decided not to reschedule the meeting.

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
OCTOBER 1, 2012

- J. Discuss/Consider approval of Dane County Chapter 10 Ordinance Amendments: The Dane County Town's Association has recommended approval of all three ordinances.
1. Ordinance Amendment 12, 2012-13, regarding definition of agricultural uses and revisions to the A-1EX (Exclusive Agriculture) district: **MOTION** by Anders/Fonger to approve Ordinance Amendment 12, 2012-13 as written. **MOTION CARRIED 4-0.**
  2. Ordinance Amendment 13, 2012-13, regarding revisions to the A-4 (Small Lot Agriculture) district: **MOTION** by DuPlayee/Hampton to approve Ordinance Amendment 13, 2012-13 as written. **MOTION CARRIED 4-0.**
  3. Ordinance Amendment 14, 2012-13, regarding revisions to the A-B (Agriculture Business) district: **MOTION** by DuPlayee/Anders to approve Ordinance Amendment 14, 2012-13 as written. **MOTION CARRIED 4-0.**
- III. CLERK'S REPORT: The Clerk gave a summary of topics covered at an election training session put on by the County Clerk's office.
- IV. BOARD REPORTS AND COMMUNICATIONS: Hampton reported receipt of notice that the Draft 2013 MPO Unified Planning Work Program is available on the MPO's web site for review.
- V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)
- A. Joint Town/Village Fire Department Committee: The 2013 Fire Department budget was presented with not much change from 2012. The facility needs painting of the exterior metal, which will amount to ~\$10,000. The steel door frame on the north side of the building needs replacing of the rusted area near the bottom. Longer range needs include the parking lot and driveway.
  - B. Law Enforcement Committee: The 2013 Police budget will be presented to the joint Town and Village Boards on October 4<sup>th</sup>. Fonger said that a request for an increase in personnel levels should be expected.
- VI. Adjournment: **MOTION** by DuPlayee/Fonger to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:27 P.M.

Kim Banigan, Clerk

Approved 10-15-2012

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MEETING  
OCTOBER 15, 2012

PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO TCG ORD. CH. 09 TRAFFIC  
CODE AND CH. 10 PUBLIC PEACE AND GOOD ORDER

- 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. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, and Mike Kindschi were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. See the attendance sheet available in the Clerk's office for other attendees.
- II. Hampton called the public hearing to order at 7:00 P.M. and asked if there were any questions or comments about the proposed ordinance amendments – there were none.
- III. **MOTION** by Anders/Fonger to close the public hearing. **MOTION CARRIED 4-0.**

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. Notice and attendance of the meeting were as stated above for the public hearing.
- B. Hampton called the meeting to order at 7:02 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Fonger to approve the minutes of the October 1, 2012 Town Board Meeting as presented. **MOTION CARRIED 3-0-1** (Kindschi abstained).
- D. Finance Report and Approval of Bills:
  1. **MOTION** by Anders/Hampton to approve payment of bills corresponding to checks #20425-20472 as presented. **MOTION CARRIED 4-0.**
  2. The Treasurer asked that October per diem reports be submitted by November 3<sup>rd</sup>.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider adoption of amendments to TCG Ordinance Chapter 09 Traffic Code and Chapter 10 Public Peace and Good Order: **MOTION** by Fonger/Kindschi to adopt the ordinance amendments as presented. **MOTION CARRIED 4-0.**
- B. Discuss/Consider awarding of contract for janitorial services for the Town Hall and Flynn Hall: Three proposals were received:
  - Diamond Franchising, Inc, d.b.a. Jani-King, yearly cost for both buildings - \$4,260.00 (scope of work did not include yearly cleaning of floors and windows.)
  - Greyhound Janitorial Services, LLC – yearly cost for both buildings \$6,055.00
  - JKS of Wisconsin, Inc., d.b.a. ServiceMaster Building Maintenance – yearly cost of both buildings - \$6,096.00**MOTION** by Hampton/Fonger to accept the Greyhound Janitorial Services, LLC proposal to clean the Town Hall and Flynn Hall, services to begin January 1, 2013. **MOTION CARRIED 4-0.**
- C. Discuss/Consider approval of a second driveway for Doddie Regenold at 3864 Vilas Hope Road: Mr. & Mrs. Regenold explained that they have a “double” lot, and provided a site plan showing the future location of a shed they plan to build. They would like to put in a second driveway to the new shed, then connect it to their existing driveway to provide a turn-around so they do not have to back onto Vilas Hope Road. **MOTION** by Hampton/Fonger to approve a second

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driveway at 3864 Vilas Road, with the understanding that if the double lot is ever split, the second driveway would serve as the only driveway for the new lot. **MOTION CARRIED 4-0.**

- D. Discuss/Consider approval of Agreement for Town Planning Services with MD Roffers Consulting LLC: **MOTION** by Fonger/Hampton to approve the Agreement for Town Planning Services with MD Roffers Consulting LLC as amended by the Town Attorney. **MOTION CARRIED 4-0.**
- E. Discuss/Consider Homburg Construction's preliminary plat plan showing extensions of Mourning Dove Drive and Pheasant Run: Smith had attended the Village Plan Commission meeting on October 10<sup>th</sup>, and reported that the Westlawn Heights Preliminary Plat from Homburg Equipment, Inc., was approved. Smith said that since the east end of Mourning Dove Drive already connects to Village streets leading to the elementary school, a connection to the new plat to the west would make it a main route between the elementary and middle schools. Longer range plans show Mourning Dove Drive continuing all the way to Buss Road. The preliminary plat shows a wider roadway than the Town portion on the new Village sections of Mourning Dove and Pheasant Run, and a bike trail on Mourning Dove. Discussion was over concerns about the effects of increased vehicle, bike and foot traffic, along with possible drainage issues in the Town due to the new development. **MOTION** by Hampton/Kindschi to include this topic as an agenda item on the November 1<sup>st</sup> joint meeting of the Town and Village Boards. **MOTION CARRIED 4-0.**
- F. Discuss/Complete Insurance Renewal Questionnaire: The clerk recorded answers to the questions as discussed by the board. **MOTION** by Hampton/Kindschi for the Clerk to submit the renewal questionnaire as completed. **MOTION CARRIED 4-0.**
- G. Discuss/Consider approval of additional Election Inspectors for the November 6, 2012 Election: The Clerk provided a list of three potential additional election inspectors. **MOTION** by Hampton/Anders to approve Ellen Albright, Kathleen Christoph, and Jeanne Evert to serve as election inspectors for the November 6, 2012 election. **MOTION CARRIED 4-0.**
- H. Update on public education plans for the November 6, 2012 merger referendum questions: Kindschi reported that he and DuPlayee have had one meeting with the Village's Ad Hoc Merger Referendum committee, and had decided to hold two meetings jointly, one here at the Town Hall beginning at 9:00 A.M. on Saturday, October 27<sup>th</sup> and on at the Village Hall beginning at 7:00 P.M. on Tuesday, October 30<sup>th</sup>. The group will meet later this week to preview a powerpoint presentation that Village Trustee Micah Zielke is working on. Kindschi also reported that there will be a articles in both the Wisconsin State Journal and the Herald Independent about the merger referendum and information sessions.
- I. Discuss/Consider 2013 Budget for the Town of Cottage Grove: no discussion or action was taken on the 2013 budget.

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton received a thank you note from the Colonial Club for the recent additional donation.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

A. Emergency Government Committee: No report.

VI. Adjournment: **MOTION** by Hampton./Fonger to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:40 P.M.

Kim Banigan, Clerk

Approved 11-05-2012

TOWN OF COTTAGE GROVE  
BUDGET WORKSHOP  
OCTOBER 17, 2012

- I. The meeting was properly properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and HWY 12 & 18 at Hwy BN. A quorum of the Town Board was present with Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee in attendance. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, Patrolmen Norm Schmelzer and Steve Querin-Schultz and residents Tom Banigan and Karen Kessenich.
- II. Hampton called the meeting to order at 7:00 P.M.
- III. Discuss/Consider amending the Clerk and Treasurer Job Descriptions: **MOTION** by DuPlayee/Kindschi to make no change to the Clerk's job description and one change to reflect that per diems and mileage are paid monthly rather than quarterly or annually in the Treasurer job description. **MOTION CARRIED 5-0.**
- IV. Discuss/Consider amending the Personnel Policies and Procedures Manual: DuPlayee said that advice given at the recent Wisconsin Towns Association meeting was to steer away from probationary periods since they imply a contract. It was noted that a clause at the end of the manual states that it is not a labor contract. Karen Kessenich suggested that the board may need to look at how "Obama Care" will effect definitions of full time and part time employees, and said that the health insurance industry already considers 32 hours/week to be full time. **MOTION** by DuPlayee/Kindschi to make no changes to the manual other than adding that it was reviewed on October 17, 2012. **MOTION CARRIED 5-0.**
- V. Discuss/Consider adoption of a Resolution Adopting Per Diem Rules and Rates for Appointed Citizen Committee and Commission Members: Changes were made to the title to reflect Town appointed non-elected members, and the Police Commission Chair per diem was increased to \$50.00. **MOTION** by Anders/Kindschi to adopt as amended. **MOTION CARRIED 3-2** (Hampton and Fonger opposed).
- VI. Discuss/Consider adoption of a Resolution Amending Certain Fees as Permitted by the Town of Cottage Grove Code of Ordinances and the Town of Cottage Grove Smartgrowth Comprehensive Plan: **MOTION** by Hampton/DuPlayee to make the following changes:
  - Blasting Permits fees increased to \$200.00 (short term) and \$500.00 (long term).
  - Dog License Fee (in addition to County Fee) increased to \$4.50 for a single dog license and \$7.00 for a multi-dog license.
  - Fire Works Permit Use Permit fee increased to \$50.00
  - Mailing list fees to be tripled if gummed labels are requested.
  - Copies for sheets sized in excess of the capacity of the Town copy machine increased to \$25.00 for the first page, \$5.00 for each additional page.
  - Road right-of-way permit fee invoiced after approval increased to \$75.00
  - Statement of Real Property Status Fee invoiced increased to \$50.00.**MOTION CARRIED 5-0.**
- VII. CONSIDER/ADOPT MOTION TO MOVE INTO CLOSED SESSION PURSUANT TO WISCONSIN STATUTE 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: 2013 Employee Compensation: **MOTION** by Hampton/DuPlayee to move into closed session as stated above. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

TOWN OF COTTAGE GROVE  
BUDGET WORKSHOP  
OCTOBER 17, 2012

- VIII. MOVE INTO CLOSED SESSION: Mr. Banigan and Ms. Kessenich were asked to step out, the door was locked and the board moved into closed session at 7:46 P.M.
- IX. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Hampton/Anders to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 8:13 P.M. The door was opened and Mr. Banigan and Ms. Kessenich rejoined the meeting.
- X. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: None.
- XI. Discuss/Consider 2013 Budget for the Town of Cottage Grove: Karen Kessenich asked to address the board regarding the public works budget. She suggested reducing the 12% employer contribution in lieu of retirement to 6% to be more in line with the the State offers its employees. She also suggested reducing the four public works employees to 32 hour work weeks, with the same benefits they currently have. She provided a comparison showing the the number of road miles, acres of park land, numbers of full time, part time and seasonal employees, and hourly wage information to compare the Town of Cottage Grove with the Towns of Pleasant Springs and Oregon. The other two towns each operate with only two full time patrolmen. She stated that her proposal would provide a minimum of 2 patrolmen on duty each day, sometimes 3. She said that a reduction of public works staff should be considered just as it has been with EMS and Police when privatization has been considered. Kessenich maintained that her proposal was not a wage cut since the employees would still be paid the same wage for the hours they worked, although Fonger and Smith disagreed with her strongly.
- Tom Banigan questioned some of the practices of the public works department, including the stockpiling of gravel at the Town Garage when there are gravel pits so close by, and the practice of having two patrolmen perform the weekly road inspection. He would like to see more accountability for public works staff time. He also questioned whether equipment is replaced simply due to its age rather or if level of serviceability is considered. Smith explained the reasons for the practices questioned.
- Anders said it is worth looking at the rotation of equipment replacement, and Fonger said that efficiency should be looked at.
- The board estimated revenue sources for 2013. A request from Kevin Shelley for \$600 to be taken from the Liberty Prairie Cemetery Funds for two new trees was denied, however \$800 was allocated from the Cemetery Fund to compensate the Town for mowing and maintenance of the cemetery grounds.
- XII. Adjournment: **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The workshop ended at 9:17 P.M.

Kim Banigan, Clerk

Approved 11-5-2012

TOWN OF COTTAGE GROVE  
BUDGET WORKSHOP CLOSED SESSION  
OCTOBER 17, 2012

- I. **MOTION** by Hampton/DuPlayee TO MOVE INTO CLOSED SESSION PURSUANT TO WISCONSIN STATUTE 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: 2013 Employee Compensation: **ROLL CALL VOTE: Fonger – aye, Hampton – aye, Kindschi – aye, DuPlayee – aye, Anders – aye.**
- II. MOVE INTO CLOSED SESSION: In addition to the Town Board, Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Patrolmen Norm Schmelzer and Steve Querin-Schultz were allowed to remain for the closed session. All others were asked to step out and the door was locked. The closed session began at 7:46 P.M.
- III. Smith asked that the payment in lieu of health insurance be increased from \$325 to \$375/month for full time employees. There was discussion about the intent of this payment. There was agreement that the practice began because all full time employees had insurance coverage through their spouse's employer. Smith said the Town's payment was originally intended to cover the employee portion of the spouse's insurance premium, but there was confusion over whether this meant the full amount or only the difference between what the spouse would pay for single vs. couple or family coverage. Smith said the Town's payment amount has not been increased in seven years, and gave examples of what two of the four public works employees are paying per month for health insurance. **MOTION** by Hampton/DuPlayee to increase the payment in lieu of health insurance to \$350/month for full time employees, pro-rata for permanent part time employees, effective January 1, 2013. **MOTION CARRIED 5-0.**
- IV. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Hampton/Anders to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 8:13 P.M. The door was opened and The others were allowed to rejoin the meeting.

Kim Banigan, Clerk  
Approved and opened 11-5-2012

**TOWN OF COTTAGE GROVE**  
**TOWN BOARD RESOLUTION 2012-06**  
**Adopting Per Diem Rules and Rates for Town Appointed Non-Elected**  
**Committee and Commission Members.**

BE IT RESOLVED, that the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, does hereby adopt the following per diem rules and rates for Town appointed non-elected committee and commission members, to be effective upon posting:

Per Diem Rules:

By definition, "Per Diem" means "per day", thus only one per diem payment will be issued for each day of service, regardless of how many meetings are attended. The following activities qualify for per diem payment, subject to Town Board approval:

1. All posted meetings of appointed committee/commission.
2. Other meetings, training sessions, etc. as approved by the Town Board or committee/commission.

Mileage will be paid at the current federal rate for all approved meetings and training sessions held outside the Town of Cottage Grove or Village of Cottage Grove, subject to approval by the Town Board.

Per diem and mileage will be paid on a monthly basis. Monthly per diem and mileage reports are due by the first day of the following month, or as requested by the Town Treasurer.

Per Diem Rates:

Town Plan Commission:

Chairperson: \$50.00  
Other members: \$25.00

Police Commission:

Chairperson: \$50.00  
Other members: \$25.00

Ordinance Committee:

All members: \$25.00

Emergency Government Committee:

All members: \$25.00

(Per diems will not be issued for any committees or commissions not listed above.)

Adopted this 17<sup>th</sup> day of OCT by a vote of 5 for and 0 against.

**TOWN OF COTTAGE GROVE**

Kim Banigan  
Kim Banigan, Clerk

Kris Hampton  
Kris Hampton, Town Chair

ATTEST:

**TOWN OF COTTAGE GROVE  
TOWN BOARD RESOLUTION NO. 2012-07**

**A RESOLUTION ADOPTING CERTAIN FEES AS PERMITTED  
BY THE TOWN OF COTTAGE GROVE CODE OF ORDINANCES AND THE  
TOWN OF COTTAGE GROVE SMARTGROWTH COMPREHENSIVE PLAN**

WHEREAS, the Town of Cottage Grove Code of Ordinances and the Town of Cottage Grove Smart Growth Comprehensive Plan authorize the Town Board to establish certain fees by resolution; and

WHEREAS, TCG Ord. sec. 07.01(2)(b) indicates that the Town Board may amend such fees at any time;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, does hereby adopt the following fees to be effective upon posting: (Relevant ordinance or comprehensive plan sections are indicated in brackets following each fee)

Alcohol Beverage Fees [TCG 05.03 (2)]

Reserve "Class B" Intoxicating License [s. 125.51(4), Stats].....	\$10,000.00
Class "A" Fermented Malt Beverage License [s. 125.25, Stats.].....	\$500.00
Class "B" Fermented Malt Beverage License [s. 125.51(2), Stats].....	\$100.00
"Class A" Intoxicating Liquor License [s. 125.51(2), Stats.].....	\$500.00
"Class B" Intoxicating Liquor License [s. 125.51(3)(b), Stats.].....	\$500.00
"Class B" Winery License [s. 125.51(3am), Stats].....	\$100.00
"Class C" Retail Wine License [s. 125.51(3m), Stats].....	\$100.00
Temporary Class "B" Fermented Malt Beverage License [s. 125.26(6), Stats]....	\$10.00
Temporary "Class B" Wine License [s. 125.51(10), Stats.].....	\$10.00/day
Operator's License [s. 125.17(1-3,6), Stats.].....	\$25.00
Manager's License [ss. 125.18, 125.32(10 and 125.68(1), Stats].....	\$25.00

Blasting Permit Fee [TCG 18.01]

Short Term.....	\$200.00
Long Term.....	\$500.00

Change of Land Use Fee [TCG 15.19.1].....\$250.00

Cigarette and Tobacco Products Retailer License Fee [TCG 07.02(1)].....\$25.00

Dangerous Animal License [TCG 20.20(8)].....\$150.00

Dog License Fee (in addition to County Fees)[TCG 20.01(4)]

Per dog.....	\$4.50
Multi-Dog (up to 12).....	\$7.00

Emergency Response Reimbursement Fees [TCG 07.02(3)]

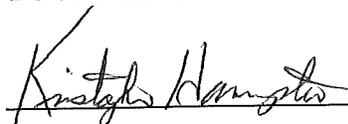
CGFD Ladder 1.....	\$400.00/hour
CGFD Engine 3.....	\$250.00/hour
CGFD Engine 4.....	\$250.00/hour
CGFD Squad 1.....	\$200.00/hour
CGFD Tender 1.....	\$150.00/hour
CGFD Tender 2.....	\$150.00/hour
CGFD Brush 1.....	\$100.00/hour
Personnel (minimum of 1 hour, rounded to next full hour for any minute over the hour)	
First hour.....	\$15.00/hour
Each additional person.....	\$10.00/hour
Water.....	\$10.00/1000 gal

Foam "A".....	\$20.00/gal
Foam "B".....	\$30.00/gal
Oil Dry.....	\$10.00/40 lb. bag
Fire Works Use Permit Fee [TCG 18.02(5)].....	\$50.00
Hall Rental Fees (Town Hall or Flynn Hall) [TCG 07.02(5)]	
User Fee – Town or Village of Cottage Grove Resident.....	\$125.00
User Fee - Non Resident.....	\$400.00
Security Deposit.....	\$50.00
Handling Fee [TCG 07.02(4)]	
per hour.....	\$20.00
minimum.....	\$20.00
Landowner Initiated Change to the Future Land Use Map [TCG Smart Growth Comprehensive Plan Chapter L – General Provisions sec. 3-6(a)].....	
	\$500.00
Mailing List Fees [TCG 07.02(6)]	
First 1,000 names.....	\$25.00
Per 1,000 in excess of 1,000.....	\$20.00
(Fees are tripled if gummed labels are requested)	
Non-metallic Mining Permit Fee [TCG 17.02].....	\$250.00
Non-Sufficient Funds Fee [TCG 07.02(7)].....	\$50.00
Overweight Permit Fees [TCG 07.02(8)].....	\$20.00 per power unit
Park Organized Event Administrative Fee [TCG 10.01(c)].....	\$25.00
Peddlers and Transient Merchants Permit Fee [TCG 11.07(4)(c)].....	\$50.00
Photocopying Fee [TCG 07.02(9)]	
Sheets sized for use in the Town copy machine	
Black & White copies.....	\$.25/page
Color Copies.....	\$.50/page
Sheets sized in excess of the capacity of the Town copy machine	
First Page.....	\$25.00
Each Additional Page.....	\$5.00
Road Right-of-Way Permit Fee [TCG 08.03(1)(c)]	
Paid on application.....	\$50.00
Invoiced after approval.....	\$75.00
Security Deposit.....	determined at time of Town Board approval of permit
Statement of Real Property Status (Title Search) Fee [TCG 07.02(10)]	
Paid with request.....	\$25.00
Invoiced.....	\$50.00
Waste Treatment, Disposal or Storage Site Application Fee [TCG 16.04(6)(c)]...	\$250.00

This resolution was duly considered and adopted by the Cottage Grove Town Board pursuant to a vote of 5 for and 0 against and 0 abstentions on this 17 day of Oct, 2012.

**TOWN OF COTTAGE GROVE**

ATTEST:

  
 Kristopher Hampton, Town Chair

  
 Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE  
BUDGET WORKSHOP  
OCTOBER 24, 2012

- I. The meeting was properly properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and HWY 12 & 18 at Hwy BN. A quorum of the Town Board was present with Town Chair Kris Hampton and Supervisors Steve Anders, Mike Kindschi and Mike DuPlayee in attendance. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, and Police Chief Chris Hughes. Mike Fonger arrived at 6:55 P.M. and Connie Anderson arrived at 7:00 P.M.
- II. Hampton called the meeting to order at 6:30 P.M.
- III. Update from Colonial Club representatives on services provided to Town residents: Melody Riedel, Director of Services and Operations, and Patti Stockdale, Director of Programs, said that the Colonial Club is asking for the same level of funding (\$5,500) from the Town as last year. The described some of the activities that take place at the Colonial Club, including use of the facilities by other organizations. Recent maintenance has included the replacement of the roof and water damaged carpets. They are hoping to upgrade computers and the phone system next year, and the parking lot is in need of repair. Riedel said that the Colonial Club is not facing a decrease in funding from Dane County this year, but is "battling with United Way." They are working towards being accredited with the State by this time next year.
- IV. 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 road right-of-way issues: **MOTION** by Anders/DuPlayee to move into closed session for the reason stated above. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.**
- V. MOVE INTO CLOSED SESSION: The closed session began at 7:05 P.M.
- VI. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Hampton/DuPlayee to reconvene to open session. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.** The closed session ended at 7:29 P.M.
- VII. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: **MOTION** by Hampton/DuPlayee directing the Chair to serve upon the individual the Notice of Encroachment and Order for Removal and remind him of the option to sign the well encroachment agreement. **MOTION CARRIED 5-0.**
- VIII. Discuss/Consider Town Board and Court Legal Expenses for 2013: Attorney Anderson distributed copies a memo estimating legal expenses for 2013. She said there will be no change in rates for 2013, and no litigation expenses are anticipated, but she does expect increasing court caseloads for various reasons. There was some question about her court legal billing figures for 2012 to date, so she will recheck them. The Board budgeted \$15,000 for Town Board Legal Expenses, \$0 for Litigation Expenses, and will wait to hear back from Anderson before deciding on Court Legal Expenses.
- IX. Discuss/Consider 2013 Budget for the Town of Cottage Grove: Areas discussed included:
  - Legislative (Town Board) – little change from 2012.
  - Insurance is estimated at 29,515 – final numbers will not be available until after November 1<sup>st</sup>.
  - Dane Com fees will be \$3,887.00 in 2013.

TOWN OF COTTAGE GROVE  
BUDGET WORKSHOP  
OCTOBER 24, 2012

The EMS Commission has finalized their budget and the Town's portion is \$81,307.56. The Board will formally approve the EMS Budget at a later meeting.

Highway Department:

- Capital Purchases: Smith suggested replacing the 2001 tractor, which has ~4,000 hours on it, with a new New Holland model to match the one purchased this year at a cost of ~\$35,000 after trade. He also suggested replacing the 1999 Case 621 loader with new Case 621 at a cost of \$107,210 after trade. Optionally, a Case 521 could be purchased instead at a trade in cost of \$85,240. Since the final bond payment will be made in 2013, Smith suggested that capital purchases could be financed with a one year note, such that the payment due in 2014 that would be about the same as the bond payment so as to keep the tax levy level. There was not agreement among the board to go ahead and budget for the capital expenses at this time.
- Operating Expenses were kept much the same as the original 2012 budget (before it was amended to designate 2011 carryover funds to highway maintenance contracts). One exception was a \$5,000 increase in repairs and maintenance to purchase new radios to be compliant with the County's new system. Currently the Highway Department has 10 fixed radios installed in the equipment. Anders suggested that portables might be more cost effective, and told Smith to talk with Deer-Grove EMS Lt. Jerry McMullen, who has some expertise with radios.

Recreation Dept. Expense was decreased to \$5,000.

- X. Adjournment: **MOTION** by Fonger/Anders to adjourn. **MOTION CARRIED 5-0.** The workshop ended at 8:56 P.M.

Kim Banigan, Clerk  
Approved 11-5-2012

TOWN OF COTTAGE GROVE  
BUDGET WORKSHOP  
OCTOBER 25, 2012

- I. The meeting was properly properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and HWY 12 & 18 at Hwy BN. A quorum of the Town Board was present with Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee in attendance. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, and Police Chief Chris Hughes.
- II. Hampton called the meeting to order at 6:30 P.M.
- III. Discuss/Consider proposals for Assessment Services: Two proposals were received, from Accurate Appraisal, LLC and Associated Appraisal Consultants, Inc. Both proposals were to provide maintenance assessment services for 2013-2015 for \$7,900 per year. Bernie Laird represented Associated Appraisal Consultants, Inc. and Wayne Koehler represented Accurate Appraisal, LLC. Hampton asked each of the a series of questions provided by the Wisconsin Towns Association about electronic record storage. Both vendors stated that they meet DOR specifications for electronic storage of records, use MarketDrive software and that assessment data will be on the internet. **MOTION** by Fonger/DuPlayee to stay with Accurate Appraisal for another three years at a cost of \$7,900 per year. **MOTION CARRIED 4-1** (Hampton opposed).
- IV. Discuss/Consider Town of Cottage Grove Budget for Fiscal Year 2013:

A memo from Attorney Connie Anderson provided an updated year-to-date figure for court legal expenses, and recommended budgeting \$18,000 for court legal in 2013.

The Law Enforcement budget was the major discussion topic. The Law Enforcement Committee has not finalized the budget yet, but Chief Hughes presented his current proposal which res-shuffles sworn staff positions slightly and has no Capital outlays. His proposal would increase the Town's share by \$26,756 compared to 2012, for a total of \$470,535.98. This number is worst case based on health insurance options and may come down once the results of the annual open enrollment period are known after November 1<sup>st</sup>. The Board was generally accepting of the figures, but will need to formally approve the Law Enforcement Budget at a later time.
- V. Discuss/Consider approval of date for:
  - A. Public Hearing for the Town of Cottage Grove Budget for Fiscal Year 2013.
  - B. A Special Meeting of the Electors, pursuant to s.60.12(1)(c), Wis. Stat., for the following purposes:
    1. To approve year 2013 highway expenditures pursuant to s.82.03(2)(a), Wis. Stat.
    2. To adopt 2012 town tax levy to be paid in 2013 pursuant to s.60.10(1)(a), Wis. Stat.

The budget workshop originally scheduled for October 29<sup>th</sup> is rescheduled for 6:30 P.M. on November 8<sup>th</sup>, and the Public Hearing and Special Meeting of the Electors will be held at 7:00 P.M. on December 3<sup>rd</sup>.
- VI. Adjournment: **MOTION** by Anders/Kindschi to adjourn. **MOTION CARRIED 5-0**. The workshop ended at 7:50 P.M.

Kim Banigan, Clerk  
Approved 11-5-2012

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
NOVEMBER 5, 2012

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Police Chief Chris Hughes. See the attendance sheet available in the Clerk's office for other attendees.
- B. Hampton called the meeting to order at 7:42 P.M.
- C. Minutes of previous meeting(s):
  1. **MOTION** by Kindschi/Anders to approve the minutes of the October 15, 2012 Town Board Meeting as presented. **MOTION CARRIED 4-0-1** (DuPlayee abstained).
  2. **MOTION** by Kindschi/Hampton to approve the open session minutes of the October 17, 2012 Budget Workshop as presented. **MOTION CARRIED 5-0.**
  3. **MOTION** by Kindschi/DuPlayee to approve the closed session minutes from the October 17, 2012 Budget Workshop, with the addition of Anders to the list of those present, and to make them an open record. **MOTION CARRIED 5-0.**
  4. **MOTION** by Kindschi/DuPlayee to approve the open session minutes of the October 24, 2012 Budget Workshop as presented. **MOTION CARRIED 5-0.**
  5. **MOTION** by Hampton/DuPlayee to approve the closed session minutes of the October 24, 2012 Budget Workshop as presented, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
  6. **MOTION** by Hampton/Fonger to approve the minutes of the October 25, 2012 Budget Workshop as presented. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  1. **MOTION** by Hampton/DuPlayee to approve payment of bills corresponding to checks #20473-20520 as presented. **MOTION CARRIED 5-0.**
  2. **MOTION** by Anders/DuPlayee to approve payment of October per diems as presented, and \$610.00 to Tom Viken for October building permits. **MOTION CARRIED 5-0.**
  3. Public Concerns: None.
  4. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of Agreement with Wisconsin Bank and Trust to provide lock box service for processing of first installment of 2012 property tax payments: The Treasurer said that the agreement is essentially the same as it was last year. **MOTION** by DuPlayee/Kindschi to approve the lock box agreement as presented. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of the 2013 Law Enforcement Budget: The board reviewed the 2013 Law Enforcement budget as recommended by the Law Enforcement Committee at their meeting just prior to this one. **MOTION** by Hampton/DuPlayee to approve the 2013 Law Enforcement Budget at \$1,207,599.74, with the Town's portion at \$470,261.00. **MOTION CARRIED 4-1** (Fonger opposed).

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
NOVEMBER 5, 2012

- C. Discuss/Consider approval of an Operator's License for Tammy Gehrke: Ms. Gehrke had contacted the Clerk to say she would not be able to attend. **MOTION** by Anders/DuPlayee to table until the November 19<sup>th</sup> meeting. **MOTION CARRIED 5-0.**
- D. Discuss/Consider response to resident concerns over the shoulder width of Baxter Road: Leslie Peckham, 4503 Baxter Road, had sent an email message to the Town Board expressing her concern over the unsafe conditions for those walking along Baxter Road since the road was widened. She was in attendance at the meeting and presented several photos showing the narrow shoulder and steep drop-off into the ditch, and said that there is not room for pedestrians to get off the road enough to be out of traffic. She thought some drivers may be less likely to move over for pedestrians now that the road has a center-line stripe. Edward Pooch, 4484 Windchime Way, said he also walks on Baxter Road, but only during the day because he felt it would be dangerous at night. Terry Russell, 2037 Di Piazza Dr., said there are a lot of dog walkers and quite a bit of bike and pedestrian traffic on Baxter Road. Highway Superintendent Jeff Smith stated that the purpose of the road shoulder is to protect the blacktop, it is not meant for pedestrians. Police Chief Hughes said that vehicles are required to yield to pedestrians as long as they are following pedestrian laws. Suggestions included adding a white line on the edge of the pavement, but the road is not wide enough for that, and lowering the speed limit, but it is already as low as the Town is allowed to put it given the number of driveways present. Terri Russell, 2037 Di Piazza Dr., suggested adding another speed limit sign. **MOTION** by Anders/DuPlayee directing the installation of an additional 35 mph speed limit sign in a location to be selected by the Highway Superintendent, and directing the Police Department to put the speed board on Baxter Road. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of 2013 use of the Town Hall by the Supplemental Nutrition Program for Women, Infants and Children (WIC): The clerk stated that there has been no problem with the use of the Town Hall for this purpose in 2012. **MOTION** by Hampton/Kindschi to approve the use of the Town Hall for the WIC program to continue through 2013. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of Deer-Grove Grove EMS Agreement for term running from January 1, 2013 thru December 31, 2022, as amended by the DGEMS Attorney on 10-18-2012. **MOTION** by Anders/DuPlayee to approve the Deer-Grove EMS Agreement as presented tonight. **MOTION CARRIED 4-1** (Hampton opposed).
- G. Reconsider contract with Accurate Appraisal, LLC: Lee DeGroot and Wayne Koehler addressed the board's questions regarding software used for assessment data and compliance with WDOR requirements for electronic data. They acknowledged that Accurate Appraisal is still using the 2009 version of Market drive, and do not have license to publish the Market drive data online, so have only limited Town of Cottage Grove assessment data on their web site. They also have approximately 80 municipalities on GVS, although that company has not offered any support in a long time. DeGroot stated that both the 2009 Market drive and GVS still meet DOR standards. He said Accurate spent 2010-11 deciding whether to invest in the newer version of Market drive or do something else, and in 2011 began developing their own system, which is intended to be web-based. They plan to begin testing it in 2013, although it has not yet been approved by the WDOR and they could not give a concrete time line of when it would be. There were concerns from the board over whether data in a proprietary system would be accessible by another assessor should the Town and Accurate part ways, but

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
NOVEMBER 5, 2012

DeGroot said that they are required to export it into a standard format that could be imported into any other system. **MOTION** by Hampton/DuPlayee requesting verbiage added to the contract indicating that upon completion of the contract, data would be made available in a WDOR approved format, and directing the Clerk to forward the amended contract to the Town Attorney for review. **MOTION CARRIED 5-0.**

- H. Discuss/Consider approval of the 2013 DGEMS Budget: **MOTION** by Hampton/Fonger to approve the DGEMS 2012 budget at \$728,867.74, using \$85,000.00 of DGEMS unassigned funds, with the Town's 2013 portion at \$81,302.56. **MOTION CARRIED 5-0.**
- I. Discuss/Consider approval of attendees for the November 7th Dane County Towns Association meeting: **MOTION** by Hampton/Anders to approve three attendees (Kindschi, DuPlayee and Anders plan to attend). **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton received notice from the WDNR regarding preliminary approval of the Hydrite Chemical's feasibility and plan of operation report. He also received a reminder about submission of comments regarding the bike and pedestrian overpasses and underpasses at AB and I-90.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Village Parks, Recreation and Forestry Committee: No Report.
- B. Joint Town/Village Fire Department Committee: No Report.

VI. Adjournment: **MOTION** by Kindschi/Fonger to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:00 P.M.

Kim Banigan, Clerk

Approved 11-19-2012

TOWN OF COTTAGE GROVE  
BUDGET WORKSHOP  
NOVEMBER 8, 2012

- I. The meeting was properly properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and HWY 12 & 18 at Hwy BN. A quorum of the Town Board was present with Town Chair Kris Hampton and Supervisors Mike Fonger and Mike DuPlayee in attendance. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, and Police Chief Chris Hughes. Supervisor Steve Anders arrived at 6:42 P.M. and Supervisor Mike Kindschi arrived at 6:47 P.M.
- II. Hampton called the meeting to order at 6:30 P.M.
- III. Discuss Town of Cottage Grove Budget for Fiscal Year 2013:
  - A. Law Enforcement Expenses: Chief Hughes presented updated handouts showing the budget as recommended by the law enforcement committee and approved by the Town Board on November 5<sup>th</sup>. The Town's portion was overstated on November 5<sup>th</sup> however, and is actually \$468,961.82.
  - B. Joint Merger Committee Expenses: \$1,800.00 was allocated for 2013 Joint Merger Committee expenses, which was considered to be adequate to cover committee member per diems and clerk wages for the meetings. Discussion was that the committee will have enough to do in 2013 before they will have cause to hire any consultants.
  - C. Recreation Dept. Expenses: Discussion was that with the Town's portion of the Joint Police Department budget increasing by over \$20,000, the Town can no longer afford to contribute to the Joint Recreation program. Town residents using the program may have to pay non-resident fees as determined by the Village. **MOTION** by Fonger/Hampton to not fund the joint recreation program in 2013. **MOTION CARRIED 3-2** (Anders and DuPlayee opposed).
  - D. Highway Department Expenses/Capital Outlays: Hampton suggested updating highway department equipment in 2013 and rectifying stormwater problems in Nondahl Heights in 2014, but other board members thought the order should be reversed. Smith answered questions about age and hours on various pieces of equipment. Since funding for either of these projects would be through borrowing, with no payments due in 2013, no final determination on capital outlays was made, but consensus was to consult with the Town Engineer early in 2013 for a recommendation regarding stormwater management improvements to Nondahl Heights.
  - E. Insurance Expenses: The Clerk had received a final insurance quote of \$15,970 for property and casualty, and \$10,680 for worker's compensation. Added to the cost to insure the Town owned fire apparatus, total insurance for 2013 is \$28,665.
  - F. Revisit other areas as needed to balance the budget: The remaining funds after all expenses were estimated, utilizing the 2013 allowable town tax levy of \$1,463,550, which accounts for .705% net new construction in 2011, was allocated to Highway Maintenance Contracts, bringing that line item to \$190,664.46.
- IV. Discuss/Consider approval of the Town of Cottage Grove Wages and Benefits for 2013: The only change from 2012 is an increase to the monthly payment in lieu of health insurance from \$325 to \$350 for full time employees, and \$175 for eligible permanent

TOWN OF COTTAGE GROVE  
BUDGET WORKSHOP  
NOVEMBER 8, 2012

part time employees. **MOTION** by Hampton/DuPlayee to approve the Town of Cottage Grove Wages and Benefits for 2013 as presented. **MOTION CARRIED 5-0.**

- V. Consider approval of Town of Cottage Grove Budget for Fiscal Year 2013: **MOTION** by DuPlayee/Kindschi to approve the Town of Cottage Grove Budget for Fiscal Year 2013, as amended tonight, with total expenditures of \$2,201,566.91 **MOTION CARRIED 5-0.**
- VI. Adjournment: **MOTION** by DuPlayee/Hampton to adjourn. **MOTION CARRIED 5-0.**  
The workshop ended at 7:30 P.M.

Kim Banigan, Clerk  
Approved 11-19-2012

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
NOVEMBER 19, 2012

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 present, along with Clerk Kim Banigan and Treasurer Debbie Simonson.
- 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 5, 2012 Town Board Meeting, correcting the vote on item II. F. to 4-1, and to approve the minutes of the November 8, 2012 as presented. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #20521-20587 as presented. **MOTION CARRIED 5-0.**
  2. The Treasurer asked that November per diem reports be submitted by December 1<sup>st</sup>.
  3. Public Concerns: None.
  4. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of an Operator's License for Tammy Gehrke: **MOTION** by Fonger/DuPlayee to approve an Operator's License for Tammy Gehrke for the period to expire June 30, 2013. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of 2012-13 snowmobile trail routes in the Town of Cottage Grove: Mike Northouse from the Cottage Grove Snowmobile Club brought an updated map showing slight changes to the trails in the areas of Ridge and Nora Roads to accommodate changes of land ownership and use. None of the changes affected the use of Town roads. He also mentioned that the trails are now all GPSed to aid emergency services. **MOTION** by Hampton/Kindschi to approve the 2012-13 snowmobile trail routes in the Town of Cottage Grove as presented. **MOTION CARRIED 5-0.**
- C. Discuss/Consider response to resident concerns over the shoulder width of Baxter Road: Hampton reported that he has asked Dane County Assistant Highway Commissioner Pam Dunphy to view Baxter road and make a written recommendation as to whether the speed limit can be reduced to 25 m.p.h. and/or if a white line can be painted on the shoulder edge to delineate the shoulder. He expects to have her recommendation by the December 3<sup>rd</sup> Town Board meeting. Baxter Road area residents Joe Starr, Cindy Lease, Mark Heine and Harry Emerson all expressed their concern over the safety for the many pedestrians who use Baxter Road regularly. **MOTION** by Hampton/Fonger to table until December 3<sup>rd</sup>. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of CSM for Donald & Marilyn Viney at 2236 US Highway 12 & 18: **MOTION** by Anders/DuPlayee to approve the CSM identified as Office Map No. 110399CSM, no date could be found on the document. **MOTION CARRIED 5-0.**
- E. Discuss/Consider future direction and appointees for the Merger Study Committee: Discussion was that in 2013 the committee should focus on details regarding the merging/consolidation of ordinances and zoning, details of a ward plan, and the definition, makeup, powers and responsibilities of a Rural Affairs Committee. It was thought that these tasks would more than occupy the committee for 2013 and there should be no need to hire outside consultants before the end of 2013. Joe Bowers, a Village resident and Town landowner, said that the question of tax implications should not be considered a closed issue. He is concerned with not only what the mill rate will be, but how his share of taxes may change with a total revaluation of a merged

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
NOVEMBER 19, 2012

municipality. **MOTION** by Hampton/Kindschi to keep the same Joint Merger Committee members going forward: Dave Muehl, David Morrow, Kris Hampton and Mike DuPlayee. **MOTION CARRIED 5-0.**

- F. Discuss/Consider appointment of a second member to the Deer-Grove EMS Commission: The new Deer-Grove EMS Agreement that will go into effect on January 1, 2013 calls for two appointees from each municipality. **MOTION** by Kindschi/Fonger to appoint Kris Hampton to the Deer-Grove EMS Commission for a term ending May 1, 2013. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT:

- A. There were 2506 voters at the November 6, 2012 General Election. Costs add up to about \$1.00/ballot issued.
- B. A revised contract was received from Accurate Appraisal, and forwarded to Attorney Connie Anderson for her recommendations. She has advised that it does not contain adequate provisions to ensure that the Town will end up with usable electronic data. There was consensus to get a written recommendation from Atty. Anderson and put an item on the December 3<sup>rd</sup> agenda to allow reconsideration of the assessor contract.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton:
1. The Energy 2018: Wisconsin's Strategic Energy Assessment is now available online.
  2. A summary of Transportation Improvement Program Major Anticipated 2013-2017 projects has been received and is available at the Town Hall.
  3. A response was received today from the attorneys for Thomas and Julia Willan regarding the road right-of-way encroachment at 4407 Vilas Road. Town Attorney Connie Anderson also received a copy.
  4. Town Engineer Warren Meyers has been contacted regarding 2013 improvements to stormwater drainage in the Nondahl Heights area, and he will draw up a contract for engineering services for the project.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government Committee: No report
- B. Dane County Towns Association: The November 7<sup>th</sup> meeting was a very long one, involving CARPC and Lakes and Watershed issues.
- C. Deer-Grove EMS Commission: a new 10 year agreement was signed and the 2013 budget has been adopted.
- D. Village Parks, Recreation and Forestry Committee: Three options will be presented to the Village Board to make up for the loss of the Town's annual \$10,000 contribution in 2013:
1. Do nothing, fees to remain the same for Town residents.
  2. Double all fees for Town residents.
  3. Use a graduated schedule to add a surcharge to fees for Town Residents.

VI. Adjournment: **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:16 P.M.

Kim Banigan, Clerk  
Approved 12-03-2012

TOWN OF COTTAGE GROVE  
PUBLIC HEARING FOR 2013 BUDGET  
SPECIAL TOWN MEETING OF THE ELECTORS  
DECEMBER 3, 2012

**PUBLIC HEARING FOR 2013 TOWN OF COTTAGE GROVE BUDGET**

- I. Notice of the Public Hearing was published in the Wisconsin State Journal on November 16, 2012, and posted, along with a summary of the proposed 2013 budget, 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, Highway Superintendent Jeff Smith, and Police Chief Chris Hughes. Other electors present were Silvin Kurt, Mark Heine, and Joe Starr. 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 regarding the 2013 Town budget. There were none. Anders said that the board worked frugally to hold the budget at levels similar to the current year.
- III. **MOTION** by DuPlayee/Kindschi to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:02 P.M.

**SPECIAL TOWN MEETING OF THE ELECTORS**

- I. Notice of the Special Town Meeting of the electors was published and posted along with the public hearing notice as stated above. Attendance was also as stated above for the public hearing.
- II. Hampton called the Special Meeting of the Electors to order at 7:02 P.M.
- III. **MOTION** by Anders/Kindschi to allow the 2013 highway expenditures to exceed \$5,000 per mile, pursuant to s. 60.12(1)(c), Wis. Stat. **MOTION CARRIED 11-0.**
- IV. **MOTION** by Hampton/Kindschi to adopt the 2012 Town Tax Levy to be paid in 2013, pursuant to S. 60.10(1)(a), Wis. Stat., at \$1,463,550. **MOTION CARRIED 11-0.**
- IV. **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED UNANIMOUSLY.** The meeting ended at 7:05 P.M.

Kim Banigan, Clerk  
Approved 12/17/2012

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
DECEMBER 3, 2012

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Police Chief Chris Hughes.
- B. Hampton called the meeting to order at 7:06 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Anders to approve the minutes of the November 19, 2012 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #20588-20624, including voided check 20606, as presented. **MOTION CARRIED 5-0.**
  2. **MOTION** by Anders/DuPlayee to approve payment of November per diems as presented, and payment of \$705.00 to Tom Viken for November building permits. **MOTION CARRIED 5-0.**
- E. Public Concerns:
  1. Joe Lukasik is purchasing the commercial property just east of 3023 County Road BB with plans for a car dealership. The property is currently zoned to allow auto sales, but not repairs. He would like to be able to do his own repairs, and wondered if the Board had any concerns that he should address in his application for a zone change. No concerns were raised.
  2. Joe Starr, 4533 Baxter Road, had a question about taking down a tree that hangs over Baxter Road. Smith advised him to make sure the contractor has signage to alert motorists of the hazard.
- F. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve a permit for Frontier Communications to bore under Siggelkow Road to provide services to 2902 Siggelkow Road. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider recommendations regarding speed limit on Baxter Road from Dane County Assistant Highway Commissioner Pam Dunphy: Hampton read Dunphy's recommendations, which are attached as Exhibit A. She said that the 35 m.p.h. speed limit was established in 1997, and based on her review, there is not a statutory speed limit that would further reduce it. She advised that while a speed study could be completed, the major factor in determining the speed limit is the speed at which 85 percent of motorists are traveling. Her comments did not address the question of painting a white line on the edges of the road, but Smith said she had indicated verbally to him that this is a possibility. He was not in favor of narrowing the road, however, after the Town just invested in widening it. **MOTION** by Hampton/DuPlayee to ask Dunphy to meet with the Town Board on Baxter Road when they do road inspections in the Spring of 2013 to discuss the possibility of painting white lines on the edges. **MOTION CARRIED 5-0.** Leslie Peckham, 4503 Baxter Road, asked if the Town Board inspects roads on foot, which she felt would give a better indication of the dangers to pedestrians. Cindy Lease, 2074 DiPiazza Dr., expressed her wishes that a speed study not be done due to the risk that it would indicate a higher speed limit. Joe Starr asked the Police Chief what pedestrians

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
DECEMBER 3, 2012

can do to protect their safety, to which the Chief replied that beyond speed limit enforcement and wearing of reflective clothing, he did not have any other advise.

- B. Report from Dane County Supervisor Cynda Solberg regarding the County's offer to purchase property at 3562 County Highway AB: Solberg reported that the County Dept. of Administration is negotiating the purchase of all three parcels occupied by the Crossroads Bar & Grill at 3562 County Road AB. The County plans to build a Medical Examiner's Office, Highway Garage, and Sheriff's precinct there. While the County is consulting with the City of Madison regarding water and sewer services, it is more likely that they will be seeking a rezone in the Town. Hampton told Solberg that he would be looking for the County to rebuild Lud's Lane to handle the traffic resulting from their development, and a payment in lieu of taxes for five years.
- C. **MOTION** by Hampton/Kindschi to move into closed session per Wis. Stats. 19.85(1)(c) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session (Assessor Services Contract). **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** Everyone but board members and the Clerk were asked to leave, and the doors were locked. The closed session began at 7:47 P.M.
- D. **MOTION** by Hampton/Anders to reconvene in open session to take action based on closed session which action may include reopening and reevaluation of previous award of assessor services contract based on new information regarding Town's electronic and related data requirements, consideration/award of services contract. **MOTION CARRIED 5-0.** The doors were unlocked at 7:58 P.M., and Wayne Koehler from Accurate Appraisal, LLC and reporter Cliff Miller returned to the meeting. **MOTION** by Hampton/DuPlayee that based on the Town Attorney's review and recommendations, and further consideration of the Town's interests, the Town Board hereby withdraws its request for amendment of the contract with Accurate Appraisal, LLC ("Accurate"), and awards the contract for Town Assessor to Associated Appraisal Consultants, Inc. ("Associated") subject to the Town Clerk obtaining a supplemental cover letter on or before December 31, 2012 that substantially states the following:
- Associated warrants and represents that, for the term of this contract, and any renewals hereof: (a) Associated uses and shall continue to use assessment software that meets industry standards and is generally available to other assessment professionals; (b) Associated holds and shall continue to hold current valid licenses for the use of said assessment software; and, (c) upon termination of the contract, Associated shall export the data it assembled in a form that can be imported effectively using assessment software that meets industry standards and is generally available to other assessment professionals. Associated acknowledges that that this representation is material to the Town of Cottage Grove's decision to award its assessment services contract to Associated.
- MOTION CARRIED 5-0.** Hampton explained to Koehler that the Town Board is concerned over Accurate Appraisal's decision to develop their own assessment software rather than to use software generally available to other assessors. Koehler said he understood the Board's concerns, but has confidence that Accurate Appraisal's software will be outstanding.
- E. Discuss/Consider Holiday office hours: **MOTION** by Hampton/DuPlayee to keep the office open on Monday, December 31<sup>st</sup> and allow the Clerk to substitute another day in December for the paid holiday. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
DECEMBER 3, 2012

- III. CLERK'S REPORT: The clerk distributed a fire inspection report for the Towns of Cottage Grove and Pleasant Springs.
- IV. BOARD REPORTS AND COMMUNICATIONS: None.
- V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)
  - A. Joint Town/Village Landfill Monitoring Committee: All test results continue to come in as zeros, and 2012 expenses will be slightly under budget.
  - B. Law Enforcement Committee: No progress on a new Law Enforcement Agreement.
- VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:15 P.M.

Kim Banigan, Clerk  
Approved 12-17-2012

TOWN OF COTTAGE GROVE  
TOWN BOARD CLOSED SESSION  
DECEMBER 3, 2012

- I. **MOTION** by Hampton/Kindschi to move into closed session per Wis. Stats. 19.85(1)(c) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session (Assessor Services Contract). **ROLL CALL VOTE – Fonger – aye, Anders – aye, Hampton – aye, Kindschi – aye, DuPlayee - aye.** Everyone but board members and Clerk Kim Banigan were asked to leave, and the doors were locked. The closed session began at 7:47 P.M.
- II. The Board reviewed written advice from Attorney Connie Anderson regarding the ability of the assessors who responded to the RFP to work effectively with the DOR and provide assessment data in a format accessible to software customarily used in the industry. She indicated that while notice of award was given, the contract was not fully executed, and a change in course seems appropriate. The Board also reviewed correspondence from Andy Pelkey of Impact Consultants, Inc. regarding his analysis of a backup of the Town's current assessment data. Discussion was over concerns about Accurate Appraisal's plans to develop their own assessment software rather than using commonly used software, and the effect this could have on the cost of a future transfer to another assessor.
- III. **MOTION** by Hampton/Anders to reconvene in open session to take action based on closed session which action may include reopening and reevaluation of previous award of assessor services contract based on new information regarding Town's electronic and related data requirements, consideration/award of services contract. **MOTION CARRIED 5-0.** The closed session ended at 7:58 P.M.

Kim Banigan, Clerk

Approved and opened on 12/17/2012

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
DECEMBER 17, 2012

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Police Chief Chris Hughes. Attorney Connie Anderson arrived at 8:00 P.M.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
  1. **MOTION** by DuPlayee/Kindschi to approve the minutes of the December 3, 2012 Public Hearing, Special Meeting of the Electors, and Town Board Meeting as printed. **MOTION CARRIED 5-0.**
  2. **MOTION** by Anders/DuPlayee to approve the minutes of the December 3, 2012 closed session, and make them an open record. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills: The Treasurer noted that the checks include two payments that will come out of the 2013 budget but are due prior to the next Town Board meeting: the capital lease payment for the CGFD Ladder Truck, and the CGFD Worker's Compensation premium.
  1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #20625-20671, including voided check 20658, as presented. **MOTION CARRIED 5-0.**
  2. The Treasurer asked that December per diem reports be submitted by January 5<sup>th</sup>.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Update from Cottage Grove Fire Department: Chief Bruce Boxrucker reported that Engine 3 did not pass the recent pump test, and upon further inspection it was discovered that it has a cracked impeller on the pump. Cost to repair is estimated at \$13,000 to \$15,000. The Chief also reported that CGFD has issued checks to both the Town and Village for the remaining proceeds from the billing to Landmark Services Coop for the grain fire in early 2012. Expenses related to the fire and the cost for new exterior lighting on the Emergency Services Building, as approved by the Joint Boards on May 3, 2012, were deducted from the total before they were divided between the municipalities.
- B. Discuss and consider connections of Mourning Dove Drive and Pheasant Run to the future E. Westlawn Heights development in the Village of Cottage Grove: Hampton asked if any board members had changed their minds or had other thoughts since the Joint meeting with the Village Board on December 6<sup>th</sup>. He said he spoke with Andrew Homburg after that meeting and Mr. Homburg had no intention of improving the Town's section of either of the roads in question. He will leave the trees at the fence line to prevent vehicle traffic. Anders said he would be in favor of improving a walking path for kids to walk on, but Smith said snow is pushed where the path would be. Fonger suggested waiting to see how fast the Village development takes place. Anders said he feels that if Mourning Dove Drive was in the Village, they would assess the residents for the improvements, or make the developer do it, but they would not allow the road to stay the way it is. Kevin Twing, 2759 Pheasant Run, and

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Debbie Feiner, 2760 Mourning Dove Drive, both said they prefer that the connection not be made. Twing said kids cut through his yard, which is not a big deal, but a walkway would be nice. Hampton said the plan to not open the roads stands. As long as the trees stay there, they will provide a barrier to through traffic. If they are taken down, the Town will need to put up a barricade.

- C. Discuss/Consider approval of waiving the Parade, Procession or Race permit and waiving or reducing the Flynn Hall rental rate for the Parkinson's Half Marathon on April 19-20, 2013: This will be the second year for this event, and Chief Hughes said there were no causes for concern last year. **MOTION** by Fonger/Anders to waive the fee but require the organizers to comply with the conditions of a Parade, Procession or Race permit, including letters to notify residents near the bike trail crossings and a certificate of insurance. The organizers will be allowed to use Flynn Hall for registration at the resident rate. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of a Contract with Town and Country Engineering for engineering related to stormwater runoff problems in the Nondahl Heights area: Estimated engineering costs are \$26,000. Smith said that Town and Country indicated that a wet retention pond would be needed, rather than a dry one as had been discussed earlier. He noted that grant applications for the project have been turned down twice because not enough people are affected by the problems. Smith also said that future development to the North and East of Lotus Lane may alleviate the problem, although that may not occur for some time. Approval of the contract was initially tabled to allow for questions of Attorney Connie Anderson when she arrived later in the meeting. She said that she was very familiar with EJCDC contract documents, and while there are a few verbiage changes she usually recommends, based on her experience with Town and Country Engineering, she said the Town could sign the contract as presented. Kindschi would have preferred to have an attorney review of the contract. **MOTION** by Hampton/DuPlayee to approve the Agreement between the Town of Cottage Grove and Town and Country Engineering, Inc. for Professional Services as presented. **MOTION CARRIED 4-1** (Kindschi opposed).
- E. Discuss/Consider approval of a Resolution Renewing and Providing Direction to the Joint Merger Study Committee: Hampton said that Attorney Connie Anderson had advised him that no resolution is needed since TCG Ord. Section 01.03 allows the Town Board to designate appropriate committees, including joint committee between the Town and Village. **MOTION** by Hampton/Anders to designate a committee made up of Hampton, DuPlayee, Dave Muehl and David Morrow to study a merger of the Town and Village of Cottage Grove, focusing on details regarding the merging/consolidation of ordinances and zoning, details of a ward plan, and the definition, makeup, powers and responsibilities of a Rural Affairs Committee. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of a Memorandum of Understanding Between the Village of Cottage Grove and the Town of Cottage Grove for the Division of Merger Study Related Costs: Discussion was the committee can't be allowed to spend money without oversight, and there is nothing so time sensitive that the committee cannot come to the board with a request for funding once they have a plan in place. There was no action taken on a Memorandum of Understanding.
- G. Discuss/Consider response to WisDOT questions regarding transportation improvement needs for US Hwy 12 & 18 in the Town of Cottage Grove: Comments were that the Town has little control over the area due to Madison's ETJ. Traffic at County AB and 12 & 18 due to the

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County's plans for expansion of the landfill, a new precinct, highway garage and medical examiner's office must be addressed. **MOTION** by Fonger/DuPlayee directing the Chair, Clerk and Highway Superintendent to respond to the WisDOT by December 21<sup>st</sup>. **MOTION CARRIED 5-0.**

(Attorney Connie Anderson arrived).

- H. Turning lane road project at CTH BB and Vilas Hope Rd - Status update on Willans' public right-of-way encroachment and consider authorization to file lawsuit, if necessary: Anderson stated the background of the issue: A 90% Federal grant is available to install a turning lane on County Road BB at Vilas Road for the public safety. The Town will only need to invest \$5,000. One of the requirements of the grant, however, is that the Town ensure that there are no encroachments in the public right-of-way. In their preliminary survey work, the County identified a private well in the right-of-way at 4407 Vilas Hope Road. The owners of the well have refused to sign a Continued Well Location Agreement, which would satisfy the requirements of the grant and allow the well to remain in the right-of-way as long as it provides safe potable water. Anderson had a conference call today with the well owners and their legal counsel, which concluded with their legal counsel recommending they sign the agreement with some changes to the language related to indemnification. The property owners, Tom and Julia Willan, were present at the meeting. Mr. Willan stated that they feel they are being treated unfairly. There was discussion between Mr. Willan and Attorney Anderson that included other issues with the property, including non-conforming zoning and questions about ownership of a strip of property along County Road BB. Anderson stressed that the Town does not require the well to be moved, but is looking for a way to provide a turning lane for public safety at the least expense to Town taxpayers. Mr. Willan said that the Town should have required the well to be moved when the property was divided by a CSM in 1998. Anderson responded that the well was not an issue at that time, and it is not the Town's responsibility to correct every private property defect. Anderson felt that the 1998 CSM, which clearly depicts the well in the right-of-way, should have made the issue clear to anyone who purchased the property since then. Mr. Willan maintained that he has been treated unfairly by the Town, and said he has incurred \$3,000 in legal expenses even though he did not expect them to exceed \$1,200. He finally stated that he would sign the agreement if the Town would pay his legal expenses, and then the Willans left the meeting. Board discussion was whether to pay the legal expenses, file a lawsuit for removal of the well, or drop the issue, which would sacrifice the grant for the turning lane project. **MOTION** by Hampton/Anders that in the interest of public safety, and based on Mr. Willan's comment about legal expenses beyond the \$1,200 he expected, the Town will pay up to \$1,000 toward the Willan's unanticipated legal expenses in exchange for them immediately signing the Continued Well Location Agreement. Anderson was directed to convey this offer to the Willan's attorney, with an expiration of midnight on December 18<sup>th</sup>. **MOTION CARRIED 5-0.**
- I. Discuss/Consider approval attendees for the January 26, 2013 WTA District meeting: Hampton, Kindschi and DuPlayee plan to meet at the Town Hall at 8:00 A.M. and travel together to the meeting.

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton reported that he attended a meeting of the Adaptive Management Pilot Project in the Yahara Watershed.

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V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

A. Emergency Government Committee: There will not be a meeting in January.

VI. Adjournment: **MOTION** by Anders/Kindschi to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 9:26 P.M.

Kim Banigan, Clerk  
Approved 01-07-2013