

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JANUARY 7, 2013

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.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/DuPlayee to approve the minutes of the December 17, 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 #20672-20721 as presented. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Fonger/DuPlayee to approve payment of December per diems as presented, and payment of \$790.00 to Tom Viken for December building permits.
- E. Public Concerns: At the end of the meeting, Edna Rose, 4540 American Way, and her son Robert Rose, appeared to advise the Board of the status of the clean-up of Mrs. Rose's home that burned on Christmas Day. Mrs. Rose thanked the Fire Department for their efforts in saving half of the house, and apologized for her behavior toward Hampton in the past. Robert Rose explained that he is working with the mortgage company and their insurance representatives to figure out the clean-up process and whether rebuilding will be a possibility. It has been a slow process so far, but he said the Roses intend to work with the Town to get it cleaned up as soon as possible due to the hazards it creates for anyone who may wander in. He asked if it would be OK to erect an orange plastic fence around the property to keep intruders out, and Hampton agreed that this would be a good idea. Mr. Rose provided his phone number as a contact point for the Town.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss Law Enforcement Agreement: The main topic of discussion was the monthly deadline by which the Village is required to invoice the Town for prior month's police department bills. The date in the current contract is the 20th, but the Treasurer stated that the Village perpetually has trouble meeting this date. Consensus was that the 20th is a reasonable expectation, and that maybe a 1.5% penalty (i.e. discount to the Town) should be built in when the Village fails to meet the deadline.
- B. Plan Commission Recommendations:
 - 1. 3019 County Highway BB, Parcel #0711-071-9080-0, Joseph Lukasik, applicant, seeking an amendment to the deed restrictions on the current C-2 zoning to allow for auto service and repair: The Plan Commission recommended that outside storage be limited to 12 operable vehicles. Mr. Lukasik asked if additional vehicles could be stored under the overhang behind the building, but this was not favorable to the board. **MOTION** by Anders/Kindschi to accept the Plan Commission's recommendation to replace the previous deed restrictions on parcel 0711-071-9080-0 to allow DCCO 10.14(1)(b) Major repairs to motor vehicles and (c) Sales of new and used motor vehicles, with a maximum of 12 exterior displayed vehicles, all inoperable vehicles and

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service work to be performed inside buildings, and all hazardous waste must be handled within State and Federal specifications. **MOTION CARRIED 5-0.**

- C. 2944 Hope Road, Parcel 0711-301-8050-3, Nathaniel P. Snyder, owner, seeking rezone from RH-1 to R-3A for 2 acres to allow for handicapped accessible duplex: **MOTION** by Anders/Kindschi to accept the Plan Commission's recommendation to approve the rezone from RH-1 to R-3A for 2 acres to allow for a handicapped accessible duplex, contingent on approval from Dane County Health of a proper septic system. Only two driveways will be allowed for the property, one for the duplex and one for the garage, contingent on approval of placement and permits from the Highway Superintendent. **MOTION CARRIED 5-0.** It was noted that the Plan Commission's recommended for dedication of 33' of road right-of-way to the Town is not possible since there is not a CSM required.
- D. 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 7, 2013: The Clerk noted that this event has been held for several years now without incident. The fee, including deposit, have been received. **MOTION** by Kindschi/DuPlayee to approve the permit for June 7, 2013, and the postcard format presented for notification of residents along the route. Fees will not be waived for this event. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of a Certified Survey Map for lot line adjustment between lands owned by Randall L. & Sandra L. Letlebo, 1908 Strawberry Lane, and Jeffrey W. and Mary L. Schmoeger, 1986 Rathert Road: There was some question as to how Lot 1 can be zoned A-2 when it will be more than 35 acres, but it was left to the County to make that determination. **MOTION** by Hampton/DuPlayee to approve the CSM as presented, requiring that Lot 1 be deed restricted for no residential development. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Anders reported on the recent passing of long time fire department member Bob King.
- B. Hampton reported receipt of a newsletter on the I-39/90 expansion project, natural gas and electric safety pamphlets from Alliant Energy, and that Landmark Services' annual meeting is coming up on January 17th.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Law Enforcement Committee: Discussed above with the Law Enforcement Agreement.
- B. Joint Town/Village Fire Department Committee: The DGEMS crew was compensated with a new reclining sofa for cleaning services of the ESOB during the second half of 2012. The Town of Pleasant Springs is in favor of renewing their service contract with the Fire Department. Costs are will decrease due to the number of calls falling below earlier projections.

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

Kim Banigan, Clerk

Approved 1-21-2013

TOWN OF COTTAGE GROVE
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JANUARY 21, 2013

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 Attorney Susan Allen. Police Chief Chris Hughes arrived at 7:25 P.M.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Kindschi to approve the minutes of the January 7, 2013 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 #20722-20777, holding #20777 for 32 days. **MOTION FAILED 2-3** (Fonger, Anders and Kindschi opposed).

MOTION by Anders/Kindschi to approve payment of bills corresponding to checks #20722-20777, holding #20777 for 30 days or until the bill is validated. **MOTION CARRIED 5-0.**
 - 2. The Treasurer asked that January per diem reports be submitted by February 1st.
 - 3. Hampton said that a \$5,300 bill for the Madison Metropolitan Sewerage pilot program (Yahara Wins) was not budgeted for, and a budget amendment will be needed at the next meeting.
 - 4. The Board reviewed a letter from the Lion's Club asking for a reimbursement of \$1,289.11 toward the Flynn Hall kitchen remodel project. Discussion was that the bill should be paid from the remaining funds from the Flynn Hall roofing project.
MOTION by Hampton/Anders directing the Clerk to ask Ed O'brien for the most recent bank statement for that account to find out what the balance is. **MOTION CARRIED 5-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Hampton/DuPlayee approving a permit for Intercon to trench and drill parallel to the right-of-way on Siggelkow Road to install fiber optics at Nelson Bus Service. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider approval of a second driveway for parcel 0711-144-8001-0, across from 4073 Ridge Road, owned by Kirk & Heidi Eilenfeldt: Smith indicated he has reviewed the proposed location for the new driveway and does not have any concerns. No culvert will be needed as the fall is away from the road. **MOTION** by DuPlayee/Kindschi to approve the second driveway as pictured. **MOTION CARRIED 5-0.**
- B. Discuss/Consider 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: The Clerk reported that an email from Matt Rice of the Dane County Highway Dept. indicated that the turning lane project will not take place in 2012, but could still be done in 2013 if an encroachment agreement is reached by August 1st. Smith reported that Dane

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County Highway Assistant Highway Commissioner Pam Dunphy told him that even if the project is canceled, there will still be a \$5,000 - \$6,000 bill from the State for approval of the design. Attorney Allen offered the Board two options: 1) Do nothing or 2) enforce the order for removal of the well, which could be costly and would not necessarily be resolved by the August 1st deadline. Hampton said it would send a bad message if the board does not treat the well the same way it has treated other right-of-way encroachments. **MOTION** by Hampton/Anders to authorize counsel to file with the court to protect the road right-of-way. **MOTION CARRIED 5-0.**

- C. Discuss/Consider Law Enforcement Agreement: Hampton said that the Village is looking for a written response from the Town to their proposed agreement. **MOTION** by Hampton/Kindschi to propose two alternatives for the Joint Law Enforcement Agreement:
1. Extend the current agreement by 10 years, using the same language but changing the dates, or;
 2. Strike the entire Dispute Resolution section (section 6) of the Village's draft prepared for the December 19, 2012 meeting, and add language to section 7.1 Notice Required to clarify the effective date for notice of withdrawal.

MOTION CARRIED 5-0.

- D. Discuss/Consider approval of Contract for Provision of Emergency Medical Services By and Between Deer-Grove EMS District and the Town of Pleasant Springs for 2014-2018: **MOTION** by Anders/DuPlayee to approve the contract as presented. **MOTION CARRIED 5-0.**
- E. Update on Flynn Hall service organizations: Hampton reported that plans are in the works for the "First Annual Chili Cook-off" between service organizations (Lions Club, Boy and Girl scout groups, 4-H, American Legion, Historical Society) at Flynn Hall on April 6, 2013. A family oriented event is also being discussed for August to raise funds for a roof over the deck and/or blacktopping of the back parking lot at Flynn Hall.
- F. Designate attendee to the January 23, 2013 DCTA Town Chairs Meeting due to the Town Chair's other commitment for that evening: **MOTION** by Anders/Kindschi to send DuPlayee in Hampton's place. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that:
1. On February 7th the Executive Committee of the Dane County Board will make its final decision regarding program review and audit topics it will prioritize for CARPC in 2013.
 2. The WisDOT will hold a meeting on February 13th to introduce the Southwest Region Park & Ride System Study.
 3. The Yahara Wins Pilot 2012 Annual Report is available at the Town Office.
- B. Kindschi distributed his suggestion for a re-draft of the Memorandum of Understanding for the division of Merger Study Related Costs, along with a draft Memorandum of Understanding for the Timely Delivery of the Monthly Police Statement.
- C. Chief Hughes reported that the County is asking the Village for a Letter of Concurrence regarding a radio frequency that is close to one that will be used by Dane Com. This is the

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frequency used by the Town Highway Department. Chief Hughes said that in exchange for the Letter of Concurrence, a “talk group” would be created for use by local public works, fire, and EMS. It would require that Town radios be upgraded, however.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Deer-Grove EMS Commission: DuPlayee reported that before the January 17th DGEMS Commission meeting, a 2012 demonstrator ambulance was on display. The Commission will have a special meeting on January 24th to decide whether to forward a recommendation to purchase this ambulance to the municipal boards. The Commission voted to deny a mutual aid contract to the Town of Deerfield.

VI. Adjournment: **MOTION** by DuPlayee/Fonger to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:30 P.M.

Kim Banigan, Clerk
Approved 02-04-2013

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
FEBRUARY 4, 2013

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 Susan Allen arrived at 7:20 P.M.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Fonger/Kindschi to approve the minutes of the January 21, 2013 Town Board Meeting with the deletion of an extra word in item II. b. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. The Treasurer noted that she has already issued check #20786 to Wisconsin Bank and Trust for a loan payment that was due on February 3rd, and that check #20797 is shown in a temporary account pending the budget amendment later on tonight's agenda. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #20778-20813 as presented. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/DuPlayee to approve January per diem payments as presented, and payment of \$1803.00 to Tom Viken for January building permits. **MOTION CARRIED 5-0.**
 - 3. The Treasurer reported that the collection of the first installment of 2012 property taxes is now complete. She will begin working on overpayment refunds for approval at the next meeting.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider adoption of a Resolution Amending the 2013 Town Budget: **MOTION** by DuPlayee/Hampton to adopt Budget Resolution 2013-01, allocating \$5,300 from Unassigned Funds to a new expense account under the Conservation category for The Yahara Wins Pilot Project. **MOTION CARRIED 5-0.**
- B. Plan Commission Recommendations:
 - 1. 1879 Meadow View Lane – Sanford & Vicki West, owners, parcel 0711-024-8192-0: Rezone for compliance of existing structures requires: .09 acres from RH-3 to A-2 (2), 1.91 acres from A-1EX to A-2(2), .02 acres from A-1EX to A-4, and 12.38 acres from A-1EX to A-4: **MOTION** by DuPlayee/Anders to accept the Plan Commissions recommendation to approve the rezone as requested. **MOTION CARRIED 5-0.**
 - 2. Parcel 0711-151-8002-0 on West Ridge Road – Craig Ball, owner: Rezone of 30.32 acres from A-1Ex to A-4 for zoning compliance: **MOTION** by Kindschi/DuPlayee to accept the Plan Commission's recommendation to approve the rezone as requested. **MOTION CARRIED 5-0.**
 - 3. 1888 Nora Road, Royal Oak Engineering, applicant, James, Nola and Neli Skaar, owners, parcel 0711-261-9775-0: Rezone of 5.10 acres from RH-2 to 3.0 acres RH-1 and 2.1 acres A-1EX: Eric Sandsness of Royal Oak Engineering stated as an update that

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the Skaar's now have a second offer to purchase the entire property, so they may or may not be going through with the rezone depending on which offer is accepted. **MOTION** by DuPlayee/Anders to accept the Plan Commission's recommendation to approve the rezone per the updated zoning change map, resulting in 5.103 acres from RH-2 to 3.11 acres of RH-1 and 1.993 acres of A-1EX. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of a Certified Survey Map to adjust property lines along the Koshkonong Creek between property owned by Pat Buchholz and Barbara Ring: **MOTION** by Kindschi/DuPlayee to approve the CSM identified as Job No. 10R-87-A, dated 12-19-2012. **MOTION CARRIED 5-0.**
- D. Discuss/Consider Law Enforcement Agreement and Police Department billings from the Village: Hampton reported that the LEC has not made any progress on the agreement. Chief Hughes reported that he met with the Village Clerk/Treasurer, and the Town Clerk and Treasurer on January 30th regarding the delay in police billings to the Town. The Village Treasurer attributed the delay to time constraints, but with recent job realignments she still thinks the 20th of the month is do-able. It was discovered that the December billing may have included Village attorney expenses that were not police department related. The Village Clerk/Treasurer has been including any attorney expenses referencing the Law Enforcement Agreement, but it was thought that some were for advising the Village Board in closed sessions. It was suggested that the Attorneys should be separating Police Department related bills and sending them to Chief Hughes for his approval rather than sending them directly to the Village. The Town Treasurer will review prior billings to see if this has been the case in other instances.
- E. Discuss/Consider reimbursement of the Lions Club for Flynn Hall kitchen remodel costs from the remaining Flynn Hall roof donations: There is \$526.75 remaining in the Flynn Hall Birthday Fund. **MOTION** by Hampton/DuPlayee to expend the entire \$526.75 to reimburse the Lions Club for Flynn Hall kitchen remodel costs. **MOTION CARRIED 5-0.** The Town will need to amend the 2013 budget at then next meeting to allocate the remaining \$726.36 requested by the Lions Club from unassigned funds.
- F. Discuss/Consider a Resolution Renewing and Providing Direction to the Joint Merger Study Committee: Initial discussion was that the Town Board still does not see the need for a new resolution, but the draft resolution was reviewed and edited as follows: **MOTION** by DuPlayee/Fonger to strike the 2nd thru 5th Whereas phrases of the resolution, and to strike items 3.), 4.) and 5.), with resulting draft to be provided for review by the Joint Boards on February 7th. **MOTION CARRIED 5-0.**
- G. Discuss/Consider a Memorandum of Understanding with the Village for the Division of Merger Study Related Costs: The shorter MOU drafted by Kindschi was reviewed. **MOTION** by DuPlayee/Fonger to recommend this draft to the Joint Boards on February 7th, with the addition of the missing word *use* in the second to last sentence. **MOTION CARRIED 5-0.**
- H. Discuss/Consider Deer-Grove EMS' proposal to purchase a Lifeline Demonstrator Ambulance: Total cost of the demonstrator ambulance is \$208,000, the Town's share is \$68,271.21. DGEMS Lt. Andy Yanko said that a comparable 2013 new ambulance would be \$223,000, and if pending NFPA standard requirements are implemented, that could go up by another \$10,000. The new ambulance would be on an 8-year replacement schedule, and possibly the 2009 ambulance could be stretched from a 6-year to an 8-year replacement

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schedule as well. DuPlayee has inquired with the three banks in Cottage Grove, and expects to have loan terms by the Joint Board meeting on February 7th. Hampton expressed concern over 1) the yet unknown financial obligation of DGEMS to the Town of Deerfield due to their exit from the district and 2) staffing plans. DuPlayee said that Chief Erschen will be at the joint meeting to address staffing concerns. **MOTION** by Anders/DuPlayee to approve the purchase of the 2012 Lifeline Demonstrator ambulance at a cost of \$208,000. **MOTION CARRIED 3-2** (Hampton and Fonger opposed).

- I. Discuss/Consider the Town of Deerfield's request to Deer-Grove EMS for a mutual aid contract: The DGEMS Commission has denied the request. DuPlayee feels it would open a can of worms to offer mutual aid with a private service involved, and is against it without being able to bill the Town of Deerfield for the calls. Anders is concerned about level of service provided for mutual aid calls to the Town of Cottage Grove. If only basic service is available, it would mean waiting for another ambulance if advanced care were needed. Hampton felt to deny the request would be missing a revenue stream. **MOTION** by DuPlayee/Anders to deny the Town of Deerfield's request to Deer-Grove EMS for a mutual aid contract. **MOTION CARRIED 4-1** (Hampton opposed).
- J. Discuss/Consider approval of Notice of Violation under TCG Ord. Section 11.01(3) to be sent to the owners of 4540 American Way for the clean-up of debris from the house fire: No progress has been made in cleaning up the site after the Christmas Day fire. A letter from Building Inspector Tom Viken described the health and safety hazards present. Attorney Allen advised that two avenues could be pursued simultaneously to address the situation: 1) A notice of violation under TCG Ord. Section 11.01 Regulation of Junk Accumulation to address the burned debris and 2) and a razing order allowed under Wis Stats. 66.0413 to remove the remaining structure. **MOTION** by Hampton/Anders to proceed with a notice of violation under TCG 11.01(3) and also begin the process under Wis. Stats 66.0413 for a razing order. **MOTION CARRIED 5-0**. Copies of the notices are to be sent to CitiMortgage.
- K. 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 encroachment enforcement at 4407 Vilas Hope Road and risk assessment/evaluation: **MOTION** by Hampton/Kindschi to move into closed session for the above-stated reasons. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE**.
- L. MOVE INTO CLOSED SESSION: Only the Board, the Clerk and Attorney Allen remained for the closed session; everyone else was asked to leave and the door was locked. The closed session began at 8:39 P.M.
- M. 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 8:50 P.M.
- N. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: None.

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

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- A. Hampton reported that Laura Guyer, Real Estate & Acquisition Director for Dane County, called him inquiring about alternative parcels to consider for the future Medical Examiner site.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Law Enforcement Committee: No progress on the agreement, and the monthly bills to the Town are still late.
- B. Joint Town/Village Landfill Monitoring Committee: The committee approved the bills at their short meeting. Landfill expenses were slightly under budget for 2012.

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

Kim Banigan, Clerk

Approved 2-18-2013

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
FEBRUARY 18, 2013

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. Steve Anders arrived at 7:04 P.M.
- 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 February 4, 2013 Town Board Meeting as printed. **MOTION CARRIED 4-0.**
 2. **MOTION** by Hampton/Kindschi to approve the closed session minutes from February 4, 2013, and to keep them closed until the matter is resolved. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by Hampton/DuPlayee to approve payment of bills corresponding to checks #20815-21023 as presented. **MOTION CARRIED 5-0.**
 2. The Treasurer reported that that 2012 Audit will be conducted Tuesday and Wednesday of this week, and asked that February per diem reports be submitted by March 1st.
- E. Public Concerns: DuPlayee advised the board to expect a petition from a Damascus Trail resident regarding cars speeding through the neighborhood.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider adoption of a Resolution Amending the 2013 Town Budget: **MOTION** by Hampton/DuPlayee to adopt the Budget Resolution 2013-02 as presented, allocating \$762.36 from undesignated funds to reimburse the Lions Club for un-budgeted expenses related to the remodeling of the kitchen at Flynn Hall. **MOTION CARRIED 5-0.**
- B. Discuss/Consider loan options for the Town's portion of the new Deer-Grove EMS ambulance: The following proposals were received:

	1 year	5 year	8 year
Wisconsin Bank & Trust	2.56%	3.50%	3.68%
Monona State Bank	2.15%	2.99%	-

DuPlayee also had a verbal quote of 3.50 % for 5 years from the Bank of Sun Prairie.

MOTION by Hampton/DuPlayee to accept the proposal from Monona State Bank for a 1 year loan at 2.15%. **MOTION CARRIED 5-0.**

- C. Discuss/Consider addressing drainage issues raised by owner of 4610 Lotus Lane: Mike Franke presented photos showing where the water is flowing from the field behind into his yard, and ultimately into his basement, rather than following the path it is supposed to take to the area of the park. He has taken steps to protect his property by building up the berm and installing drain tile around his house, but the water quickly erodes the berm and water is so high that it comes in through the windows. Mr. Franke mentioned that crops are routinely planted closer than 6' to the berm, which conflicts with restrictions shown in his property records. Hampton explained that the Town Engineer is currently working on a proposal to remedy drainage problems in that area. **MOTION** by Hampton/DuPlayee to send Mr. Franke's pictures to the Town Engineer, noting that they were taken just last week. **MOTION CARRIED 5-0.**

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- D. Update on Notice of Violation to the owner of 4540 American Way: The Clerk reported that Notice of Violation under TCG Ord. Sec. 11.01 was sent by certified mail to the owner of 4540 American Way. She has also been in contact with a representative from CitiMortgage, who has indicated that she has issued a clean-up order for the property, and will issue a razing order once the Town's razing order is received. The attorney has the razing order ready, but Town Board authorization is needed to hire a process server and to run a title search on the property. **MOTION** by DuPlayee/Anders authorizing Stafford Rosenbaum LLP to hire a process server and conduct a title search. **MOTION CARRIED 5-0.**
- E. Update on Order for Removal of Encroachment to the public right-of-way at 4407 Vilas Hope Road: the Clerk reported that Mr. Willan had accepted service of the summons and complaint at the Police Station today. Mrs. Willan was not with him.
- F. Discuss/Consider approval of attendees for DCTA Member Meeting on Feb. 27, 2013: **MOTION** by Hampton/Kindschi to allow three attendees at the DCTA meeting on February 27th. **MOTION CARRIED 5-0.**
- G. Discuss/Consider attendees for WTA Capitol Day on April 30, 2013: Hampton suggested that attendees drive up on their own rather than paying for the bus ride. **MOTION** by Hampton/Anders to allow two attendees for WTA Capitol day on April 30th, with no payment for the bus ride. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that:
 - 1. The Dane County Drainage Board reported a balance of \$8.46.
 - 2. A draft map of the Adjusted 2010 Census Madison Urban Area and Metropolitan Planning Area Boundaries includes the Town of Cottage Grove.
 - 3. Logging will be taking place in sections 33, 34 and 35 of the Township, and Smith should monitor the roads for any damage.
 - 4. RG Huston Co., Inc. notified Hampton last week that they would be hauling about 50 loads of fertilizer found in remaining hot spots at the former Royster Clark site to their farm on Nora Road. Hampton advised them to use County and State roads as much as possible.
- B. Anders reported that:
 - 1. He and Village Trustee Harvey Potter have been reviewing sample dispute resolution clauses from various contracts, and are leaning toward a very simple one found in the Town's contract with Strand Associates, Inc. for landfill monitoring.
 - 2. He was recently honored at the Dane County EMS Association awards banquet for his 35 years of EMS service.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government Committee: DuPlayee reported that the committee will review the Emergency Operations Plan.

VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:41 P.M.

Kim Banigan, Clerk

Approved 3-04-2013

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 4, 2013

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Police Chief Chris Hughes. Steve Anders arrived at 7:26 P.M.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Kindschi to approve the minutes of the February 18, 2013 Town Board Meeting as printed. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #20814 and #21024-21062, including voided checks #20851 and #20975. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by DuPlayee/Fonger to approve payment of February per diems as presented, and payment of \$1,275.00 to Tom Viken for February building permits.
- E. Public Concerns:
 - 1. Graydon Giesfeldt, 4535 Sundance Ct., suggested that no parking signs be installed on the East side of American Way near the park where soccer games are held. DuPlayee suggested that the board should take a look at parking around all of the parks used for soccer during the annual road inspection.
 - 2. Sheriff David Mahoney responded to a question from Hampton by describing changes to the procedures for off duty employment of Sheriff's deputies. Historically municipalities, fire districts, etc. contracted independently with the deputies, but starting in 2013, all requests should be made through the Sheriff's office. There will be no change to the services the off-duty deputies can provide.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/consider pre-approval of issuing check to Deer-Grove EMS for the Town's portion of the 2012 Lifeline Ambulance, once loan funds are dispersed: **MOTION** by Fonger/DuPlayee to approve the check for the ambulance to be issued as soon as the loan funds are received by the Town. **MOTION CARRIED 4-0.**

(Anders arrived)

- B. Review status of 4540 American Way, including necessary fencing and/or other public safety measures, input from owner/residents, legal process, title update and clerk update; action as needed: Edna Rose, the owner of 4540 American Way, asked if she could have until April 1st to complete the cleanup. Hampton asked Mrs. Rose for her permission to go onto her property to install a temporary fence around the hazardous area, which she agreed to by signing a statement written by Attorney Anderson. Mrs. Rose then responded hostilely to a question from Nancy Kobus, 4525 Sundance Ct., about the timetable for the remaining structure to be demolished, and left the meeting. Attorney Anderson explained that the Town is following the required legal steps to raze the property in the interest of public safety, the

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 4, 2013

costs of which will be put on the tax roll. Private property rights limit how fast things can proceed, however.

- C. Discuss/Consider adoption of a resolution opposing Dane County's offer to purchase property at 3562 County Highway AB: Laura Guyer, Real Estate Director for Dane County, and Gerald Mandli, Director of Dane County Public Works, were in attendance. Guyer described the advantages of the Crossroads property over others considered for the future Highway, Medical Examiner, and possibly Sheriff departments. She said they are looking for a site as close as possible to the landfill site in order to take advantage of energy produced by the landfill. They are also looking for a site close to US Hwy 12 & 18 and the Interstate. In addition, they are looking for a willing seller. The Crossroads site fits all these criteria. In addition, it would allow the expansion of the landfill that would not be possible without County owned land being adjacent. When asked about the offered price being considerably higher than assessed or appraised values, Guyer said that the County negotiated for three months without success in lowering the price, and the energy benefits of this site offset the price difference with other sites.

County Supervisor Cynda Solberg stated that she plans to vote against the purchase. While she understands why the Crossroads site is the best site for the project, she feels that the County's desire to begin construction this year is behind the high priced offer, and she thinks condemnation would be a better alternative. Guyer said they do not plan to use condemnation for this project, that it would set a nasty precedent. She thought that condemnation could cost taxpayers as much or more, with no guarantee of a successful outcome.

Hampton asked why the County does not use the 35 acres it already owns on County N at Hwy 12 & 18 for the project, but Guyer and Mandli said that site has locational constraints and does not offer the energy savings. Hampton then asked if the Crossroads site will meet the County's needs for 30 years, and wondered if it will become landlocked. He said that the County would need to rebuild Luds Lane and allow for an easement at the east end for a Town road. He also asked for a payment in lieu of taxes to the Town.

Mandli stated that the County has been a good neighbor to the Town for 20 years, and he intends to continue that practice. He said that the County's plans for the site are compatible with the commercial use in the Town's plan, and will provide a closer spot for the Town to pick up salt. He initially said that the Landfill Enterprise will pay for this property, not the taxpayers, but this was disputed by Solberg, and it was determined that probably only the percentage of the project directly tied to the landfill could be paid for by the Landfill Enterprise.

Hampton read the resolution opposing Dane County's offer to purchase property at 3562 County Highway AB. **MOTION** by DuPlayee/Kindschi to adopt the resolution as read. **MOTION CARRIED 5-0.** This will be Town Board Resolution 2013-01. Anders, Kindschi and DuPlayee all said their main issue is the purchase price, while Fonger said it is a shame to use such a nice piece of property for this purpose.

- D. Update on Order for Removal of Encroachment to the public right-of-way at 4407 Vilas Hope Road: Anderson reported that both property owners have signed the admission of service of the order, and clock has started ticking on the order.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 4, 2013

- E. Discuss/Consider approval of the Cottage Grove Joint Law Enforcement Agreement: Anderson started the conversation by saying that while consistency in joint agreements is good, some of the recommendations from the Village to match the EMS Agreement don't fit in the Law Enforcement agreement, for example the procedure to fill vacancies. Her strongest objection to the Village's suggested revisions was the elimination of language relating to the Police Commission. She also made recommendations relating to the timing of bills to the Town, which she said should be in a reasonable manner in accord with the budget, and regarding dispute resolution. She stated that it is not in the Town's best interest to use the EMS Agreement as a template for dispute resolution, and suggested keeping it simple, noting that the parties can choose mediation even if it is not in the agreement. She provided an example of simple dispute resolution language. **MOTION** by Anders/DuPlayee directing the Town Attorney to meet with the Village Attorney to come to a mutually beneficial Law Enforcement Agreement to be considered at the Joint Board meeting on March 14th. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of Contract for Provision of Fire Protection and Rescue Services by and between the Cottage Grove Volunteer Fire Department Inc. and the Town of Pleasant Springs: The Clerk provided the version of the EMS Contract with the Town of Pleasant Springs that was recently amended by the EMS Attorney, which has new language provided by the EMS Insurance agent in relation to risk allocation. Anderson liked this language, and the Clerk said she expects it will be suggested for the Fire contract with Pleasant Springs as well. **MOTION** by Hampton/Kindschi to table the Fire Protection contract with Pleasant Springs until the Joint Board meeting on March 14th. **MOTION CARRIED 5-0.**
- G. Discuss/Consider agenda items for the Annual Town Meeting on April 16, 2013: Suggestions were made for a Stormwater education presentation from Chuck Nahn, and updates on the merger study and Deer-Grove EMS, including having the new ambulance and Car 79 on display.
- H. Consider/adoption motion to Move to Closed Session per Wis. Stats. 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering advice concerning strategy to be adopted by the body regarding litigation in which it is or is likely to become involved (Allegations by Town of Deerfield): **MOTION** by Hampton/Kindschi to move into closed session for the reason stated above. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** Board members, the Clerk, and Attorney remained for the closed session. All others were asked to leave the room. The closed session began at 8:47 P.M.
- I. Reconvene to Open Session to take action as result of closed session, if any: **MOTION** by Hampton/Anders to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 8:52 P.M. and others were invited back in. There was no action taken as a result of the closed session.

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that a meeting on the Dane County Landfill expansion is scheduled for March 13th at the Alliant Energy Center.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Deer-Grove EMS Commission: The Ambulance purchase has been approved by all three municipalities, and the Commission is working on a collective bargaining agreement.

TOWN OF COTTAGE GROVE
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MARCH 4, 2013

B. Joint Town/Village Fire Department Committee: The committee approved the Contract for Provision of Fire Services to the Town of Pleasant Springs.

C. Law Enforcement Committee: The Law Enforcement Agreement was discussed.

VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:59 P.M.

Kim Banigan, Clerk
Approved 3-18-2013

TOWN OF COTTAGE GROVE
TOWN BOARD RESOLUTION NO. 2013-01

**Resolution Opposing Dane County's Proposed Purchase
Of The ~~XXXXXX~~ Crossroads Tavern**

WHEREAS, Dane County is considering the purchase of the real estate currently operated as the Crossroads Tavern (the "Property");

WHEREAS, Dane County Supervisor Cynda Solberg, who represents Town residents and taxpayers on the Dane County Board, has been keeping the Town apprised as to the purchase;

WHEREAS, based on a 2012 assessment and assessment ratio of 1.0354, the assessed value of the Property is \$512,500.00;

WHEREAS, over Ms. Solberg's and Mr. O'Laughlin's objection, the Committee recommended by a vote of 3-2 that Dane County purchase the Property for as much as \$1.4 million;

WHEREAS, the decision to purchase the Property will be considered by the Dane County Board at its meeting on March 7, 2013; and,

WHEREAS, the Town wishes to express its opposition to Dane County's proposed purchase of the Property at such an exorbitant price.

NOW, THEREFORE, THE TOWN BOARD RESOLVES AS FOLLOWS:

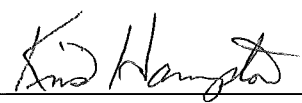
1. The Cottage Grove Town Board opposes Dane County's use of taxpayer dollars to purchase the Crossroads Tavern Property for \$1.4 million, a price that is more than 2.7 times the assessed value of the Property.

2. The Cottage Grove Town Board supports Dane County Supervisor Cynda Solberg's opposition to Dane County's purchase, and encourages her to stand firm on their behalf.

ADOPTED at a duly noticed meeting of the Town Board by a vote of 5 for and 0 against on this 4th day of March, 2013.

TOWN OF COTTAGE GROVE

Attested by:



Kris Hampton, Town Chair



Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 18, 2013

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 present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. Steve Anders arrived at 7:05P.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 March 4, 2013 Town Board Meeting as printed. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by Hampton/DuPlayee to approve the minutes of the March 4, 2013 closed session and keep them closed. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #20063-21112 as presented. **MOTION CARRIED 4-0.**
 - 2. The Treasurer asked that March per diem reports be submitted by March 30th.

(Anders arrived)

- E. Public Concerns: Anders thanked Smith for his prompt response and assistance recently when a culvert near Anders' residence plugged and caused flooding on his property.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of 2013 use of Town soccer fields by the Monona Grove Soccer Club and the Madison Celtics: The Clerk reported that the Madison Celtics have paid their annual park reservation fee, and would like to continue to use the field at the park at 4539 American way in the same manner as 2012.

Tom Engle paid the annual park reservation fee for the Monona Grove Soccer Club, and indicated that they also would like to continue to use Town soccer fields in the same manner as 2012. The only fields used for games would be at the Town Hall and Ravenwood, the others would be used for practice only.

MOTION by DuPlayee/Fonger to approve the Monona Grove Soccer Club and the Madison Celtics to use Town soccer fields in the same manner as 2012. **MOTION CARRIED 5-0.**

- B. Discuss/Consider 2013 maintenance of parks/soccer fields: Tom Engle stated that the Monona Grove Soccer Club is willing to pay 50% of three treatments of fertilizer and weed control on the field at the Town Hall. Smith said his plans are to treat the parks that were not treated last year, but he was taking a wait and see approach to deciding which parks would need fertilizer and/or weed control due to the stress on the grass from last year's drought. **MOTION** by Hampton/DuPlayee to split the cost 50:50 with the Monona Grove Soccer Club for three treatments of fertilizer and weed and feed for the Town Hall soccer field. **MOTION CARRIED 5-0.**
- C. Update on status ordinance violation and razing order for 4540 American Way: The Clerk reported that the razing order has been served to the property owner, a fence has been erected

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 18, 2013

around the fire site, and a placard is posted on the building. Smith said the cost of the fence is ~\$600 for installation and ~\$600/month for rental. The plan is to place this cost on the tax roll as a special assessment.

- D. Discuss/Consider approval of revised Contract for Provision of Emergency Medical Services By and Between Deer-Grove EMS District and the Town of Pleasant Springs: **MOTION** by Hampton/Fonger to approve the revised Contract for Provision of Emergency Medical Services By and Between Deer-Grove EMS District and the Town of Pleasant Springs as presented. **MOTION CARRIED 5-0.**
- E. Discuss/Consider directing the Ordinance Committee to work on a Social Hosting Ordinance: Hampton explained that this agenda item is in response to suggestions by the Cottage Grove Area Cares Coalition to address underage drinking. Several area municipalities have already adopted Social Hosting ordinances, and the Village will also be considering development of one. Discussion was that there are already laws on the book for this, although Dane County courts may be too busy to prosecute such cases. The Board would like to get input from the Police Chief as to whether he feels a local ordinance is needed. **MOTION** by Hampton/DuPlayee to hold in abeyance until a copy of the Village's ordinance is available. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT:

- A. The Clerk heard that the Attorney is analyzing the property owner's response to the Order for Removal of the well at 4407 Vilas Hope Road has been received.
- B. The clerk distributed copies of an Amendment to Chapter 10 of the DCCO regarding the siting of wind energy systems were distributed, to be considered at the next meeting.
- C. The clerk distributed preview copies of the Annual Report and Newsletter, and asked board members for proofreading assistance.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that Dane County Partners are offering 50% matching funds up to \$250 per project for recreation and conservation projects.
- B. Hampton reported that the March 13th Dane County Landfill expansion meeting was canceled due to illness.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government Committee: DuPlayee reported that the committee is getting ready to update the Emergency plan, and expects to conduct an exercise in October.

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

Kim Banigan, Clerk
Approved 4-1-2013

TOWN OF COTTAGE GROVE
SPECIAL TOWN BOARD MEETING
MARCH 25, 2013

- I. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Mike Kindschi and Mike DuPlayee were present, along with Clerk Kim Banigan, Attorney Susan Allen, and Herald-Independent reporter Cliff Miller.
- II. Hampton called the meeting to order at 7:00 P.M.
- III. 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 encroachment enforcement at 4407 Vilas Hope Road: **MOTION** by Hampton/DuPlayee to move into closed session for the above-stated reasons. **ROLL CALL VOTE – Fonger – aye, Anders – aye, Hampton – aye, Kindschi – aye, DuPlayee – aye.** Miller retired to the Town Office with the door closed, and the closed session began 7:01 P.M.
- IV. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by DuPlayee/Anders to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 7:27 P.M. Miller returned to the meeting. There was no action as a result of the closed session.
- V. **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:28 P.M.

Kim Banigan, Clerk

Approved 4-2-2013

Closed minutes approved and kept closed until the matter is resolved.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 1, 2013

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 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by DuPlayee/Kindschi to approve the minutes of the March 18, 2013 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
 2. **MOTION** by DuPlayee/Anders to approve the minutes of the March 25, 2013 open session as presented. **MOTION CARRIED 5-0.**
 3. **MOTION** by Anders/Kindschi to approve the minutes of the March 25, 2013 closed session as presented, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. The Treasurer explained that check number #21142 will be assigned to a temporary account pending advice from the auditors. **MOTION** by Hampton/DuPlayee to approve payment of bills corresponding to checks #21113-21148 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by DuPlayee/Fonger to approve payment of March per diems as presented, and payment of \$2,821.00 to Tom Viken for March Building permits.
- E. Public Concerns: Several residents complained that water run-off from the rugby field at Firemen's Park is causing damage to their property, and they have not been able to get the Village Board to respond to their concerns. The problem is made worse by the Village's practice of piling snow in the parking lot.
- Jon Martinson, 4090 Vilas Road, said that water has been 5-6 inches deep on his driveway and is wrecking his paved driveway and trees.
 - Ed and Karen Zabel, 4030 Vilas Road, said that water is pooling in their hay field and they fear for their crop. Mrs. Zabel said she was advised by the Village to file a complaint, which she did, but has not had any response.
 - Cindy Butteris, 4136 Vilas Road, said her ditch and pasture are flooded by a drain that points directly at her property. She also said that when sewer and water were installed in the ditch in front of her house some of her trees were taken and the grade was not restored to the ditch.
- Hampton advised the residents to bring their concerns to the Joint Town/Village Board meeting on Thursday night.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of a Resolution Appointing the Town Treasurer: Hampton read the resolution to appoint Deborah Simonson to another three year term as Treasurer.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 1, 2013

MOTION by Hampton/DuPlayee to adopt the resolution as read. This will be Town Board Resolution 2013-02. **MOTION CARRIED 5-0.**

- B. Discuss/Consider claim for repairs to mailbox damaged by snow plow: Rick Spangenberg, 3639 T-Bird Way, had filed a written claim asking for reimbursement for a cedar post that he said was hit by the snow plow. Mr. Spangenberg was not present at the meeting. Hampton had looked at the mailbox and did not think it looked like a plow had hit it directly, rather it had been pushed by snow. The Town's ordinance specifies that the Town is not responsible for damage to mailboxes unless hit directly by the plow. The Board reviewed the photos submitted with the claim, and did not see evidence of a direct hit, and Smith said the snowplow was not in that area at the time stated in the claim. Smith also said that the Highway Department makes mailbox posts from old 4 x 4 sign posts when needed, but does not replace more expensive posts. **MOTION** by Kindschi/DuPlayee directing the Clerk to notify Mr. Spangenberg that the Town will replace his mailbox post with a standard treated 4 x 4 post and mount his mailbox on it. **MOTION CARRIED 5-0.**
- C. Discuss/Consider enforcement of ordinance violation and razing order for 4540 American Way (this and the next agenda item were addressed simultaneously): Edna Rose, owner of 4540 American Way, presented a copy of a bill showing that she is paying Citi Financial for hazard insurance, and said that she has been told to expect a settlement check this week. She would like to get some of her things out of the fire wreckage yet, and asked for more time. Hampton explained that if the Board decides tonight to go ahead with a RFP for cleanup and razing, they will not award the bid until their April 15th meeting, which effectively gives her another two weeks. He strongly cautioned her that the building is unsafe for anyone to enter, however. The Board reviewed a sample RFP provided by the Clerk and noted a few changes. **MOTION** by DuPlayee/Kindschi to enforce the ordinance violation and razing order and publish a RFP for fire cleanup and building razing, using the sample RFP provided with the noted changes. **MOTION CARRIED 5-0.**
- D. Discuss/Consider a Request for Proposal for fire cleanup and building razing at 4540 American Way.
- E. Discuss/Consider a Resolution Renewing and Providing Direction to the Joint Merger Study Committee: The Board saw no need to change the draft from their recommendations for the February 7th Joint Town/Village Board meeting.
- F. Discuss/Consider whether to subscribe to Wisconsin Towns Association's online educational videos: **MOTION** by Hampton/DuPlayee to not subscribe to the online videos. **MOTION CARRIED 5-0.**

(Note that the remaining agenda items were addressed before the closed session)

- G. Consider/Adopt motion to move into closed session pursuant to §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 encroachment enforcement at 4407 Vilas Hope Road: **MOTION** by Hampton/Anders to move into closed session as stated above. **ROLL CALL VOTE – ALL AYES.** All but the Board, the Clerk, and Smith were asked to leave. The closed session began at 8:18 P.M.
- H. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Hampton/Anders to reconvene to open session. **ROLL CALL VOTE**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 1, 2013

– **ALL AYES.** The closed session ended at 8:29 P.M. No others rejoined the meeting.
There was no action as a result of the closed session.

III. CLERK'S REPORT

- A. Dane County Ordinances: Discuss/Consider approval of amending Chapter 10 of the DCCO regarding the siting of Wind Energy Systems: **MOTION** by Anders/DuPlayee to approve the amendment to Chapter 10 of the DCCO regarding Siting of Wind Energy Systems as presented. **MOTION CARRIED 5-0.**

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton asked Smith for a date for the annual road inspection, which was set for April 12th at 1:00 P.M.
- B. Hampton asked Smith to report on recent equipment repair needs, including two broken truck axles.
- C. Hampton reported that resident Lisa Marks emailed him complaining about the non-resident fees that Town residents must now pay for Village recreation programs.
- D. Hampton reported that the March 13th Dane County Landfill expansion meeting was canceled due to illness.
- E. Hampton will forward an emailed letter from DCTA attorney Hazelbaker regarding the County's plans to discontinue worker's compensation insurance coverage for EMTs.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Landfill Monitoring Committee: There have been no detects for a long time.
- B. Law Enforcement Committee: Chief Hughes said they hope to have a new officer hired by early July.

VI. Adjournment: **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:29 P.M.

Kim Banigan, Clerk
Approved 4-15-2013

Closed minutes remain closed until the matter is resolved

TOWN OF COTTAGE GROVE

4058 County Road N
COTTAGE GROVE, WISCONSIN 53527

TOWN BOARD RESOLUTION 2013-02

RESOLUTION APPOINTING TOWN TREASURER

WHEREAS, at the Annual Town Meeting held on April 11, 2006, the electors of the Town of Cottage Grove adopted Town Meeting Resolution 2006-05, and pursuant to Wis. Stat. § 60.10(1)(b)(2m) voted to change the office of Town Treasurer from an elected office to an appointed office, and


WHEREAS, the term of office for the currently appointed Town Treasurer expires on April 9, 2013,

NOW, THEREFORE, the Cottage Grove Town Board hereby resolves that Deborah Simonson is appointed to the office of Town Treasurer for the term of office of three years to commence at 12:00 a.m. on April 9, 2013 and to expire at 12:00 a.m. on April 30, 2016.

Adopted this 1st day of April, 2013 by a vote of 5 for, 0 against and 0 abstain by the Cottage Grove Town Board.



Kris Hampton, Town Chair

ATTEST:


Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 15, 2013

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. Police Chief Chris Hughes arrived later in the meeting.
- 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 April 1, 2013 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
 2. **MOTION** by DuPlayee/Kindschi to approve the minutes of the April 1, 2013 closed session as presented, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by DuPlayee/Hampton to approve payment of bills corresponding to checks #21149-21191 as presented, holding #21190 to the Village of Cottage Grove for 30 days. **MOTION CARRIED 3-2** (Fonger and Anders opposed).
 2. The Treasurer distributed the 2012 Financial Statement to board members to review before the presentation by Johnson Block & Company at the Annual meeting, and asked that April per diem reports be submitted by May 5th.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Hampton/Anders to approve two right-of-way permits for Charter Communications:
1. Trench and bore parallel to the right-of-way on Conestoga Trail at American Way for replacement service.
 2. Direct bore across the right-of-way on Valley Street for replacement service
- MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider awarding of bid for Fire clean-up and building demolition at 4540 American Way: Property owner Edna Rose addressed the Board, stating that she intends to get a cease and desist order and wants a judge and jury to decide if the Town is acting appropriately regarding the property. She warned the Board not to go on her land.

Three proposals for the fire clean-up and demolition:

- Blaze Landscape Contracting, Inc. of Menomonie Falls, WI: \$12,350.00
- Corex Excavation and Construction, of Sun Prairie, WI: \$ 9,525.00
- Beaver Services, Inc. of Beaver Dam, WI: \$ 9,400.00

In addition, Balestrieri sent a proposal for asbestos inspection.

The only bidder present was Blaine Andler, President of Beaver Services, Inc. **MOTION** by Fonger/Kindschi to award the bid to Beaver Services, Inc. for \$9,400.00. The bid included removal of the driveway, however there were questions over whether that should be part of the

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 15, 2013

project. Hampton will check with the attorneys and advise Mr. Andler. Smith will look into getting gas and electric services disconnected.

- B. Update on stormwater runoff from Phoebe Bakken Memorial Park: Hampton reported that he has a call in to Dane County Land Conservation to come out and assess the situation.
- C. Discuss/Consider approval of additional testing of Gas Probe 8 at the Natvig Landfill: Anders reported that there has been a gas detect in gas probe 8, and noted that the last time this happened was in the Spring of 2008, also after heavy rains. Normally the probes are tested every three months, Strand Associates has recommended that gas probe 8 be tested for the two months between this and the next scheduled test, at an additional cost of \$250.00. Anders noted that the detected levels were below mandatory reporting levels for the DNR. **MOTION** by Hampton/Anders to approve the additional two months of testing for gas probe 8. **MOTIN CARRIED 5-0.**
- D. Discuss/Consider approval of an online burning permit system and corresponding revisions to burning permit application forms: The Clerk described her proposal that would allow residents to apply online and receive their burning permits by email, rather than having to come in to the Town Hall to apply. In addition, she suggested that the Open Burning and Campfire permits be combined into a single application form since they ask for the same information and so many people get both. All forms would have email address added to the application information. With the new online system, permits issued, and open burn registrations, could be available securely on the Town's intranet to Town, Police and Fire personnel, which would save the time and paper to make copies for the various departments, as is the current practice. It would also allow for a single email to notify all permit holders (who have provided email addresses) of a burning ban or other changes to permit conditions. Residents would still be able to fill out the paper applications at the Town Hall, and staff will enter them into the online system. The Clerk said the Fire Chief and Police Chief were comfortable with the change. **MOTION** by Kindschi/DuPlayee to approve the online burning permit system and corresponding revisions to the burning permit application forms. **MOTION CARRIED 5-0.**
- E. Discuss/Consider parking at Town Parks: After a short discussion about the impact of restricting parking on area residents, the consensus was to notify the affected residents near American Heritage and Meadow Grove parks that parking restrictions will be considered at the May 6th Town Board meeting.
- F. Update on Police Billing from the Village: There was no update and no action taken.

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that there will be a public information meeting about the US Hwy 12 & 18 expansion project at the McFarland High School from 5:00 – 7:00 P.M. on April 24th.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government Committee: No report.

VI. Adjournment: **MOTION** by Hampton/Fonger to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:05 P.M.

Kim Banigan, Clerk
Approved 5-6-2013

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 6, 2013

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, Highway Superintendent Jeff Smith and Police Chief Chris Hughes. Treasurer Debbie Simonson arrived at 7:25 P.M.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Anders/DuPlayee to approve the minutes of the April 15, 2013 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Kindschi/Fonger to approve the minutes of the April 15, 2013 Road Inspection as printed. **MOTION CARRIED 4-0-1** (Anders abstained).
- D. Finance Report and Approval of Bills (done toward the end of the meeting when the Treasurer was present):
 - 1. **MOTION** by Hampton/DuPlayee to approve payment of bills corresponding to checks #21192 - 21251 as presented. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/DuPlayee to approve payment of April per diems and building permits as presented. **MOTION CARRIED 5-0.**
 - 3. The Treasurer reported that she has now received the February and March Police Department billings from the Village, although she has sent them back to the Village Clerk with questions over charges for attorney services that appear to be for services rendered to the Village Board, not PD related. In looking back, she has found a few questionable bills as far back as 2011, beginning about the time that the former Village Administrator left. The Board advised her that she did not need to go back any further than that.
- E. Public Concerns: None.
- F. Road Right of Way Permits:
 - 1. Village of Cottage Grove application to bore soil test holes parallel to the right-of-way on Gaston Road: Village Public Works Director Jim Hessling explained that the soil borings are preliminary work to future installation of a water main in the Gaston Road right of way to serve Homburg Construction's subdivision. **MOTION** by Anders/Fonger to approve a the permit under the condition that the Village will share the soil boring results with the Town. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Plan Commission Recommendations:
 - 1. 1889 Hubred Lane – Parcel 0711-234-9502-6 – Kim Hubred and Kae Uphoff-Hubred, owners: Seeking conditional use permit for 0.8 acres zoned A1-EX to allow for a Limited Rural Business (portable toilet and septic pumping business): Kae Uphoff-Hubred stated that the porta-potties have been moved around the other side of the building and the tobacco shed will eventually be converted to store them inside. She questioned whether the requirement to store them inside was necessary since they are no longer visible from the road, but Board members said that the CUP would require inside storage. **MOTION** by Anders/Kindschi to accept the Plan Commission's recommendation to approve of the

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 6, 2013

CUP for +/- 0.8 acres, conditional upon storage of all porta-potties in the existing tobacco shed or potential replacement. All findings of fact per DCCO 10.22(2)(b) were considered satisfied. **MOTION CARRIED 5-0.**

2. 3419 Vilas Road – Parcels 0711-321-8520-0, 0711-321-8970-6, 0711-321-8945-7 – John Dott, owner:

- a) Rezone of 1.7 acres C-1 and .4 acres RH-1 to C-2 for expansion of current auto restoration business with CUP for caretaker's residence.
- b) Rezone of .3 acres RH-1 to RH-3 allow for sale to adjoining property owners Fred and Diane Goetz at 3437 Vilas Road, combining this with parcel 0711-294-9730-8 (12 acres zoned RH-3) and 0711-294-9740-6 (0.5 acres zoned A1-EX), resulting on a single 12.5 acre parcel zoned RH-3.
- c) Remainder (1.9 acres) to be rezoned from RH-1 and C-1 to CO-1.

MOTION by DuPlayee/Fonger to accept the Plan Commission's recommendation to approve:

- The rezone of .3 acres of RH-1 to RH-3, conditioned on the sale of land to Fred & Diane Goetz.
- Rezone of 1.9 acres from RH-1 and C-1 to CO-1, aka "Outlot 1"; and
- Rezone of 1.7 acres of RH-1 and C-1 to C-2 for auto restoration business, including CUP for caretaker's residence - all findings of fact per DCCO 10.22(2)(b) were considered satisfied.

MOTION CARRIED 5-0.

- B. Update on Fire clean-up and building demolition at 4540 American Way: Hampton reported that the building is down, the foundation is out, and today workers were grading, seeding and mulching. The water and sewer pipes were plugged and the driveway was left. At the owner's request, a lilac bush was saved, but her request to save the foundation was made too late. Town officials and neighbors agreed that the contractor did an impressive job of cleaning up the property.
- C. Discuss/Consider removal of bushes in the Liberty Drive right-of-way at 4540 American Way. Smith said the bushes are all within the road right-of-way and are reseeding themselves to reach to about 4 feet of the edge of the blacktop, with trees growing in their midst. He said that the property owner has not complied with past requests to keep them trimmed back. Nancy Kobus, 4525 Sundance Court, suggested that if parking is restricted on American Way (see next agenda item), the bushes would eliminate an entire stretch of Liberty Drive for overflow parking. Anders expressed concern over setting a precedent by removing these bushes. **MOTION** by DuPlayee/Kindschi to send a letter to the property owner allowing her two weeks to trim the bushes back to the lot line, or else Town staff will remove them. **MOTION CARRIED 5-0.**
- D. Discuss/Consider parking restrictions near the parks at 4539 American Way and 4309 Damascus Trail: Chief Hughes said there had been no parking issues with soccer games at American Heritage this past weekend, but it would definitely improve safety conditions to limit parking to one side of American Way, especially if it were limited to the park (west) side. Richard Boyes, 4545 American Way, asked the Board to carefully consider restricting parking to one side, as he thought it would cause people to drive faster. He asked if there have been any accidents due to parking on both sides of the road, but no one could recall that there have been.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 6, 2013

Boyes suggested temporary no parking signs during soccer games. DuPlayee expressed his opinion that safety is much improved on Damascus Trail since parking has been limited to one side of the road near Ravenwood Park, and said that several neighbors there have expressed their appreciation. Carl Pulvermacher said that holding soccer games at American Heritage is a temporary situation until the field at Bakken Park can be restored from last year's drought damage.

There was one letter in support of and no opposition to parking restrictions near the park on Damascus Trail. Anders, who is a neighbor to the park, was also in favor.

MOTION by Anders/Kindschi to post the East side of Damascus Trail as no parking from Ruffian Circle to across from the intersection with Nashua Lane. **MOTION CARRIED 4-1.** (Fonger opposed.)

MOTION by DuPlayee/Anders to post the East side of American Way as no parking along the lengths of 4540 and 4524 American Way. **MOTION CARRIED 3-2** (Fonger and Kindschi opposed.)

- E. Discuss/Consider approval of a park reservation for a May 27th neighborhood picnic at the Capitol View Park at 2755 Nadene Road: Kristi Williams, 3768 Bohnsack Lane, said that this will be the first neighborhood picnic in 20 years. **MOTION** by Kindschi/Anders to approve the park reservation for a May 27th neighborhood picnic at the Capitol View Park at 2755 Nadene Road (rain date June 1st), and waive the park reservation fee. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of Certified Survey Map for Craig and Debra Ball for previously approved rezone of vacant land on West Ridge Road: **MOTION** by Hampton/DuPlayee to approve the CSM identified as Office Map No. 130011 and dated April 8, 2012. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of amending the Recycling Compliance Assurance plan: The clerk explained that there is very little change to the plan itself, aside from updating the notice to non-complying residents to one provided by Advanced Disposal. The plan is in place to provide a mechanism for enforcing recycling compliance as required by the State's annual recycling grant program. **MOTION** by Hampton/Kindschi to approve the Recycling Compliance Assurance plan as presented. **MOTION CARRIED 5-0.**
- H. Discuss/Consider approval of 2013-14 committee appointments: Hampton said that aside from one vacancy on the Park's Committee, the appointments are the same as last year. **MOTION** by DuPlayee/Anders to approve the 2013-14 committee appointments as presented. **MOTION CARRIED 5-0.**
- I. Discuss/Consider budgeting for road work on Nora Road: Smith had gotten rough estimates of around \$126,000 to wedge west for about 1.4 miles from the top of the hill on Nora Road. There would be additional costs for graveling of shoulders and center striping. He suggested this as a project for 2013, with conversion of the Y intersection to follow in 2014. These projects will not fit in the road maintenance budget, but Smith suggested that taking out a one year note would fit within the debt service level of the bond payment that ends in 2013, keeping the tax rate stable. He thought that adding the wedging project to the bid sheet with the other 2013 projects may lead to a lower blacktop price overall. **MOTION** by DuPlayee/Kindschi to add the Nora Road wedging project to the 2013 paving project bid sheet, with a limit of

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 6, 2013

\$126,000 for the blacktop. **MOTION CARRIED 5-0.** All road maintenance bids will be considered at the May 20th Town Board meeting. Hampton will look into financing options.

- J. Discuss/Consider approval for the Deer-Grove EMS Commission to negotiate with the Town of Deerfield on the terms for payment of their balance due upon withdrawal from the Deer-Grove EMS district: Hampton stated his preference would be to pay the Town of Deerfield their amount due now and be done with them, but the conditions of the Deer-Grove EMS Agreement only allow for 5 annual payments or payment of the full amount three years after the withdrawal. At the last Deer-Grove EMS Commission meeting, there was discussion about asking the municipal boards for permission to negotiate outside the terms of the agreement. **MOTION** by DuPlayee/Hampton to allow the Deer-Grove Ems Commission to negotiate the terms of payment, and any other issues involved, with the Town of Deerfield outside the terms of the agreement. **MOTION CARRIED 5-0.**

- K. Discuss/Consider assessment increases for delinquent, doomed personal property tax accounts: Associated Appraisal Consultants had advised the Clerk that they do not agree with the State's view that assessed values should be doubled for doomed and delinquent personal property accounts. Doing so just increases the amount that is often not collected by the town, and could contribute to putting small businesses out of business. The Treasurer updated the board on the accounts that are still delinquent. Two are in foreclosure, and Kindschi thought another had left the Town. **MOTION** by Hampton/DuPlayee to advise Associated Appraisal Consultants that the Town does not agree with doubling assessed values for doomed, delinquent personal property accounts. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: The Clerk shared a thank you from the Parkinson's Marathon Planning Family Committee for the Town's support in their recent event.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported a meeting regarding the expansion of the Dane County Landfill was held on April 29th, and Kyle Mathews is available to update the board on May 13th. The other negotiating parties had attorneys present, and Hampton suggested inviting an attorney to the May 13th meeting to find out how much it would cost to have the Town represented as well. There was general agreement with this plan.
- B. Anders reported that the most recent test of gas probe 8 had a zero reading.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Deer-Grove EMS Commission: Commission is seeking guidance on how to negotiate a withdrawal settlement with the Town of Deerfield.
- B. Joint Town/Village Fire Protection Committee: The committee is getting janitor bids for the June meeting.
- C. Law Enforcement Committee: No report.

VI. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:53 P.M.

Kim Banigan, Clerk
Approved 5-20-2013

TOWN OF COTTAGE GROVE
TOWN BOARD SPECIAL MEETING
MAY 13, 2013

- I. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were present, along with Clerk Kim Banigan, Attorney Connie Anderson, and Landfill Negotiating Committee member Kyle Mathews.
- II. Hampton called the meeting to order at 7:35 P.M.
- III. **MOTION** by Hampton/DuPlayee to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: (Dane County Landfill Expansion). **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session began at 7:36 P.M.
- IV. **MOTION** by Hampton/Anders to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 8:57 P.M. and there was no action as a result of the closed session.
- V. Adjournment: **MOTION** by Hampton/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:58 P.M.

Kim Banigan, Clerk

Approved 5-6-2013

Closed session minutes approved and kept closed until the matter is resolved.

TOWN OF COTTAGE GROVE
ROAD BID OPENING
MAY 17, 2013

- I. Official Notice of Advertisement for Bids was published in the Wisconsin State Journal on April 27 and May 4, 2013, as well as posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Mike Kindschi and Mike DuPlayee. Clerk Kim Banigan and Highway Superintendent Jeff Smith were also present.
- II. Chairman Hampton called the meeting to order at 12:30 P.M.
- III. Only one seal coating bid was received:

Scott Construction, Inc.

Oil Type:	HFRS2 Emulsion or Equivalent
Total Estimated Gallons:	38,000
Est. Gal./Sq. Yd.	.35
Stone Type	Portage Bottom Ash Slag
Total Estimated Tons:	1,100
Est. Lbs./Sq. Yd.:	20
Oil/20' Mile:	4,200 gallons
Stone/20' mile:	120 Ton
Cost/20 ft. mile:	\$16,168.00
Pickup Broom Cost:	\$100.00/hour
Total cost of all seal coating projects	\$148,979.00

- IV. Three paving bids were received:

Payne and Dolan, Inc.

Type of Asphalt: Hot Mix
Cost per ton: varies from \$52.40 to \$58.25 by road
Total Est. Tons: 2882
Total Cost of all projects: \$165,061.75

Wolf Paving Co., Inc.

Type of Asphalt: E-1
Cost per Ton: \$55.90 for Nora Road, \$62.90 for all others.
Total Est Tons: 2510
Total cost of all projects: \$143,949.00

Grade-Tech Pavers, Inc.

Type of Asphalt: E-1 12.5mm
Cost per Ton: \$57.90 for Nora Road, \$65.00 for all others.
Total Est Tons: 2524
Total cost of all projects: \$149,815.20

TOWN OF COTTAGE GROVE
ROAD BID OPENING
MAY 17, 2013

The Highway Superintendent will review the bids and make a recommendatino for Board approval on May 20th.

- V. **MOTION** by DuPlayee/Kindschi to close the bid opening. **MOTION CARRIED 3-0.** The bid opening ended at 12:38 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 20, 2013

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. Police Chief Chris Hughes arrived at 8:06 P.M. but left shortly after as the closed session was about to begin.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Kindschi/Anders to approve the minutes of the May 6, 2013 Town Board meeting and the May 13, 2013 Special Town Board meeting open session as printed. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/DuPlayee to approve the minutes of the May 13, 2013 closed session as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #21252- 21299 as presented. **MOTION CARRIED 5-0.**
 - 2. The Treasurer asked that May per diem reports be submitted by June 1st.
- E. Public Concerns: Rick Boyes, 4545 American Way, voiced his concerns over dogs running loose and defecating in the park at 4539 American Way, especially during soccer games. He wondered if a sign could be posted to tell park users to pick up after their dogs. It was decided that the ordinance on pets should be reviewed at the next meeting. Mr. Boyes was also advised to call the police department when he observes dogs not under their owner's control, or not being picked up after. Mr. Boyes also voiced concerns over there not being a restroom at the park, stating that he has often let kids come in and use his facilities, or seen them using the back of the park as a restroom. He would not like to see a porta-potty installed at the park, but suggested that the soccer club be required to bring one on a trailer when they have games there. Finally, Mr. Boyes stated his displeasure with the new no parking sign directly across from his front window, and said that he has nothing in particular against soccer, but feels that it has grown beyond the capacity of the park. Board members advised him that the soccer games are being held at the American Heritage Park now because of not being allowed on Phoebe Bakken Park due to last year's drought, but it is expected that they will return there after this year.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider budgeting and approval of financing for road work on Nora Road: Three loan quotes were received:
 - Bank of Sun Prairie: 1.2274% interest for up to \$135,000 for a term of 9 months, more or less.
 - Monona State Bank: 2.15% interest for up to \$135,000 for a term of 12 months, no penalty for prepayment.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 20, 2013

- Wisconsin Community Bank: 2.5% interest, amount not specified, 9 month term.

There was some discussion over whether or not to proceed with the Nora Road project this year, and how much to do. Smith said that given the lifetime projections of the roads, we should be paving 2 miles of road each year. We have been doing much less than we used to do. For a comparison, he said that in the year 2000, road construction expenditures were higher and blacktop was at \$23.85/ton, seal coating was at half of today's cost.

MOTION by DuPlayee/Kindschi to accept the Bank of Sun Prairie's offer for a loan of \$135,000 at 1.2274% interest. **MOTION CARRIED 4-1** (Anders opposed). The plan is to take out the loan in July or whenever the paving is completed, and pay it back in full in March of 2014.

- B. Discuss/Consider awarding road construction bids: **MOTION** by Kindschi/DuPlayee to accept Payne & Dolan's bid for paving projects, not to exceed \$135,000 on Nora Road, and to accept Scott Construction's bid for seal coating. **MOTION CARRIED 5-0.**
- C. Discuss/Consider right-of-way encroachments at 4540 American Way, 4535 Sundance Ct., and 4538 Sundance Ct.: Smith reported that the encroaching trees at 4535 Sundance Ct. have already been trimmed, and the owners of 4538 Sundance Ct. have indicated they will hire someone to take care of their encroachment. There has been no word from the owner of 4540 American Way. Smith said the encroaching bushes are entirely in the Town's road right-of-way. **MOTION** by Hampton/DuPlayee to direct the public works crew to remove the bushes encroaching in the right-of-way at 4540 American Way (bushes are actually on Liberty Drive). **MOTION CARRIED 5-0.**
- D. Discuss/Consider restricting parking on Vilas Road across from Phoebe Bakken Park: **MOTION** by DuPlayee/Fonger to eliminate parking on the west side of Vilas Road, from Clark Street to the south lot line of 4075 Vilas Road, with spacing of the no parking signs to be determined by the Police Chief. **MOTION CARRIED 5-0.** There was also discussion about eliminating parking on the east side of Vilas Road along 4030 Vilas Road, with consensus to watch and see if it will be necessary.
- E. Discuss/Consider attendees for the DCTA Annual Meeting on May 29, 2013: **MOTION** by Hampton/DuPlayee to allow for 3 attendees for the DCTA Annual Meeting. **MOTION CARRIED 5-0.**

(Police Chief Chris Hughes arrived briefly, but left when the closed session began, as did Jeff Smith).

- F. Consider/Adopt motion to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: (Dane County Landfill Expansion): **MOTION** by Hampton/DuPlayee to move into closed session for the reason stated above. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session began at 8:07 P.M.
- G. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Hampton/DuPlayee to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** There was no action as a result of the closed session, which ended at 8:34 P.M.

III. CLERK'S REPORT: The Clerk shared with the board information she had gotten from the Village of Cottage Grove regarding their plans to annex land for their new north water tower.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 20, 2013

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton reported that the Town was served notice of injury for two parties injured in a car vs. snowplow accident on February 7, 2013. The matter has been turned over the the Town's insurance agent.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

A. Deer-Grove EMS Commission: DuPlayee reported that the Commission conducted the Chief's evaluation and granted him a 2% wage increase. Paula Severson was elected as the new Commission Chair, with DuPlayee elected as secretary.

VI. Adjournment: **MOTION** by Anders/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:37 P.M.

Kim Banigan, Clerk
Approved 6-3-2013

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
JUNE 3, 2013

PUBLIC HEARING – 2013-14 ALCOHOL BEVERAGE LICENSE RENEWALS

- I. Notice of the public hearing was published in the legal section of the Wisconsin State Journal on May 23, 24, and 25, 2013, 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, and on the Town's web 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, Highway Superintendent Jeff Smith, and Police Sergeant Dave Stortz. 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 called the public hearing to order at 7:00 P.M.
- III. Hampton asked for public comment – there was none.
- IV. **MOTION** by DuPlayee/Fonger to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:01 P.M.

PUBLIC HEARING – 2013-14 NON-METALLIC MINING PERMIT RENEWALS AND BLASTING PERMIT FOR THE SKAAR 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, and on the Town's web site. Notice by email was sent on May 24 and 31 to all interested parties who had signed up on the Non-Metallic Mining notification list from the Town's web site. Attendance was the same as the public hearing above. Police Chief Chris Hughes arrived at 7:30 P.M.
- II. Hampton read the notice of the public hearing and the list of applicants, and asked if there were any public comments or questions:
 - A. Gaston Road Quarry – no questions or comments.
 - B. Skaar Pit:
 - Daniel Davis, 3428 Vilas Road, had some questions that were addressed by Dennis Richardson of R.G. Huston Co., Inc:
 - Blasting will take place at the south east corner of the site, on the exposed face of sandstone. Richardson anticipates 2-3 weeks of blasting 1-2 times per week. (It was noted that the Town's blasting permit is for 180 days, this term was not at the request of the applicant.) Blasts will take place either between 8 a.m. and noon or 1 p.m. and 4 p.m., with a day or two between to allow for cleanup of the blasted material.
 - The pit was opened in 1998 for construction of Hwy 12 & 18. The life expectancy of the pit is unknown, depends on the demand for the material, i.e. how quickly it is used up. The current CUP from the County expires in 2015. To continue beyond that would require reapplication and approvals. Davis was under the impression that the site would be converted to a park, but the Town's comprehensive plan shows it being commercial in the future. Hampton read off the possible commercial uses from the Town's plan. Pat Leonhardt, 3479 Natvig Road, said she is more concerned over what may be there in the future than she is over the current quarry operation.
 - There is no large capacity well on the site, only the well from the farm originally in that location.
 - Karen Baker, 3634 Graham Paige, asked why there is a yield sign for traffic passing by the pit entrance rather than a stop sign for trucks leaving the pit, and wondered if this can

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
JUNE 3, 2013

be found anywhere else in the state? She is concerned about the safety of this. Richardson said the yield sign was put in at the direction of Dane County Assistant Highway Commissioner Pam Dunphy.

- Rick Perez, 3619 Natvig Road, asked about how the blasting would be done. Richardson explained the blasting process. Dale Huston said that seismographs are used to monitor the force of the blast and readings are transmitted to the State. Adjacent homeowners may request a pre-blasting assessment of their property, and placement of a seismograph nearby.
- Ryan Peters, 3343 Field View Lane, said he did not think the blasting was anything to worry about, he had not felt any prior blasts from his property and felt the procedures are adequate to prevent damage to nearby properties.
- Don Huibregste, 3657 T-Bird Way, asked if blasting has been done there before. Richardson thought the last time was in 2010. Huibregste also asked about notice of the blasting to neighboring properties. Richardson said notice is given to neighbors within 1/4 mile of the blasting site (by Town Ordinance).
- Scott Offerdahl, 3645 T-Bird Way, said that quarries are one of the few things that the large insurance company he works for will not insure, and asked how the quarry benefits the Town, noting that quite a few people live in close proximity and are affected by it.
- Mary Jean Teel, 2574 Hupmobile Dr., felt that the presence of the quarry is ruining the value of homes in the area.
- Cheryl Retzlaff, 3651 T-Bird Way, asked about the reclamation plan for the site. Richardson said the blasting is to create a 3:1 slope along County Highway N, to meet the specifications of the reclamation plan, which is on file with Dane County.
- Cattell Pit – 2294 US Highway 12 & 18
 - Chris Moerke, 2252 US Highway 12 & 18, said she is upset that the concrete plant operates at all hours of the day and night, and trucks do not obey the stop sign. She requested that the Board not approve the permit.

III. **MOTION** by Kindschi/DuPlayee to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:37 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, and on the Town's web 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, Highway Superintendent Jeff Smith and Police Chief Chris Hughes.
- B. Hampton called the meeting to order at 7:37 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/DuPlayee to approve the minutes of the May 17, 2013 Road Bid Opening and the May 20, 2013 Town Board meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:

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JUNE 3, 2013

1. The Treasurer stated that she has now received police department billings from the Village of Cottage Grove for February, March and April. Payment for approval tonight excludes some questionable billings that are pending review by the Village, however.
 2. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #21300-20325 as presented. **MOTION CARRIED 5-0.**
 3. **MOTION** by Anders/DuPlayee to approve payment of May per diems as presented, and payment of \$1,030 to Tom Viken for May Building Permits. **MOTION CARRIED 5-0.**
 4. Kindschi presented a check in the amount of \$5,959.28 from the Cottage Grove Chamber of Commerce to be used for maintenance of the community welcome signs.
- E. Public Concerns: Edna Rose, owner of 4540 American Way, complained that the recent razing of her fire damaged home also resulted in the unwanted removal of the foundation, flowers and shrubs, decorative stones and a fence. She claimed that the Town's Attorney refused contact with her attorney, which Hampton disputed, stating that the Town's attorney contacted him asking about saving the foundation and a lilac bush. It was too late to save the foundation at that point, the contractor had already acted under then Town Board's direction to remove the foundation due to the safety hazard it would present. Hampton was able to save the lilac bush however. Mrs. Rose also complained that soccer parents are parking on her lot, and Hampton advised the Police Chief to monitor and enforce no parking there. Mrs. Rose said she wants no parking or trespassing on her lot. Hampton said the Town's expectations are that she will keep the property mowed and free of debris.
- F. Road Right of Way Permits: There was one right-of-way permit application, however it was missing required information so was not considered.

II. BUSINESS:

- A. Discuss/Consider approval of July 2013 – June 2014 Alcohol Beverage Licenses:
1. Combination Class B Beer and Class B Liquor Licenses: The Clerk stated that she had found no concerns in her background checks of principals for the establishments, and Board members had police inspection reports in their packets. **MOTION** by Fonger/DuPlayee to approve the July 2013 - June 2014 Class B Beer and Class B Liquor licenses, licensed premises as applied for, which included:

Ball of Fun, LLC, d.b.a. Doubleday's, Debra Stueber, Agent
4586 Baxter Road, Cottage Grove, WI 53527
Licensed Premises limited to: Upstairs bar, dining room, downstairs bar, bowling alley, ball diamonds, horseshoe area, volley ball court, and parking lot.

Door Creek Golf Course, Inc., Phillip C. Frederickson, Agent
4321 Vilas Road, Cottage Grove, WI 53527
Licensed Premises limited to: Clubhouse, bar, pro shop, snack bar, banquet room, and golf course.

Nora's Tavern, Inc., Timothy Kluever, Agent
1843 HWY 12 & 18, Deerfield, WI 53531
Licensed Premises limited to: Entire building, parking lot and all outside areas.

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

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Licensed Premises limited to: Brick building, porch, deck, dining area, outdoor attached smoking area.

MOTION CARRIED 5-0

2. Operators and Managers Licenses: The Clerk stated that all required paperwork is in order for all applicants, and background checks turned up no concerns. **MOTION** by Fonger/Kindschi to approve July 2013-June 2014 Operators and Managers licenses for all applicants (list attached as appendix A). **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of July 2013 – June 2014 Non-metallic Mining Permits:
1. **MOTION** by Anders/DuPlayee to approve a July 2013 – June 2014 Non-metallic mining permit for Brad Huston of R.G. Huston Company, Inc. to operate the Gaston Road Quarry, 2543 Gaston Road, owned by Huston Holdings, LLC. Operating hours limited to 6:00 a.m. to 6:00 p.m., Monday thru Saturday. **MOTION CARRIED 5-0.**
 2. **MOTION** by DuPlayee/Fonger to approve a July 2013 – June 2014 Non-metallic mining permit for Wade Cattell of Raymond P. Cattell, Inc. to operate the pit at 2294 US Highway 12 & 18, owned by Rocky Rights, LLC. Operating hours to be limited to 6:00 a.m. to 6:00 p.m., Monday thru Saturday.

Discussion: Chris Moerke, 2252 US Highway 12 & 18, asked about the ownership and maintenance of the access road to the quarry, which is also used as access by the neighboring three homes. Wade Cattell said that he owns the road, and the homeowners have an easement to use it. The conditions of the CUP for the concrete plant require that the road be blacktopped. He does not operate the pit or concrete plant in the winter. If the homeowners want to use the road during that time, they need to plow it. Ms. Moerke was advised to look on her property deed for the easement information.

Ms. Moerke also complained about the weeds on the berm between the homes and the concrete plant. It was noted that this had been looked into before, and unless the weeds are noxious as defined by statute, the Town has no jurisdiction. The County had not advised removing the foliage due to possible erosion. Ms. Moerke was advised to work with Mr. Cattell to control the weeds closest to her property. Mr. Cattell said that he will replace any of the pines that did not survive last years drought.

Ms. Moerke again complained about operation of the concrete plant at all hours, and urged the Town Board not to approve the permit. The Clerk attempted to clarify that the permit under consideration tonight is not for the concrete plant, which is regulated by Dane County under a Conditional Use Permit. Complaints regarding operation of the concrete plant should be directed to the County. She then explained that since the pit is a “non-conforming site”, the only possible regulation is by the Town’s non-metallic mining ordinance, and if the permit is not approved, the owners would be free to operate in any fashion they so choose.

MOTION CARRIED 5-0.

3. **MOTION** by Fonger/DuPlayee to approve a July 2013 – June 2014 Non-metallic mining permit for Brad Huston of R.G. Huston Company, Inc. to operate the Skaar pit at 3355 County Road N, owned by Dale R. and Dwight D. Huston. Operating hours to be limited to 6:00 a.m. to 6:00 p.m., Monday thru Friday, and 8 a.m. to 3 p.m. on Saturday. **MOTION CARRIED 5-0.**

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- C. Discuss/Consider approval of a 180 day blasting permit for the Skaar Pit at 3355 County Road N - Brad Huston, President, R.G. Huston Co. Inc., applicant: Dennis Richardson of R.G. Huston Co., Inc. stated that based on his knowledge of the last time blasting was done at the pit, and the type of stone to be blasted, his best guess is there will be about 6 shots, but if seismograph readings are too high, there may need to be more smaller ones. They will stop traffic on the surrounding roads, and a horn will be blown 3 times preceding the blast, with another single horn blow to signal all clear afterwards. In addition to notifying homeowners within 1/4 mile, the Town will also be notified, and the Clerk can pass that notice along through the Non-metallic mining email list that is available through the Town's web site.

There were requests from the audience to limit the number of blasts and to find out how residents can gain access to seismograph data. There was a question about whether the blasts pose any threat to the Natvig Landfill. Dale Huston said there has been no damage to the landfill in all of the years of blasting.

MOTION by Anders/Kindschi to approve the 180 day blasting permit for Brad Huston of R.G. Huston Co., Inc. at the Skaar Pit, 3355 County Road N, owned by Dale & Dwight Huston. Licensed blaster to be Lawrence J. Dolphin of Northland Explosives Co., Inc. (Viking Explosives Supply). The blaster is to be contacted in advance to find out how seismograph data can be accessed by the public, a seismograph is to be located near the Davis residence at 3428 Vilas Road, and residents within 1/4 mile of the blast site and the Town Clerk are to be notified of each blast. A maximum of 15 blasts are allowed during the 180 days. **MOTION CARRIED 5-0.**

- D. Discuss/Consider approval of a driveway permit for the Village of Cottage Grove at lot 2, CSM 9686 on Gaston Circle: Jim Hessling, Public Works Director for the Village of Cottage Grove, explained the driveway will be the length of the lot, which exceeds 200 feet, in order to allow access to the new water tower the Village will build on adjacent land to the east that is pending annexation. He said that the Village did have a meeting with the neighbors about the plans. The request is for a 16' driveway with a 30' culvert. There was discussion about the amount of traffic on Town Roads due to the construction and maintenance of the water tower. Hessling said once it is built, he only expects there will be a pickup truck going there once each week.

MOTION by Hampton/DuPlayee to allow a 16' wide driveway, built to Town Road standards, subject to a contract to be drafted by the Town Attorney requiring the condition of the road to be video recorded prior to construction with a copy provided to the Town, and the Village of Cottage Grove to be responsible for repairing any damage caused by construction traffic.

MOTION CARRIED 5-0.

- E. Discuss/Consider approval of a Parade, Procession or Race Permit for the Cambridge Community Activities Program bicycle ride on July 27, 2013: Mark Sewell said the race will be similar to last year except that they will be using temporary roadside signs as opposed to marking the road itself. He requested a waiver of the fee and notification requirement. Last year's ride was without incident. **MOTION** by DuPlayee/Kindschi to approve a Parade, Procession or Race Permit for the Cambridge Community Activities Program bicycle ride on July 27, 2013, with no fee or notifications required, as long as numbers are similar to last year.

MOTION CARRIED 5-0.

- F. Consider approval of CSM for Sanford & Vicki West, 1879 Meadow View Ln. for previously approved rezone: **MOTION** by Hampton/Anders to approve CSM 4205-12 dated 5-29-13, with the addition of the following notation: "As owner, I hereby stipulate that I and my heirs or

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assigns will not object to any legally permitted uses that occur on the adjoining property”.

MOTION CARRIED 5-0.

- G. Discuss/Consider approval of an amendment to the 2013 Town Budget: **MOTION** by Hampton/DuPlayee to approve Budget Amendment 2013-03 as drafted. **MOTION CARRIED 5-0.**
- H. Consider appointment of Linda Fonger to the Town Parks Committee: **MOTION** by Hampton/DuPlayee to appoint Linda Fonger to the Town Parks Committee through May of 2014. **MOTION CARRIED 5-0.**
- I. Discuss/Consider enforcement of the Unoccupied Property Maintenance at 2737 Killdeer Ct., 4523 Bonnie Ave: The Board reviewed photos of the two properties taken today, showing that the back yards of both properties are overgrown. Smith said the neighbors have been mowing the front yard of the Killdeer Ct. property. The Clerk mailed notice to each property owner on May 23 that their property was out of compliance with the ordinance and that the Board would be considering enforcement at tonight's meeting. **MOTION** by Hampton/DuPlayee to authorize the Clerk and the Building Inspector to follow the required steps to enforce the Unoccupied Property Maintenance ordinance for 2737 Killdeer Ct. and 4523 Bonnie Ave. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton received:

- A. An invitation from the DOT for the Town to become involved in the Madison Beltline Planning and Environmental Linkages corridor study. Consideration of appointments will be on the June 17th agenda.
- B. Official notice from the DNR of the proposed expansion of the Dane County Landfill.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Landfill Monitoring Committee: No Report
- B. Law Enforcement Committee: Chief Hughes reported that a conditional offer was extended for the vacant position this morning.

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

Kim Banigan, Clerk
Approved 6-17-2013

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 17, 2013

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, and on the Town's web 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, Highway Superintendent Jeff Smith, and Attorney Connie Anderson.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Kindschi/DuPlayee to approve the minutes of the June 3, 2013 Public Hearings and Town Board Meeting as printed. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by DuPlayee/Anders to approve the minutes of the May 20, 2013 Closed Session as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #21326-21363 as presented. **MOTION CARRIED 5-0.**
 - 2. The Treasurer asked that June per diem reports be submitted by June 29th.
- E. Public Concerns: None.
- F. Road Right of Way Permits:
 - 1. **MOTION** by Anders/DuPlayee to approve a permit for Frontier to bore underground across the right-of-way to install service drop at 4177 Vilas Road. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/DuPlayee to approve a permit for Homburg Equipment/Intercon Construction to trench across the right-of-way at the West ends of Pheasant Run and Mourning Dove to install gas and electric distribution for new Village subdivision. No vegetation at the Town line is to be disturbed. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider approval of proposal by Town & Country Engineering for storm water management project on Valley Street: Engineer Warren Myers of Town and Country Engineering presented the problems and possible remedies for storm water drainage problems in the Valley Street area. He said that over 80 acres drain through the area, and back when the subdivision was designed there was not the kind of regulation or consideration for drainage as there is today. From a legal perspective, the sub-division must pass through any water it receives without detrimental changes downstream. He said that retrofitting will not solve the problem, but improvements are possible. He then identified the following specific remedies:
 - 1. Most of the run-off comes through the Town Park on Valley Street as designed, however some water pools in a low spot in the farm field to the North of 4610 Lotus Lane and then spills over onto that property rather than flowing to the Park. Both the owner and renter of the field have been contacted and have agreed to cooperate with an easement to allow for that part of the field to be re-graded. A survey will be required, and the new ditch will require regular maintenance.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 17, 2013

2. A detention pond could be built in the park. Myers would prefer to see a dry pond, but noted that Chuck Nahn, the Town's consultant for storm water permitting issues, would want a wet one to allow for settling of solids. Discussion was that a wet pond would be a public safety and health hazard, and a while a dry pond would not provide any credit for stormwater permitting purposes, it would not count against it either. In the end, however, Myers recommended against a detention pond of any kind because his model shows no demonstrable difference for the larger run-off events.
3. Myers recommended that the ditches on the North side of Valley from Lotus Ln. to Bonnie Ave. be cleaned, as well as the ditches on the South side of Valley from Bonnie Ave. to Vilas Rd. The culvert under the second driveway to the West of Bonnie Ave. should be upgraded to 42”.
4. Myers recommended upgrading the 36” corrugated culvert running diagonally at the intersection of Bonnie Ave. and Valley St. to a 42” concrete one, and installing a manhole to redirect water to the ditch running west rather than it discharging against the bank. Along with this, he recommended extending the culvert to the first driveway to the west of the intersection, and installing concrete curbs with inlets on both sides of Bonnie to collect water before it gets to the intersection.

There was discussion about sequencing and cost of the various remedies. Projects exceeding \$25,000 must be put out to bid. Some of the work can be done by Highway Department personnel. **MOTION** by Hampton/DuPlayee to:

1. Direct Myers and Attorney Anderson to work on an easement with the owner of the farm field, and stake that area for regrading by the Highway Department as soon as possible.
2. Direct the Highway Department to clean the ditches on the south side of Valley Street from the first driveway west of Bonnie Ave. to Vilas Road, and install a 42” culvert, at the Town's expense, under the second driveway.

MOTION CARRIED 5-0. Myers will complete the project plans and the board will consider additional work with the 2014 budget.

- B. Discuss/Consider referral of the TCG Ord. Section 20.01 Regulation of Dogs and Cats to the Ordinance Committee for revisions: Board members reviewed the ordinance in light of complaints by Richard Boyes on May 20, 2013, and decided that the ordinance already addresses his concerns.
- C. Madison Beltline Planning and Environmental Linkages (PEL) Corridor Study:
 1. Discuss/Consider accepting or declining the invitation to become a Participating Agency. **MOTION** by DuPlayee/Anders to accept the invitation to become a Participating Agency. **MOTION CARRIED 5-0.**
 2. Discuss/Consider appointment of Town representatives: **MOTION** by Fonger/DuPlayee to appoint Smith/Alternate Hampton to the Technical Advisory Committee and Hampton/Alternate DuPlayee to the Policy Advisory Committee. **MOTION CARRIED 5-0.**
 3. Discuss/Consider comments on the draft Problem Statement and draft Coordination Plan: No comments.

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TOWN BOARD MEETING
JUNE 17, 2013

- D. Information on yield sign on Natvig Road: Hampton reported that Dane County Assistant Highway Commissioner Pam Dunphy recalled that the reason for the yield sign was in consideration for the noise that trucks stopping and starting would create for the neighbor.
- E. Discuss/Consider hiring process for replacement of retiring Highway Patrolman: Discussion was that the hiree should already have a CDL and live within 15 minutes of the Town Garage. Hampton and Smith will work on a job description and board members should think about wages for the next meeting.
- F. Discuss/Consider approval for Deer-Grove EMS to purchase a power cot using proceeds from the sale of surplus old equipment: Lt. Jerry McMullen said that Deer-Grove EMS has ~\$11,900 from the sale of surplus equipment, and asked the Board for approval to use these funds to purchase up to two power cots. He assured them that any used cots purchased would be certified. The Village of Deerfield has already approved this use of the funds, and he presented it to the Village of Cottage Grove tonight, although it was not on their agenda. **MOTION** by DuPlayee/Kindschi to approve the use of funds from the sale of surplus equipment to purchase up to two power cots, not to exceed \$11,900. **MOTION CARRIED 5-0.**
- G. Consider/Adopt motion to move into closed session pursuant to §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning negotiations with Dane County over Landfill Expansion and development of the former Crossroads Tavern property, and strategy to be adopted with respect to road right-of-way encroachment enforcement at 4407 Vilas Hope Road: **MOTION** Hampton/Anders to move into closed session for the reason stated above. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The audience was cleared, the door locked, and the closed session began at 8:36 P.M. with the Town Board, Clerk and Attorney Connie Anderson present.
- H. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Hampton/Anders to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 9:23 P.M. and the door was unlocked. There was no action as a result of the closed session.

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton reported upcoming meetings with the DOT for the I-39/90 interchange, one on July 9th for local officials and one on July 23rd for the public.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government Committee: DuPlayee is the new committee chair, and there will not be a meeting in July.

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

Kim Banigan, Clerk
Approved 7-1-2013

TOWN OF COTTAGE GROVE
TOWN BOARD SPECIAL MEETING
JUNE 24, 2013

- I. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Kindschi and Mike DuPlayee were present, along with Clerk Kim Banigan and Attorney Connie Anderson. Steve Anders arrived at 5:45 P.M., during the closed session.
- II. Hampton called the meeting to order at 5:30 P.M.
- III. Consider/Adopt motion to move into closed session pursuant to §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning negotiations with Dane County over Landfill Expansion and development of the former Crossroads Tavern property: **MOTION** Hampton/Kindschi to move into closed session for the reason stated above. **ROLL CALL VOTE: Hampton – aye, Kindschi – aye, DuPlayee - aye.** The closed session began at 5:31 P.M.
- IV. Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Hampton/DuPlayee to reconvene to open session. **Anders – aye, Hampton – aye, Kindschi – aye, DuPlayee - aye.** The closed session ended at 6:23 P.M. and there was no action as a result of the closed session.
- V. Adjournment: **MOTION** by Hampton/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 6:23 P.M.

Kim Banigan, Clerk

Approved 7/1/2013 (closed session minutes kept closed until the matter is resolved).

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 1, 2013

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, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Mike Kindschi and Mike DuPlayee were present, along with Clerk Kim Banigan and Treasurer Debbie Simonson. Supervisor Steve Anders arrived at 7:15 P.M., and Police Chief Chris Hughes arrived at 7:27 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 June 17, 2013 Town Board Meeting and the June 24, 2013 open session meeting as printed. **MOTION CARRIED 3-0-1** (Fonger abstained).
 - 2. **MOTION** by Hampton/Fonger to approve the May 20, 2013 closed session minutes as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 4-0.**
 - 3. **MOTION** by Hampton/Kindschi to approve the June 24, 2013 closed session minutes as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 3-0-1** (Fonger abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #21364-21390 as presented. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by DuPlayee/Fonger to approve payment of June per diems as presented, and payment of \$1,365.00 to Tom Viken for June building permits. **MOTION CARRIED 4-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider reservation of Meadow Grove Park for a private party on August 24, 2013: Ruth Barry confirmed the plans detailed in an email message, and stated that there would not be any alcohol served. The porta-potty will be located at the same spot where it has been for T-ball games. The Clerk stated that the owners of properties adjoining and across from the park were sent tonight's agenda. **MOTION** by DuPlayee/Kindschi to approve the use of the Meadow Grove Park for a private party on August 24, 2013. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of departure of balloon flights by Aeroworks LLC from the field behind the Town Hall: Gary Meddock of Aeroworks, LLC described the process of balloon departures, and said they would not interfere with use of the soccer field. **MOTION** by DuPlayee/Fonger to approve the departure of balloon flights by Aeroworks LLC from the field behind the Town Hall, with Aeroworks LLC supplying a certificate of insurance showing the Town as an additional insured. **MOTION CARRIED 4-0.**

(Anders arrived).

- C. Discuss/Consider creation of ordinances in regards to:
 - 1. Fire protection charges: Hampton explained that this topic came up when the Town had to pay for an excavating contractor called in by the Fire Department during a house fire. A sample ordinance from the WTA was reviewed. Discussion was that this does not occur very often, and any ordinance should only apply to the cost of outside contractors.

TOWN OF COTTAGE GROVE
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The Clerk will get input from the Town Attorney for further discussion at the next meeting.

(Police Chief Chris Hughes arrived)

2. Police Canine: Chief Hughes suggested that police canines be excluded from the provisions of some of the ordinances already on the books, and that an ordinance be added to prohibit people from resisting or interfering with a police dog on duty. **MOTION** by Hampton/Anders directing the Ordinance Committee to pursue this the next time they are directed to meet. **MOTION CARRIED 5-0.**
 3. Disorderly Conduct with Motor Vehicle: Chief Hughes said that currently offenses like kids squealing tires, driving through ditches, excessive revving of engines are prosecuted under the State's reckless driving ordinance, but a disorderly conduct with a motor vehicle ordinance would give an opportunity for such offenses to be dealt with locally. He will get samples from other municipalities for future discussion.
 4. Bullying: Chief Hughes noted that the Village of Cottage Grove voted down the addition of a bullying ordinance. Discussion was that a bullying ordinance may create awareness but it is questionable whether it could really resolve or remedy any problems. No board action was taken.
 5. Social Hosting: Chief Hughes said this would close a loophole in State statute in that it would prohibit any person from hosting or allowing alcohol to be served when underage persons may consume it. A sample ordinance from the Town of Oregon was reviewed and thought to be a good start. **MOTION** by Hampton/Anders directing the Ordinance Committee to pursue this the next time they are directed to meet. **MOTION CARRIED 5-0.**
 6. Parental Responsibility: Chief Hughes said this would allow the PD to cite the parents for failing to take control of their child. It would not be used on first offenses, but for the situations where a juvenile has repeated offenses that the parents are not taking seriously. He will get samples for future discussion.
- D. Discuss/Consider approval of an Intergovernmental Agreement Between Dane County and Participating Municipalities Within Dane County to Purchase New Election Equipment and Software: **MOTION** by DuPlayee/Kindschi to approve the Intergovernmental Agreement Between Dane County and Participating Municipalities Within Dane County to Purchase New Election Equipment and Software, with the choice under Payment Plan to reimburse the County in full within 60 days of billing. **MOTION CARRIED 5-0.**
- E. Discuss/Consider hiring process to replace retiring Highway Patrolman:
1. Discuss/Consider approval of Highway Patrolman Job Description: **MOTION** by DuPlayee/Fonger to approve the Highway Patrolman Job Description with the addition of a requirement for a pre-employment physical. **MOTION CARRIED 5-0.** Chief Hughes offered to share a release used by the CGPD.
 2. Discuss/Consider approval of Job Application form: **MOTION** by DuPlayee/Anders to approve the job application form as presented. **MOTION CARRIED 5-0.**
 3. Discuss/Consider starting wage for new hire: **MOTION** by Anders/DuPlayee to set a beginning base wage rate of \$15-\$17 per hour, commensurate with experience. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 1, 2013

4. Discuss/Consider job posting options and time frame: **MOTION** by Anders/DuPlayee to advertise in the Wisconsin State Journal on July 10th and 14th, with applications due back by July 31st. **MOTION CARRIED 4-1** (Fonger opposed).

MOTION by Fonger/Anders to NOT fill the Highway Patrolman position at this time. Discussion: Hampton said that with the other three Highway Dept. employees also nearing retirement, it is important to start someone new now and train them so as to not lose the knowledge of the history of the Town's infrastructure. DuPlayee agreed with Hampton, but thinks the discussion is valid and suggested that it be continued before the time comes to consider replacement of the next retiree. **MOTION FAILED 0-5.**

- F. Acknowledgment of Mike Kindschi's resignation as Town Supervisor 3 as of July 15, 2013, and discuss/consider options to fill the vacancy: **MOTION** by Hampton/DuPlayee to post the vacancy on the Town's web site and ask the Herald-Independent to run a news brief. Interested parties should get their information to the Clerk by July 12th for review at the July 15th Town Board meeting. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Humane Officer Training is available in Madison in September.
- B. Hampton and Smith will attend a Beltline Interchange meeting for local officials on July 9th.
- C. The DOT will have survey crews on US Highway 12 & 18 through the Fall of 2014 as part of a study for converting it to a freeway.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town/Village Landfill Monitoring Committee: There was another methane detect on one of the monitoring wells, but it is only 3% of the level that requires reporting to the DNR. Another test is scheduled for July, and it is thought the detects may be due to the wet weather.
- B. Joint Town/Village Fire Department Committee: Greyhound Janitorial was hired to clean the ESOB on a weekly basis.
- C. Law Enforcement Committee: The first three choices for a new hire all either declined or found other employment. Hiring will now wait until the next graduating class.

- VI. Adjournment: **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:21P.M.

Kim Banigan, Clerk
Approved 7/15/2013

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 15, 2013

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, and on the Town's web 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. Police Chief Chris Hughes arrived at 7:07 P.M. and left shortly thereafter. Attorney Connie Anderson arrived at 7:25 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 July 1, 2013 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills: The Treasurer noted that the Fire Department's fuel bill from Landmark Services Co-op has not been received yet, but she intends to pay it when it arrives since the due date will be after the next Town Board meeting. **MOTION** by DuPlayee/anders to approve payment of bills corresponding to checks #21391 – 21429 as presented. **MOTION CARRIED 5-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Consider approval of CSM for Sanford & Vicki West, 1879 Meadow View Ln., as amended by Dane County: **MOTION** by Hampton/DuPlayee to approve the CSM with the addition of a cul-de-sac as required by Dane County. The map was identified as Dwg. No. 4205-12 dated 5/29/13 with cul-de-sac added 7/09/13. **MOTION CARRIED 5-0.**
- B. Discuss/ Consider Appointment to serve the remainder of Mike Kindschi's term as Town Supervisor 3: Two residents submitted their interest in the position: Jim Edwards and Kristi Williams. Each of them gave a brief presentation of their reasons for applying and their qualifications. **MOTION** by Fonger/Hampton to appoint Kristi Williams to serve the remainder of Mike Kindschi's term as Town Supervisor 3, effective August 1, 2013. **MOTION CARRIED 3-1-1.** (Per Wis. Stat. 1725(1), vacancies are filled by the remaining supervisors and the clerk, except where a special election is authorized. Kindschi did not vote, DuPlayee opposed, and Clerk Banigan abstained.) Kristi Williams currently serves as one of the citizen members of the Plan Commission. Since her appointment to Supervisor 3 is not effective until August 1, she will be able to serve at the July Plan Commission meeting, but a replacement will need to be appointed before the August Plan Commission meeting. The Clerk was directed to put out notice of the vacancy with an application deadline of July 31st.
- C. Discuss/Consider whether to hold a referendum election in the Fall of 2013 to exceed the State mandated property tax levy limit: Anders said there was some merit to a request from the Police Chief to consider incorporating future police department fiscal needs into a referendum question. **MOTION** by Fonger/DuPlayee to not hold a referendum election in the Fall of 2013. **MOTION CARRIED 4-1** (Anders opposed).
- D. Discuss/Consider changing job title of Highway Patrolman: The Clerk explained that the Wisconsin State Journal could not publish an ad for a Highway Patrolman. At Attorney Connie Anderson's suggestion, she had changed the ad to read Public Works Laborer. **MOTION** by Hampton/Kindschi to change the job title from Highway Patrolman to Public Works Employee. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 15, 2013

- E. Recognition of Mike Kindschi's service on the Town Board: Mike Kindschi was presented with a plaque recognizing his service on the Town Board from 2008-2013.
- F. Consider whether to cancel the August 5, 2013 Town Board meeting, or appoint a chair pro tem: Hampton will be out of town for this meeting, but it was thought that a meeting will probably still need to be held. **MOTION** by Fonger/DuPlayee to appoint Steve Anders as Chair Pro Tem for the August 5, 2013 Town Board meeting. **MOTION CARRIED 5-0.**

(Attorney Connie Anderson Arrived)

- G. Discuss/Consider creating an ordinance for Fire Protection charges: Attorney Anderson distributed a draft ordinance that would allow the Town to charge for third-party fees related to fire department responses. Anderson explained that either the fee structure had to be specified, or an upper limit must be set. An upper limit of \$25,000 was suggested. There was also discussion about adding the language "unless otherwise determined by the Town Board" to the billing and payment procedure section, and adding provisions for charging for extraordinary services that might be billed from the Fire Department to the Town. **MOTION** by Hampton/DuPlayee directing Attorney Anderson to make the changes discussed for approval at a later date. **MOTION CARRIED 5-0.**
- H. Consider/Adopt motion to move into closed session pursuant to §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning negotiations with Dane County over Landfill Expansion and development of the former Crossroads Tavern property: **MOTION** by Hampton/DuPlayee to move into closed session for the reason stated above. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** Board Members, Attorney Anderson, the Clerk, and Kristi Williams stayed for the closed session, all others left and the door was locked. The closed session began at 7:52 P.M.
- I. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Hampton/Kindschi to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 8:32 P.M. **MOTION** by Hampton/DuPlayee directing Attorney Anderson to proceed with the items as discussed in closed session. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: The Deerfield School District has scheduled a referendum election for September 10th.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton announced that the Wisconsin Towns Association will hold Budget and Finance workshops this fall.
- B. Hampton shared maps from the I-39/Beltline Interchange Local Officials Meeting that was held on July 9th.

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

Kim Banigan, Clerk
Approved 8-5-2013

TOWN OF COTTAGE GROVE
TOWN BOARD SPECIAL MEETING
JULY 22, 2013

- I. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders and Mike DuPlayee. Also present were: Attorney Connie Anderson, Kristi Williams, Kyle Mathews, Julie Acker, Jerry and Barb Moore, Mike Niebuhr and his Attorney Jesse Ishikawa.
- II. Hampton called the meeting to order at 6:00 P.M.
- III. **MOTION** by Hampton/Anders to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: negotiations with Dane County over Landfill Expansion: **ROLL CALL VOTE: Hampton-aye, Fonger-aye, Anders-aye, DuPlayee-aye. MOTION CARRIED 4-0.**
- IV. **MOTION** by Hampton/DuPlayee to reconvene in open session: **MOTION CARRIED 4-0 by roll call vote.** The closed session ended at 7:13 P.M. Hampton announced that there was no need for the Town Board to take any action as a result of the closed session.
- V. Adjournment: **MOTION** by DuPlayee/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 7:14 P.M.

Notes submitted by Kristi Williams, compiled into minutes form by Kim Banigan, Clerk

Approved 8-5-2013 – Closed session minutes approved and kept closed until the matter is resolved.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 5, 2013

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, and on the Town's web site. Town Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson Highway Superintendent Jeff Smith and Attorney Connie Anderson.
- B. Anders called the meeting to order at 7:01 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by DuPlayee/Fonger to approve the open session minutes from the July 15, 2013 Town Board Meeting as printed. **MOTION CARRIED 3-0-1** (Williams abstained).
 - 2. **MOTION** by Fonger/DuPlayee to approve the closed session minutes from the July 15, 2013 Town Board meeting as printed, and to keep them closed until the matter is resolved.. **MOTION CARRIED 3-0-1** (Williams abstained).
 - 3. **MOTION** by Anders/DuPlayee to approve the open session minutes from the July 22, 2013 Town Board Meeting as printed. **MOTION CARRIED 3-0-1** (Williams abstained).
 - 4. **MOTION** by DuPlayee/Fonger to approve the closed session minutes from the July 22, 2013 Town Board meeting as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 3-0-1** (Williams abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #21430-21466 as presented. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by Fonger/Williams to approve payment of July per diems as presented, and payment of \$2,240.00 to Tom Viken for July building permits. **MOTION CARRIED 4-0.**
 - 3. The Treasurer said she was glad to see the policy recently approved by the Law Enforcement Committee regarding police department attorney bills, but noted that she has been waiting for some time for a response from the Village regarding some bills she questioned the Town's portion of. The Clerk said she will ask Hampton to put this on the September Joint agenda if not resolved by then.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/Fonger to approve a permit for Charter Communications to drill across the Gaston Road right-of-way to install a 3" duct, **MOTION CARRIED 4-0.**

II. BUSINESS:

- A. Discuss/Consider approval of the use of Cedar Knolls park for pee-wee football practice during September and October of 2013: The Clerk stated that this is the third year of this request, and she has had no feedback of any kind from surrounding residents. The Pee-Wee football organization asked if the \$25 park reservation fee could be waived. **MOTION** by DuPlayee/Williams to approve the use of Cedar Knolls park for pee-wee football practice during September and October of 2013, and waive the park reservation fee. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 5, 2013

- B. Discuss/Consider sale of 10 Salem Church Cemetery plots to Wallace Havens at the Town Resident price: Rocky Redepenning, president of the Cottage Grove Cemetery Association, explained that each cemetery lot can accommodate up to five burial spaces. Each burial space can accommodate one casket or 4 cremains. The resident price for a space is \$400, while non-residents are charged \$800, with \$100 going to the Cottage Grove Cemetery Association for each space, regardless of resident or non-resident. Mr. Redepenning said that the Association has made exceptions when the buyer is either originally from Cottage Grove, or has family buried in the cemetery. Neither of these apply to Mr. Havens. **MOTION** by Fonger/DuPlayee to allow Mr. Havens to purchase 10 burial spaces at the resident price, with a deed restriction prohibiting the sale of the lots and limiting their use to Mr. Havens' family members. **MOTION CARRIED 4-0.**
- C. Discuss/Consider setting a date for a special Town Board meeting, or appointment of an ad hoc committee, to review applications for the Public Works Employee vacancy: The Treasurer stated that her husband, Gary Simonson, who recently retired from a supervisory position with the public works department at the University of Wisconsin, has offered his services in the hiring process. **MOTION** by Fonger/Anders to appoint an ad hoc committee to review the applications and make a recommendation to the Board on August 19th. The committee is to consist of Kris Hampton, Kristi Williams, Jeff Smith and Gary Simonson. (If Hampton is unable to serve, Fonger was designated as an alternate). **MOTION CARRIED 4-0.**
- D. Discuss/Consider recognition of Steve Querin-Schultz's retirement: An appreciation luncheon has been scheduled for Querin-Schultz's last day, August 16th. Current staff and board members, past board members, family members, and public works employees from surrounding municipalities will be invited to attend. **MOTION** by Fonger/DuPlayee allocating up to \$150.00 for an appreciation gift and food/supplies for the luncheon. **MOTION CARRIED 4-0.**
- E. Consider/Adopt motion to move into closed session pursuant to §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning negotiations with Dane County over Landfill Expansion and development of the former Crossroads Tavern property, and strategy to be adopted with respect to road right-of-way encroachment enforcement at 4407 Vilas Hope Road: **MOTION** by Anders/DuPlayee to move into closed session for the reason stated above. **MOTION CARRIED 4-0 BY ROLL CALL VOTE.** Board members, Attorney Anderson, the Clerk, and Jeff Smith remained for the closed session, others were asked to leave and the door was locked. The closed session began at 7:51 P.M.
- F. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Anders/Williams to reconvene to open session. **MOTION CARRIED 4-0 BY ROLL CALL VOTE.** The closed session ended at 9:13 P.M., the doors were unlocked and those waiting were invited back in. (Smith had left during the closed session). **MOTION** by Fonger/DuPlayee directing Attorney Anderson to proceed with the August 23rd hearing for road right-of-way encroachment enforcement at 4407 Vilas Hope Road. **MOTION CARRIED 4-0.**
- MOTION** by DuPlayee/Anders directing Attorney Anderson to proceed with a Memorandum of Understanding with Dane County with regards to expansion of the County Landfill expansion. **MOTION CARRIED 4-0.**
- III. CLERK'S REPORT: The Clerk reported that the owner of the commercial property at 3019 County Road BB has chosen not to file the required deed restriction for his recent rezone request, which will

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 5, 2013

cause the zoning to revert to its previous status. Under the prior zoning, he could display an unlimited number of vehicles for sale, but could not make repairs on the premises. There were comments that he has been parking cars on the County BB right-of-way, the Clerk will follow up with the County Zoning Inspector on this.

IV. BOARD REPORTS AND COMMUNICATIONS: None.

V. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: DuPlayee reported that there is a staffing issue resulting from the elimination of the Intern Program. The Commission will need to address this with the 2014 budget.
- B. Joint Town/Village Landfill Monitoring Committee: Anders reported that there was another detect on gas probe 8, although it was only .15% of the lethal explosive level and far below the level required to be reported to the DNR.
- C. Law Enforcement Committee: The Police Chief is asking to add a Deputy Chief position. A canine officer has been purchased but will be entirely funded by donations.
- D. Plan Commission: A special meeting is scheduled for August 14th to allow for a Plan Commission recommendation to the Town Board prior to the August 19th meeting regarding Dane County's request for a rezone and conditional use permit at the former Crossroads Tavern site.

VI. Adjournment: **MOTION** by DuPlayee/Fonger to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 9:32 P.M.

Kim Banigan, Clerk
Approved 8-19-2013

TOWN OF COTTAGE GROVE
CLOSED SESSION MINUTES
AUGUST 19, 2013

- I. 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: compensation offer for Public Works Employee new hire: **MOTION** by Hampton/Williams to move into closed session for the reason stated above. **ROLL CALL VOTE – Fonger – aye, Anders – aye, Hampton – aye, Williams – aye, DuPlayee – aye.** Jeff Smith and Kim Banigan also stayed for the closed session, others left and the door was locked. The closed session began at 7:53 P.M.
- II. Smith, Hampton, Williams and Gary Simonson had narrowed the search down to five applicants, and interviews are scheduled for August 20th, with expectations that a conditional offer will be made the next day. The final offer will be dependent on the candidate passing a DOT physical and drug test. Consensus was to allow Smith to make an offer to the best of the five candidates, with a maximum wage of \$17.00/hour, plus the standard 12% in lieu of retirement and \$350/month in lieu of health insurance.
- III. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Hampton/DuPlayee to reconvene to open session. **MOTION CARRIED UNANIMOUSLY (5-0) BY ROLL CALL VOTE.** The closed session ended at 8:13 P.M.

Kim Banigan, Clerk

Approved and made an open record on 9/3/2013

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 19, 2013

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, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams 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 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by DuPlayee/Williams to approve the open session minutes from the August 5, 2013 Town Board Meeting as printed. **MOTION CARRIED 4-0-1** (Hampton abstained).
 - 2. **MOTION** by DuPlayee/Anders to approve the closed session minutes from the August 5, 2013 Town Board meeting as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 4-0-1** (Hampton abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Hampton to approve payment of bills corresponding to checks #21467-21507 as presented. **MOTION CARRIED 5-0.**
 - 2. The Treasurer asked that August per diem reports be submitted by August 31st.
- E. Public Concerns: Mike Kindschi presented a check from the Cottage Grove Chamber of Commerce in the amount of \$6,201.28 to be used toward maintenance of welcome signs.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider Plan Commission Resolution 2013-08-14 Report and Recommendations to Town Board regarding site plan review/conditional use permit for: County of Dane, Applicant, DPT Investments, LLC, owner – 3652 County Highway AB - rezone of 15.2 acres from RE-1 and B-1 to C-1, and Conditional Use Permit for 20.4 acres for governmental use by County of Dane: Hampton reported that a MOU from the County is not ready for public viewing at this time. **MOTION** by Hampton/Anders to table until 6:30 P.M. on August 28th. **MOTION CARRIED 5-0.**

Later in the meeting, Peter Grefsheim arrived and said that the County's rezone is scheduled for the ZLR committee on August 27th. Town action will be needed prior to that meeting. **MOTION** by Hampton/Anders to reconsider the above motion. **MOTION CARRIED 5-0.** **MOTION** by Hampton/Anders to table until a date between August 22nd and August 26th. **MOTION CARRIED 5-0.**

- B. Discuss/Consider approval of conditional zoning imposed by the Dane County Board of Supervisors with zoning ordinance amendment 10562 for 3419 Vilas Road – Parcels 0711-321-8520-0, 0711-321-8970-6, 0711-321-8945-7 – John Dott, owner: **MOTION** by Fonger/DuPlayee to approve the conditional zoning imposed by the Dane County Board of Supervisors with zoning ordinance amendment 10562. **MOTION CARRIED 5-0.**
- C. Discuss/Consider input to the Dane County Chapter 10 task force on draft changes to the CO-1 Conservancy zoning district, and new A-Ba Transitional Agriculture-Business district:

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 19, 2013

Anders commented that they should be looking to correct all of the non-conforming A1-EX parcels in while they are at it. No action taken.

- D. Discuss/Consider use of ATC funds for park improvements in 2013: There are currently \$9,060.00 in the ATC restricted fund. Hampton reported that at the recent Town Parks Committee meeting, there was discussion about adding playground sand and sealcoating basketball areas yet in 2013. **MOTION** by Hampton/DuPlayee to allocate no more than \$5,000 to be used for playground sand and sealing of basketball courts in 2013. **MOTION CARRIED 5-0.**
- E. Discuss/Consider direction to departments regarding 2014 budget: The Clerk provided 2014 budget percentages for Police, Fire and EMS based on 2013 equalized value and population figures. Net new construction in 2013 is .67%, which is the figure used to determine the allowable increase in the 2014 Town Tax levy as compared to 2013. **MOTION** by Hampton/Anders to advise department heads that up to a .5% increase in their budget will be considered. **MOTION CARRIED 5-0.**
- F. Discuss/Consider whether to create an ordinance that defines emergency personnel: **MOTION** by Anders/DuPlayee to table indefinitely. **MOTION CARRIED 5-0.**
- G. Discuss/Consider attendees for the Dane County Towns Association Meeting on August 20, 2013: **MOTION** by Hampton/DuPlayee to allow up to two Town Board members to attend. **MOTION CARRIED 5-0.**
- H. Discuss/Consider attendees for the Wisconsin Towns Association Convention on October 27-29: **MOTION** by Hampton/Anders to allow Hampton to attend all three days, and DuPlayee and Williams to attend one day each. **MOTION CARRIED 5-0.**
- I. Set date for the first Town Board meeting in September: **MOTION** by Anders/DuPlayee to hold the first Town Board meeting in September on Tuesday, September 3rd. **MOTION CARRIED 5-0.**
- J. 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: compensation offer for Public Works Employee new hire: **MOTION** by Hampton/Williams to move into closed session for the reason stated above. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** Board members, Smith and Banigan stayed for the closed session, others left and the door was locked. The closed session began at 7:53 P.M.
- K. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Hampton/DuPlayee to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 8:13 P.M., and there was no action as a result of the closed session.

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported receipt of the following: Draft 2014-18 Madison Area Transportation Plan, Notice of WTA/WDOT meetings to review impacts of agricultural equipment on roads, Notice that Charter Communications will no longer provide cable services to the Town Garage at a reduced rate.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 19, 2013

V. COMMITTEE REPORTS:

- A. Emergency Government Committee: The committee had their first discussion about the 2014 budget, will either justify expenses or reduce budget.
- B. Town Parks Committee: The 2014 Parks Budget was set at \$6,000, with plans to continue spraying, adding playground sand, and replacing basketball and volleyball nets. The bus stop at Sandpiper and Nightingale is deteriorating, board consensus was to remove it.
- C. Deer-Grove EMS Commission: The commission had their first 2014 budget discussion.

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

Kim Banigan, Clerk
Approved 09/03/2013

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 22 2013

- I. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Attorney Connie Anderson, Dane County Public Works Director Jerry Mandli, and Travis Myren from Dane County DOA.
- II. Hampton called the meeting to order at 7:01 P.M.
- III. Discuss/Consider Plan Commission Resolution 2013-08-14 Report and Recommendations to Town Board regarding site plan review/conditional use permit for: County of Dane, Applicant, DPT Investments, LLC, owner – 3652 County Highway AB - rezone of 15.2 acres from RE-1 and B-1 to C-1, and Conditional Use Permit for 20.4 acres for governmental use by County of Dane: Mandli presented graphics showing the preliminary phase 1 and phase 2 development plans, along with an artist's rendering of the Highway Department building that will face Luds Lane. The following features were discussed:
 - The site will have a security fence with a knox box for police and fire access, and downward pointing lighting at the boundary of the property.
 - Screening and sound reduction will be provided by a 4 foot berm and 4 foot pines on the north side, and a mix of pines and hardwoods on the south side.
 - The County will improve Luds Lane from the Highway Department building west to County AB, and the Town will have the option to improve the remaining portion of Luds Lane, or the County will taper the new road to meet the current road.
 - The County will perform all snow and ice removal for Luds Lane.
 - The site surfaces will be designed to collect as much water as possible.
 - The County will need to return to the Town with final design plans.

It was noted that the Niebhurs on Luds Lane are happy with these site plans, and a representative from Door Creek LLP who was present at the meeting stated that he felt the plans are consistent with the current use and future plans for the Door Creek LLP property.

The Board reviewed Plan Commission had adopted a resolution (2013-08-14) recommending approval of the site plans and conditional use plan, and a corresponding Town Board resolution prepared by Attorney Anderson, with several attachments including correspondence between the Town and County regarding terms for the 2013 Negotiated Landfill Expansion Agreement.

MOTION by Hampton/Fonger to adopt Town Board Resolution 2013-03 Regarding Site Plan Review/Conditional Use Permit at 3652 County Highway, including all attached documents incorporated by reference. All of the Conditional Use Permit conditions under DCCO 10.255(2)(b) were discussed and considered satisfied. **MOTION CARRIED 4-0.**

- IV. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 7:22 P.M.

Kim Banigan, Clerk
Approved 10-7-2013

TOWN OF COTTAGE GROVE

4058 COUNTY ROAD N
COTTAGE GROVE, WISCONSIN 53527
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TOWN BOARD RESOLUTION 2013- 3 REGARDING SITE PLAN REVIEW/ CONDITIONAL USE PERMIT 3652 COUNTY HIGHWAY AB

APPLICANT: County of Dane, Applicant, DPT Investments, LLC, owner

SITE/SUBJECT PROPERTY: Property formerly operated as Crossroads; NE corner CTH AB/STH 12&18; 3652 County Highway AB

REQUEST: Rezone of 15.2 acres from RE-1 and B-1 to C-1, and Conditional Use Permit for 20.4 acres for governmental use by County of Dane

PLAN COMMISSION REVIEW & RECOMMENDATION: July 24, 2013 and August 14, 2013
- Approval recommended subject to conditions.

Following consideration of the Plan Commission's report and recommendation, and being fully apprised, the Town Board hereby resolves for itself and recommends to the Dane County ZLR Committee and Board approval of the above-referenced re-zone of the Site and issuance of appropriate conditional use permit(s) subject to Applicant's compliance with each and all of the following conditions, with time being of the essence:

1. County shall develop the Site consistent with the Phase 1 and Phase 2 Site Plans submitted at August 14, 2013 Plan Commission meeting (referred to hereafter as "Site Plan(s)"). The Town's approval of the Site Plans is based on the following representations made by the County, which are hereby made conditions of approval, as are the conditions specified in Section 2 below:
 - a. Phase 1 Salt Shed Facility: 10,000 ton facility; semi-trucks will deliver and load salt during the day; alarms as required by code.
 - b. Phase 1 Fuel Island: for diesel, gasoline and compressed natural gas refueling.
 - c. Phase 1 Highway Building: may include cold storage.
 - d. Phase 1 Stormwater Pond.
 - e. Phase 1 gravel and wood chip piles (with appropriate erosion controls).
 - f. Phase 1 Medical Examiner's Office (additional security fencing will be required).
 - g. Phase 2 may include Sheriff's precinct facilities (office and administrative principal use; holding cells would be for temporary use only and not for overnight use), additional Highway and Storage facilities, and additional paving. Time line and additional specifics for Phase 2 are unknown.
 - h. Fencing:
 - i. Phase 1: County will install perimeter fencing; chain link; 6 feet; will limit

- access to Site.
 - ii. Phase 1 and/or 2: Yard fencing as needed.
 - iii. Phase 2: Additional security fencing anticipated during Phase 2.
 - i. Execution of 2013 Negotiated Agreement for Landfill which shall include provisions in August 1, 2013 memo from Dane County Corporation Counsel (current committee negotiated changes + establishing Class A-Adjacent Ring, etc. as detailed in 8/1/2013 memo), on or before December 31, 2013 or this approval shall expire. Time is of the essence as to performance on this condition.
 - j. Execution of Landfill Expansion Agreement between Town and County including provisions in draft exchanged on August 22, 2013, on or before December 31, 2013 or this approval shall expire. Time is of the essence as to performance on this condition. .
2. As to specific items in TCG Ord. 15.16.9, a copy of which is attached and subsections of which are referenced below, the County, at the County's expense, shall:
- a. **9.3.1 Road ROWs.** Work with and seek input from the Town to review and support modification of CTH AB in a manner that recognizes County's anticipated use of the Site and Town Board's recommendations.
 - b. **9.3.1 Road ROWs.** Reserve a 33 foot ROW easement along the easterly boundary of the Subject Property to allow for access to existing commercial site (Capitol Underground). Reservation shall be of record, and recorded in a manner reasonably determined by the County Corporation Counsel and Town Attorney. Town and County acknowledge that any future dedication will provide for compensation as required by law. Need for dedication depends on future access needs of Capitol Underground site, the continuation of existing access points from USH 12 & 18 and changes in access options due to anticipated alteration of CTH AB.
 - c. **9.3.1 Road ROWs.** Install a right turn bypass lane on north bound CTH AB and a bypass lane on south bound CTH AB at Luds Lane at such time as daily traffic count reaches 1000 trips per day. (Note: Per the County, traffic count for Phase 1 was represented to be 270 additional trips per day; traffic count for Phase 2 was represented to be 700 additional trips per day.)
 - d. **9.3.1 Road ROWs.** Construct Luds Lane from CTH AB to the furthest east driveway serving the Site. Construction standards: 66 ft. right-of-way; 12 inches of base and 4 inches of blacktop; 2 foot gravel shoulders; same width as CTH AB. Give Town option to have Luds Lane extended to Hlavac property, with Town reimbursing County for cost from furthest east driveway to Hlavac property's driveway. If Town is unable to budget for extension to Hlavac property, then County will need to blend improved portion of Luds Lane with existing Luds Lane from driveway to the east. County shall maintain portion of Luds Lane from CTH AB to furthest east driveway. Maintenance shall include seal coating, crack filling, pothole repair, and so forth, as needed based on County and Town standards. County shall plow/salt all of Luds

Lane, from CTH AB to Hlavac property.

- e. **9.3.1 Road ROWs.** Restore Safeguard Storage driveway following construction of Luds Lane.
- f. **9.3.2 Driveways.** Construct 3 driveways from Luds Lane. Obtain approval from Town Highway Superintendent for driveway permits at specified locations and complete driveways to Town specifications.
- g. **9.3.3 Off-Street Parking.** Off-street parking shall be as delineated on the Site Plans.
- h. **9.3.4 ROW Parking.** No parking or storage of vehicles shall be permitted within the street right-of-way of Luds Lane.
- i. **9.3.5 Public Utilities.** No public water or sanitary sewer connections will be made to Site. County shall install 2 wells (or 1 high-capacity well, at its discretion) and a septic system, all in accordance with applicable law.
- j. **9.3.6 Site Plan.** Obtain approval of Site Plans from Fire Chief. Obtain approval of building exteriors from Town Board. See also Section 1 above.
- k. **9.3.7 Traffic.** See Section 2.c. above.
- l. **9.3.8 Screening.** Install full wall screening and landscaping along north side of Site across from Niebuhr residence. Landscape to include pine trees that are no less than 4 feet in height. Install pine and hardwood trees as screen along the south boundary of the Site. Obtain approval of landscape plans from Town Board.
- m. **9.3.9 Storage/Disposal of Solid and Hazardous Waste.** Store and dispose of solid and hazardous waste in accordance with applicable law and utilizing best management practices so as to minimize environmental contamination.
- n. **9.3.9 Noise.** Mitigate sound effects through placement of buildings as specified on Site Plans and landscaping as described above in Section 2.1.
- o. **9.3.9 Odor.** Take reasonable precautions so that odors arising from the Site are not perceptible beyond the boundaries of the Site.
- p. **9.3.10 Outdoor Lighting.** Install LED lights with full cut off so that the light shadow shall end at the edge of the Site.
- q. **9.3.12 Construction Site Erosion Control and Runoff.** Comply with applicable law regarding construction site erosion control. Design Site to maximize infiltration and limit surface water runoff. Do not allow storm water runoff to exceed current levels. (Note: County has represented that it will try to capture all runoff from roofs

and store it on site for sprinkling or, after oil/water separation and desalination, for low and high pressure washing of County vehicles. Where anticipated loading allows, County has represented that it will use permeable concrete in accessways and parking areas.) County shall construct a detention pond on Site that is sufficient to hold additional storm water and surface water generated at the Site.

3. The CUP Town Action Report, which was reviewed at the Plan Commission and Town Board meetings, shall be completed and filed with the County. This resolution shall be referenced and incorporated in the Report.
4. The Town Board, or its designee, may review the CUP periodically to assure compliance with the terms and conditions set forth herein. This CUP, with conditions, is personal to Dane County as the applicant and does not run with the land. A change in ownership to other than Dane County shall terminate the CUP unless Dane County obtains pre-approval via a recommendation by the Plan Commission and approval by the Town Board.

The above resolution was approved by the Town of Cottage Grove Town Board, at a duly noticed meeting held on August 22, 2013, by a vote of 4 for, 0 against, and 0 abstain.

TOWN OF COTTAGE GROVE


By: Kris Hampton, Town Chair

Attested by:


Kim Banigan, Town Clerk

Documents Incorporated by Reference:

1. Excerpt from TCG Ord. 15.16.9 (*see* Section 2)
2. Site Plans Presented to Plan Commission on August 14, 2013 (3 pages) (*see* Section 1.a.-h.)
3. August 1, 2013 Memo from Dane County Corporation Counsel's office re Terms for 2013 Negotiated Agreement regarding Class A-Adjacent Ring, etc. (*see* Section 1.i.)
4. August 22, 2013 Draft from Dane County Corporation Counsel's office re Town-County Agreement and 2013 Negotiated Agreement Terms (*see* Section 1.j.)
5. CUP Town Action Report (*see* Section 3.)

EXCERPT FROM TOWN OF COTTAGE GROVE ORDINANCES (AS OF 8/13/13)
CHAPTER 15 LAND DIVISION AND PLANNING CODE

15.16.9 Commercial District .

15.16.9.1 Purpose : This district is intended to accommodate commercial activities that primarily serve people in the immediate area and provide employment opportunities for Town residents.

15.16.9.2 Allowable Uses : See Exhibit.

15.16.9.3 Siting Standards and Review Criteria : Commercial uses within the district are conditioned upon provision of the following information and meeting the following criteria:

15.16.9.3.1 The Town and applicant should jointly work with the State Department of Transportation, its District One office, and the Dane County Highway and Transportation Department to ensure that adequate rights-of-way for future roadway expansions are provided and that proper controls on vehicle access (especially the number, design and location of access driveways and intersecting local roadways) are provided.

15.16.9.3.2 Driveway cuts that impede the efficient and safe operations of roadways are prohibited. Shared driveways and frontage road access may be required.

15.16.9.3.3 Off-street parking shall be delineated on the site plan, in accordance with the provisions of the Dane County Zoning Ordinance.

15.16.9.3.4 No parking or storage of vehicles is permitted within the street right-of-way.

15.16.9.3.5 An estimate of public utilities and services required for the operation of the business shall be provided. If the business required levels of service higher than what the Town can provide, especially the provision of sanitary sewer and public water, the proposal shall be disapproved.

15.16.9.3.6 A site plan shall be submitted indicating all setbacks and points of access required, the location of all buildings, storage and waste disposal facilities, and the location and type of screening and buffering (see Dane County Zoning Ordinance, Sec. 10.16(7), as may be amended from time to time).

15.16.9.3.7 The applicant shall provide an assessment of the traffic volumes generated and types of vehicles that will service or use the new commercial use over the next 5-, 10- and 15-year periods.

15.16.9.3.8 If the business is located within 100 feet of an adjacent residence or residential zoning district, the side of the business facing the residence shall be screened by a landscape or other visual barrier.

15.16.9.3.9 A plan for storage and/or disposal of solid waste and hazardous materials used in the operation shall be submitted to the Town. The site plan should also identify any noise or odors produced by the business and perceptible at the boundaries of the property.

15.16.9.3.10 If the business is to operate at night, all outdoor lighting shall be designated so as not to create glare or shine directly on neighboring residences.

15.16.9.3.11 The applicant shall specify the days and hours the business shall be open.

15.16.9.3.12 Businesses shall satisfy the requirements of the Dane County Construction Site Erosion Control Ordinance, Chapter 14, Sec. 14.50-14.99, as may be amended from time to time. Stormwater runoff from a commercial development shall be no greater than what existed prior to development.



OFFICE OF THE CORPORATION COUNSEL

To: Connie Anderson

From: Dave Gault

Date: August 1, 2013

RE: Town of Cottage Grove, Landfill Compensation for Residents

The County has reviewed the Town's proposal dated July 30, 2013, and submits the following counterproposal.

CLASS A ADJACENT PROPERTIES

1. Class A-Adjacent Ring. The County agrees to add a new subclass of Class A landowners that are located immediately adjacent to the expanded landfill along CTH AB.
2. Who. The Class A –Adjacent landowners would include:
 - a. 3666 CTH AB – Dorothy Rodefald
 - b. 3646 CTH AB – Kyle Mathews
 - c. 3624 CTH AB – Kyle Mathews as land contract vendee
 - d. 3620 CTH AB – Jerry & Barbara Moore
 - e. 3164 Luds Lane – Safeguard Storage LLC *
 - f. 3124 Luds Lane – Mike Niebuhr
 - g. 3725 CTH AB – Julie Acker
 - h. **3737 CTH AB – Patricia Abela**
 - i. Hope Lutheran Church

* Included for prospective annual payments when a residence is built on the property but not for retroactive payments.

3. Retroactive – The current Class A –Adjacent owners who have not been receiving annual payments (Moore, Niebuhr and Acker) will receive a one time payment of \$16,850. The Safeguard commercial property would not receive a retroactive payment as there is no demonstrable evidence of negative impact upon that property to date.

4. Annual Payments Going Forward. The County would pay the Class A – Adjacent landowners an annual payment of \$6,000 plus consumer price index increases after 2013. This is based upon an average of the property tax for all the properties. The Safeguard commercial lot would receive this payment IF a residence is built on the property as proposed by Mr. Neibuhr.

5. Property Value Guarantee. The County is not willing to expand the property value guarantee to commercial properties.

Corporation Counsel

Marcia MacKenzie

Assistant Corporation Counsels

Eve M. Dorman
David R. Gault
Richard Greenlee
Shawna L. Guinn
Kristi A. Gullen
Dyann L. Hafner
Leslie A. Hamilton
Mary M. Kasparek
Carlos A. Pabellon
Susan H. Rauti
Gary S. Rehfeldt
Galen G. Strebe
John C. Talis

Child Support Agency

Deputy Corporation Counsel

Bradford J. Logsdon

Assistant Corporation Counsels

Clare Altschuler
Andrea Brendemuehl
Gary Gomez
Patricia Haraughty-Sanna
Dawn Marquardt
Maureen A. Plunkett
Jerre L. Ziebelman

CA

6. Request for Baseline Odor Tests. The County is not willing to fund baseline odor testing. Such testing would cost approximately \$50,000. It is the County's position that there is a system in place in the Negotiated Agreement for dealing with odors and it works. Owners are receiving compensation because of the potential for odors. The Negotiated Agreement also has a Progressive Complaint System that also deals with any odors.

OTHER LANDOWNERS

1. Existing annual payments to Class A & B property owners will continue and any new property owners since 1993 will be added.
2. Existing annual payments to Class C property owners will continue, **but no new owners will be added.**
- 3.. No retroactive payments will be made to Class A-C owners.

OTHER PROVISIONS

The issues of future siting, clay borrow area siting, height limitations and final use are addressed in the most recent version of the draft Negotiated Agreement. It is the County's understanding that the Town is in agreement with the future siting, height limitations, and final use provisions. It is the County's position that compliance with the Nonmetallic Mining Reclamation Ordinance should satisfy the Town's concerns regarding clay borrow areas.

As to your inquiry regarding future expansion, the County cannot put a date on when of if it might seek to expand. That issue is dependent upon use and capacity. The anticipated DNR permit is not issued for a set time, but is rather based upon volume and air space.

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RODEFELD LANDFILL EXPANSION AGREEMENT

This Agreement is made and entered into by and between the County of Dane, (hereinafter referred to as "County") and the Town of Cottage Grove (hereinafter referred to as "Town");

WITNESSETH:

The County is the owner and operator of the Rodefild Landfill (hereinafter referred to as "landfill"), which is located at 7102 U.S.H. 12 & 18, in the City of Madison, and adjacent to the Town on its Eastern border.

The landfill is operated by County under a permit issued by the Wisconsin Department of Natural Resources (WDNR) and pursuant to a Negotiated Agreement dated October 19, 1993, between the County, the Town, the City of Madison and the Town of Blooming Grove; and

The County has applied to WDNR and the Waste Facility Siting Board for an operation permit and construction permit to expand the siting of the landfill; and

Expansion of the landfill requires a negotiated or arbitrated agreement with the affected municipalities pursuant to WIS. STAT § 289.33; and

The Town is an affected municipality in that its boundary is within 1500 feet of the landfill; and

The expansion of the landfill will have an economic impact upon the Town;

NOW, THEREFORE, in consideration of the above recitals and mutual covenants of the parties, the receipt and sufficiency of which is acknowledged by each party for itself, County and Town do agree as follows:

1. Commencing on XXXXX, 2014, County will make annual payments to the Town in the sum of \$50,000, adjusted by All Urban Consumer -Milwaukee CPI after the first full year. Said payments will be made annually during the remaining active site life of the landfill as defined by the 2013 Negotiated Agreement between County, the City of Madison, and the Town.
2. Town will support the proposed expansion and continued operation of the landfill, and agrees not to file a contested case or other litigation regarding the expansion or design proposal and agrees not to assist any opponent of the proposed expansion. This provision is not intended to and does not limit the Town's rights as set forth in either the 2013 Negotiated Agreement or this Agreement, and actions taken pursuant to the 2013 Negotiated Agreement or this Agreement shall not be a breach of this paragraph.
3. The "SITING FUTURE LANDFILLS NEARBY" provision that is contained in Article V Section A of the 1993 Negotiated Agreement shall be deleted from the 2013 Negotiated Agreement (subject to approval of City of Madison). In lieu of that provision, language will be

CX

substituted that states that any future expansion of the landfill beyond that allowed by the 2013 Negotiated Agreement shall require renegotiation.

4. The "SITING CLAY BORROW AREAS NEARBY" provision that is contained in Article V Section B of the 1993 Negotiated Agreement shall be deleted from the 2013 Negotiated Agreement (subject to approval of the City of Madison). In lieu of that provision, language will be substituted that states that County will not utilize any properties for clay borrow sites without full compliance with Ch. 74 of the Dane County Code of Ordinances, Nonmetallic Mining Reclamation.

5. The "HEIGHT LIMITATIONS" provision contained in Article V of the 2013 Negotiated Agreement shall state that the maximum design elevation of the landfill shall be 999.6 feet above mean sea level (subject to the approval of the City of Madison). The provision shall also state that there shall be no vertical expansion above the maximum design elevation without renegotiation.

6. The "FINAL USE" provision of Section V of the 2013 Negotiated Agreement shall provide that the original and expansion fill areas, on-site storm water detention facilities and areas required for monitoring, leachate storage, removal and maintenance shall be nature conservancy (subject to the approval of the City of Madison). It will also provide that all areas of the landfill not included within the nature conservancy, including existing buildings, may be used consistent with City of Madison zoning.

7. Town agrees that the 2013 Negotiated Agreement shall supersede all prior agreements, including the October 19, 1993 Negotiated Agreement.

8. The County's obligation to make payments to the Town under this Agreement are contingent upon the approval of a 2013 Negotiated Agreement for the proposed expansion of the landfill by the City of Madison and the Town, and the issuance of a permit by the WDNR.

IN WITNESS WHEREOF, County and Town, by their respective authorized agents, have caused this Agreement to be executed, effective as of the date by which all parties hereto have affixed their respective signatures.

FOR COUNTY:

Date: _____

Joe Parisi, County Executive

Scott McDonell, County Clerk

FOR TOWN:

Date: _____

Kris Hampton, Town Chair

CPX

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 3, 2013

PUBLIC HEARING REGARDING CREATION OF ORDINANCE ESTABLISHING FIRE
PROTECTION CHARGES IN THE TOWN OF COTTAGE GROVE

- I. Notice of the public hearing was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Police Chief Chris Hughes.
- II. Hampton called the public hearing to order at 7:00 P.M., explained that the purpose of the proposed ordinance is to allow the Town to recoup any third-party charges related to fire protection. There were no questions or comments.
- III. **MOTION** by Hampton/DuPlayee to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 7:02 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the the meeting and attendance were as described above for the public hearing, with the addition of Supervisor Steve Anders.
 - B. Hampton called the meeting to order at 7:02 P.M.
 - C. Minutes of previous meeting(s):
 1. **MOTION** by DuPlayee/Williams to approve the open session minutes from the August 19, 2013 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
 2. **MOTION** by DuPlayee/Fonger to approve the closed session minutes from the August 19, 2013 Town Board meeting as printed, and to make them an open record. **MOTION CARRIED 5-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Hampton to approve payment of bills corresponding to checks #21508-21544 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of August per diems as presented. **MOTION CARRIED 5-0.**
 3. **MOTION** by Anders/DuPlayee to approve payment of \$490.00 to Tom Viken for August building permits. **MOTION CARRIED 5-0.**
 - E. Public Concerns: Smith introduced Daniel Dresen as the new hire for the Public Works department. He will start work for the Town on September 16th.
 - F. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve two road right-of-way permits: 1) Charter Communications to bore/plow parallel to the right-of-way on Warren Street and 2) AT& T to jack & bore and plow to cross the right-of-way and parallel to the right-of-way on Vilas Road for installation of 24 count fiber. **MOTION CARRIED 5-0.**
- II. BUSINESS:
 - A. Plan Commission Recommendations:
 1. Wilmer Larson, Applicant – Parcel 0711-154-8000-2 – rezone of 1.9 acres North of 2177 Uphoff Rd. and South of 2109 Uphoff Road from A1-EX to R-1 for a single family residence: Anders noted that a density study was done to show that Mr. Larson does

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 3, 2013

have one RDU available for use on the property. **MOTION** by DuPlayee/Williams to accept the Plan Commission's recommendation to approve the rezone of not more than 1.9 acres from A1-EX to R-1, with requirements that the right-of-way on Uphoff road be dedicated to the Town, and a deed restriction prohibiting further residential development be placed on the remaining 36 acres. **MOTION CARRIED 5-0.**

- B. Discuss/Consider approval of a second driveway on Sunset Ridge for 1980 Circle High: Todd Gray shared a sketch of where he would like to have the second driveway. **MOTION** by Hampton/DuPlayee to approve a second driveway for 1980 Circle High, to be located on Sunset Ridge. If Smith determines a culvert is necessary, it should have end walls. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of an Ordinance Establishing Fire Protection Charges in the Town of Cottage Grove: **MOTION** by DuPlayee/Anders to adopt TCG Ordinance section 7.03 Fire Protection Charges as presented. **MOTION CARRIED 5-0.**
- D. Discuss/Consider amending the Town of Cottage Grove Policies and Procedures Manual: The proposed revisions were for vacation and sick leave to accrue on a per paycheck basis, as opposed to annually as has been the practice. **MOTION** by Hampton/DuPlayee to approve the amendment, with the additional deletion of the requirement that carryover vacation be used by June 30th of the following year. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of an Offer of Employment as a Public Works Employee to Daniel Dresen: **MOTION** by Williams/DuPlayee to approve the Offer of Employment as presented. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of Rodefild Landfill Expansion Agreement with Dane County: **MOTION** by DuPlayee/Fonger to approve the agreement as presented. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of Rodefild Landfill Class A Adjacent Landowners Agreement: Hampton reported that all of the Class A Adjacent Landowners had signed the agreement. **MOTION** by Fonger/DuPlayee to approve the agreement as presented. **MOTION CARRIED 5-0.**
- H. Discuss/Consider appointment to serve remainder of Kristi Williams' term on the Plan Commission: **MOTION** by Anders/Hampton to appoint Virgil Schroeder to serve the remainder of Kristi Williams' term on the Plan Commission (expires 5/2016). **MOTION CARRIED 5-0.**
- I. Discuss/Consider options for purchase of new voting equipment in 2014: Options are (Dane County will pay half of the cost):
 - 1. Either a metal (\$1,230) or plastic (450) ballot bin: the Clerk would prefer the metal since it will sort out absentee ballots.
 - 2. Additional 4GB jump drive (\$90 due to included security features): The Clerk said it may be useful for recalls or multiple elections, but is not necessary.
 - 3. Modem (\$200): The Clerk said the Town Hall is not outfitted to make use of the modem efficiently, and the option to phone in election results still exists.**MOTION** by Hampton/Anders to order a metal ballot box, an extra 4GB jump drive and NO modem. **MOTION CARRIED 5-0.** (This purchase will be made in 2014).

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 3, 2013

- J. Consider/Adopt motion to move into closed session pursuant to §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 encroachment enforcement at 4407 Vilas Hope Road: Hampton stated that the property owner was not interested in the settlement offer so there is no need for a closed session.

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS: None.

V. COMMITTEE REPORTS:

- A. Joint Town/Village Fire Department Committee: Contractors were engaged to paint the outside of the building. The next meeting will be on September 26th, to work on the 2014 Emergency Services Building budget.
- B. Law Enforcement Committee: The Chief presented the first draft of the 2014 budget.
- C. Flynn Hall Committee: There are no requests for improvements of Flynn Hall for 2014, so the budget will remain at \$6,000. The Lions were told to put the old lock back on the kitchen door so that one key will open it and the outside doors.

VI. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 7:55 P.M.

Kim Banigan, Clerk
Approved 10-7-2013

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 7, 2013

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, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams 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 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Williams to approve the minutes from the August 22, 2013 and September 3, 2013 Public Hearing and 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 #21545 - 21636 as presented. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/Williams to approve payment of September per diems as presented, and payment of \$6,334.64 to Tom Viken for September building permits. **MOTION CARRIED 5-0.**
- E. Public Concerns: Rod Heller, 2906 Siggelkow Road, asked the Board to consider developing a lighting trespass ordinance. He explained that his house is lit up by outdoor lights on a neighboring Ag building. The neighbor has refused his offer to replace the lights with downward pointing ones, and the County zoning ordinances are no help as they only regulate lighting on commercial properties. He offered to provide sample ordinances for the Town to start with.
- F. Road Right of Way Permits: **MOTION** by Hampton/Anders to approve a permit for Charter Communications to drill underground across the right-of-way on Damascus Trail to install a duct. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Plan Commission Recommendations:
 - 1. Thomas & Julia Willan, Applicants – Parcel 0711-072-9971-5 at 4407 Vilas Hope Road – rezone of 2.0 acres from A1-EX to A-2(2) for zoning compliance – single family residential and home occupation: Hampton reported that Dane County Zoning Administrator Roger Lane had inspected the site and determined that everything is in compliance with the new zoning requested. **MOTION** by Hampton/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 2.008 acres from A1-EX to A-2(2) for zoning compliance and home based business. **MOTION CARRIED 5-0.**
- B. Discuss/Consider appointment to serve the remainder of David Morrow's term on the Police Commission: The Clerk reported that the interested party had withdrawn their application. **MOTION** by Hampton/Anders to table. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of Certified Survey Map for John Dott/ Fred Goetz on Vilas Road: **MOTION** by DuPlayee/Williams to approve the CSM, identified as Dwg No. 4233-13 dated 9/23/2013. **MOTION CARRIED 5-0.**
- D. Discuss/Consider requests for owners of two-family homes to be charged only one trash/recycling charge:

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 7, 2013

1. 1754 Strawberry Road: Theresa and Gary Chamberlain stated that while the home was used as a two-family residence from approximately 2001-2005, with two single bedroom units, one upstairs and one downstairs, there is now a stairwell connecting them and the home is occupied by just the two of them. **MOTION** by Hampton/Anders to recognize 1754 Strawberry Road as a single family residence for trash and recycling fee purposes, and have the assessor walk through it in 2014 to reconsider its classification as a duplex. **MOTION CARRIED 5-0.**
2. 3270 Spencer Road: Jim and Jan Spencer stated that the property has one address, one set of trash containers, one electric meter, and is occupied by only family members, with one sister living upstairs. There are kitchens both upstairs and downstairs, and there are stairwells both inside and outside. **MOTION** by Hampton/Fonger to recognize 3270 Spencer Road as a single family residence for trash and recycling fee purposes, as long as both the upstairs and downstairs are occupied by related parties. **MOTION CARRIED 5-0.**
3. 3119 Gaston Road: Debra Peterson had provided an email stating that the “Mother-in-law suite” over the garage has been there for 30 years, is currently occupied by her son. They have only one address, and one set of trash/recycling bins. **MOTION** by DuPlayee/Hampton to recognize 3119 Gaston Road as a single family residence for trash and recycling fee purposes, and have the assessor walk through it in 2014 to reconsider its classification as a duplex. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of Fee Proposal from Johnson Block and Company, Inc. for Audit Services for years ending December 31, 2013, 2014 and 2015: The proposed 2013 fee of \$11,300 is up by \$100 compared to the 2012 fee, with a \$300 increase for 2014 and a \$200 increase for 2015. **MOTION** by Hampton/Anders to approve Johnson Block and Company, Inc. fees for Audit Services at \$11,300 for 2013, \$11,600 for 2014 and \$11,800 for 2015. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of the 2014 contract with Strand and Associates for Monitoring of the former Natvig Landfill site: The monitoring costs for 2014 are up by \$550 compared to 2013 costs, the first increase in several years. Anders reported that Strand representatives have indicated that the cost of extra monitoring due to gas probe detects this year will be rolled into the 2013 contracted price. **MOTION** by DuPlayee/Williams to approve the 2014 contract with Strand and Associated for monitoring of the former Natvig Landfill Site as presented, at a cost of \$18,650. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval for the Clerk to attend the WMCA District IV meeting on October 24, 2013: **MOTION** by Williams/DuPlayee to allow the Clerk to attend the WMCA District IV meeting on October 24, 2013. **MOTION CARRIED 5-0.**
- H. Set Budget Workshop Dates: Budget workshops will be held from 6:30 to 9:30 P.M. on October 14, 16 and 17, with a closed session for employee compensation on October 14th.
- I. Discuss/Consider response to DCTA poll on changing regulation for non-conforming mineral extraction sites: Discussion was that removing the exemptions may only cause more inactive sites to become active in order to maintain their status. **MOTION** by Fonger/DuPlayee against removing the exemptions for non-conforming mineral extraction sites. **MOTION CARRIED 5-0.**
- J. Discuss/Consider whether to go to mediation over Joint Law Enforcement bills in dispute: Hampton reported that the Village President told him the Village Board would discuss the

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 7, 2013

disputed bills at their meeting tonight, but it is not listed on their agenda. **MOTION** by Fonger/Anders to hold in abeyance until the next meeting. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT:

- A. Porti-Potties were placed in two town parks recently. The Clerk was able to track down that they were ordered by the Village Recreation Director, with the porti-potty company planning to bill the Monona Grove Soccer Club, although soccer club representatives had no idea of these plans. The porti-potties were ordered to be removed from the Town Parks since they had not been approved by the Town board.
- B. The new DS200 voting tabulator was picked up from the County today. Payment will be due in 2014, to be split between the Town and the County.

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton reported:

- A. that the Town of Cottage Grove will be included in the University of Wisconsin's Survey of the Health of Wisconsin in October.
- B. The 2014 Draft MPO Unified Planning Work Program and the Dane County Water Quality Plan are available at the Town Hall.

V. COMMITTEE REPORTS:

- A. Emergency Government Committee: DuPlayee reported that John McClellan of Dane County Emergency Management met with the committee. It appears the committee has a lot of reorganization work to do on the Emergency plan. The committee's 2014 budget request is the same as 2013 (\$3,000).
- B. Deer-Grove EMS Commission: DuPlayee reported that the Collective Bargaining Subcommittee has made a financial proposal to the union, and expects a response at the next meeting. DuPlayee is hopeful that negotiations will be completed soon. The Commission recommended a 2014 Budget proposal for consideration by the municipal boards.
- C. Law Enforcement Committee: Fonger reported that the Chief's 2014 budget is expected this week. The renewal of the police station lease is still not complete. The Village does not want the Chief to sign the lease since the Village is not named in it, by choice of the building owners. The attorneys are working on an alternative resolution.
- D. Joint Town/Village Fire Department Committee: Hampton reported that the committee approved a 2014 budget that is within \$100 of the 2013 budget. It includes \$14,000 to be earmarked for future parking lot improvements. An agreement may also be needed to earmark future Town of Pleasant Springs contract payments for equipment.
- E. Joint Town/Village Landfill Monitoring Committee: anders reported that there have been no problems reported and the landfill is in good standing with the DNR.

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

Kim Banigan, Clerk
Approved 10-21-2013

TOWN OF COTTAGE GROVE
2014 BUDGET WORKSHOP CLOSED SESSION
OCTOBER 14, 2013

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: 2014 Employee Compensation. **ROLL CALL VOTE: Fonger – aye, Anders – aye, Hampton- aye, Williams – aye, DuPlayee – aye.** Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Police Chief Chris Hughes. The Closed session began at 6:31 P.M.

II. Hampton began by saying that there have been no complaints over performance of any of the Town's employees. He asked Dresen what he thought of Town employment after his first month. Dresen replied that he enjoys working for the Town and with his co-workers. Smith commented that Dresen already has a good knowledge of the Town roads, which makes his orientation much easier.

Hampton asked Smith what compensation adjustments the Public Works Department is looking for in 2014. Smith asked for a 50 cent wage increase for all but Dresen, with the possibility of a \$1.00 increase for him after his Introductory Period is up. Hampton countered with a 1% increase for all but Dresen, but conceded to the possible \$1.00 increase for Dresen, which was supported by discussion among the board. Further discussion extended the 1% increase to office staff as well. A request by Peck for vacation and holiday pay was discussed but dismissed since the number of hours she works does not meet the threshold in the Personnel and Policies Manual that triggers these benefits.

III. **MOTION** by Hampton/Fonger to reconvene to open session. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.** The closed session ended at 7:06 P.M.

Kim Banigan, Clerk

Approved and opened as a public record on 10/21/2013

TOWN OF COTTAGE GROVE
2014 BUDGET WORKSHOP
OCTOBER 14, 2013

- I. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Public Works Employees Ronald Schutz, Norman Schmelzer and Daniel Dresen, and Police Chief Chris Hughes.
- II. Hampton called the meeting to order at 6:30 P.M.
- III. **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: 2014 Employee Compensation. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** All in attendance were allowed to stay for the closed session, which began at 6:31 P.M.
- IV. **MOTION** by Hampton/Fonger to reconvene to open session. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.** The closed session ended at 7:06 P.M. **MOTION** by Fonger/DuPlayee to approve a 1% wage increase to all employees except Dresen (This includes Smith, Schutz, Schmelzer, Banigan, Simonson, Homburg, and Peck), as well as to budget for a possible \$1.00 wage increase for Dresen at the end of his Introductory Period. **MOTION CARRIED 5-0.**
(Public Works Employees and the Police Chief left the meeting.)
- V. Discuss/Consider amending certain fees as permitted by the Town of Cottage Grove Code of Ordinances and Smart Growth Comprehensive Plan: Upon review, the only change to the fee scheduled was to increase the fee for non-metallic mining permits from \$250 to \$300. The Clerk was instructed to ask the Fire Chief to review the Emergency Response Reimbursement Fees, and there was discussion about road right-of-way and driveway permit fees. The revised fee schedule will be adopted by resolution at a later time.
(Smith left the meeting.)
- VI. Discuss/Consider approval of the 2014 Cottage Grove Fire Department Operational Budget. The Fire Department budget was reviewed but no action was taken.
- VII. Discuss/Consider Revenue Estimates for Fiscal Year 2014: Revenue estimates were made and the Clerk will prepare an updated worksheet for the next workshop.
- VIII. Adjournment: **MOTION** by Anders/Fonger to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:18 P.M.

Kim Banigan, Clerk
Approved 10-21-2013

TOWN OF COTTAGE GROVE
2014 BUDGET WORKSHOP
OCTOBER 16, 2013

- I. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Attorney Connie Anderson.
- II. Hampton called the meeting to order at 6:30 P.M.
- III. Discuss/Consider 2014 Municipal Court legal expenses: Atty. Anderson described the benefits to efficiency provided by the current practice of having Atty. Susan Allen present at Town Court. Hampton added that the Police Chief had indicated he prefers this arrangement as well. There was agreement among the board to continue this practice. Atty. Anderson suggested a figure of \$18,000 for 2014 Court Legal Expenses.
- IV. Discuss/Consider 2014 Municipal Court Operating Budget: The Municipal court operating budget submitted by Court Clerk Cyndi Peck and Judge Beth Gilpin was reviewed and inserted into the Town's budget worksheet.
- V. Discuss/Consider Revenue Estimates for Fiscal Year 2014: Atty. Anderson was asked for guidance on a penalty for road right-of-way work without a permit, and charging for permits for second driveways. Her answer was that both must be addressed in an ordinance.
- VI. Discuss/Consider Expense Estimates for Fiscal Year 2014: Expenses discussed included:
 - Town Board Legal Expenses: Atty. Anderson recommended \$18,000. Her firm's fees will increase slightly, but no major legal issues are looming on the horizon.
 - Legislative (Town Board), General Government, Park, and Conservation and Development Expenses were estimated with little change from 2013.
 - The Colonial Club's request for an additional \$6,000, which is a \$500 increase over 2013, was discussed, and the Clerk was directed to ask how much other municipalities contribute.
 - Atty. Anderson answered questions related to a resolution she has been asked to draft to allow revenue from the Town of Pleasant Springs that is not needed to cover expenses related to servicing their township to carry forward in a fund designated for Fire Department capital purchases. She cautioned that the purpose of the designated funds must be specifically defined as State law prohibits municipalities from building "nest eggs".
- VII. Adjournment: **MOTION** by Hampton/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:03 P.M.

Kim Banigan, Clerk
Approved 10-21-2013

TOWN OF COTTAGE GROVE
2014 BUDGET WORKSHOP
OCTOBER 17, 2013

- I. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith.
- II. Hampton called the meeting to order at 6:30 P.M.
- III. Discuss/Consider 2014 Cemetery Expenses, and the use of Liberty Prairie Cemetery Funds: Both were set at \$800, the same as in 2013.
- IV. Discuss/Consider 2014 Public Works budget: Smith's proposed budget was reviewed. The overall Highway Department budget total is the same as in 2013, with \$197,773 allocated for Highway Maintenance Contracts. Smith asked about replacing a ditch mower, which he estimated would cost about \$7,000 with the old mower in trade. Consensus was to place this on the October 21st agenda for consideration of purchase yet in 2013.
- V. Discuss/Consider 2014 borrowing needs and plans: If the goal is to keep the tax levy level in 2014, the Town can borrow up to ~\$235,000 in 2014, to be repaid in 2015. An estimate from the Town Engineer earlier this year for culvert and ditch improvements to mitigate flooding problems in the Nondahl Heights area was for \$181,579. **MOTION** by Hampton/DuPlayee to borrow approximately \$235,000 in 2014, for the Nondahl Heights culvert and ditch improvements, with the balance to be used for road repairs. **MOTION CARRIED 5-0.**
- VI. Discuss/Consider Revenue Estimates for Fiscal Year 2014: These had been covered in the previous workshops, there was no discussion tonight.
- VII. Discuss/Consider Expense Estimates for Fiscal Year 2014:
 - The contributions of other municipalities to the Colonial Club were reviewed, and the 2014 Town contribution was set at \$5,500, the same as 2013.
 - The 2014 Deer-Grove EMS Budget proposal was discussed. A significant increase in wages is included, which is due to the loss of the Internship program. The impact of unionization is not yet known as the initial contract is still in negotiation.
 - The 2014 Police Department Budget has not been finalized by the Law Enforcement Committee yet. Based on the bottom line of the Town's 2014 budget worksheet as it currently stands, the Town's share cannot increase more than \$10,000 if it is to be affordable.
- VIII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:54 P.M.

Kim Banigan, Clerk
Approved 10-21-2013

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 21, 2013

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, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams 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 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Williams/Anders to approve the minutes as printed from the October 7, 2013 Town Board Meeting and the Budget Workshops on October 14, 16 and 17, 2013. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by DuPlayee/Williams to approve the closed session minutes from October 14, 2013, and to open them up as a public record. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #21637 - 21679 as presented. **MOTION CARRIED 5-0.**
 - 2. The Treasurer requested that October per diem payments be submitted by November 3rd.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider whether to go to mediation over Joint Law Enforcement bills in dispute: The Treasurer provided a handout detailing Village Attorney charges included in the Town's Law Enforcement billing from the Village that the Town is disputing because they appear to be for services to the Village Board, not the Law Enforcement Committee (attached as exhibit A). Hampton stated that he had discussed the disputed charges with then-Chair of the LEC Jack Henrich, and at that time Henrich agreed that the bills should be the responsibility of the Village only. It is believed that discussions with the attorneys at the March 14, 2013 Joint Town/Village Boards meeting provided a solution to prevent such mistakes in the future, but the Town would still like credit for the disputed bills in 2012, and relief from the disputed charges from 2013 that have not yet been paid. The Village Board is discussing this at their meeting tonight. No action was taken by the Town Board.
- B. Discuss/Consider approval of extension of contract with Advanced Disposal for Collection and Disposal of Waste and Recyclables: Jason Johnson appeared representing Advanced Disposal. His extension proposal included three, five or ten year options, with the incentive of lower per-household costs with the longer contract terms. Rates would increase by 2.5% or cpi annually, with a cap of 4%, but Johnson said that he would waive the 2.5% minimum with a 10 year contract. Also under the 10 year contract, there would be no increase for 2015, and one additional cpi increase could be waived. Service would remain as it has been under the current contract, with the addition of an annual curbside e-waste collection. The current contract was reviewed and suggested revisions were noted. **MOTION** by DuPlayee/Fonger to accept the 10-year proposal, with no minimum annual increase and a maximum of 4%. **MOTION CARRIED 5-0.** Johnson will have a new contract drafted for approval at a later date.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 21, 2013

- C. Discuss/Consider appointment to serve the remainder of David Morrow's term on the Police Commission: **MOTION** by Hampton/Anders to appoint Gary Simonson to replace David Morrow on the Police Commission, effective upon receipt of Morrow's written resignation. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of the 2014 Cottage Grove Fire Department Budget: **MOTION** by Anders/Williams to approve the 2014 Cottage Grove Fire Department Budget as presented. **MOTION CARRIED 5-0.** (The total joint operational budget is \$96,340, with the Town's share at \$37, 033. Town owned apparatus expenses are \$8,015).
- E. Discuss/Consider approval of the 2014 Deer-Grove EMS Budget: **MOTION** by Hampton/DuPlayee to approve the 2014 Deer-Grove EMS Budget as presented. **MOTION CARRIED 5-0.** (The total operational budget is \$779,790.05, with the Town's share at \$111,169.53).
- F. Discuss/Consider approval of the purchase of a S106 Woods Ditch Mower: Smith said he has a quote for a purchase price of \$9,255, but that would be reduced by the value of the trade-in and he also hopes to keep an attachment from the old mower that would further reduce the cost of the new one. The price includes delivery and setup, but Smith would prefer to pick it up and assemble it here as there are modifications that can be made to add to its durability. **MOTION** by DuPlayee/Williams to approve the purchase of a S106 Woods Ditch Mower, using 2013 funds and trading in the old mower. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of a Perpetual Stormwater Drainage Easement and Perpetual Access Easement on parcel 0711-061-9000-2 owned by McAllen Investments Limited Partnership: **MOTION** by DuPlayee/Fonger to approve the Easement and Perpetual Access Agreement as presented. **MOTION CARRIED 5-0.**
- H. Discuss/Consider amending TCG Ordinance 08.02 Driveway Permits: The Clerk had drafted an ordinance amendment providing for a driveway permit fee, and including requirements for a construction deposit and certificate of insurance. **MOTION** by DuPlayee/Fonger to add the words *When requested* to the certificate of insurance requirement, to make it optional for the person issuing the permit, and to forward the ordinance amendment to public hearing on November 4th. **MOTION CARRIED 5-0.**
- I. Set dates for 2014 budget workshops, public hearing and Special Meeting of the Electors: There will be a budget workshop immediately following the November 4th Town Board Meeting. This will allow the 2014 budget summary to be ready for posting on November 15th, so that the Public Hearing and Special Meeting of the Electors may be held on December 2nd.

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton reported:

- A. A quote of \$5,000 has been received to wash, scrape and paint the old Town Garage.
- B. Safe Communities has requested a \$500 donation. There was no knowledge of this organization or of the Town making any previous donations.
- C. A draft of the Madison Beltline Planning and Environmental Linkages Corridor Study has been received for review.

V. COMMITTEE REPORTS: No committees have met since the last Town Board meeting. DuPlayee noted that this includes the Deer-Grove EMS Collective Bargaining team.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 21, 2013

VI. Adjournment: **MOTION** by Anders/Fonger to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:13 P.M.

Kim Banigan, Clerk
Approved 11-04-2013

TOWN OF COTTAGE GROVE
2014 BUDGET WORKSHOP
NOVEMBER 4, 2013

- I. Notice of the meeting was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Police Chief Chris Hughes.
- II. Hampton called the meeting to order at 8:04 P.M.
- III. Discuss/Consider approval of the 2014 Joint Town/Village Law Enforcement Budget: Chief Hughes reported that the Village Clerk has indicated that the budget approved by the Law Enforcement Committee is not acceptable since it included the use of surplus funds from 2013. If Law Enforcement expenses are under budget for 2013, the unspent funds would go to unassigned funds in each of the municipalities with the new year. Chief Hughes explained that the Village's policy is to only use unassigned funds in the event of an emergency.

Anders suggested that the Police Department spend down the 2013 budget by making purchases scheduled for 2014 early. He also suggested that the Town Board reconsider the DGEMS 2014 budget since the Town's increase in EMS expense limits what can be offered to the Police Department. DuPlayee cautioned that the DGEMS budget as approved by the commission is an important tool in union contract negotiations.

The 2014 Budget request from Chief Hughes was for a total of \$1,278,196.56, with the Town's share being \$489,935.74. This was more than current budget estimates would allow. The next two agenda items were discussed and then discussion returned to the Law Enforcement Budget.

- IV. Discuss/Consider approval of proposal to paint the former Town Garage at 4091 County Road N: the quote received from Sky High Painting was for \$5,000. This was not considered since it is not affordable given the Law Enforcement budget figure above.
- V. Revisit 2014 revenue and expense estimates as needed to balance the budget:
 - The Clerk distributed communication from the Dane County Towns Association regarding the Town increasing its tax levy for EMS insurance that the County may no longer provide in 2014. The Town's proportion of the County's premium is \$1,713.21. The correspondence also provided language to be adopted with the 2014 budget regarding this issue.
 - The Treasurer suggested that based on year to date receipts, the 2014 revenue from Court Fines be increased from \$18,000 to \$20,000.
 - Discussion then returned to the Law Enforcement budget. With the above adjustments, the Town's portion was affordable with \$823.89 to spare, which was allocated to Highway Maintenance Contracts. **MOTION** by Hampton/DuPlayee to approve the 2014 Law Enforcement Budget at \$1,278,196.56, with the Town's share being \$489,935.74. **MOTION CARRIED 4-0.**
- VI. Discuss/Consider approval of the Town of Cottage Grove Wages and Benefits for 2014: the document was not ready, so this was tabled until the November 18th meeting.
- VII. Consider approval of Town of Cottage Grove Budget for Fiscal Year 2014: **MOTION** by DuPlayee/Hampton to approve the 2014 Town of Cottage Grove Budget with Revenues and Expenses equaling \$2,494,948.94. **MOTION CARRIED 4-0.** In the event that the County does decide to continue to provide insurance for EMS and the \$1,713.21 additional levy is not allowed,

TOWN OF COTTAGE GROVE
2014 BUDGET WORKSHOP
NOVEMBER 4, 2013

the Clerk was authorized to take enough from Highway Maintenance Contracts to balance the budget.

VIII. Adjournment: **MOTION** by Hampton/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:11 P.M.

Kim Banigan, Clerk
Approved 11-18-2013

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
NOVEMBER 4, 2013

PUBLIC HEARING – PROPOSED AMENDMENT TO TCG ORD. SECTION 08.02 DRIVEWAY PERMITS

- I. Notice of the public hearing was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Police Chief Chris Hughes.
- II. Hampton called the public hearing to order at 7:03 P.M., read the amended sections and asked if there were any questions or comments – there were none.
- III. **MOTION** by Anders/DuPlayee to closed the public hearing. **MOTION CARRIED 4-0.**

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting and attendance was as described above for the public hearing.
 - B. Hampton called the meeting to order at 7:04 P.M.
 - C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Anders to approve the minutes as printed from the October 7, 2013 Town Board Meeting and the Budget Workshops on October 14, 16 and 17, 2013. **MOTION CARRIED 4-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #21680 - 21711 as presented, including voided check #21688. **MOTION CARRIED 4-0.**
 2. **MOTION** by Anders/DuPlayee to approve the payment of October per diems as presented, and payment of \$520.00 to Tom Viken for October Building Permits. **MOTION CARRIED 4-0.**
 - E. Public Concerns: None.
 - F. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve a permit for Alliant Energy to trench in ROW and bore under Gaston Road for installation at 4675 Meadowlark St. **MOTION CARRIED 4-0.**
- II. BUSINESS:
 - A. Discuss/Consider approval of an agreement with Wisconsin Bank & Trust to provide lockbox service for processing of first installment of 2013 property tax payments: The Treasurer explained that the terms and fees of the agreement are identical to those of last year's agreement. **MOTION** by Hampton/DuPlayee to approve the agreement with Wisconsin Bank & Trust to provide lockbox service for processing of first installment of 2013 property tax payments as presented. **MOTION CARRIED 4-0.**
 - B. Discuss/Consider adoption of an amendment to the 2013 Budget for the Town of Cottage Grove: **MOTION** by DuPlayee/Fonger to approve Budget Amendment Resolution 2013-04 as presented. **MOTION CARRIED 4-0.**
 - C. Discuss/Consider payment/credit for 2012 and 2013 Law Enforcement Committee legal expenses: It was noted that the Village Board has not taken any action on this matter. **MOTION** by Hampton/Fonger directing the Treasurer to deduct the 2012 charges in dispute

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
NOVEMBER 4, 2013

from the Town's next payment to the Village for Law Enforcement expenses, and to pay the \$17.50 charge for services from Boardman & Clark in 2013. **MOTION CARRIED 4-0.**

- D. Discuss/Consider adoption of an amendment to TCG Ord. Section 08.02 Driveway Permits: **MOTION** by DuPlayee/Anders to approve the ordinance amendment as presented. **MOTION CARRIED 4-0.**
- E. Discuss/Consider approval of an Agreement (with the Village of Cottage Grove and CGFD, Inc) Regarding Use of the Proceeds from the (Fire Protection) Contract with Pleasant Springs: **MOTION** by Hampton/DuPlayee directing the Clerk to forward the draft agreement to the Village with the message that the Town Board is in favor of signing such an agreement after the Village's review. **MOTION CARRIED 4-0.**
- F. Discuss/Consider approval of 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: In addition to an increase in the Non-metallic mining permit fee to \$300.00 that was agreed upon at a budget workshop, the Driveway Permit fee was set at \$150.00 and the Driveway Permit Deposit was set at \$1,000.00. All other fees were unchanged. **MOTION** by Hampton/DuPlayee to adopt Town Board Resolution 2013-04 Adopting Certain Fees as Permitted by the Town of Cottage Grove Code of Ordinances and the Town of Cottage Grove Smartgrowth Comprehensive Plan. **MOTION CARRIED 4-0.**
- G. Discuss/Consider completion of Insurance renewal questionnaire: The Board supplied answers to the questionnaire.

III. CLERK'S REPORT: The Clerk reported on what she had learned at a recent Government Accountability Board training session at the Wisconsin Towns Association Convention.

IV. BOARD REPORTS AND COMMUNICATIONS: Hampton reported:

- A. A copy of the County's Addendum No. 2 to the Feasibility Report for the Rodefild Landfill expansion as submitted to the WDNR has been received and is available in the Town Office, as is the WDNR's response. The WDNR published a notice today inviting public comments for a 30 day period.
- B. Sand Frac mining and removal of local powers were hot topics at the recent WTA Convention.

V. COMMITTEE REPORTS:

- A. Joint Town/Village Landfill Monitoring Committee: Fonger reported that the committee worked hard to come to agreement over the 2014 budget.
- B. Deer-Grove EMS Commission: DuPlayee reported that a recent union negotiation session went late into the night but did not end in agreement. The Village still hasn't approved the 2014 DGEMS budget.

VI. Adjournment: **MOTION** by Hampton/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:04 P.M.

Kim Banigan, Clerk
Approved 11-18-2013

**TOWN OF COTTAGE GROVE
TOWN BOARD RESOLUTION NO. 2013-04**

**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

Driveway Permit Fee [TCG 08.02].....\$150.00

Driveway Permit Deposit [TCG 08.02].....\$1000

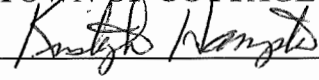
Emergency Response Reimbursement Fees [TCG 07.02(3)]

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].....	\$300.00
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 4 for and 0 against and 0 abstentions on this 4th day of Nov, 2013.

TOWN OF COTTAGE GROVE


 Kristopher Hampton, Town Chair

ATTEST:


 Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 18, 2013

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, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Police Chief Chris Hughes, Fire Chief Bruce Boxrucker and Assistant Fire Chief Tom Banigan.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Hampton to approve the minutes of the November 4, 2013 Town Board meeting and Budget Workshop as printed. **MOTION CARRIED 4-0-1** (Williams abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #21712-21748 as presented. **MOTION CARRIED 5-0.**
 - 2. The Treasurer reported that she is moving sick leave funds from two expiring CDs to a money market account, and asked that November per diem reports be submitted by Nov. 30th.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Update on open burning regulations from WDNR representative Marie Stewart: Ms. Stewart explained that she had come to review the Town's open burning ordinance upon request from the Clerk after the DNR contacted the Town regarding a burning complaint involving a business in the Town. She distributed copies of NR 502.11 Woodburning Facilities and Open Burning, and NR 429.04 Open Burning, which she stated are the two sections of Wisconsin Administrative Code that regulate open burning. The only allowable open burning falls under the exemptions of each of these sections, and since businesses are not listed in the exemptions, they prohibited from any kind of open burning. The DNR considers farms as businesses for this purpose. An exception under NR 502.11 (2)(a) does allow for open burning of trees, limbs, stumps, brush or weeds as a result of agricultural or silvicultural activities, on the property where the waste is generated. Burning of other waste materials generated by the farm is not permitted. Ms. Stewart mentioned that burning of Agricultural plastics (ag bags) is an ongoing problem. She distributed copies of a brochure on this topic, and said that she thought Columbia County is accepting ag bags.

The exemption under NR 502.11(2)(d) allows for burning of yard waste and small quantities of dry combustible household rubbish, including paper, cardboard and clean untreated wood from a single family or household, on property where it is generated. This exemption is further regulated by the Town's open burning ordinance.

There was a question regarding burning of building debris, to which Ms. Stewart responded that it has never been legal to burn a building or demolition waste in Wisconsin, except when performed as a training exercise by a fire department.

There was a question as to whether the Town can collect brush generated from clearing of

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 18, 2013

road right-of-ways and burn it at a central location. Ms. Stewart thought that the Town site should be licensed as a woodburning facility to continue that practice, but also encouraged chipping and composting of material if possible, or offering to residents at no charge.

Ms. Stewart was unable to answer whether or not parties performing prescribed burns of acreages are required to be licensed by the DNR or any other authority, but promised to find out the answer.

- B. Discuss/Consider amending TCG Ord. Sec. 11.02 Open Burning: The Clerk suggested that in lieu of what has been learned from the DNR, the Ag-1 open burning permit be eliminated since farms are not allowed to burn waste from the farm operation and must burn brush on the property where it is generating, eliminating any need for a dedicated burn site. She also suggested that the Bonfire permit be eliminated, noting that only 11 have been issued in 2013, 5 of which were to the same 2 people. The bigger fires after dark are what generate the most fire calls. That would leave only the Open Burn/Campfire permit remaining, which would allow burning of larger piles of brush during the day but require all fires to be down to a contained campfire by dark. Finally, the Clerk suggested that the seasonal limit on campfires be eliminated.

The Clerk had prepared a draft amendment to TCG Ord. Sec. 11.02 reflecting her recommendations as well as those of Ms. Stewart and David Hon, also of the DNR. A few verbiage modifications were discussed. **MOTION** by Hampton/Williams to revise the ordinance amendment as discussed tonight, and forward to public hearing on December 16th, with the board to consider approval at their meeting later the same night. **MOTION CARRIED 5-0.**

- C. Discussion only on the Police Station Lease: Anders reported that the Hustons have drafted a lease that includes the Village as a signor, and said that the Village President has asked him to put the lease on the LEC agenda as a closed session item because the Village would like to negotiate cost, use of storage buildings, and an opt out clause. Fonger said these things have already been negotiated and there is no need for a closed session. Prior negotiations were down to who would sign the lease, all other issues had been resolved. Anders said it will be on the agenda for closed session, but whether or not one will actually happen will depend on the vote on the motion.
- D. Discuss/Consider approval of a 10 year Municipal Solid Waste and Recycling Contract with Advanced Disposal Services Solid Waste Midwest, LLC: **MOTION** by Hampton/Fonger to table since a response from Advanced Disposal regarding Town Attorney suggestions for the contract have not been received. **MOTION CARRIED 5-0.**
- E. Discuss/Consider adoption of a Resolution in Opposition to SB 349 Relating to Regulation of Nonmetallic mining: **MOTION** by Fonger/DuPlayee to adopt the resolution as presented. This will be Town Board Resolution 2013-05. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of 2014 Wages & Benefits: The clerk noted that the only changes compared to the 2013 Wages & Benefits document is the addition of Daniel Dresen to the employee list, and a 1% wage increase to all other employees. **MOTION** by Hampton/DuPlayee to approve the 2014 Wages & Benefits as presented. **MOTION CARRIED 5-0.**
- G. Discuss/Consider US 12/18 Freeway Conversion Alternatives: The recommended alternatives for both the East and West sections were reviewed. **MOTION** by

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 18, 2013

Hampton/DuPlayee to support West Alternative 4 and East Alternative 3 as, recommended.
MOTION CARREID 5-0.

- H. Discuss/Consider approval of Dane County Ordinance Amendments 17 & 18, 2013-14, regarding changes to the CO-1 Conservancy District, and Establishing the A-Ba Transitional Agriculture-Business District: **MOTION** by Hampton/Williams to support DCCO Amendments 17 & 18, 2013-14. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: The Clerk reported that Attorney Connie Anderson has suggested amending TCG Ord. Chapter 04 – Public Safety to reflect an increase in court costs allowed by a recent bill signed into law by Governor Walker. Consensus was to consider amending the ordinance at the next meeting.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton said that 2014-2018 Transportation Improvement Plan for the Madison Metropolitan Area & Dane County, and the 2014 MPO Unified Planning Work Program, are available in the Town office.

V. COMMITTEE REPORTS:

- A. Emergency Government Committee: DuPlayee reported that the committee is continuing to revise the emergency plan.

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

Kim Banigan, Clerk
Approved 12-02-2013

**TOWN OF COTTAGE GROVE
TOWN BOARD RESOLUTION NO. 2013-05**

**A RESOLUTION IN OPPOSITION TO SB 349
RELATING TO REGULATION OF NONMETALLIC MINING**

Whereas, town boards have been authorized by vote of the town electors at a town meeting of the electors to exercise village powers to regulate various activities for the public health, safety, welfare and convenience of the public for over 100 years;

Whereas, the Wisconsin Supreme Court in February, 2012 in the case of Zwiefelhofer v. Town of Cooks Valley, 338 Wis. 2d 488, upheld the right of the town to adopt regulatory requirements to regulate nonmetallic mining by means of a town ordinance enacted under village powers;

Whereas, some towns have enacted regulatory ordinances as an exercise of "police powers" under the village powers authority in the past two years to regulate nonmetallic mines, in particular industrial frac sand mines and processing plants, to protect the public health and safety of their town;

Whereas, SB 349 have been introduced in the Wisconsin State legislature to limit town, village, city, and county authority to regulate nonmetallic mining operations, including industrial frac sand operations, to zoning authority only, by prohibiting local units of governments to exercise police type ordinances, which for towns would be enacted by means of village powers, over nonmetallic mining operations;

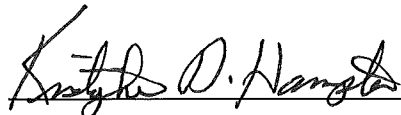
Whereas, limiting towns who do not have town zoning or are under county zoning would dramatically limit town board authority to protect the public health and safety in the town by taking away their authority to adopt industrial frac sand regulatory ordinances using village powers;

Whereas, SB 349 would vest exclusive jurisdiction over air quality, water quality and quantity issues with the State on all types of activities, not just nonmetallic mining;
Whereas, SB 349 would require all highway contracts for reimbursement of highway damage caused by heavy vehicles under Sec. 349.16 (1)(c) of Wis. Statutes to follow new statutory requirements including an engineering study for all such highway contracts;

Now Therefore, Be It Resolved by the Town Board of the Town of Cottage Grove, Dane County that the town board opposes the passage of SB 349 which would prohibit local governments from regulating nonmetallic mining through the use of "police power type" ordinances enacted under village powers in an effort to protect the public health and safety of town residents and result in other limitations on local control.

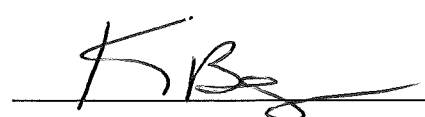
This resolution was duly considered and adopted by the Cottage Grove Town Board pursuant to a vote of 5 for and 0 against and 0 abstentions on this 18th day of Nov, 2013.

TOWN OF COTTAGE GROVE



Kristopher Hampton, Town Chair

ATTEST:



Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
PUBLIC HEARING FOR 2014 BUDGET
SPECIAL TOWN MEETING OF THE ELECTORS
DECEMBER 2, 2013

D R A F T

PUBLIC HEARING FOR 2014 TOWN OF COTTAGE GROVE BUDGET

- I. Notice of the Public Hearing was published in the Wisconsin State Journal on November 15, 2013, and posted, along with a summary of the proposed 2014 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, Kristi Williams and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. Other electors present were Silvin Kurt, Norman Schmelzer, and Dan Dresen.
- II. Hampton called the public hearing to order at 7:00 P.M., and asked if there were any questions or comments regarding the 2014 Town budget. There were none.
- III. **MOTION** by DuPlayee/Williams to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:01 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 7:01 P.M.
- III. **MOTION** by Fonger/DuPlayee to allow the 2014 highway expenditures to exceed \$5,000 per mile, pursuant to s. 80.03(2)(a), Wis. Stat. **MOTION CARRIED 11-0.**
- IV. **MOTION** by DuPlayee/Williams to adopt the 2013 Town Tax Levy to be paid in 2014, pursuant to S. 60.10(1)(a), Wis. Stat., at \$1,470,539. **MOTION CARRIED 11-0.**
- IV. **MOTION** by Hampton/DuPlayee to adjourn. **MOTION CARRIED 11-0.** The meeting ended at 7:04 P.M.

Kim Banigan, Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 2, 2013

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, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams 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 7:04 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Hampton to approve the minutes of the November 18, 2013 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 #21749-21785 as presented. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/Fonger to approve November per diems as presented, and payment of \$2,401.00 to Tom Viken for November building permits.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/Williams to permit Frontier Communications to bore under the Ridge Road for a telephone drop. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider 2014 use of Town parks by the Soccer Clubs: Carl Pulvermacher and Dave Quale represented the Monona Grove Soccer Club, and Tok Kim represented the Celtics. Pulvermacher began the discussion by stating that the MGSC would no longer need to hold games on the American Heritage field since Bakken Park is now available to them. They would like to continue to hold practices there. Aside from this, he expects the use of Town Fields in 2014 to be much the same as in 2013. The Ravenwood and Town Hall fields have been used for both games and practice, and practices have been held at Bass Park.

Hampton said that game attendants at Ravenwood are not paying attention to the no parking signs on Sandpiper Trail. Pulvermacher said that he cannot control this and suggested that the Police Department issue tickets to violators. Tok Kim also said that it is difficult to control the behavior of visitors, and agreed that tickets should be issued.

Pulvermacher said the MGSC has formed a committee to look at both the short term and long term goals for field use. He said long term goals include getting off of the Town's fields and play more at Glacial Drumlin Middle School. They are allowed to practice there now, but must pay an hourly rate. He said that among the Town, Village and Monona Grove School District, the Town has been the most accommodating to the soccer club.

Smith asked the board to look at eliminating the Ravenwood field for both games and practices, stating that with all of the traffic on Sandpiper now that it connects with the Village, it creates a hazard even with parking limited to one side of the road.

Pulvermacher said he would inform the committee that the Town would like to eliminate soccer at the Ravenwood field, and suggested a meeting in February with all of the parties at the table (Town, Village, School District). **MOTION** by Anders/DuPlayee to table until February. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 2, 2013

- B. Discuss/Consider approval of a 10 year Municipal Solid Waste and Recycling Contract with Advanced Disposal Services Solid Waste Midwest, LLC: The Clerk stated that Attorney Connie Anderson has reviewed the contract and recommended approval. **MOTION** by DuPlayee/Anders to approve the 10 year Municipal Solid Waste and Recycling Contract with Advanced Disposal Services Solid Waste Midwest, LLC as presented. **MOTION CARRIED 5-0.**
- C. Discuss/Consider collection options for unpaid bill to Meinholz Excavating, Inc. for damage to Meadowlark Dr.: The Clerk reported that a representative of Meinholz Excavating called today stating that the check was in the mail. **MOTION** by Hampton/Anders to table until the next meeting (if the check does not arrive or clear). **MOTION CARRIED 5-0.**
- D. Discuss/Consider appointment of 2014-15 Election Inspectors: The Clerk stated that no lists have been received from the political parties, so all appointments will be unaffiliated. **MOTION** by Hampton/DuPlayee to approve all the list of Election Inspectors for 2014-15. **MOTION CARRIED 4-0-1** (Williams abstained).
- E. Discuss/Consider approval of 2014 Property, Casualty and Workers Compensation Insurance Proposals: **MOTION** by Hampton/Fonger to approve the 2014 Property, Casualty and Workers Compensation Insurance Proposals as presented. **MOTION CARRIED 5-0.**
- F. Discuss/Consider adoption of a Resolution Claiming the Levy Shift from Dane County to the Town for Funding of Automobile Liability insurance for Emergency Medical Service Districts: **MOTION** by DuPlayee/Fonger to approve the resolution as presented. It will be Town Board Resolution 2013-06. **MOTION CARRIED 5-0.**
- G. Discuss/consider revising TCG Ord. Chapter 04 – Public Safety: A draft prepared with input from Attorney Connie Anderson and the Clerk was reviewed. **MOTION** by DuPlayee/Anders to hold a public hearing for the ordinance amendment on December 16, 2013. **MOTION CARRIED 5-0.**
- H. Discuss/Consider Town's position on the proposed rezone to allow four senior living duplexes in the Coyle Highlands South Addition of the Village of Cottage Grove: A map to show the location of the four lots had not yet been provided by the Village. **MOTION** by Anders/DuPlayee to table. **MOTION CARRIED 5-0.**
- I. Discuss/Consider approval of attendees for the Dec. 17th DCTA Meeting: **MOTION** by Hampton/Williams to allow DuPlayee to attend the Dec. 17th DCTA meeting. **MOTION CARRIED 5-0.**
- J. Discuss/Consider approval of granting the Clerk a day off in lieu of the December 31 paid holiday: **MOTION** by Hampton/Williams to grant the Clerk a day off in lieu of the December 31 paid holiday. **MOTION CARRIED 5-0.**
- III. CLERK'S REPORT: The Clerk distributed copies of the draft amendment to TCG Ord. Section 11.02 Outdoor and Open burning, which will be the subject of a public hearing on December 15th.
- IV. BOARD REPORTS AND COMMUNICATIONS:
 - A. Hampton reported receipt of a video from UW Extension entitled "*Power through Partnerships: Brown County and Onieda Tribe Working Working Toward Energy Independence*". Williams agreed to review the video, which is also available on You tube.
- V. COMMITTEE REPORTS:

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 2, 2013

- A. Deer-Grove EMS Commission: DuPlayee reported that the Village of Cottage Grove approved a different version of the 2014 DGEMS budget than the Town and the Village of Deerfield did. The Village of Deerfield has since amended their motion to eliminate the condition that all three partners approve the same version, so under the terms of the agreement, the budget will now be effective with two of the three approving it. The next collective bargaining session is scheduled for December 10th.
- B. Joint Town/Village Landfill Monitoring Committee
- C. Law Enforcement Committee

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

Kim Banigan, Clerk
Approved 12-16-2013

TOWN OF COTTAGE GROVE
TOWN BOARD RESOLUTION NO. 2013-06

**A RESOLUTION CLAIMING THE LEVY SHIFT FROM DANE COUNTY TO THE
TOWN OF COTTAGE GROVE FOR FUNDING OF AUTOMOBILE LIABILITY
INSURANCE FOR EMERGENCY MEDICAL SERVICE DISTRICTS**

Dane County has discontinued the County's previous funding of automobile liability insurance for the Emergency Medical Services Districts. The Town of Cottage Grove expressly rejects and refuses to agree to the County's action.

Because the adopted Dane County Budget for 2014 discontinued County funding of automobile liability insurance for Emergency Medical Services Districts, the 2013 levy limit of the Town of Cottage Grove shall be increased by the amount of cost shifted from the County to the Town of Cottage Grove. That amount is calculated as: \$1,713.00. The Clerk is directed to insert that amount in Form SI-202M 2013 levy limit worksheet at page 3, line K (or such other line as may be appropriate).

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 2nd day of Dec, 2013.

TOWN OF COTTAGE GROVE



Kristopher Hampton, Town Chair

ATTEST:



Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
DECEMBER 16, 2013

PUBLIC HEARING Re: Revisions to Ordinance Sections 04.02 Office of the Municipal Judge and 11.02 Outdoor and Open Burning

- I. Notice of the public hearing was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith.
- II. Hampton called the public hearing to order at 7:00 p.m. and asked if there were any comments or questions. The Clerk said that a resident had called her today to suggest that the word *brush* be added to sub-section (3)(e) of section 11.02, to match the language in NR 502.11(2)(a), Wisconsin Administrative Code. This language is also included in conditions on the permit itself. There was general agreement to this change.
- III. **MOTION** by Hampton/DuPlayee to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:04 p.m.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting and attendance were as described for the public hearing above.
 - B. Hampton called the meeting to order at 7:04 P.M.
 - C. Minutes of previous meeting(s): **MOTION** by Williams/Fonger to approve the minutes of the December 2, 2013 Public Hearing, Special Meeting of the Electors, and Town Board Meeting, correcting the motion for approval of election inspectors to 4-0-1 (*Williams abstained*). **MOTION CARRIED 5-0.**
 - D. Finance Report and Approval of Bills:
 1. The Treasurer reported that she deducted the credit for police legal fees from the October police invoice when she paid it. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #21786-21836, with voided check #21761, as presented. **MOTION CARRIED 5-0.**
 2. The Treasurer asked that December per diem reports be submitted by January 5th.
 - E. Public Concerns: None.
 - F. Road Right of Way Permits: None.
- II. BUSINESS:
 - A. Discuss/Consider approval of Certified Survey Map for Wilmer Larson's new residential lot on Uphoff Road: **MOTION** by DuPlayee/Anders to approve the CSM as presented, identified as Office Map No. 130589 dated November 21, 2013. **MOTION CARRIED 5-0.**
 - B. Discuss/Consider accepting the donation of an antique grader from the Cottage Grove Area Historical Society, and where to display it: Hampton reported that the Historical Society is not interested in donating the grader, but is looking for a place to display it. Smith suggested a spot north of the Town Garage. **MOTION** by DuPlayee/Anders to allow the Cottage Grove Area Historical Society to display the antique grader on the property to the north of the Town Garage, with appropriate fencing and signage. **MOTION CARRIED 5-0.**
 - C. Discuss/Consider approval of forwarding an outdoor lighting ordinance to the Ordinance Committee: Rod Heller, the resident who brought the City of Madison's ordinance to the

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Board as an example, was in attendance and participated in the discussion. DuPlayee wondered about an exception for holiday lights. Heller said that holiday lights would typically not exceed the maximum light trespass levels defined by the sample ordinance. Discussion was that maybe there should be an exception for seasonal or temporary lights, but how would the time frame for the exception be defined? There were questions about what the County's zoning ordinance regulates as far as lighting. **MOTION** by Hampton/Anders to table until January 6, 2014, allowing time for board members who serve on the Ordinance Committee to research the County's lighting regulations. **MOTION CARRIED 5-0.**

- D. Discuss/Consider approval a 5-year Lease Agreement with Dwight and Dale Huston, the Village of Cottage Grove and the Cottage Grove Police Department for two buildings at 2560 Nora Road to be used as the Police Station and storage: There was discussion indicating that the Town Board is in agreement with the proposed terms of the lease, now it is up to the Village to agree too. The Law Enforcement Committee will consider the lease at their meeting tomorrow night. **MOTION** by Hampton/DuPlayee to table until January 6, 2014. **MOTION CARRIED 5-0.**
- E. Discuss/Consider moving forward with the Valley Street Drainage Improvements project: Smith shared the plans drawn up by Town and Country Engineering for the project, which includes the construction of a storm sewer. The estimated cost for the project as drawn was \$125,000, but Smith suggested adding 100 feet to the length of the storm sewer, which would bring it closer to \$145,000. There was also discussion about adding ditch cleaning along the south side of Valley Street to the project. The suggested time frame for the project would be to send out bids over the winter, with construction to begin after the school buses stop running for the summer. It is expected to take about 45 days with good weather.

MOTION by DuPlayee/Anders to move forward with the project, including the additional 100 feet of storm sewer and ditch cleaning, with bids to be sent out this winter on a schedule as recommended by Engineer Warren Myers. **MOTION CARRIED 5-0.** Smith will begin talking to affected property owners.

- F. Discuss/Consider approval of the Town becoming a member of the Cottage Grove Chamber of Commerce: **MOTION** by Hampton/Williams to approve payment of dues for the Town's membership in the Cottage Grove Chamber of Commerce, with Kristi Williams to serve as the Town's representative. **MOTION CARRIED 4-1** (DuPlayee opposed).
- G. Discuss/Consider Town's position on the proposed rezone to allow four senior living duplexes in the Coyle Highlands South Addition of the Village of Cottage Grove: The Clerk reported that the Village Plan Commission has recommended approval of the rezone, and the Village Board is considering it tonight. No Town action taken.

III. CLERK'S REPORT: Jeremy Balousek with Dane County Land Conservation is still working with the Village on the drainage issues from Bakken Park, and should have an update in January.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that :
- B. He and Smith met with WDOT representatives on December 12th. They seem to be in agreement with moving County AB to the east, but are looking at 2020 as the earliest start date. Hampton shared maps from the meeting with the rest of the board.
- C. The Lions Club sent a thank you note for the Town's cooperation with eyeglass collection,

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- D. The Dane County Environmental Council sent out a call for proposals for their two grant programs for conservation projects.

V. COMMITTEE REPORTS: No reports.

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

Kim Banigan, Clerk

Approved 01-06-2014