

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JANUARY 2, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website.
- B. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen and Fire Chief Nick Archibald. EMS Chief Eric Lang was present virtually.
- C. Hampton called the meeting to order at 7:00 P.M.
- D. Discuss/Consider approval of minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the December 19, 2023 meeting as printed. **MOTION CARRIED 5-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Anders to approve checks #36770-36803, and EFTs in the amount of \$24,684.41. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of December per diems as presented. **MOTION CARRIED 5-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Plan Commission Recommendations
  - 1. Neli Skaar, applicant, Screamin' Norwegian Farms, Landowner, petitioning to create two residential lots on parcels #0711-264-8002-0 and 0711-264-9585-0 on Skarstinden Road, using RDUs from parcels ~~#0711-354-9500-3~~ and 0711-361-9000-9 (DCPREZ-12003): Michelle Schmidt, 1884 Skaar Road, was present online and read from the February 01, 2021 minutes: "...any further development south or west of Skaar Road or west of Skarstinden Road will trigger full improvement of Skaar Road..." The proposed lots are west of Skarstinden Road but do not touch or require access from Skaar Road, so consensus was not to require the road to be improved at this time. Mr. Skaar said he has no intention to develop any more lots there. **MOTION** by DuPlayee/Anders to accept the Plan Commission's recommendation to approve the rezone of 3.37 acres from FP-35 to SFR-1 (Lot 1 at 1.87 acres and Lot 2 at 1.50 acres), using two RDUs from parcel 0711-361-9000-9 on US Hwy 12/18. **MOTION CARRIED 5-0.**
- B. Dane County Ordinance Amendment 2023 OA-068 regarding conditional use permit and rezoning processes: Anders reported that he has not had a response from the DCTA about whether their attorney has reviewed this amendment. Hampton, Anders and Williams indicated their support for a 1-year waiting period for re-applications. Correspondence from Tom Willan, 4407 Vilas Hope Road, questioned the legal authority of such a requirement. **MOTION** by Williams/DuPlayee to table until the January 15<sup>th</sup> meeting. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of Purchase Agreement with Reliant Fire Apparatus, Inc. for Pierce Manufacturing Inc. Enforcer 100' ATT Fire Truck to be delivered in 2028: Correspondence from Town Attorney Cole conveyed concerns over language in the agreement regarding potential price increases. Chief Archibald said a representative from Reliant told him the wrong contract language was provided. Reliant will provide a corrected version, and Chief Archibald suggested that the Town Attorney could meet virtually with Reliant to

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JANUARY 2, 2024

discuss. The agreement must be executed by January 28<sup>th</sup> to secure the quoted price.

**MOTION** by DuPlayee/Williams to table until January 15<sup>th</sup>. **MOTION CARRIED 5-0.**

- D. Koshkonong Creek UCA – Koshkonong Creek Collaborative: Dave Muehl was present representing the Friends of the Koshkonong Creek. He had reviewed the two documents and recommended signing them.
1. Discuss/Consider approval of Student Course Project Memorandum of Understanding: **MOTION** by DuPlayee/Williams to approve the MOU as presented. **MOTION CARRIED 5-0.**
  2. Discuss/Consider approval of Service Agreement: **MOTION** by DuPlayee/Williams to approve the Service Agreement as presented. **MOTION CARRIED 5-0.**
- E. Discuss/Consider revising TCG §04.07 Fire Protection within Building – Knox Box: The meeting packet included several examples of Knox Box ordinances from nearby municipalities. **MOTION** by DuPlayee/Anders to add language to require a Knox Box for properties protected by a locked fence or gate to section 1 (a). **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: No permits have been issued since the last meeting.
- B. Christmas Tree pickup will run from now until January 12<sup>th</sup>.

IV. CLERK-TREASURER'S OFFICE UPDATE: Jennifer Millage has accepted an offer of employment to fill the vacant Office Assistant/Deputy Clerk position, her first day is tomorrow. First installment tax collection is in full swing.

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton said a map of all Town roads will be included in the packet for the January 15<sup>th</sup> meeting, when there will be a discussion of possibly designating ATV/UTV routes. He asked Board members to think about what revisions to the Comprehensive Plan should be considered during the 2024 review, especially any that would protect the Town from annexation. As examples, he mentioned purchasing land to rent out as farmland, create parks, or develop.

VI. COMMITTEE REPORTS:

- A. Cottage Grove Fire Commission: The 2028 replacement of the Ladder Truck was the main discussion topic. Fonger said he should have spoken up more at the last meeting when Hampton brought up the cost to maintain the current truck compared to the cost to replace it.
- B. Deer-Grove EMS Commission: They are working on evaluating the Chief's performance and proposed changes to the IGA.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:53 P.M.

Kim Banigan, Clerk-Treasurer  
Approved 01/15/2024

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JANUARY 15, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, Fire Chief Nick Archibald and Deputy Eric Miller. EMS Chief Eric Lang was present virtually.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Brownie Girl Scout Troop 7333 led the singing of the National Anthem and the Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the January 2, 2024 meeting as printed. **MOTION CARRIED 5-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #36804-36841, and EFTs in the amount of \$15,062.82. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of \$1,651.20 to General Engineering Company for December building permits. **MOTION CARRIED 5-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Review December Police Activities: The written report showed 243 calls for service and 166 citations issued in December. Deputy Miller said that Deputy Shotliff is still scheduled to start in February. Deputies have been focusing speed limit enforcement on areas of citizen concern, and have been responding to a lot of slide-offs due to the recent snow event.
- B. Discuss designating Town Roads as ATV/UTV routes: Mike Northouse represented the local ATV club, which had provided a map showing Town Roads they would like designated (Exhibit A). Board packets included another map showing portions of Town Roads that have been annexed by the Villages of Cottage Grove and McFarland, and the City of Monona. (Exhibit B). Deputy Miller stated he has three concerns: 1) noise complaints, 2) narrow roads 3) overall safety complaints. Discussion was to allow ATVs/UTVs on Town roads east of County Highway N only, since west of County Highway N there would be annexed sections not under the Town's jurisdiction. There was a suggestion of limiting route hours to 7 a.m. to midnight. Mr. Northouse was directed to take Exhibit B and bring it back with the desired routes marked.
- C. Discuss/Consider approval of Purchase Agreement with Reliant Fire Apparatus, Inc. for Pierce Manufacturing Inc. Enforcer 100' ATT Fire Truck to be delivered in 2028 (Tabled from Jan. 2nd): Town and Village attorneys had come to an agreement with Reliant on the language in the agreement. Hampton stated that \$2 million would go a long way toward maintaining/repairing the current ladder truck. Fonger agreed. A recent Wisconsin Surplus sale of a similar ladder truck only brought around \$30K. Williams said the cost will only go up if not locked in now. **MOTION** by Williams/Anders to approve the purchase agreement as presented, subject to approval by the Village Board as well. **MOTION CARRIED 4-1** (Fonger opposed). (The total cost will be \$2,152,609.00 payable on delivery in 2028, to be split by the Town and Village based on the 2028 budget split).

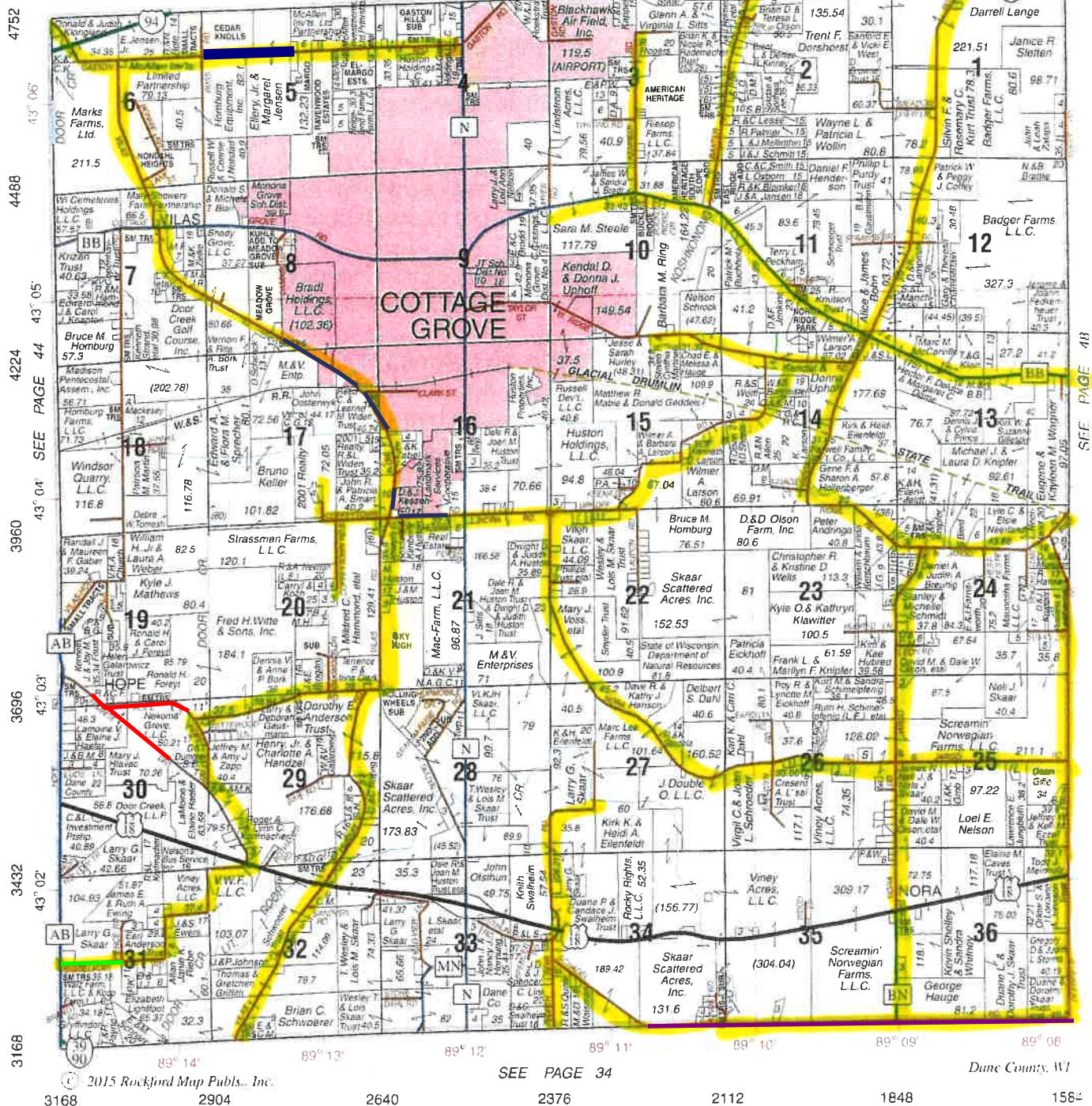
TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JANUARY 15, 2024

- D. Discuss/Consider recommendation regarding Dane County Ordinance Amendment 2023 OA-068 regarding conditional use permit and rezoning processes (tabled from Jan 2nd): Anders reported that this was recommended by two Town Attorneys from the Town of Middleton. **MOTION** by Anders/Williams to support 2023-068. **MOTION CARRIED 5-0.**
  - E. Discuss/Consider approval of Security and Service Agreement with Pellitteri for shredding services: **MOTION** by Anders/DuPlayee to approve the three-year service agreement as presented. **MOTION CARRIED 5-0.**
  - F. Consider attendees for WTA district meetings: **MOTION** by Anders/Fonger to approve three attendees for the February 2<sup>nd</sup> session in Juneau. (Hampton, Williams, DuPlayee). **MOTION CARRIED 5-0.**
  - G. Consider attendees for DCTA Membership Meeting on January 17<sup>th</sup>: **MOTION** by Anders/Fonger to approve all five board members to attend (Williams will attend from home, the others will attend from the Town Hall). **MOTION CARRIED 5-0.**
  - H. Consider attendees for Ehlers Public Finance & Economic Development Seminar Feb. 15-16: **MOTION** BY Fonger/Williams to approve Hampton to attend. **MOTION CARRIED 5-0.**
- III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:
- A. Report of Road Right-of-Way permits issued: No permits have been issued since the last meeting, however there is one pending.
  - B. Lots of hours have been spent plowing snow over the past few days. Timm Taylor was brought in as an LTE to clear subdivisions Saturday. The new truck is ready to be picked up at Bell Ford and taken to Burke Truck for box installation.
- IV. CLERK-TREASURER'S OFFICE UPDATE: Jennifer Millage started on January 3<sup>rd</sup> and is doing great. Tax collection and audit preparation are the main focus of office staff right now.
- V. BOARD REPORTS AND COMMUNICATIONS:
- A. Hampton reported that there will be a public hearing for the new County landfill site at 4 pm on March 6<sup>th</sup>.
- VI. COMMITTEE REPORTS: None
- VII. Adjournment: **MOTION** by Anders/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:21 P.M.
- Kim Banigan, Clerk-Treasurer  
Approved 02-05-2023i

# COTTAGE GROVE

SEE PAGE 62

Town of Cottage Grove  
Proposed ATU/UTU Reunions  
T.7N.-R.11E.



SEE PAGE 34

Dane County, WI

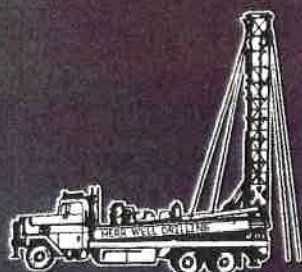
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STATE OF WISCONSIN  
WISCONSIN DEPARTMENT OF TRANSPORTATION  
TOWN PLAT RECORD

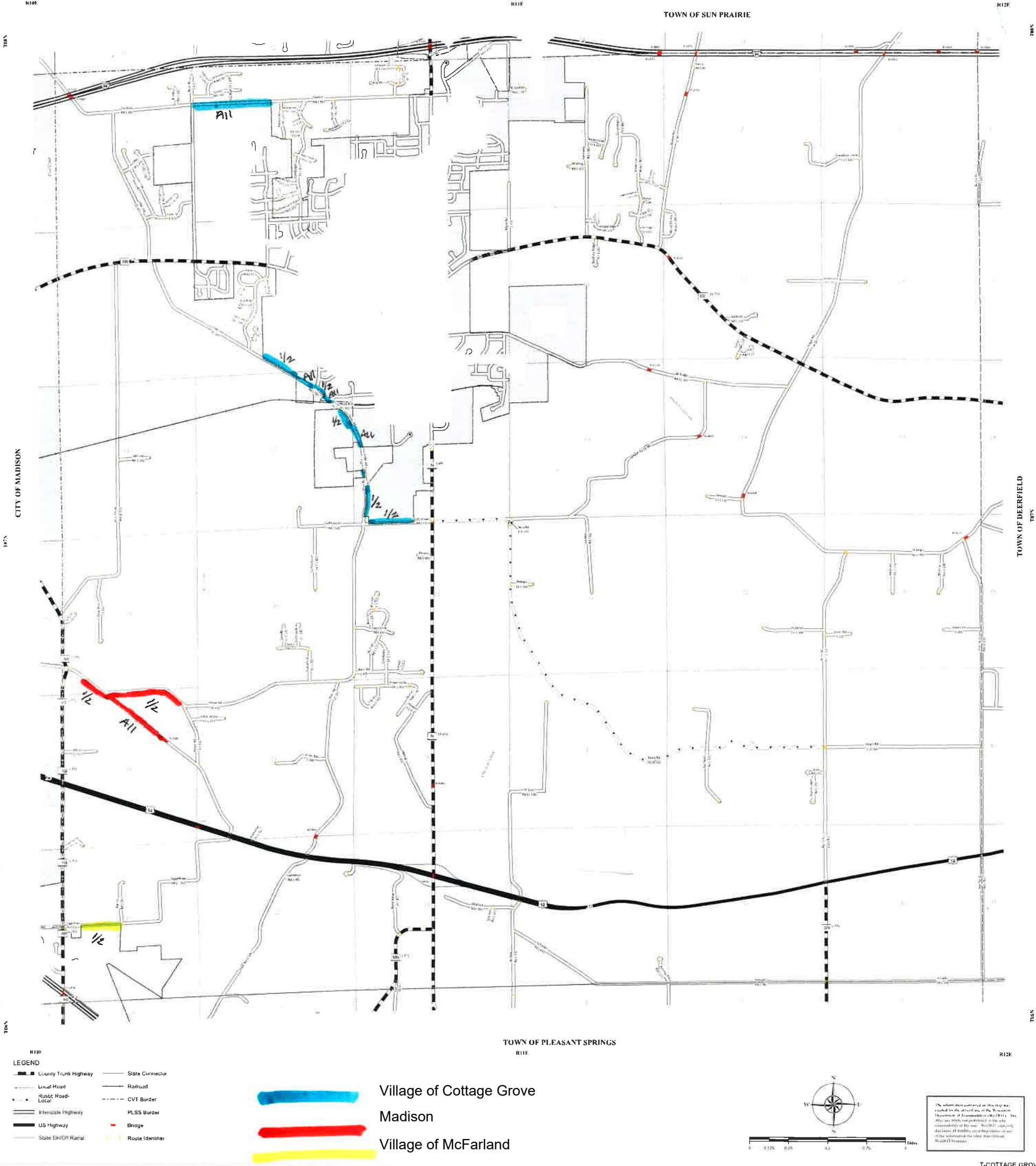
13-018

TOWN OF  
**COTTAGE GROVE**  
COUNTY: DANE

DATE	MILEAGE FOR LOCAL ROADS/STREETS	LOCAL ROADS/STREETS Certified in accordance with sec. 86.30 Wis. stat.
(1) 4-1-23	64.31	
(2) 1-1-24		Name: _____ Title: _____
(3) 4-1-24		Signature: _____ Date: _____

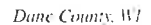
PREVIOUS YEAR COUNTY TRUNKS	PREVIOUS YEAR MILEAGE
10.20	00.00

- (1) THIS DATA REPRESENTS THE LAST CERTIFIED MILEAGE AS CORRECTED BY WISDOT WHICH MAY HAVE BEEN USED FOR PAST TRANSPORTATION AIDS.
- (2) THE TOWN CHAIRMAN OR CITY/VILLAGE CLERK IS TO FILL IN THE MILEAGE TO BE CERTIFIED AS OPEN TO THE PUBLIC AS OF THE FOLLOWING JANUARY, INCLUDING THE NEW MILEAGE THAT ARE MADE ON THE PLAT.
- (3) THIS DATA REPRESENTS MILEAGE ADJUSTMENTS MADE BY WISDOT DUE TO FIELD VERIFICATION, INVENTORY, ANNEXATION, ETC. TRANSPORTATION AID PAYMENTS MAY BE MADE BASED ON THIS FIGURE.



T-COTTAGE GROVE

T.7N.-R.11E.



46

STATE OF WISCONSIN  
WISCONSIN DEPARTMENT OF TRANSPORTATION  
TOWN PLAT RECORD

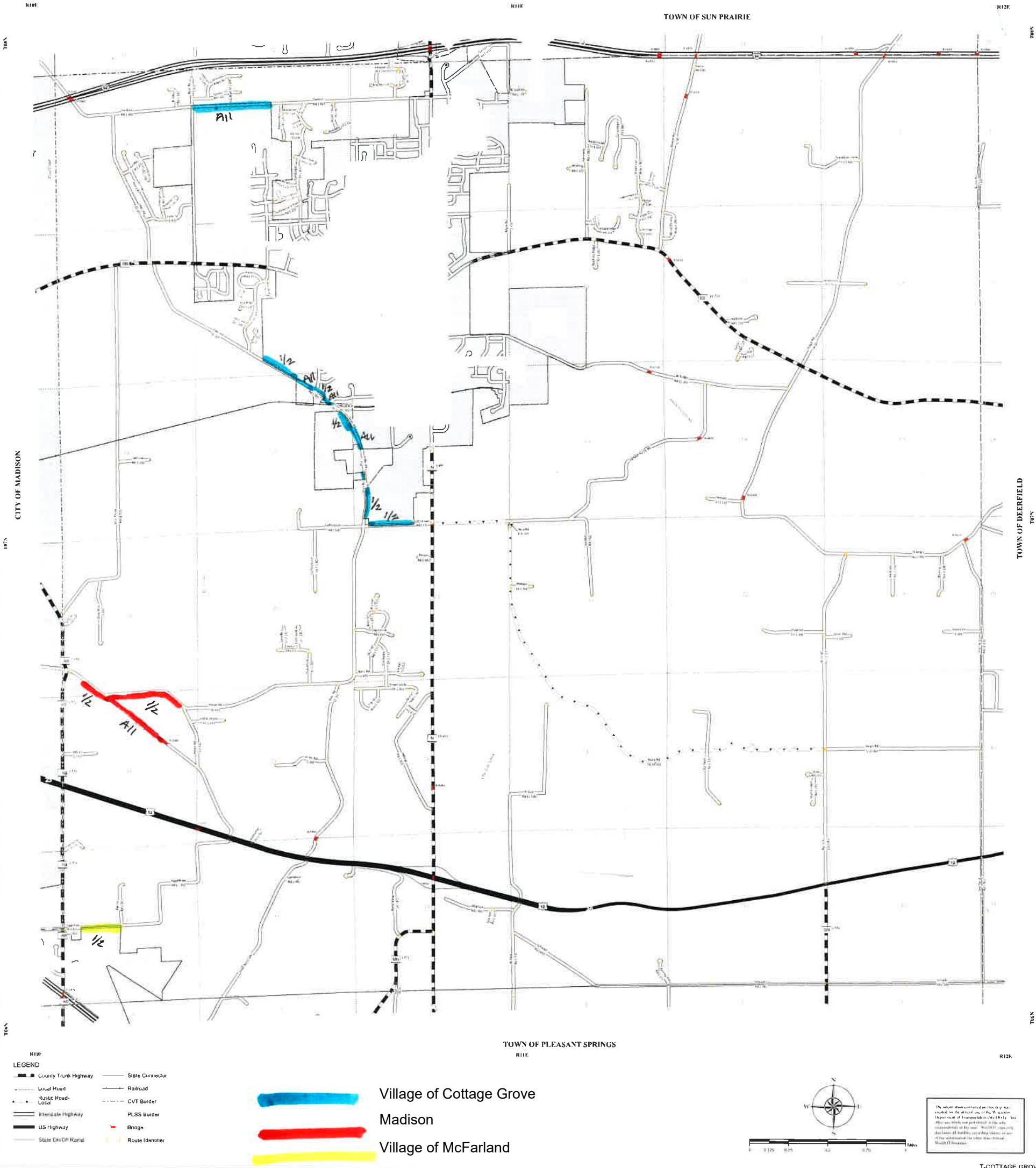
13-018

TOWN OF  
**COTTAGE GROVE**  
COUNTY: DANE

DATE	MILEAGE FOR LOCAL ROADS/STREETS	LOCAL ROADS/STREETS Certified in accordance with sec. 86.30 Wis. stat.
(1) 4-1-23	64.31	
(2) 1-1-24		Name: _____ Title: _____
(3) 4-1-24		Signature: _____ Date: _____

PREVIOUS COUNTY TRUNKS	NEW COUNTY TRUNKS
10.20	00.00

- (1) THIS DATA REPRESENTS THE LAST CERTIFIED MILEAGE AS CORRECTED BY WISDOT WHICH MAY HAVE BEEN USED FOR PAST TRANSPORTATION AIDS.
- (2) THE TOWN CHAIRMAN OR CITY/VILLAGE CLERK IS TO FILL IN THE MILEAGE TO BE CERTIFIED AS OPEN TO THE PUBLIC AS OF THE FOLLOWING JANUARY, INCLUDING THE NEW MILEAGE THAT ARE MADE ON THE PLAT.
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The information contained on this map was created for the official use of the Wisconsin Department of Transportation (WisDOT). It is not to be used for any other purpose without the express written permission of the Wisconsin Department of Transportation. It is the responsibility of the user to verify the accuracy of the information presented on this map.

T-COTTAGE GROVE

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
FEBRUARY 5, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, and Stormwater Consultant Chuck Nahn. EMS Chief Eric Lang was present virtually.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the January 15, 2024 meeting as printed. **MOTION CARRIED 5-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #36842-36821 and EFTs in the amount of \$31,463.30. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of January per diems as presented. **MOTION CARRIED 5-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Presentation by Charles Nahn, Stormwater Consultant, and Dane County Public Health about PFAs in drinking water: No one from Dane County Public Health was available to attend. Nahn used a PowerPoint presentation to describe the hazards, standards, and testing results/options for PFAs in drinking water (Exhibit A). Public Health of Madison and Dane County has so far collected approximately 100 samples from private wells, and expects to collect from another 150 before the program ends in June of 2024. None of the six samples collected in the Town of Cottage Grove had exceedances per the current standards. Twenty-one samples elsewhere in Dane County did detect exceedances, primarily in the Town of Dunn near the west shore of Lake Waubesa, and in the Town of Burke north of the Dane County airport. Nahn said that the Town of Dunn has been unable to identify any source of the PFAs, but is suspicious of MMSD Metrogro application. Public Health of Madison and Dane County is offering private well testing until June 30, 2024, or until funds run out. The tests are free for income eligible households. PFAs can be removed from drinking water through reverse osmosis, activated carbon, ion exchange or advance oxidation.
- B. Discuss/Consider approval of a Parade or Race permit for Abiding Shepherd Lutheran Church to utilize Damascus Trail, part of Vilas Road and Clark Street for a foot race on June 29, 2024: Race Conductor Melinda Zellmer was present, and said the race will begin at 9 a.m. and should be finished by 11 a.m. Organizers will be coursing it at 8 a.m. Cones will mark the running path and DGEMS will be onsite. She has contacted with the Village of Cottage Grove Police Department and understood she must also contact the Town's contracted DCSO deputies. **MOTION** by Anders/DuPlayee to approve the permit. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of an Inter-Government Agreement between the Town of Cottage Grove and the Villages of Cottage Grove and Deerfield regarding the Deer-Grove EMS District: It was noted that the DGEMS Commission has reviewed and recommended approval of this agreement. **MOTION** by Anders/Williams to approve the IGA as presented. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
FEBRUARY 5, 2024

- D. Consider approval of a Certified Survey Map to create a two single family lots on Skarstinden Road (rezone #12003 previously approved): **MOTION** by Anders/DuPlayee to approve the CSM identified as Office Map No. 230763CSM dated November 13, 2023 as presented. **MOTION CARRIED 5-0.**
- E. Discuss/Consider adoption of Budget Resolution 2023-01 amending the 2023 Town Budget: The Clerk-Treasurer said this amendment mostly tidies up use of restricted/committed/assigned funds as approved by the Town Board and committees/commissions through the 2023 year. **MOTION** by Williams/DuPlayee to approve Budget Resolution 2023-01 as presented. **MOTION CARRIED 5-0.**
- F. Discuss/Consider attendees for Role of the Plan Commission workshop on February 28<sup>th</sup>: **MOTION** by Williams/DuPlayee to allow for up to 4 attendees. **MOTION CARRIED 5-0.** Since the meeting falls on the same night as the monthly Plan Commission meeting, that will need to be rescheduled.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: One permit was issued since the last meeting, to Intercon to install underground electric at 1784 Jargo Road.
- B. The new F-550 is here waiting to go to Burke Truck to get the box installed. It is anticipated box installation will take 1-2 months, and the Clerk-Treasurer was directed to solicit loan proposals to be considered at the April 22<sup>nd</sup> Town Board Meeting. Dresen said he will obtain a quote for the Board to consider adding a brine anti-icing system to this truck.
- C. Dresen reported that Lakeside International has indicated they will not be able to honor the proposal they provided a year ago for a 2025 Patrol Truck. He suggested the Town should start shopping around with other vendors, discussion was to make a decision in June or July so a truck can be built in 2025, and to possibly include a tank for pre-wetting of salt.

IV. CLERK-TREASURER'S OFFICE UPDATE: First installment tax collection is complete, and Johnson Block & Company were here today for the field portion of the 2023 Audit. Absentee ballots for the February 20<sup>th</sup> election began going out last week. Election worker training is scheduled for this week.

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton shared a copy of the map provided by the ATV Club showing their proposed routes, and said this will be on a future agenda.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: They approved the IGA, conducted the Chief's review, and discussed the worrisome situation about the Cambridge EMS agreement ending on 12/31/2024.
- B. Joint Town/Village Landfill Committee: 2023 Strand expenses came in under budget.
- C. Cottage Grove Fire Commission: They approved the Ladder Truck purchase for 2028, and reviewed the 2023 Annual Report.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:19 P.M.

Kim Banigan, Clerk-Treasurer  
Approved 02-19-2024

## **EXHIBIT A**

# **PFAS IN PRIVATE WELLS**



Feb. 5, 2024

**Town of Cottage Grove**

**Town Board Meeting**

Charles E. (Chuck) Nahn III, PE  
Owner, Nahn and Associates





# What is PFAS??

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- Per- and polyfluoroalkyl substances, or **PFAS**, are a large group of man-made chemicals that have been used in many industrial processes and consumer products since the 1950s. Products known to contain PFAS include stain resistant carpeting, waterproof clothing, non-stick cookware, fire fighting foam and fast food packaging.
- Exposure to unsafe levels of PFAS in drinking water may result in detrimental health effects including:
  - Increased cholesterol,
  - Certain cancers,
  - liver damage,
  - thyroid and heart issues,
  - infertility and low birth weight.





# What is PFAS??

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- **PFAS** include hundreds of chemicals but the six top PFAS chemicals of concern are:
  - PFOA, PFOS (MCL Limits Established)
  - PFNA, HFPO-DA, PFHxS, and PFBS (Hazard Index).
- PFAS do not break down in the environment and have been discovered at concentrations of concern in groundwater, surface water and drinking water.



# Are there state standard for PFAS in drinking water?

- Wisconsin currently has MCLs for two PFAS - PFOA and PFOS - which are 70 parts per trillion (ppt) either individually or combined. (effective Aug.1,2022)
- DHS has issued drinking water health advisory levels for 18 PFAS.
- EPA has proposed to reduce these MCLS to 4 ppt for PFOA and PFOS in the spring 2024
- For the other four PFAS, the EPA proposes using a “hazard index,” a tool for addressing cumulative risks of mixtures of chemicals. If Hazard index >1,MCL is exceeded.



# Hazard Index (HI)

Abbreviated Name	CAS No	Concentration (ng L <sup>-1</sup> or PPT)	
<b>Drinking Water</b>			
PFOA	335-67-1	70	*, **
PFOS	1763-23-1	70	*, **
<b>Surface Water</b>			
PFOS	335-67-1	8	*
PFOA	1763-23-1	20 or 95	*, ***
<b>Groundwater</b>			
PFOA	335-67-1	20	**
PFOS	1763-23-1	20	**
FOSA	754-91-6	20	**
NEtFOSA	4151-50-2	20	**
NEtFOSAA	2991-50-6	20	**
NetFOSE	1692-99-2	20	**
PFNA	375-95-1	30	
PFHxS	355-46-4	40	
HFPO-DA	62037-80-3	300	
PFDA	335-76-2	300	
PFDoA	307-55-1	500	
DONA	919005-14-4	3000	
PFUnA	2058-94-8	3000	
PFBA	375-22-4	10000	
PFTeA	376-06-7	10000	
PFHxA	307-24-4	150000	
PFODA	16517-11-6	400000	
PFBS	375-73-5	450000	

\* enforceable

\*\* combined total

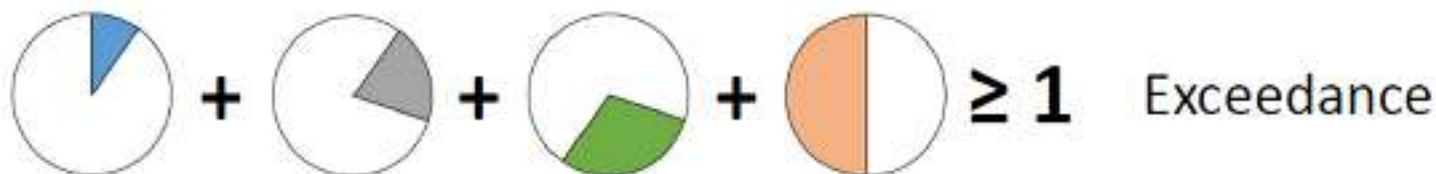
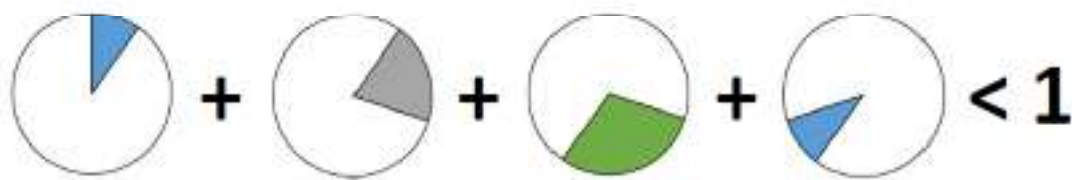
\*\*\* if the water is intended for public water use than the lower standard applies

- Recommended calculation by the Wisconsin Department of Health Services (DHS)
- Recognizes that most exposures are to a mix of chemicals
- While no individual chemical may be above their recommended health guideline, the mix may still prove harmful
- WI – we test for 33 different PFAS chemicals, DHS recommended guidelines for 18, Federal and state regulates 2



# Hazard Index (HI) Part 2

- Formal calculation:  $HI = \sum_{i=1}^n \frac{PFAS\ Results_i}{PFAS\ Limit_i}$
- The sum of the ratios between the found concentration and the maximum allowable concentration of all analytes
- Anything above a 1 is considered an exceedance





# What are PFAS hot spots?

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- Military facilities where fire fighting foam is used
- Factories that manufacture products containing PFAS
- Biosolids disposal areas
- Wastewater Treatment Plants



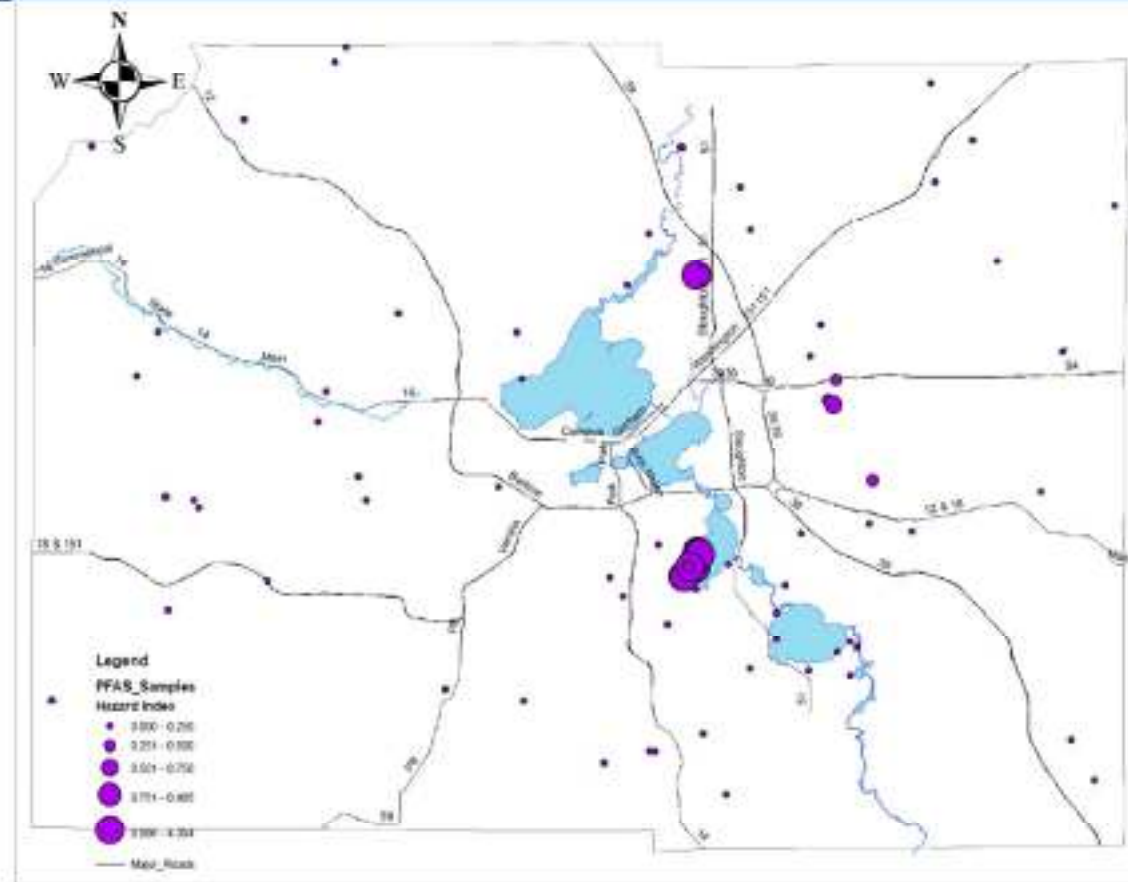
# Where has PFAS been found in Private Wells in Dane Co.?

- Dane County Department of Public Health monitoring private wells for PFAS since June 2023
  - ~ 100 samples collected and expect to collect 150 more before the program ends in June 2024.
  - 18 well samples Health index >1
  - Primarily clustered around Waubesa Beach area in Town of Dunn & 1 North of DCRA

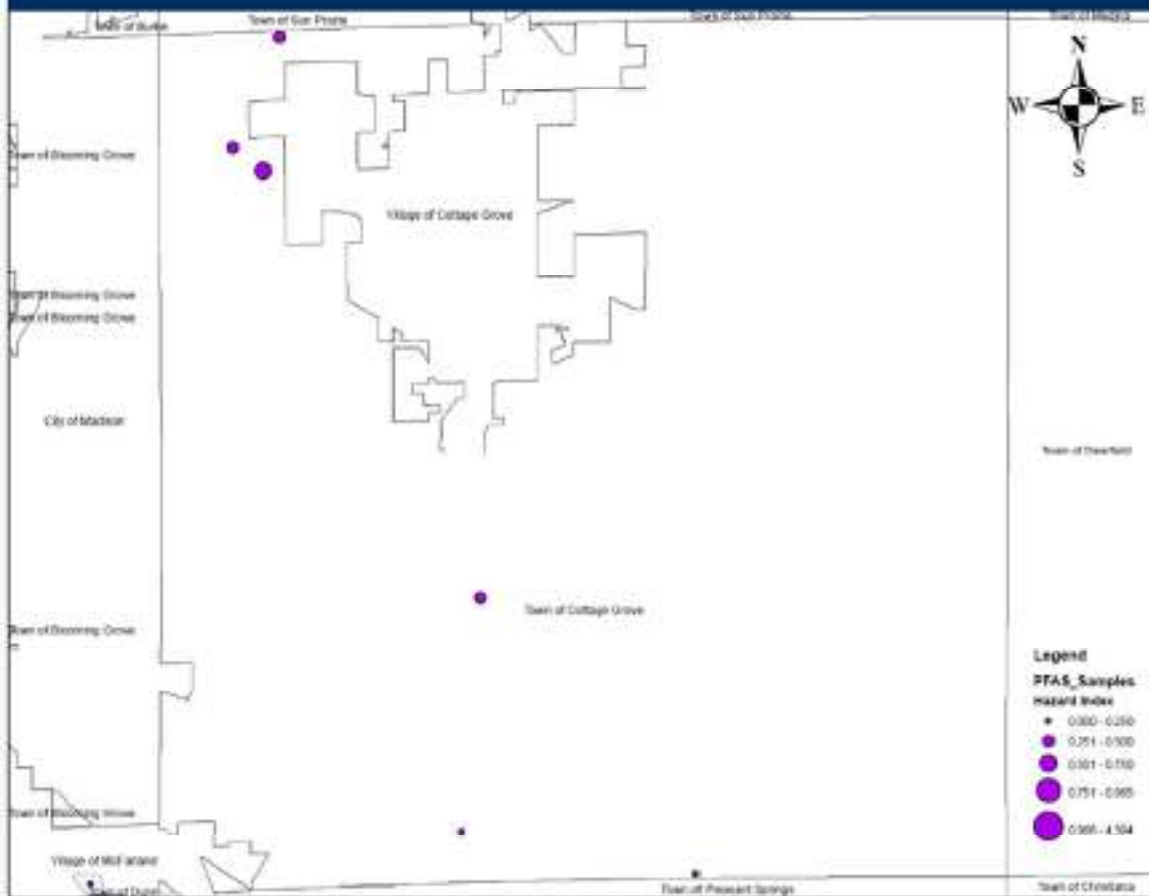


# Results around Dane County

- 122 samples as of 01/15/2024
- 29 of 35 townships has at least one sample
- 21 exceedances
  - Primarily in Town of Dunn near West shore of Lake Waubesa
  - Outlier in Town of Burke north of Dane County Airport



# Results from Town of Cottage Grove



- 6 samples as of 01/15/2024
- No exceedances
- HI range: 0.08 to 0.55

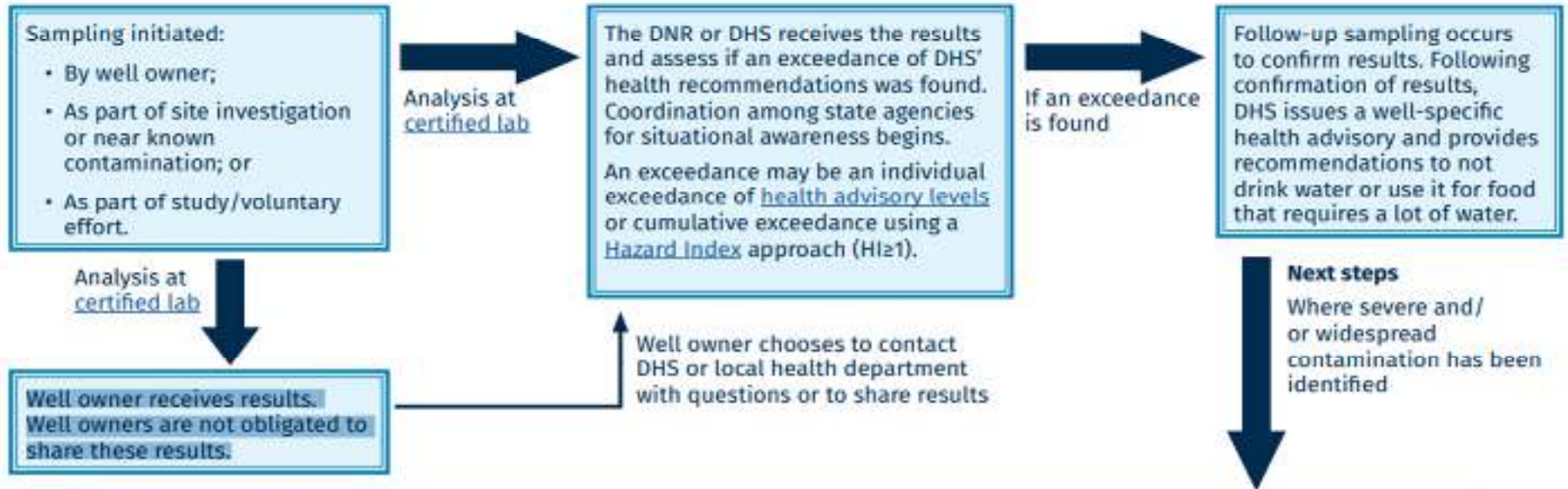


# Dane County Hotspots



# Privat Well Sampling

## Sampling Private Wells for PFAS - Process and Follow-up Actions



## Potential actions that state and local government may take to address contamination

State agencies may have limited authority to assist with these actions

### Immediate Actions

- Identify immediate response actions.  
*State Point of Contact: Wisconsin Emergency Management (WEM)*
- Communicate risks to potentially impacted community members.  
*State Point of Contact: DHS*

### Interim Actions

- Determine if more sampling is warranted.  
*State Point of Contact: DNR*
- Identify options for safe temporary and/or long-term water.  
*State Point of Contact: DNR*
- Communicate interim actions to reduce health risks.  
*State Point of Contact: DHS*

### Long-Term Actions

- Community works to determine the likely source(s) of contamination. It may not be possible to identify a source.  
*State Point of Contact: DNR*
- Assess feasibility and interest in public infrastructure projects.  
*State Point of Contact: DNR*





# MMSD Metrogro application

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- Metrogro is a liquid Class B biosolids product that is land applied to local farmers fields
- PFAS Monitoring Results
  - PFOA- 1.2-1.6 pp**b** (1200-1600 ppt)
  - PFOS-8-10 pp**b** (8000-10000 ppt)
- No WI Standards -Land application limit
- Michigan Interim Guidance-<50 ppb







# How is PFAS removed from Drinking water

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- Reverse Osmosis-\$800-\$1000 to install
  - Single source (Kitchen Faucet)
  - Point of entry (entire house)
- Activated Carbon
- Ion Exchange
- Advance Oxidation



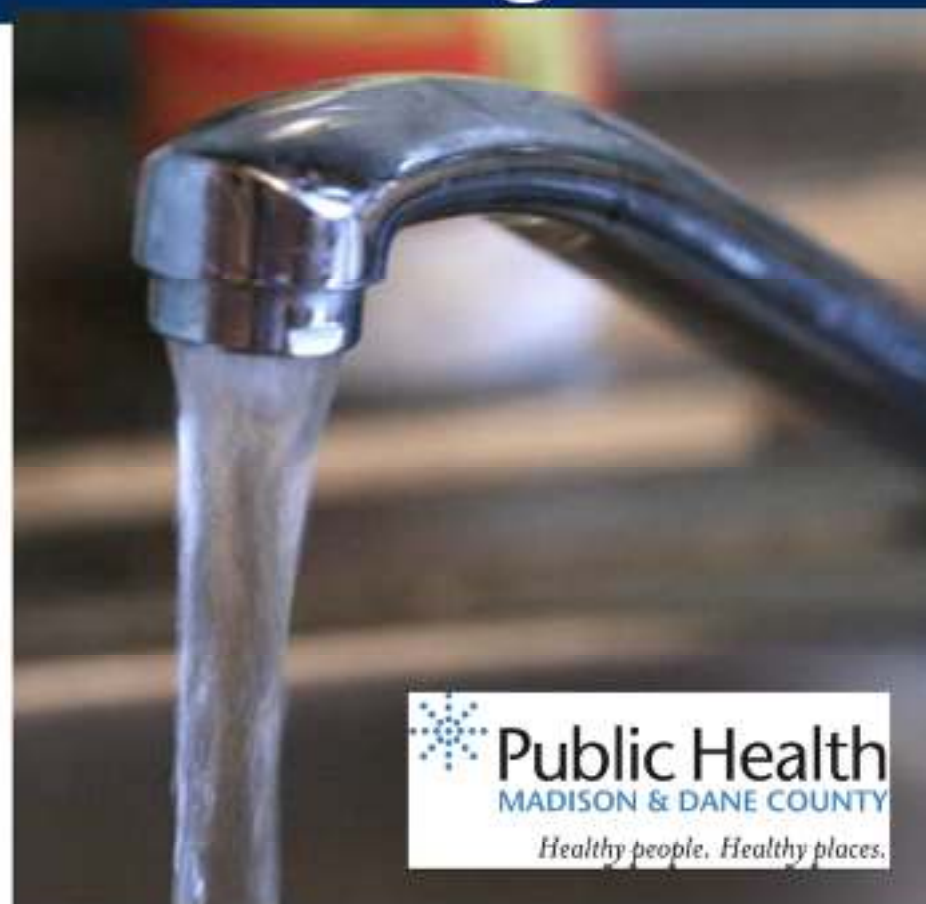
# Is funding available to help Homeowners?

- Is PFAS present?-Dane County Private Sampling Program
  - Free if income levels are below threshold
  - \$420 if Income levels are higher
- IF PFAS detected over MCL-WDNR Well Compensation Grant Program
  - Up to \$16,000 to install PFAS treatment
  - Family Income > \$100,000



# Public Health of Madison & Dane County PFAS Private Well Testing

- July 2023 through June 30<sup>th</sup>, 2024 or until funds run out
- Free for income eligible households
  - Follows Federal Community Development Block Grant guidelines
  - See our webpage for income thresholds and application <http://tinyurl.com/399np24u>
- If above thresholds, available for \$418
  - Pass-through of contracted, volume-discounted pricing
  - Savings of ~\$150 over “retail” prices



# Income thresholds for Free Well Sampling

## Income Eligibility Guidelines:

Number in household	1	2	3	4	5	6	7	8
Annual Income (from 2022 tax return)	\$66,300	\$75,750	\$85,200	\$94,650	\$102,250	\$109,800	\$117,400	\$124,950



# Issues/Concerns/Questions???



# PFAS IN PRIVATE WELLS



Feb. 5, 2024

## **Town of Cottage Grove Town Board Meeting**

Charles E. (Chuck) Nahn III, PE  
Owner, Nahn and Associates





# What is PFAS??

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- Per- and polyfluoroalkyl substances, or **PFAS**, are a large group of man-made chemicals that have been used in many industrial processes and consumer products since the 1950s. Products known to contain PFAS include stain resistant carpeting, waterproof clothing, non-stick cookware, fire fighting foam and fast food packaging.
- Exposure to unsafe levels of PFAS in drinking water may result in detrimental health effects including:
  - Increased cholesterol,
  - Certain cancers,
  - liver damage,
  - thyroid and heart issues,
  - infertility and low birth weight.





# What is PFAS??

---

- **PFAS** include hundreds of chemicals but the six top PFAS chemicals of concern are:
  - PFOA, PFOS (MCL Limits Established)
  - PFNA, HFPO-DA, PFHxS, and PFBS (Hazard Index).
- PFAS do not break down in the environment and have been discovered at concentrations of concern in groundwater, surface water and drinking water.



# Are there state standard for PFAS in drinking water?

- Wisconsin currently has MCLs for two PFAS - PFOA and PFOS - which are 70 parts per trillion (ppt) either individually or combined. (effective Aug.1,2022)
- DHS has issued drinking water health advisory levels for 18 PFAS.
- EPA has proposed to reduce these MCLS to 4 ppt for PFOA and PFOS in the spring 2024
- For the other four PFAS, the EPA proposes using a “hazard index,” a tool for addressing cumulative risks of mixtures of chemicals. If Hazard index >1, MCL is exceeded.



# Hazard Index (HI)

Abbreviated Name	CAS No	Concentration (ng L <sup>-1</sup> or PPT)	
<b>Drinking Water</b>			
PFOA	335-67-1	70	*, **
PFOS	1763-23-1	70	*, **
<b>Surface Water</b>			
PFOS	335-67-1	8	*
PFOA	1763-23-1	20 or 95	*, ***
<b>Groundwater</b>			
PFOA	335-67-1	20	**
PFOS	1763-23-1	20	**
FOSA	754-91-6	20	**
NEtFOSA	4151-50-2	20	**
NEtFOSAA	2991-50-6	20	**
NetFOSE	1692-99-2	20	**
PFNA	375-95-1	30	
PFHxS	355-46-4	40	
HFPO-DA	62037-80-3	300	
PFDA	335-76-2	300	
PFDoA	307-55-1	500	
DONA	919005-14-4	3000	
PFUnA	2058-94-8	3000	
PFBA	375-22-4	10000	
PFTeA	376-06-7	10000	
PFHxA	307-24-4	150000	
PFODA	16517-11-6	400000	
PFBS	375-73-5	450000	

\* enforceable

\*\* combined total

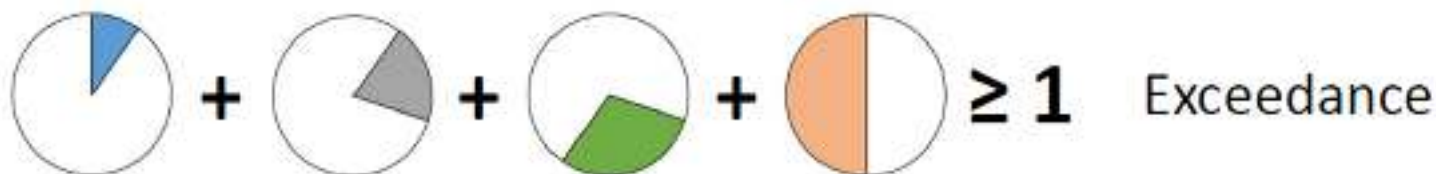
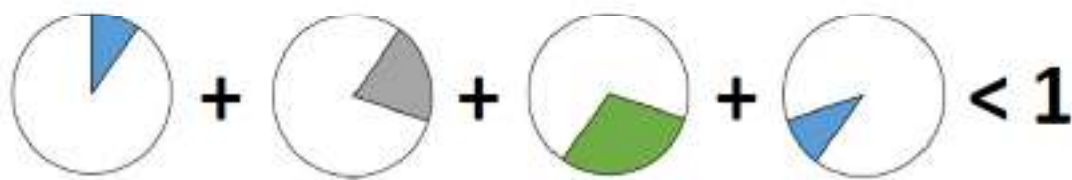
\*\*\* if the water is intended for public water use than the lower standard applies

- Recommended calculation by the Wisconsin Department of Health Services (DHS)
- Recognizes that most exposures are to a mix of chemicals
- While no individual chemical may be above their recommended health guideline, the mix may still prove harmful
- WI – we test for 33 different PFAS chemicals, DHS recommended guidelines for 18, Federal and state regulates 2



# Hazard Index (HI) Part 2

- Formal calculation:  $HI = \sum_{i=1}^n \frac{PFAS\ Results_i}{PFAS\ Limit_i}$
- The sum of the ratios between the found concentration and the maximum allowable concentration of all analytes
- Anything above a 1 is considered an exceedance





# What are PFAS hot spots?

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- Military facilities where fire fighting foam is used
- Factories that manufacture products containing PFAS
- Biosolids disposal areas
- Wastewater Treatment Plants



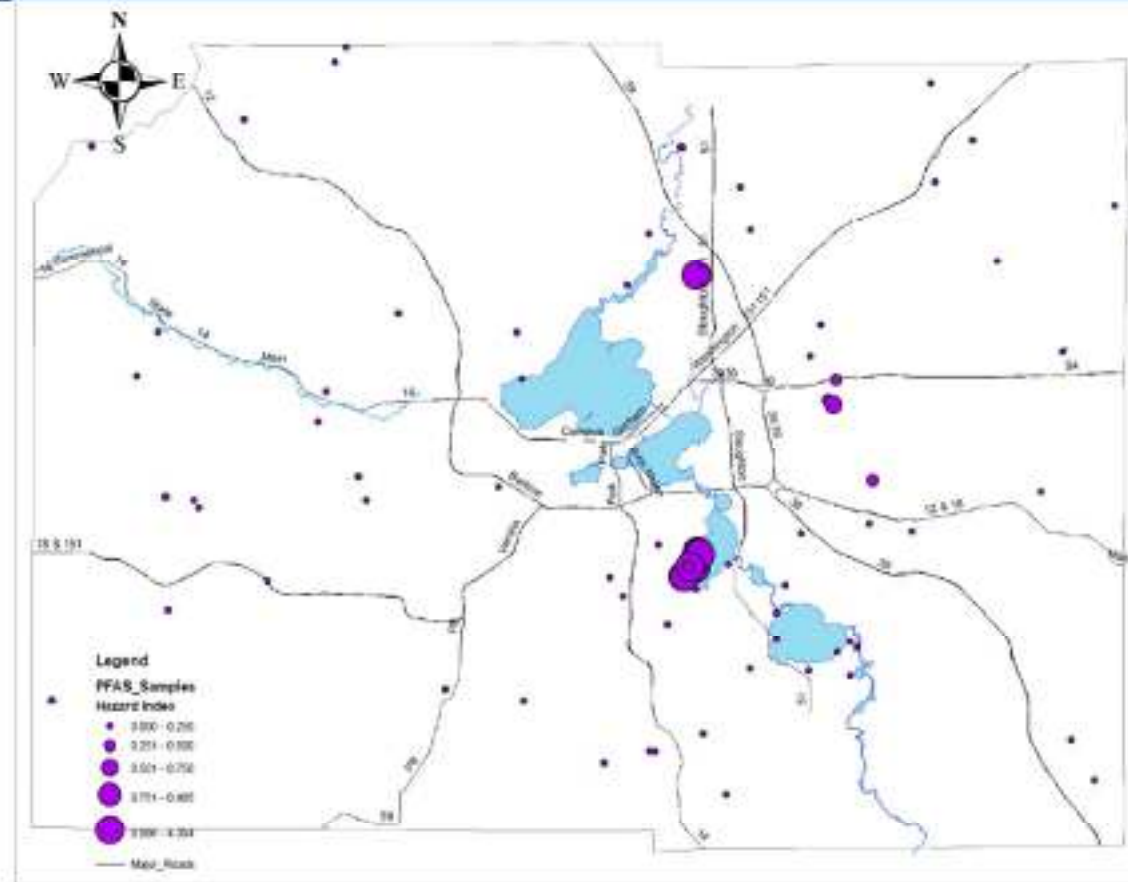
# Where has PFAS been found in Private Wells in Dane Co.?

- Dane County Department of Public Health monitoring private wells for PFAS since June 2023
  - ~ 100 samples collected and expect to collect 150 more before the program ends in June 2024.
  - 18 well samples Health index >1
  - Primarily clustered around Waubesa Beach area in Town of Dunn & 1 North of DCRA

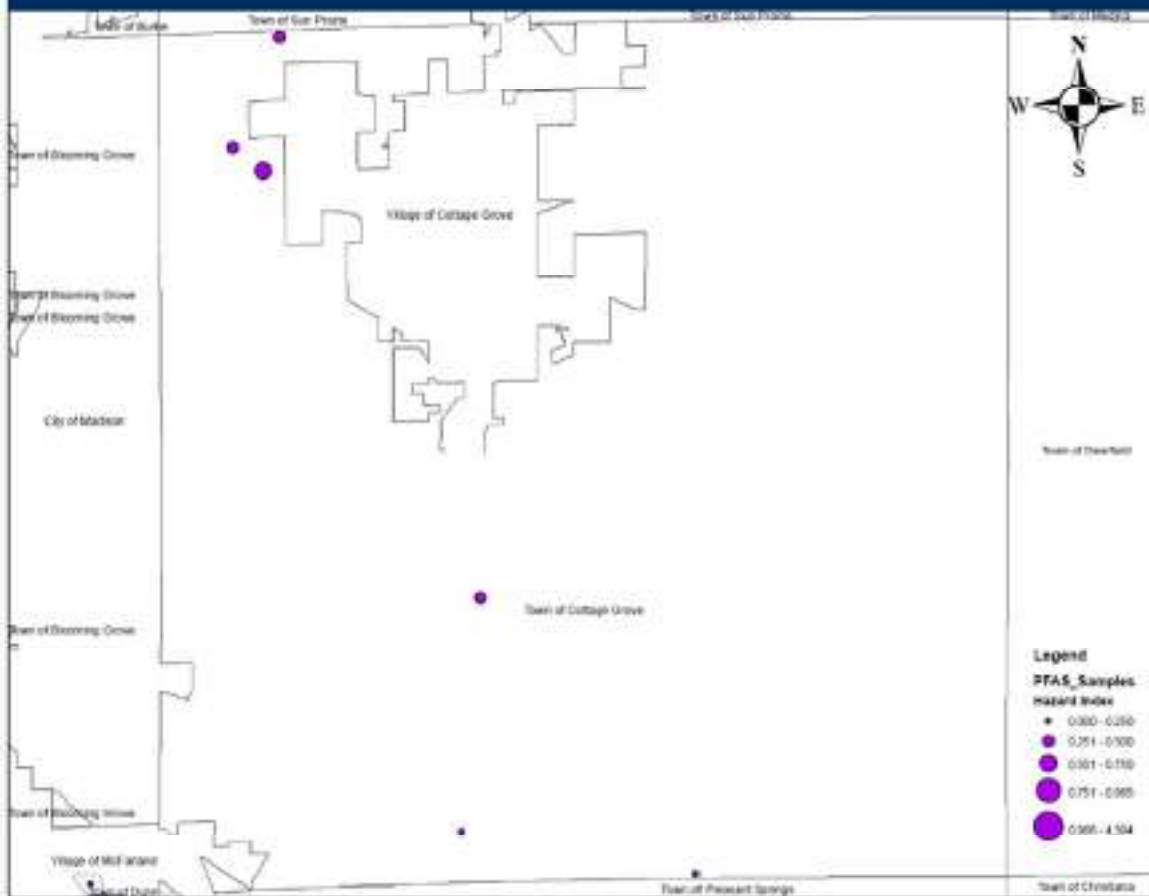


# Results around Dane County

- 122 samples as of 01/15/2024
- 29 of 35 townships has at least one sample
- 21 exceedances
  - Primarily in Town of Dunn near West shore of Lake Waubesa
  - Outlier in Town of Burke north of Dane County Airport



# Results from Town of Cottage Grove



- 6 samples as of 01/15/2024
- No exceedances
- HI range: 0.08 to 0.55

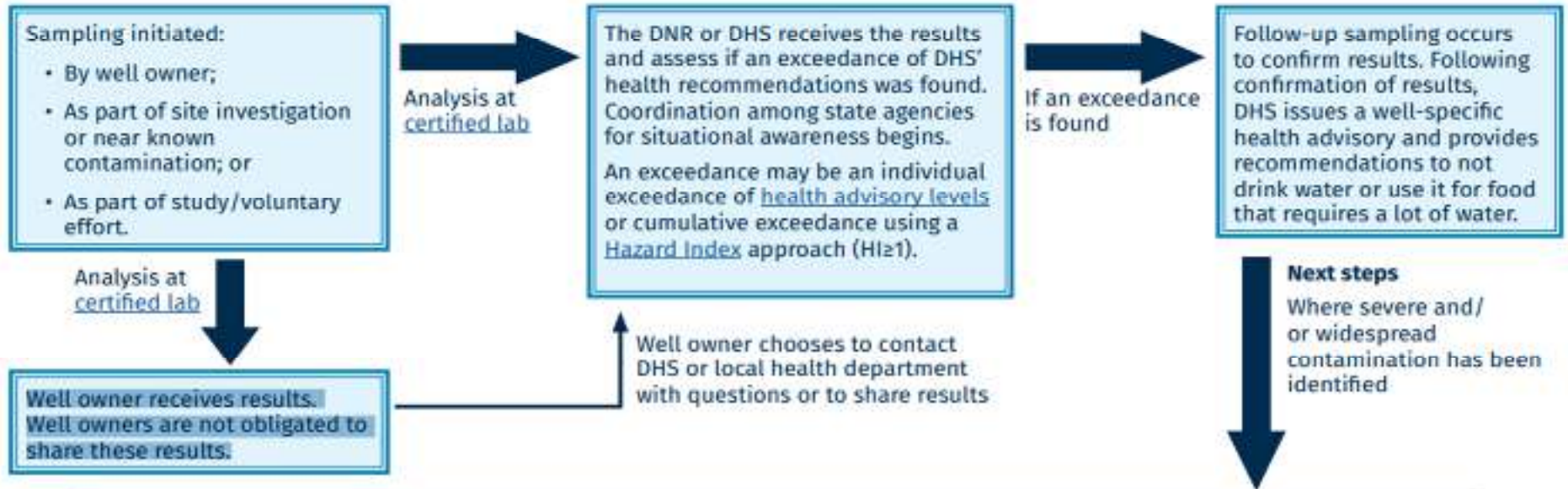


# Dane County Hotspots



# Privat Well Sampling

## Sampling Private Wells for PFAS - Process and Follow-up Actions



## Potential actions that state and local government may take to address contamination

State agencies may have limited authority to assist with these actions

### Immediate Actions

- Identify immediate response actions.  
*State Point of Contact: Wisconsin Emergency Management (WEM)*
- Communicate risks to potentially impacted community members.  
*State Point of Contact: DHS*

### Interim Actions

- Determine if more sampling is warranted.  
*State Point of Contact: DNR*
- Identify options for safe temporary and/or long-term water.  
*State Point of Contact: DNR*
- Communicate interim actions to reduce health risks.  
*State Point of Contact: DHS*

### Long-Term Actions

- Community works to determine the likely source(s) of contamination. It may not be possible to identify a source.  
*State Point of Contact: DNR*
- Assess feasibility and interest in public infrastructure projects.  
*State Point of Contact: DNR*





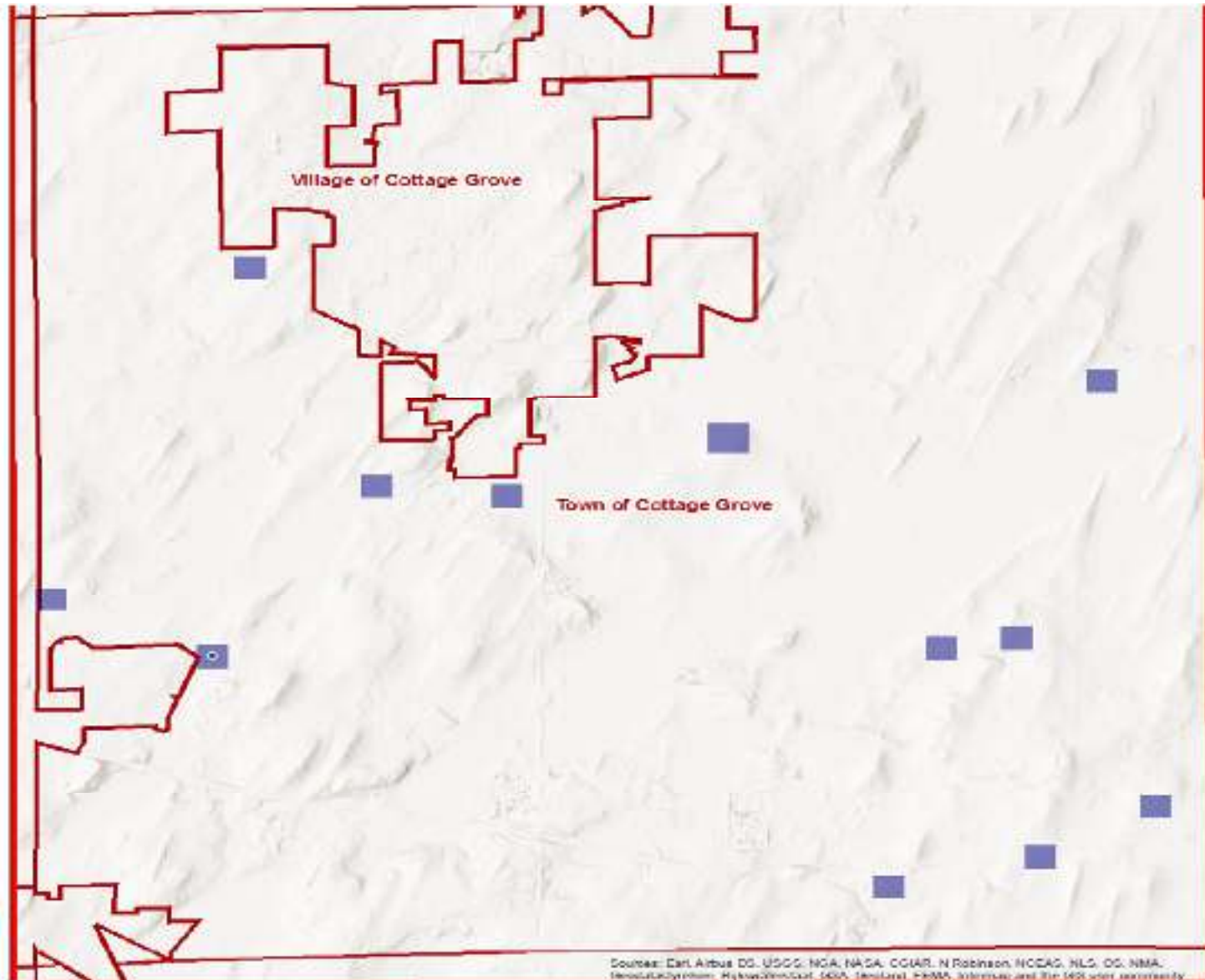
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# Town of Cottage Grove Metrogro sites (12)





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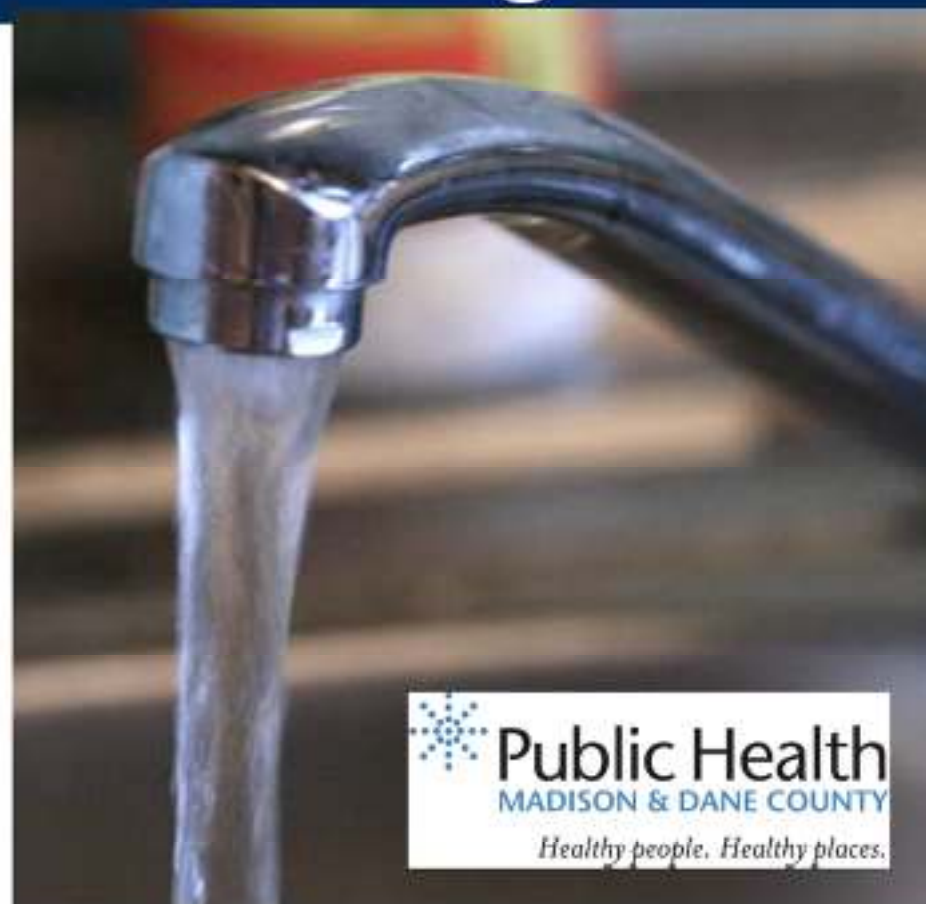
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# Issues/Concerns/Questions???



TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
FEBRUARY 19, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, Attorney William Cole and Deputy Eric Miller. EMS Chief Eric Lang was present virtually.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting(s):
  - 1. February 5, 2024: **MOTION** by Williams/DuPlayee to approve the minutes as printed. **MOTION CARRIED 5-0.**
  - 2. January 2, 2024 (reconsider due to citizen request to correct error): **MOTION** by Williams/Anders to clarify that Michelle Schmidt read the following from the February 1, 2021 Town Board Minutes: "...any further development south or west of Skaar Road or west of Skarstinden Road will trigger full improvement of Skaar Road...) **MOTION CARRIED 5-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #36822-36910 and EFTs in the amount of \$14,083.80 (this EFT amount is a correction to what was shown on the report presented at the meeting by the Treasurer, which included a duplicate transaction in error. This should be confirmed when these minutes are approved). **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of \$1,121.80 to General Engineering for January Building Permits. **MOTION CARRIED 5-0.**
  - 3. The Treasurer noted that after discussing it with the auditors, she re-arranged the January Financial Statement to take annual contributions to the Emergency Services Building Repair Fund and Pleasant Springs proceeds fund out of the budget as expenses and move them to the other expense area at the bottom of the report.
- F. Public Concerns: None.

II. BUSINESS

- A. Review January Police Activities: The monthly report showed 288 calls for service and 150 citations issued in January. Deputy Miller said they have been seeing a rise in crimes of opportunity, and reminded citizens to lock their homes and cars, keep garage doors closed, and not leave running vehicles unlocked. Fraud reports are also up, and Deputy Miller warned that no law enforcement agency will call and demand any kind of payment by credit card. He also cautioned against clicking on links in unexpected emails. Deputy Shotliff will begin working for the Town next week.
- B. Discuss/Consider approval of a Parade or Race permit for the Hot2Trot Cottage Grove Run on June 15, 2024: Event organizer Cynthia Kelm-Nelson was present and noted that she had the wrong date (June 17<sup>th</sup>) on the application. No changes are planned compared to previous years. Plans to contract services from Deer-Grove EMS were indicated in a cover email. **MOTION** by Williams/DuPlayee to approve the permit and waive the fee and deposit as was done in previous years due to the charitable nature of the event. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
FEBRUARY 19, 2024

- C. Discuss/Consider who will conduct the Inventory Phase of the WisDOT Local Structures 6-20 feet Inventory and Assessment Program: Communication from WisDOT offered three options for completion of the Inventory Phase: Use the Town's staff, coordinate with the County, or contract with a private-sector agency. The County has indicated they are unable to assist. Dresen has already completed a training webinar and did not see any reason why staff could not complete the Inventory Phase. **MOTION** by DuPlayee/Williams to direct the Highway Superintendent to conduct the Inventory Phase, including notification of this choice to the County Highway Commissioner by April 15, 2024 and completing the project by December 31, 2024. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of Memorandum of Agreement (MOA) for the 2024 Fly Dane program: Atty. Cole recommended conditioning approval of the MOA on seeing proof from the County that the County will own the copyright to the Fly Dane Data, and/or have the right to license it to the Town. Hampton also noted that the MOA lists all 36 sections of the Town, but several sections are majorly in the Village. **MOTION** by Anders/DuPlayee to approve the MOA conditioned on obtaining proof of copyright ownership as recommended by Atty. Cole. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of adding an Anti-Ice System to the equipment package for the 2024 F-550: **MOTION** by DuPlayee/Anders to approve the Anti-Ice System at a cost of \$3,407.00. The loan for the 2024 F-550 should be increased by this amount. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: Two permits have been issued to Alliant Energy since the last meeting: new service to a shed at 3863 Vilas Hope Road, and service for two new lots on Skarstinden Road.
- B. Selection of the date for Road Inspections and approval for Dresen to attend the WTA Road School on April 30-May 1<sup>st</sup> should be on the next agenda.

IV. CLERK-TREASURER'S OFFICE UPDATE: She asked Board members to start thinking about possible alternate dates for the April 1<sup>st</sup> and November 4<sup>th</sup> Town Board meetings, the nights prior to the Spring and General Elections, as it is difficult to prepare for a meeting and set up for the election simultaneously.

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton said the next landfill negotiation meeting is next Wednesday.
- B. Williams reported that the Chamber of Commerce has 219 members with \$92,000 in assets. Leadership is doing a great job of uniting the community. The annual dinner will be a Luau at Doundrins Distilling on March 8<sup>th</sup>, tickets are \$50 each. Other events such as the Cottage Grove Scramble, Marketplace Days and Christmas in the Grove are seeing good results. Williams encouraged everyone to sign up for their Community Connections newsletter.

VI. COMMITTEE REPORTS:

- A. Emergency Government Committee: Fonger reported that the committee reviewed the contacts portion of the SOP at their February meeting.
- B. Deer-Grove EMS Commission: The revised IGA was approved, there have been two new hires and the return of a prior paramedic who is commuting from Minnesota.

VII. Consider/Adopt motion to convene in Closed Session Pursuant to Wisconsin Statute Section 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
FEBRUARY 19, 2024

funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Development Agreement with Skaar Pit, LLC.): **MOTION** by DuPlayee/Williams to convene in closed session for the reason stated above. **MOTION CARRIED 5-0 by roll call vote.** The Town Board, Clerk-Treasurer and Atty. Cole remained, everyone else left, the door was locked, the virtual meeting was locked and recording was suspended. The closed session began at 7:39 P.M.

- VIII. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by DuPlayee/Williams to reconvene to open session. **MOTION CARRIED 5-0 by roll call vote.** The closed session ended at 8:11 P.M. The door and virtual meeting were unlocked and recording was resumed. There was no action as a result of the closed session.
- IX. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:12 P.M.

Kim Banigan, Clerk-Treasurer  
Approved 03-04-2024

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
MARCH 4, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Deputy Clerk Amber Steele, and Highway Superintendent Dan Dresen. Town Supervisor Kristi Williams was absent.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting:
  - 1. **MOTION** by DuPlayee/Anders to approve the minutes as printed, with the correction made at the previous meeting under Finance Report and Approval of Bills. **MOTION CARRIED 4-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #36911-36954 with check 36940 voided and EFTs in the amount of \$25,332.85. **MOTION CARRIED 4-0.**
  - 2. **MOTION** by Anders/Fonger to approve payment of February per diems as presented. **MOTION CARRIED 4-0.**
  - 3. The Clerk-Treasurer noted that all loan payments were due March 15<sup>th</sup> and will be paid via bank transfer. Quotes are needed to finance new Ford F550 truck, the board recommended getting quotes from all 4 local banks.
- F. Public Concerns: None.

II. BUSINESS

- A. Plan Commission Recommendations: Travis Leeser, petitioner, John Donlon/Tracy Teske, property owners, parcels 0711-231-9500-1, 0711-242-9120-8, 0711-231-9800-8 and 0711-231-8140-9 at 3685 Ridge Road: DCPREZ 2024-12018 petition to restructure/rezone 4 parcels into 2 lots to correct an illegal parcel per Dane County: 20.54 acres from FP-35 to FP-1, 2.46 acres from RR-2 to RR-16, 9.6 acres from FP-1 to RR-16. Leeser was unable to attend the meeting. **MOTION** by Anders/DuPlayee to accept the Plan Commission recommendation to approve the rezone as presented, noting that the residential parcel exceeds 2 acres due to topography. Ridge Road right-of-way should be dedicated to the Town with the CSM. **MOTION CARRIED 4-0.**
- B. Presentation by MetroGro about the spreading of biosolids on farm land in the Town. Ecosystems Services Director Martye Griffen, Biosolids Specialist and Agronomist Zac Thompson, and MetroGro Operations Supervisor Ross Hollfelder spoke about the program. They shared that MetroGro is a Class B operation which is regulated by the DNR. The product is treated to remove pathogens before application. Free well testing for bacteria and nitrates is available for houses within 1000 feet of an application site upon request. PFAS were discussed. MetroGro is considered a pass-through source of PFAS. Chuck Nahn, attending virtually, asked if MetroGro does well sampling for PFAS. They do not, however Public Health of Madison and Dane County does offer PFAS testing. Nahn also asked who pays for MetroGro. The response was that it is a free service provided to farmers. Griffen discussed PFAS further, stating that it is a topic that is being extensively researched to understand how they move and the potential for contamination of water, soil, and crops. It is something MetroGro tests their product for, and he reported they are under the allowable amount set by the DNR. Hampton asked about accumulation in soil with multiple applications

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
MARCH 4, 2024

leading to potential well contamination. Kevin Shelly, 1764 US Hwy 12&18, asked if MetroGro could increase the amount of potassium in their product. He was told they could not. Kathy Eccles, 3267 Field View lane, spoke about her well being contaminated. She requested testing from MetroGro. The results came back that the nitrates in her well are too high and that she can no longer drink her water. She asked if MetroGro could help and they responded they do not offer any remediation. Shelly spoke again, stating that he has explored many other biosolid operations in his line of work and is very impressed with how MetroGro is run. He noted the importance of recycling our waste and said that while PFAS are a concern, they need to be kept out of the ecosystem at the source.

- C. Discuss/Consider approval of a Parade or Race Permit for Andrew Haring, Applicant representing Greywolf Foundation to conduct a charitable half-marathon affecting Town road crossings of the Glacial Drumlin Trail on April 13, 2024. Andrew Haring attended the meeting virtually. **MOTION** by DuPlayee/Anders to approve the permit and waive the fee and deposit as was done in previous years due to the charitable nature of the event. **MOTION CARRIED 4-0.**
- D. Discuss/Consider approval of a 3-lot Certified Survey Map for Jeff Schlieckau on Gala Way (DCPREZ 12009 approved 12/04/2023). Lots 1 and 2 are home sites, lot 3 is deed restricted NR-C. Anders asked where the driveways will be, it was noted they will be on Gala Way. **MOTION** by Anders/DuPlayee to approve CSM dated 8/10/2023 map number 22W-237. **MOTION CARRIED 4-0.**
- E. Discuss/Consider agreement with Dane County for 2024/2025 Municipal Bridge Inspections. Dresen stated the number of bridges was correct and that it included Baxter Rd. Inspections to take place next year. Discussion about the settling of the bridge on Femrite Rd. led to realization that the Town is only responsible for half the cost of that inspection due to annexation by Madison. The Clerk will look into getting the cost reduced. **MOTION** by Anders/DuPlayee to approve Bridge Inspections. **MOTION CARRIED 4-0.**
- F. Discuss/Consider approval for the Highway Superintendent to attend the WTA Road School on April 30-May 1. **MOTION** by DuPlayee/Fonger to approve. **MOTION CARRIED 4-0.**
- G. Discuss/Consider approval of online banking access for Deputy Clerk Jennifer Millage. **MOTION** by DuPlayee/Anders to approve. **MOTION CARRIED 4-0.**
- H. Discuss/Consider alternative plans/dates for the Town Board Meetings scheduled for April 1 and November 4, 2024. No good alternative dates were found. Banigan said she would cut off bill entry on Friday before the meeting to make the current dates work. The meeting room will be set up for elections and there will be limited seating available for the meetings.
- I. Set date for annual road and park inspection. To be held Friday April 5<sup>th</sup> at 10am.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: None issued since last meeting.
- B. Dresen reported the bunker is set up to start receiving compost materials. It will be open starting Monday March 11<sup>th</sup>. Talks have started with Waste Management to set up this year's E-Cycle event. Tentative dates are April 29<sup>th</sup> through May 5<sup>th</sup>.

IV. CLERK-TREASURER'S OFFICE UPDATE:

- A. Banigan reported the Spring Primary election went well. There were 276 total voters, 125 of which were absentee. She calculated that it cost the Town \$7.54 per ballot cast, with \$121 spent on ballots that were not returned.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
MARCH 4, 2024

- B. Board of Review is scheduled for April 25<sup>th</sup> from 7pm to 9pm. Open book will be held April 9<sup>th</sup> from 11am to 1pm. Associated Appraisals had requested to conduct this by phone, however the Board agreed that it should be held in person.

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton said there is a public informational meeting regarding the new Dane County landfill on Wednesday March 6<sup>th</sup> at 4pm. He shared a map showing areas A, B, and C where residents are being reimbursed by the landfill and noted there are 2 Town residents living in area A.
- B. Fonger said the Lions purchased boxes to collect flags needing disposal. They will set one up at the Town Hall.

VI. COMMITTEE REPORTS:

- A. Emergency Government Committee: Fonger reported that there will be no Emergency Government Meeting in March.
- B. Cottage Grove Fire Commission: There are concerns regarding increased calls to support EMS. Consensus was that the EMS and Fire Chiefs will need to have a meeting and work it out together.

VII. Adjournment: **MOTION** by DuPlayee/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:24 P.M.

Amber Steele, Deputy Clerk  
Approved 03-18-2024

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
MARCH 18, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Town Chair Kris Hampton and Supervisors Mike Fonger and Mike DuPlayee attended in person, Supervisors Steve Anders and Kristi Williams attended virtually (Williams arrived at 7:02 p.m.) Clerk-Treasurer Kim Banigan and Highway Superintendent Dan Dresen were also present.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting: **MOTION** by DuPlayee/Fonger to approve the minutes of the March 4, 2024 meeting as printed. **MOTION CARRIED 4-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #36955-37002 and EFTs in the amount of \$254,433.30. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of \$1,261.00 to General Engineering for February building permits. **MOTION CARRIED 5-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Review February Police Activities: Deputy Eric Miller was present virtually, and did not have any significant issues to report. The monthly report showed 404 calls for service and 191 citations issued.
- B. Discuss/Consider Town Roads as ATV/UTV routes: Mike Northouse had provided a map of suggested routes east of CTH N, along with a suggested ordinance. He said the club is working on an application to Dane County for CTHs BB and BN. The Club would take care of the signage, working with Dresen in locating the signs. Hampton asked Northouse to speak to the two serious (one fatal) accidents in Wisconsin this past weekend involving ATV/UTVs on public roads. Northouse stated that they were in fact accidents, one was not wearing a seatbelt and alcohol is believed to have been involved. He did not know the details of the other accident. DuPlayee asked how many people Northouse thought would utilize our Town roads. Northouse thought it would be mainly locals. Deerfield Town Chair told him they see minimal activity on their roads. Matt Mabie, 2108 Uphoff Road, noted that with the mild winter we just had, ATV/UTV routes probably saved businesses up north that are usually dependent on snowmobilers for business. Bill Blaska of the Quad County Runners said that ATV/UTVs combined with motorcycles generate \$1.1 billion in Wisconsin. He said that Dodge and Jefferson Counties have all town and county roads open. ATV/UTVs would have lights and turn signals, seatbelts, and be plated/registered. UTVs have roll cages. Hampton expressed concerns that stock tires are not built for hard surfaces, Blaska said the soft tires are an advantage because they are less aggressive. DuPlayee expressed his opposition, Fonger stated he was in favor and thought it was time to take a vote. Anders asked what the harm would be in trying out routes. Northouse pointed out a provision in the proposed ordinance that allows the Town to undo the routes at any time. There was discussion about the fact that Schadel Road is split down the middle between the Towns of Cottage Grove and Pleasant Springs at the Town line, and Pleasant Springs has not adopted ATV/UTV routes yet, which led to thoughts that routes should be restricted to north of US Hwy 12/18. Williams said she has gone back and forth in her thoughts about this issue. She found the public information meeting held here in November to be very informative, but the recent accidents have renewed

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
MARCH 18, 2024

some of her concerns. She pointed out some portions of the proposed ordinance that do not apply to the Town of Cottage Grove. She said she could support a 6-month trial if the Town Attorney drafted an ordinance in the best interest of the Town. **MOTION** by Fonger/Anders to move forward with sending the draft ordinance to the Town Attorney to revise with the Town's interest in mind, with routes limited to east of CTH N and north of US Hwy 12/18, and schedule a public hearing for April 15<sup>th</sup>. **MOTION CARRIED 5-0.**

- C. Discuss/Consider agenda items for Annual Town Meeting: In addition to the usual presentation of the annual financial statements, suggested topics were an update from the Dane County Sheriff's office, including speed boards, and a presentation from Dane County Public Health regarding maintenance and testing options for private wells and septic systems.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: None issued since last meeting. With the nice weather, restoration is getting done for some of the prior permits.
- B. The crew has been working on shouldering, mainly on the west side of the Town. A Pre-construction meeting for the Vilas Road culvert replacement project was held last week. Message boards will go up next week to let motorists know that Vilas Road will be closed from Coffeytown to Bass Road from April 1<sup>st</sup> through May 3<sup>rd</sup>. Banigan said a similar notice will be posted on the website and Facebook page. The contractor will take care of notifying Nelson Bus, Fire and EMS.

IV. CLERK-TREASURER'S OFFICE UPDATE:

- A. Banigan reported that absentee voting in the Clerk's office for the Spring Election begins tomorrow.

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton said three Town residents attended the public hearing for the new County Landfill site. They were primarily interested in compensation, which the committee is working on.

VI. COMMITTEE REPORTS: None.

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

Kim Banigan, Clerk-Treasurer  
Approved 04/15/2024

TOWN OF COTTAGE GROVE  
ROAD AND PARK INSPECTION MINUTES  
APRIL 5, 2024

- I. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Steve Anders, Kristi Williams and Mike DuPlayee were present, Highway Superintendent Dan Dresen.
- II. Hampton called the meeting to order at 10:00 A.M. and the group toured to inspect Town Roads and Parks until 11:35 A.M. They also looked at the project in progress to replace the large culvert on Vilas Road.
- III. Roads were inspected considering the following planned maintenance activities
  - A. Hotmix Overlay Roads:
    - Uphoff Rd.
    - Laudon Rd.
    - Buckley Ridge Rd.
    - Rathert Rd.
    - Myer Rd.
  - B. Chip Seal Roads:
    - American Heritage Subdivision
    - Ravenwood Subdivision
    - Vilas Rd. by Hwy 12/19
  - C. Roads to be Crack filled:
    - Ravenwood Subdivision
    - Meadow Grove Subdivision
    - Vilas Rd. by Hwy 12/18
    - Vilas Hope Rd. – South End
    - Hubred Ln.
  - D. Roads to have center lines re-stripped:
    - Femrite Rd.
    - Vilas Rd. between Bass Rd. and Clark St.
    - Coffeytown Rd. between Hwy N and Vilas Rd.

IV. **MOTION** by DuPlayee, 2<sup>nd</sup> by K. Williams at 11:45 A.M.

Submitted by Kris Hampton, typed by Clerk-Treasurer Kim Banigan.

Approved 04/15/2024

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
APRIL 15, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were in attendance. Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, Attorney William Cole and Deputy Eric Miller were also present.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting:
  - 1. **MOTION** by Williams/DuPlayee to approve the minutes of the March 18, 2024 meeting as printed. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve the minutes of the April 5, 2024 Road and Park inspection as presented. **MOTION CARRIED 4-0-1** (Fonger abstained).
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #37002-37052 and EFTs in the amount of \$37,214.45. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve March per diems as presented, and payment of \$2,751.00 to General Engineering for March building permits. **MOTION CARRIED 5-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Review March Police Activities: The monthly report showed 442 calls for service and 258 citations issued, mainly for speeding. Deputy Miller said they have been putting enforcement emphasis on the Hupmobile Rd / Crestwood Drive area which is seeing a lot of traffic due to the Vilas Road closure. He is planning a child passenger seat technician event, by appointment only, from 3-6 pm on Monday, June 17<sup>th</sup>, and hopes to have representatives of other law enforcement divisions there as well. He reminded everyone to close garage doors, lock vehicles, and do not click on stuff you don't recognize or expect. He also reported that a FLOCK camera has been installed on CTH BB at Myer Road. These camaras capture license plate numbers to assist with missing person and stolen vehicle alerts.
- B. Review proposed revision to the Town Code of Ordinances, and set date for a public hearing:
  - 1. Section 04.07 Fire Protection within Building – Knox Box – Consensus was the revisions looked good.
  - 2. Section 09.097 All-Terrain Vehicles and Utility Terrain Vehicles – The draft prepared by Atty. Cole would limit ATV/UTVs to roads with speed limits of 35 mph or lower. Discussion was that the intent was to allow them on all Town roads east of CTH N and North of US Hwy 12/18. Atty. Cole will look at the statute again and make this change if allowed. Mike Northouse, 3882 Laudon Road, and Matt Haugen, 3784 W. Jargo Road, were present, and requested that Deerfield Road south of US Hwy 12/18 be added, which would allow traffic to get to the Town of Christiana. Atty. Cole will include this in the next draft.
  - 3. Chapter 12 – Uniform Building Code: The revisions had been provided by General Engineering Company. Atty. Cole will review them.

TOWN OF COTTAGE GROVE  
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4. Chapter 15 – Land Division and Planning Code, sections 15.04(2)(b) and 15.13(2)(a): the revisions were considered acceptable.

Consensus was to hold a public hearing on May 6<sup>th</sup> for Section 04.07 Fire Protection within Building – Knox Box and Chapter 15 – Land Division and Planning Code, sections 15.04(2)(b) and 15.13(2)(a), and put them both on the May 6<sup>th</sup> Town Board agenda for approval.

- C. Discuss/Consider options for replacement of 2010 Patrol Truck in 2025: Dresen reported that Lakeside International has told him they will not have any trucks available in 2025. I-State Truck Center has two Western Star trucks available this year at \$134,029 (chassis only). He has also reached out to Peterbilt but not gotten a response. Burke Truck has offered that they could get started on the box when the truck arrives this year but there would be no charge until 2025. **MOTION** by Anders/Williams to speak for a Western Star chassis not to exceed \$135,500 to be paid using Unassigned Funds in 2024. **MOTION CARRIED 5-0.** Dresen will continue to pursue Peterbilt and Mack for other options as well.
- D. Discuss/Consider 2024 Road Maintenance Projects and set dates for bid opening and awarding of bids: **MOTION** by Hampton/DuPlayee to bid out all projects on the list provided at the annual road inspection, set the bid opening for May 7<sup>th</sup> at 10:00 A.M. and awarding of bids at the May 20<sup>th</sup> Town Board meeting. **MOTION CARRIED 5-0.**
- E. Discuss/Consider using Unassigned Funds to pay for the 2024 F-550 rather than taking out a loan: The Clerk-Treasurer reported that the draft of the 2023 audit is showing an unassigned fund balance of \$1,647,562, which exceeds the Town's policy on maintaining unassigned funds at 20 – 25% of the current year's budgeted expenditures by around \$500,000. **MOTION** by Fonger/DuPlayee to finance the 2024 F-550 using Unassigned Funds instead of taking out a loan. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: Alliant was issued a permit to move a gas line that was found during the Vilas Road culvert replacement project.
- B. The Perma seal of the Town Hall roof by Great Lakes Roofing is in progress. The crew has begun mowing parks, and are half done with shouldering projects. The Town of Burke has offered excess shingles that were donated to them, Dresen will pursue this. In a recent meeting with Village staff, Dresen and Hampton learned that the Village wants to annex the right-of-way of Clark Street and nearby portions of Vilas Road to clean up the checker box of Town and Village controlled roadway. They will need to work with landowners who still own to the center of the road. Hampton would look for reimbursement of the \$5,500 that the Town paid for new signal arms at the railroad crossing back in 2009. The Village also plans to annex their pumping station at 4195 Vilas Road, and County BB in front of the Glacial Drumlin school.

IV. CLERK-TREASURER'S OFFICE UPDATE:

- A. Banigan reported that the Spring Election went well, as did the recount for County Supervisor District 36.

V. BOARD REPORTS AND COMMUNICATIONS: None.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: One of the ambulances is having electronic issues. Anders gave kudos to the crew who handled the recent difficult incident in the Town of Albion.

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- B. Joint Town/Village Landfill Committee: Business as usual.
- C. Cottage Grove Fire District Commission: Ladder 1 had a hydraulic leak repaired.
- VII. Consider/Adopt motion to convene in Closed Session Pursuant to Wisconsin Statute Section 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Development Agreement with Skaar Pit, LLC.): **MOTION** by DuPlayee/Williams to convene in closed session for the reason stated above. **MOTION CARRIED 5-0 by roll call vote.** Town Board members, the Clerk-Treasurer and Atty. Cole remained; everyone else left, the door and virtual meeting were locked and recording was suspended. The closed session began at 8:06 P.M.
- VIII. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Anders/DuPlayee to reconvene in open session. **MOTION CARRIED 5-0 by roll call vote.** The closed session ended at 8:33 P.M., the door and virtual meeting were opened and recording was resumed. There was no action taken as a result of the closed session.
- IX. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:34 P.M.

Kim Banigan, Clerk-Treasurer  
Approved 05-06-2024

PUBLIC HEARING FOR ORDINANCE AMENDMENTS

- I. Notice of the public hearing was posted on April 29<sup>th</sup> at the Town Hall and on the Town's website and Facebook page. Town Chair Kris Hampton and Supervisors Kristi Williams and Mike DuPlayee were in attendance. Clerk-Treasurer Kim Banigan, and Highway Superintendent Dan Dresen were also present, along with those who signed in on the roster available at the Town Clerk-Treasurer's office.
- II. Hampton called the public hearing to order, and asked if there were any questions or comments about the proposed amendments to Section 04.07 Fire Protection within Building – Knox Box or Chapter 15 – Land Division and Planning code. There were none.
- III. **MOTION** by Williams/DuPlayee to close the public hearing. **MOTION CARRIED 3-0.**

TOWN BOARD MEETING

- I. ADMINISTRATIVE
  - A. Notice of the meeting was posted at the Town Hall and on the Town's website. Attendance was as listed for the public hearing above.
  - B. Hampton called the meeting to order at 7:01 P.M.
  - C. Flag Pledge.
  - D. Discuss/Consider approval of minutes of previous meeting: **MOTION** by Williams/DuPlayee to approve the minutes of the April 15, 2024 meeting as printed. **MOTION CARRIED 3-0.**
  - E. Finance Report and Approval of Bills:
    1. **MOTION** by DuPlayee/Williams to approve checks #37053-37117 (check #37116 is voided) and EFTs in the amount of \$37,265.43. **MOTION CARRIED 3-0.**
    2. **MOTION** by Williams/DuPlayee to approve April per diems as presented. **MOTION CARRIED 3-0.**
  - F. Public Concerns: Monona Grove School District Student Representative Krishna Euwelle described the rooftop solar array on the Monona Grove High School building, stating that it is the largest one on a K-12 building in the State of Wisconsin, and is generating interest by other school districts in similar projects. He said it provides 50% of the building's energy needs, was financed without any additional taxes and they expect to save \$1.5 million over the next 30 years. Projects under consideration for other buildings in the district could result in savings of \$6.42 million over the next 40 years.
- II. BUSINESS
  - A. Plan Commission Recommendations:
    1. Mary Wick, petitioner, Mary Wick & James Schmidt, property owners: DCPREZ-2024-12053 to consolidate parcels 0711-243-9010-0 (2.60 acres zoned RR-2 at 1784 Leon Lane), 0711-243-9040-4 (3.48 acres zoned RR-2 at 1788 Leon Lane) and .49 acres from parcel 0711-243-9000-2 (26.84 acres zoned FP-35) into a single 6.5-acre lot zoned RR-4 to allow for requirements for solar panel installation and to square off lot with adjacent farmland. **MOTION** by Williams/DuPlayee to accept the Plan Commission's recommendation to consolidate and rezone 6.08 acres from RR-2 and .49 acres from FP-1 a single 6.57-acre lot zoned RR-4, to allow for solar installation on the same lot as the house, and to square off the lot. **MOTION CARRIED 3-0.**

2. John & Toni Skala, petitioners, Ben & Gwen Specht, property owners: DCPREZ-2024-12040 to divide parcel 0711-042-8290-7 at 2546 Gaston Road (2.56 acres zoned RR-2) into two lots, one to be 1.83 acres zoned RR-1 with the existing home, and a new SFR-08 lot zoned .73 acres for a new home: Williams questioned the location of the driveway for the new lot. Hampton referred to a stopping sight distance evaluation by Burse Surveying & Engineering that found the sight distance to be sufficient. **MOTION** by Williams/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 2.56 acres from RR-2 to 1.83 acres zoned RR-1 and .73 acres zoned SFR-08 to create a new home site. Gaston Road right-of-way shall be dedicated to the public. No RDU will be needed for the new lot since the property is within ¼ mile of the Village of Cottage Grove boundary and the original lot was created prior to 01/01/1981, as per items 3. and 5. under *Relationship to the Town's TDR Program* in Figure 8 of the Visions and Directions volume of the Town's Comprehensive Plan. **MOTION CARRIED 3-0.**
3. David Riesop, petitioner, Kennedy Hills, LLC, property owner: DCPREZ-2024-12048 to rezone 47.6 acres from AT-35 to SFR-08 to create 50 additional residential lots in the Kennedy Hills subdivision: David Dinkel represented Kennedy Hills, and provided measurements made by Mr. Riesop showing that the northern parcel of the proposed subdivision is 1,275.45 feet (less than ¼ mile) from the nearest Village of Cottage Grove property. Kathy Wollschlager, 2170 Independence Cir., asked for clarification that only zoning is being considered now, and that platting will be reviewed later. She is concerned about stormwater runoff and also wanted confirmation that the water table can support that many new homes. Hampton referred to a CARPC report dated 5/21/2018 that he said indicated adequate water and septic sites are available. Krishna Euwell asked about leaching of nitrates and phosphorus. Hampton said in theory there will be less as cropland is converted to lawns. DuPlayee mentioned the wider roads required now as compared to phase 1, and Williams asked if there would be a dedicated bike lane. This will be determined during plat review. **MOTION** by Williams/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 47.6 acres from AT-35 to SFR-08 to create up to 50 additional residential lots in the Kennedy Hills subdivision. Since it has now been established that the northern parcel (#0711-034-9001-0) is within ¼ mile of the nearest Village of Cottage Grove property, no RDUs will need to be transferred for lots on that parcel as per item 3. under *Relationship to the Town's TDR Program* in Figure 8 of the *Visions and Directions* volume of the Town's Comprehensive Plan. Two RDUs (one for each 8 lots) must be transferred for the 12 lots planned for the southern parcel (#0711-101-8502-0). **MOTION CARRIED 3-0.**
- B. Review Non-metallic Mining Permit renewal applications and set date for public hearing: Renewal applications have been received from R.G. Huston Company for the Gaston Quarry at 2543 Gaston Road and the Skaar Pit at 3355 CTH N, and from Lycon, Inc. for the quarry at 2294 US Hwy 12/18. All applications indicated no changes to operations since prior Town approval. **MOTION** by Williams/DuPlayee to schedule a public hearing for the applications on June 3, 2024 at 7:00 P.M. **MOTION CARRIED 3-0.**
- C. Discuss/Consider adoption of Ordinance 2024-05-06 adopting amendments to sections 04.07, 15.04(2)(b) and 15.13(2)(a) of the Town Code of Ordinances: **MOTION** by DuPlayee/Williams to adopt Ordinance 2024-05-06 as presented. **MOTION CARRIED 3-0.**
- D. Review Town Attorney recommended revisions to the Town Code of Ordinances, and set date for a public hearing:

1. Section 09.097 All-Terrain Vehicles and Utility Terrain Vehicles: The ordinance was considered acceptable to move forward. **MOTION** by Williams/Hampton to schedule a public hearing for May 20, 2024 at 7:00 P.M. **MOTION CARRIED 3-0.**
2. Chapter 12 – Uniform Building Code: The ordinance revisions were considered acceptable to move forward. **MOTION** by Hampton/Williams to schedule a public hearing for May 20, 2024 at 7:00 P.M. **MOTION CARRIED 3-0.**
- E. Discuss/Consider the Village of Cottage Grove’s proposed agreement to transfer County Highway BB from Buss Rd. to Damascus Trl. from County to Village Jurisdiction: Hampton stated he is not OK with item 4, which would require County tax dollars to perform maintenance on the road after the Village takes it over. **MOTION** by Hampton/DuPlayee to approve the agreement if item 4. is removed. **MOTION CARRIED 3-0.**
- F. Discuss/Consider approval of Dane County/City of Madison plans to install a sewer line under Luds Lane: Chris Dawson of JSD, which is working with Dane County on plans for the new 9-1-1 center, provided an overview diagram showing Luds Lane ending in a cul-de-sac, with Luds Court extending as access to Copart, and a future re-routing of CTH AB north to Femrite Drive. In the short term, this route will be temporarily created as an emergency egress route to Femrite Drive from Luds Lane. Board members expressed distaste with re-routing of CTH AB so soon after recent changes are complete. Dawson said he is not involved in that, but is here to ask for the Town’s approval to run a sanitary sewer line under the portion of Luds Lane that is in the Town. He said the road will be always open to both businesses unless prior arrangements have been made, and all Town permit requirements will be followed. Hampton asked if the two properties fronting that portion of Luds Lane could be offered sewer hookups without annexation if they need them in the future. Dawson said City Staff has said no to this request based on City policy. **MOTION** by Williams/Hampton to approve the installation of sanitary sewer under the portion of Luds Lane in the Town of Cottage Grove, with a request that another look be given at the policy prohibiting hookups without annexation. **MOTION CARRIED 3-0.**
- G. Consider approval of Committee/Commission 2024-25 Committee/Commission appointments: **MOTION** by Williams/DuPlayee to approve the appointments as presented. **MOTION CARRIED 3-0.**
- H. Consider location for carnival workers to camp for the Firemen’s Festival: Kevin Laufenberg, 2024 Festival Chairman, is looking for spots for carnival workers to park their camping trailers from June 10-17 since development in the Village has eliminated prior areas. Discussion was that the Town does not have a single spot that can accommodate all of them, but if they could be split up, possible sites would be the blacktop behind the Town Hall, the parking lot in front of the Town Garage, behind the Emergency Services Building, and the Police Station parking lot. Laufenberg will continue to search for other alternatives as well. He said that if damage was done to any grass areas, he would take care of restoring it.
- I. Consider participation in Market Place Dayz: DuPlayee thought the Town should participate, others thought there would be nothing for the Town to share. **MOTION** by Hampton/Williams to NOT participate in Market Place Dayz. **MOTION CARRIED 2-1** (DuPlayee opposed).
- J. Consider attendees for DCTA Annual Meeting on May 15<sup>th</sup>: Williams, DuPlayee and Hampton expressed interest in attending. Hampton will drive, departing the Town Hall at 6:15 P.M. **MOTION** by Hampton/Williams to allow up to 4 attendees. **MOTION CARRIED 3-0.**

- K. Consider attendees for Cottage Grove Community Foundation's Annual Meeting on May 21<sup>st</sup>: Williams and DuPlayee expressed interest. **MOTION** by Hampton/Williams to allow up to 2 members to attend. **MOTION CARRIED 3-0.**
- L. Consider attendees for American Legion Post 248 Memorial Day ceremony on May 25<sup>th</sup>: Hampton said to go if interested, but no per diem will be paid.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: Dresen reported that an extension was granted for a permit issued to Alliant in 2023 for Uphoff Rd, W. Ridge Rd. and Savage Ct.
- B. E-waste collection was finished up today, a semi-trailer was stuffed full. Discussion was that there were a lot of drop offs by non-Town residents.
- C. He attended the WTA Road School last week, which he described as an overview on topics such as LRIP, ARIP, and bidding, and was well attended by sales reps.
- D. The 6-20' culvert list is complete, just waiting on finalizing the replacement of the one on Vilas Road. That project still needs coconut mat, seeding and guardrail.
- E. The Town Hall roof is done, the crew will need to paint some fascia boards and cap the roof ends.

IV. CLERK-TREASURER'S OFFICE UPDATE:

- A. Banigan reported that communication from Village Staff indicates they do not plan to put out an RFP for refuse and recycling services, but to rather ask Waste Management to renew the expiring 10-year contract under similar terms. Considering it has been at least 13 years since the last RFP, she thinks the Town should see what other competitors have to offer. Hampton suggested she ask the Town Attorney if legally an RFP is required.

V. BOARD REPORTS AND COMMUNICATIONS: None.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: Williams reported that the Village has appointed two brand new board members to the Deer-Grove EMS Commission.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 3-0.** The meeting ended at 8:27 P.M.

Kim Banigan, Clerk-Treasurer

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN  
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Ordinance 2024-05-06 adopting Revisions the Town Code of Ordinances

Code Section(s) <del>created</del> , amended, or <del>repealed</del>	<u>04.07, 15.04(2)(b), 15.13(2)(a)</u>
Presented to Board by	<u>Town Planner Mark Roffers 15.04(2)(b)</u>
	<u>Attorney Christopher Nelson 15.13(2)(a)</u>
Committee Review by	<u>Plan Commission 15.04(2)(b)</u>
Date(s) Public Hearing(s) held (if required)	<u>May 6, 2024</u>
Date adopted	<u>5-6-24</u>
Vote	<u>3-0</u>
Date of posting of adoption of ordinance	<u>5-7-24</u>
Date of publication of adoption of ordinance	<u>Not required</u>

**Section 04.07 of the Town Code of Ordinances - Fire Protection within Building – Knox box is hereby amended to read as follows:**

**04.07 FIRE PROTECTION WITHIN BUILDING - KNOX BOX**

**(1) EMERGENCY SERVICES REPOSITORY UNIT REQUIRED**

(a) The owner or person in control of the following types of buildings shall install and maintain an approved Emergency Services Repository Unit:

1. Any apartment building or other rental building containing four or more residential units and in which access to a building or common area or mechanical or electrical rooms within the building is denied through locked doors.
2. Any non-residential building where a fire detection or suppression system is monitored by an alarm company or has an external audible alarm.
3. Any facility that is required to prepare and have material safety data sheets and/or hazardous chemical inventory forms under the Superfund Amendments and Reauthorization Act (SARA Title III).
- 3.4. Any property protected by a locked fence or gate.

(b) Installation Requirements:

1. Upon notification, the property owner has five months from the date of notice to install the unit. Failure to do so shall be punishable as a Class D Forfeiture under s. TCG § 25.04.
2. The repository unit must be located at a height of not less than four feet and not more than six feet above final grade.
3. The repository unit must be located at the recognized public entrance on the exterior of the structure.

(c) Repository Contents

1. Current keys for the following shall be placed in the repository unit:
  - a. Main entrance door.
  - b. Alarm room and control panel.
  - c. Mechanical rooms and sprinkler control rooms.
  - d. Electrical rooms.
  - e. Special key to reset pull station alarms or other fire protection devices.
  - f. Elevator keys, if required.

g. All other rooms as specified during plan review process.

2. The keys shall be labeled so as to be easily identified in the field.

(d) Right of Appeal

Any property may appeal the request for a Knox box before the ~~Joint Fire Department committee~~Cottage Grove Fire Commission by filing a written notice with the ~~committee~~Commission.

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**Section 15.04(2)(b) of the Town Code of Ordinances is hereby amended to read as follows:**

(b) The petitioner for Change of Land Use shall submit a Petition for Change of Land Use form and payment of the associated Change of Land Use fee per TCG §15.19 to the Town Clerk, along with a copy of all materials specified on the form and otherwise submitted to the Dane County Zoning Division under (a) above, at least 21 days prior to the meeting of the Plan Commission at which action is desired, or such alternate timeframe if specified elsewhere in this chapter. The Petition for Change of Land Use form shall be subject to Plan Commission approval before its use, including any amendments to such form. Upon such approval, each applicant is required to fully complete such form and submit all listed materials for the requested action, for the petition to be considered complete. Any incomplete petition is grounds for Town delay of the following steps or rejection of the petition.

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**Section 15.13 of the Town Code of Ordinances is hereby amended to read as follows:**

**15.13 RELEASE OF SECURITY.**

(1) The security furnished pursuant to s. TCG § 15.03(3) shall remain in full force for a period of one year after the completion of the required improvements and acceptance by the Town Board unless partially released as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of the guarantee, the subdivider or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event that the subdivider fails to install the replacement or perform the repairs, the Town may do so and deduct the cost thereof from the security deposit. Unless defects have appeared and have not been repaired, the Town will release the security to the subdivider upon expiration of the one-year guarantee period.

(2) The Town Engineer may from time to time, but no more often than monthly during the course of construction, partially release the security furnished pursuant to s. TCG § 15.03(3) when the following are true:

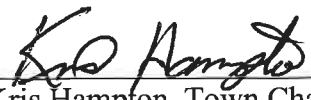
(a) EITHER the reduced security deposit will be sufficient to guarantee the work performed pursuant to private contracts against defects in material and workmanship or will be at least ~~15%~~10% of the total cost of improvements, OR

Affidavits or lien waivers, in a form acceptable to the Town and approved by the Town Attorney, evidencing full payment for the required improvements which have been completed are submitted with the request for a partial security release;

(b) An application for a partial security release has been filed with the Town Engineer on or before the tenth day of the month; and

(c) No building permits have been issued pursuant to s. TCG § 15.15 of this code.

Adopted this 6th day of May, 2024 by a vote of 3 in favor, 0 against and 0 abstaining.

  
Kris Hampton, Town Chair

ATTEST:

  
Kim Banigan, Town Clerk-Treasurer

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
MAY 20, 2024

PUBLIC HEARING FOR ORDINANCE AMENDMENTS

- I. Notice of the public hearing was posted on May 8, 2024 at the Town Hall and on the Town's website and Facebook page. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were in attendance. Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen and Deputy Eric Miller were also present, along with those who signed in on the roster available at the Town Clerk-Treasurer's office. DGEMS Chief Eric Lang was present virtually.
- II. Hampton called the public hearing to order, and asked if there were any questions or comments about the proposed amendment to Chapter 9 regarding the Operation of ATVs/UTVs in the Town of Cottage Grove.
  - Mike Northouse, 3882 Laudon Road, reviewed the efforts of the club and Town Board so far in moving forward with designating ATV/UTV routes in the Town. He said designated routes east of CTH N and north of US Hwy 12/18, along with Deerfield Road south of US Hwy 12/18 will be a good start, but that without approval from the Town for access to a business on CTH BN, the County may not grant that as a route. He also addressed a UTV fatality yesterday in LaFayette County, stating that accidents are not unique to ATVs/UTVs, they can involve snowmobiles, bicycles and farm equipment on roads or private land regardless of whether routes are established or not.
  - Chad Chadwick, President of Crusin for a Cause ATV/UTV club in Waterloo, a non-profit organization that creates benefit rides, said that businesses appreciate the business they generate.
  - Kathy Christoph, 2092 Uphoff Road, expressed concern over safety. She compared the draft ordinance to the Town of Deerfield's adopted ordinance, which she said was much more fleshed out. She highlighted the following items lacking in the draft ordinance:
    - Vehicles must stay on roadway (not on shoulders, ditches or bike lanes).
    - All vehicles must be registered.
    - Passengers younger than 16 must wear helmets.
    - A limit to hours that routes are open.
    - A requirement for bodily injury and property damage insurance.
    - Noise constraints.
    - Absolute sobriety for operators under the age of 21.
    - Varying penalties based on different offenses.
  - Chadwick said that several of Christoph's points are regulated by the DNR, including noise, a helmet requirement for those under 18, prohibition of shoulder riding and insurance and registration requirements. Clerk-Treasurer Kim Banigan asked Deputy Miller if our local deputies can enforce DNR regulations. He was not sure but made an email inquiry and reported the answer later (see item II. c. below).
  - Bill Blaska of the Quad County Runners noted that the Town can revoke the ordinance at any time if there are problems, and there is no cost to the Town to create or maintain the ordinance. He said the average age of his club is 52, and 90% are on UTVs. He said Jefferson and Dodge County have opened all County and Town roads to ATVs/UTVs. Most fatalities happen when seatbelts are not worn.

TOWN OF COTTAGE GROVE  
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MAY 20, 2024

- III. Hampton asked if there were any questions or concerns about the proposed amendment to Chapter 12 – Uniform Building Code. There were none.

**MOTION** by Williams/DuPlayee to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:18 P.M.

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Attendance was as listed for the public hearing above.
- B. Hampton called the meeting to order at 7:18 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting:
1. **MOTION** by Williams/DuPlayee to approve the minutes of the May 6, 2024 Public Hearing and Town Board Meeting with spelling corrections. **MOTION CARRIED 3-0-2** (Fonger and Anders abstained).
  2. **MOTION** by Williams/DuPlayee to approve the closed session minutes from February 19, 2024 and April 24, 2024 as presented, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
- E. Finance Report and Approval of Bills:
1. **MOTION** by DuPlayee/Williams to approve checks #37118-37143 and EFTs in the amount of \$12,041.72. **MOTION CARRIED 5-0.**
  2. **MOTION** by Anders/DuPlayee to approve payment of \$3,664.12 to General Engineering for April building permits. **MOTION CARRIED 5-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Review April Police Activities: The monthly report showed 310 calls for service and 228 citations issued, mostly for speeding. Deputy Miller said with the warmer weather speeds are getting higher despite enforcement efforts. He again issued a reminder to lock doors, garages and vehicles, and not give money or other information over the phone.
- B. Discuss/Consider awarding of bids for 2024 Sealcoating and Repaving projects: Two bids were received for repaving projects:
1. Payne and Dolan, Inc.: Total cost of all projects at \$416,128.25, an average of \$71.42 per ton according to Dresen.
  2. Wolf Paving Co., Inc.: Total cost of all projects at \$435,532.00, an average of \$77.00 per ton according to Dresen.

Dresen said both are good companies and he recommended going with the lowest bid. Hampton asked if Myer Road should be repaved considering the heavy farm equipment traffic on it. Dresen said the cul-de-sac is breaking up and should be done at a minimum. He also said that the heavy farm equipment could be prohibited. Hampton also asked what can be done to address a concern from Betty Devine that re-paving Uphoff road will flood her driveway and garage. Dresen will talk to her. **MOTION** by DuPlayee/Fonger to award the repaving contract to Payne and Dolan, Inc., for \$416,128.25. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
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Only one bid was received for sealcoating projects, from Fahrner Asphalt Sealers, LLC, with a total cost of all projects at \$140,937.00 and cost of a 20' mile at \$26,519.00. Dresen said it was higher than budgeted and recommended accepting everything except Vilas Road, which would bring the cost down to ~\$119,000. **MOTION** by Fonger/DuPlayee to award the sealcoating contract to Fahrner Asphalt Sealers, LLC, for everything except Vilas Road. **MOTION CARRIED 5-0.**

- C. Discuss/Consider adoption of Ordinance 2024-05-20a Amending Chapter 9 of the Town Code of Ordinances regarding the Operation of All-Terrain Vehicles and Utility Terrain Vehicles in the Town of Cottage Grove: Williams thought Kathy Christoph's points from the public hearing ought to be addressed. Deputy Miller reported that he received an answer to his earlier email inquiry, and only a DNR warden can enforce DNR regulations. Deputies could detain the subject until a warden arrived, but there is only one on duty for the whole county. It was noted that NR64 of the Wis. Admin. Code is adopted by reference in the draft ordinance, which should make it enforceable locally. Hours for routes was discussed, those present said that Marshall, Medina and Deerfield are closed from 11:00 P.M.– 5:00 A.M. **MOTION** by Anders/Fonger to adopt Ordinance 2024-05-20a as drafted, with an addition as item (6)(f) that routes are closed between 11:00 P.M. and 5:00 A.M. every day. **MOTION CARRIED 4-1** (DuPlayee opposed).
- D. Discuss/Consider adoption of Ordinance 2024-05-20b adopting Amendments to Chapter 12 of the Town Code of Ordinances: **MOTION** by DuPlayee/Anders to adopt Ordinance 2024-05-20b as presented. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of a 90-day extension to the deadline for the Town to review the 4-lot preliminary plat for Swalheim Business Park submitted on March 19, 2024: Duane Swalheim had provided written notice that he would accept the extension. **MOTION** by Williams/Anders to grant a the 90-day extension. **MOTION CARRIED 5-0.**
- F. Consider attendees for Madison Beltline PEL Study Public Meetings: Williams said she would attend the virtual session on May 28<sup>th</sup>. **MOTION** by Hampton/Anders to have Williams attend and report back at the June 3<sup>rd</sup> meeting. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: None since the last meeting.
- B. Heritage oak trees were planted behind the Town Hall and in the parks in Kennedy Hills and on Valley Street.
- C. They have begun mowing out of ditches.
- D. The City of Madison does not seem to know which roads they are responsible for as a result of the recent annexation in the Femrite Drive/Hope Road area.

IV. CLERK-TREASURER'S OFFICE UPDATE: Nothing to report.

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that the Village plans to add a new emergency siren near their Shady Grove subdivision this year, and possibly another one north of I-94 next year. The Fire Department is reporting odors from the drains in the bay, and that the CO alarm is going off. A product to combat the odor is on order, and Hampton is looking into replacing the CO alarm, which is obsolete.
- B. Williams reported on what she learned about at the recent Chamber meeting, including volunteer opportunities for the Hot2Trot race, Taste of Cottage Grove on July 21<sup>st</sup> at Drumlin

TOWN OF COTTAGE GROVE  
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Residences, plans for a Stoughton Health urgent care center next to Noodles, and a monthly Library Board email newsletter that can be requested on the Village's website.

VI. COMMITTEE REPORTS:

- A. Emergency Government Committee: Fonger reported that the contact list was updated, and they are making plans to tour County and State Emergency Operations facilities, and requesting samples of SOPs for different jobs from Dane County.
- B. Deer-Grove EMS Commission: Williams reported that that she is the new Commission Chair. Calls are ahead of last year by 72, but payment is behind. Volunteerism is down. Chief Lang said computer problems with one of the ambulances are persisting. Graham's Auto is working with Pomasl Fire Equipment to be able to do repairs locally. They expect to take delivery of a vehicle in 2025, which is planned for in the capital budget, but any additional, unplanned repairs or replacements will need to be worked through with the 2025 budget process. This past weekend there were a record 4 ambulances on duty, 2 covering the district and 2 at special events. They had to borrow one from Monona and use Dane County's R-30 to make that happen. This is National EMS Week, he urged everyone to thank EMS providers for service if they see them around the community.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:21 P.M.

Kim Banigan, Clerk-Treasurer  
Approved 06-03-2024

## Meeting Attendance (Please sign in)

Meeting of: Date: 5/20/2024  
Town Board

(Please Print)

Name	Address
Dan Dresen	4635 Onestoga Trl.
Mike Northouse	3882 Carbon Rd
Russ Notstad	2720 Gaston Rd
Wally Wagner	4538 Bonnie Av
Katrinka Wagner	4538 Bonnie Ave.
Mike + Michelle Leeder	1912 County Rd Bb
Mike Anderson & Kim Haefner	4582 Lotus Lane
BILL BLASKA	707 CHEROKEE PATH LAKE MILLS
Brian Casper	5374 oak Park Rd Marshall
Steve Burmeister	2590 Cty Rd W Stoughton
CHAD CHADUCK	608 N. MONROE ST WATERLOO
Wayne & Cindy Chadwick	712 Hubbell St Marshall
Kathy Christophers	2092 Uphoff Rd, CC
Aiden Anderson	4614 Lotus Ln Madison
Kelly Schlicht	4590 Lotus Ln Madison
Brent Kinney	4660 Baxter Rd Cottage Grove

## Meeting Attendance (Please sign in)

Date: 5/20/24  
Meeting of: Town Board

(Please Print)

Name

Address

ERIC PETERSON

3847 W. JAGO RD

Matt Hangan

3784 W. Jago Rd

Thomas Grab

3761 Sky High Rd

**TOWN OF COTTAGE GROVE**  
**ORDINANCE 2024-05-20a**

**AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES REGARDING THE  
OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES IN  
THE TOWN OF COTTAGE GROVE**

**WHEREAS**, the Town Board finds it necessary to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Town in order to protect public health and safety.

**NOW, THEREFORE**, the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, do ordain as follows:

**SECTION 1.** Section 09.09 of the Code of Ordinances is hereby amended as set forth in Exhibit A attached hereto.

**SECTION 2.** Section 09.097 of the Code of Ordinances is hereby created as set forth in Exhibit B attached hereto.

**SECTION 3.** All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

**SECTION 4.** This ordinance shall take effect upon passage and publication as provided by law. *Routes will open once all signage is complete as confirmed by the Highway Superintendent.*

The above and foregoing ordinance was duly adopted at a meeting of the Town Board of the Town of Cottage Grove held on the 2<sup>nd</sup> day of May, 2024, by a vote of 4 in favor and 1 opposed.

**TOWN OF COTTAGE GROVE**

  
Kris Hampton, Town Chair

*Attested by:*

  
Kim Banigan, Town Clerk-Treasurer

## EXHIBIT A

### 09.09 ~~SNOWMOBILES AND ALL-TERRAIN~~ REGULATION OF RECREATIONAL VEHICLES

(1) The regulations described in Ch. 350, Wis. Stats. shall apply equally to snowmobiles, ~~and all-terrain vehicles~~ and utility terrain vehicles operated within the Town limits.

(2) The following traffic regulations, following the prefix "09", shall apply equally to the operation of snowmobiles ~~and all-terrain vehicles~~ and utility terrain vehicles within the Town limits:

09-346.04	Obedience to traffic officers, signs and signals; fleeing from officer.
09-346.05	Vehicles to be driven on right side of roadway; exceptions.
09-346.11	Passing or meeting frightened animal.
09-346.14(1)	Distance between vehicles.
09-346.18	General rules of right-of-way
09-346.19	What to do on approach of emergency vehicle.
09-346.20	Right of way of funeral processions and military convoys.
09-346.21	Right of way of livestock.
09-346.26	Blind pedestrian on highway.
09-346.27	Persons working on highway.
09-346.33	U-turns.
09-346.35	Method of giving signals on turning and stopping.
09-346.37	Traffic-control signal legend.
09-346.39	Flashing signals.
09-346.40	Whistle signals.
09-346.44	All vehicles to stop at signal indicating approach of train.
09-346.46	Vehicle to stop at stop signs and school crossings.
09-346.47	When vehicles using alley or nonhighway access to stop.
09-346.48	Vehicles to stop for school busses displaying flashing lights.
09-346.50(1)(b)	Exceptions to stopping and parking restrictions.
09-346.51	Stopping, standing or parking outside of business or residence districts.
09-346.52	Stopping prohibited in certain specified places.
09-346.53	Parking prohibited in certain specified places.
09-346.54	How to park and stop on streets.
09-346.55	Other restrictions on parking and stopping.
09-346.62(2)	Reckless Driving.
09-346.63	Operating under influence of intoxicant or other drug.
09-346.87	Limitations on backing.
09-346.88	Obstruction of operator's view or driving mechanism.
09-346.89	Inattentive driving.
09-346.90	Following emergency vehicle.
09-346.91	Crossing fire hose.
09-346.92(1)	Illegal Riding
09-346.94(1)-(9)	Miscellaneous prohibited acts.

(3) PENALTY FOR VIOLATION

In addition to, and separate from, any penalty specified in any applicable state statute; violations of this ordinance shall be punishable as Class C forfeitures, under TCG § 25.04.

(4) EFFECTIVE DATE

- (a) The original ordinance was adopted on July 6, 1981.
- (b) This section shall take effect upon passage and publication.

## EXHIBIT B

### 09.097 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

#### (1) STATEMENT OF PURPOSE

This ordinance is intended to establish and maintain all-terrain vehicle ("ATV") and utility terrain vehicle ("UTV") routes in the Town of Cottage Grove and to regulate the operation of same upon such routes.

#### (2) AUTHORITY

The Town Board of the Town of Cottage Grove, Dane County, Wisconsin, has the specific authority to adopt this ordinance under § 23.33(8), Wis. Stats.

#### (3) STATE STATUTES ADOPTED BY REFERENCE

The provisions of § 23.33, Wis. Stats. and Ch. NR 64, Wis. Admin. Code are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Unless otherwise provided in this ordinance, any act required to be performed or prohibited by any statute or regulation incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions, or modifications of the statutes or regulations herein are made a part of this ordinance. Any terms used in this ordinance that are defined in § 23.33(1), Wis. Stats., shall have the meaning prescribed by statute.

#### (4) ATV/UTV ROUTES DESIGNATED

(a) Pursuant to § 23.33(8)(b)(1), Wis. Stats., the Town of Cottage Grove designates the following as ATV/UTV routes:

- (i) All Town roads east of County Highway N and north of U.S. Highway 12/18; and
- (ii) Deerfield Road south of U.S. Highway 12/18 to its intersection with Schadel Road.

#### (5) ROUTE SIGNS

Under the direction of the Town, all authorized ATV/UTV routes shall be designated by route signs. The route signs shall be provided by the local ATV Club, or its successor at their cost, and shall be installed by the ATV Club in accordance with Ch. NR 64.12, Wis. Admin. Code, under the supervision of the Town. The route signs shall be inspected by the Town annually and shall be maintained by the ATV Club, or its successor. The Town shall be promptly notified by the ATV Club of any change in responsibility for maintenance of ATV/UTV route signs.

#### (6) CONDITIONS

In addition to the provisions of § 23.33, Wis. Stats., and Ch. NR 64.07, Wis. Admin. Code, the following restrictions are placed on the use of the ATV/UTV routes permitted under this section:

(a) All ATV and UTV operators shall be at least 16 years of age and possess a valid operator's license as defined in § 340.01(41g), Wis. Stats., as may be amended from time to time, including a safety certificate if required by State law. A learner's permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporarily or otherwise, or suspended for any reason, be considered as a valid driver's license during the period of suspension or revocation.

(b) All ATV and UTV operators shall observe the posted speed limits and all other applicable traffic regulations.

(c) The operators of ATVs/UTVs shall ride in single file.

(d) ATV/UTV headlamps and tail lamps must be turned on at all times and ATV/UTVs must have operational brake lights.

(e) All UTV operators and passengers must wear seat belts at all times.

(f) All Town designated ATV/UTV routes are closed between 11:00 p.m. and 5:00 a.m. every day of the year.

#### (7) ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

#### (8) PENALTY FOR VIOLATION

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not more than \$250, together with the costs of prosecution.

#### (9) SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.



Title: Ordinance 2024-05-20b adopting Amendments Chapter 12 of the Town Code of Ordinances

Code Section(s) created, amended, or repealed	<u>Chapter 12 – UNIFORM BUILDING CODE</u>
Presented to Board by	<u>Town Planner Mark Roffers (12.08(1))</u>
	<u>General Engineering Company – all other</u>
	<u>revisions</u>
Committee Review by	<u>Also reviewed by Atty. William Cole</u>
Date(s) Public Hearing(s) held (if required)	<u>Plan Commission (12.08(1) only)</u>
Date adopted	<u>May 20, 2024</u>
Vote	<u>May 20, 2024</u>
Date of posting of adoption of ordinance	<u>5-0</u>
Date of publication of adoption of ordinance	<u>May 21, 2024</u>
	<u>Not required</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

TCG Ord. Chapter 12 UNIFORM BUILDING CODE is hereby amended to read as follows:

## **CHAPTER 12 - UNIFORM BUILDING CODE**

### **12.01 UNIFORM BUILDING CODE**

#### **(1) AUTHORITY**

Pursuant to the provisions of Chs. 59, 60, 61, 62, 66 and 101, Wis. Stats., the Town of Cottage Grove hereby adopts a building code for the regulation of all types of buildings including private and public, rural and urban and including buildings owned by the state or any political subdivision thereof, to be erected in the Town.

#### **(2) SCOPE**

The Town building code applies to all dwellings, commercial buildings, agricultural buildings, swimming pools, garages and other outbuildings. Excepted are children's play structures, dog kennels, and fences. Fences are regulated under s. TCG §§ 11.03 and 12.06.

#### **(3) INCORPORATION BY REFERENCE ADOPTION OF WISCONSIN STATUTES AND ADMINISTRATIVE CODE**

The provisions of the following Wisconsin Department of Safety and Professional Services (SPS) administrative code, and all subsequent amendments thereto are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein with the exception of any penalty provision. Municipal penalties are limited to those specified herein.

National Fire Protection Association Standards: Volumes 1-12

Ch. SPS 302.31 Plan Review Fee Schedule

Ch. SPS 305 Credentials

Ch. SPS 316 Electrical Code

Ch. SPS 320-325 Uniform Dwelling Code

Ch. SPS 327 Campgrounds

Ch. SPS 328 Smoke Detectors & Carbon Monoxide Detectors

Ch. SPS 361-366 Commercial Building Code

Ch. SPS 375-379 Buildings Constructed Prior to 1914

Ch. SPS ~~380~~381-387 Uniform Plumbing Code

Wisconsin State Statutes Chapter 101 Department of Safety and Professional Services – Regulation of Industry, Buildings and Safety

#### **(4) PERMIT REQUIRED, FEES**

## TOWN OF COTTAGE GROVE- CODE OF ORDINANCES

Except as otherwise expressly provided in this Chapter, no owner or contractor may construct, erect, alter, enlarge, repair, move, convert to other uses, or demolish any building, structure or mechanical system until a valid permit is obtained from a Municipalthe Town Building Inspector. The Wisconsin uniform building permit shall be issued if the requirements for filing and fees are satisfied, and the plans have been conditionally approved.

(a) The foregoing described work which shall require a building permit includes, but is not limited to:

1. New 1 & 2 family and commercial building including agricultural buildings, detached structures (decks), and detached accessory buildings.
2. Additions that increase the physical dimensions of a building, including decks.
3. Alterations to the building structure, ~~cost shall include market labor value, or alterations to the building's heating, electrical, or plumbing systems.~~
- ~~1. Replacement of 1 and 2 family dwelling building equipment including furnaces and central air conditioners, water heaters, and any other similar equipment shall not require a permit.~~
4. Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
5. Any HVAC for new construction or remodeling.
6. Any plumbing for new construction or remodeling.
- 4-7. Any new or re-wired electrical service, including services to agricultural buildings.

Replacement of 1- and 2-family dwelling building equipment including furnaces and central air conditioners, water heaters, and any other similar equipment shall not require a permit.

(b) Building Permit Fees.

1. At the time of building permit issuance, the applicant shall pay all applicable fees as established by resolution periodically by the Town.
2. If work commences prior to permit issuance, the permit fee shall be double the amount set forth in subsection (b)1 above.
- ~~2. Building permit fees shall be set by and may be amended at any time by resolution of the Town Board. The appropriate fee for each category shall be specified in a building permit fee schedule provided to the applicant, and shall be submitted with the application, to the Town treasurer in US currency, money order or check payable to: the Town of Cottage Grove. An itemized receipt shall be provided for all currency received.~~

(b) Any fee established by the Town Board, which is in effect at the time the application is made, shall remain in effect for the entire period that the permit is valid.

(c) Permit Lapses.

A building permit, other than Wisconsin Uniform Building Permits shall lapse and be void unless building operations are commenced within six (6) months after permit issuance; ~~or and if~~

construction has not been completed within twelve (12) months from the date of issuance thereof. Wisconsin Uniform Building Permits shall expire 24 months after issuance if the dwelling exterior has not been completed in accordance with Wis. Admin. Code SPS 320.09(9)(a)5.

(e)(d) Design review of the project shall be completed prior to issuance of a building permit if such review is required under s. TCG § 12.08.

#### (5) CERTIFIED MUNICIPALITY STATUS

The Town has adopted the Certified Municipality Status as described in Chapter SPS 361.60 of the Wisconsin Administrative Code.

(a) Responsibilities. The Town shall assume the following responsibilities for the Department of Safety and Professional Services (Department):

1. Provide inspection of commercial buildings with certified commercial building inspectors.
2. Provide plan examination of commercial buildings with certified commercial building inspectors.

(b) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the ~~municipality~~ Town shall be submitted, if the plans are for any of the following:

1. Provide inspection of all size commercial buildings with certified commercial building inspectors.
2. A new building or structure containing less than 50,000 cubic feet of total volume.
3. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
4. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
5. An alteration of space involving less than 100,000 cubic feet of total volume.
6. ~~A certified municipality~~ The Town may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
7. The Department may waive its jurisdiction for the plan review of a specific project, agreed to by ~~a certified municipality~~ the Town, in which case plans and specifications shall be submitted to the ~~certified municipality~~ Town for review and approval.

(c) Plan Submission Procedures. All size commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:

1. Building permit application.
2. Application for review - SBD-118, or equivalent.
  - a. Fees per Table SPS 302.31-2 and SPS 302.31.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

b. Fees apply to commercial projects.

### 3. Four sets of plans.

a. Signed and sealed per SPS 361.31.

b. One set of specifications.

c. Component and system plans.

d. Calculations showing code compliance

## (6) UNSAFE BUILDINGS

(a) Whenever the Building Inspector shall find that any building or structure, or any part thereof, is dangerous to life or adjoining property by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he or she shall order the owner of or tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary; and he or she shall also affix a notice of such order in a conspicuous place on the outside wall of the building. No person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered. Any person who fails to comply with any such order shall be guilty of a violation of this section.

(b) Where the public safety requires immediate action, the Building Inspector ~~may~~ shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the Town in an action against the owner or tenant.

## (4)(7) PENALTY FOR VIOLATION VIOLATIONS AND PENALTIES

(a) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ~~Chapterordinanee~~.

~~(a)(b)~~ Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Building Inspector, after written notice is given. Violations ~~involving life safety issues which pose a danger to health of safety~~ shall be corrected in a reasonable time frame established by the Building Inspector. ~~Violations documented by the Town Building Inspector shall be corrected within 30 days, or as specified in writing by the Town Building Inspector.~~ Violations of this ~~Chapterordinanee~~, which remain unresolved beyond the date specified by the Town Building Inspector, shall be punishable as Class C forfeitures, under s. TCG § 25.04.

(c) In addition to the forfeiture specified in (a), subsequent building permits requested by, or on behalf of, the same applicant, shall be withheld until such time as the Town Board has been satisfied that there are no continuing violations of any Town ordinance by the applicant.

~~(b)(d)~~ Compliance with the requirements of this ~~Chapterordinanee~~ is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ~~Chapterordinanee~~ shall constitute a public nuisance that may be enjoined in a civil action.

## (5)(8) LIABILITY FOR DAMAGES

This Building Code and the regulations within it shall not be construed as an assumption of liability by the Town of Cottage Grove, the Town Building Inspector, or any ~~deputy assistant~~ Building Inspector for damages because of injuries sustained or property destroyed by any defect

in any installation or in any dwelling, building structure or equipment subject to inspection by the Town. The purpose of the inspections under this chapter is to improve the quality of structures in the Town. The inspections, permits, reports and findings issued after the reviews or inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all reviews or inspections under this title: "The review of applications and/or the findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of review or inspection. The review or inspection does not involve a detailed examination of the property lines or surveys, mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

#### (9) SEVERABILITY

~~If any provision of this Chapter or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance Chapter. The remainder of the Chapter ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.~~

#### ~~(6)~~(10) EFFECTIVE DATE

(a) The original ordinance was adopted on June 2, 1980 and ~~most recently revised on revised on January 19, 2009.~~

(b) This section shall take effect upon passage and publication.

### **12.02 TOWN BUILDING-HVAC-PLUMBING INSPECTOR**

#### **(1) CREATION AND APPOINTMENT**

(a) There is hereby created the office of Town Building Inspector. The Building Inspector shall be appointed or contracted by the Town Board until said appointment/contract is rescinded by the Town Board.

~~(b)~~ The Town Building Inspector shall be fully insured, and certified

~~(b)(c) The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code for by the state of Wisconsin to perform all residential and commercial building inspections and plan reviews required under this Chapter, including the categories specified under Wis. Admin. Code SPS 305.61, 305.62, 305.625, 305.63, 305.635 for commercial buildings, UDC, electrical, plumbing, and residential dwellings.~~

#### **(2) SUBORDINATES ASSISTANTS**

The Town Building Inspector ~~may~~ employ, assign, or appoint, as necessary, assistant inspectors. ~~Any assistant hired to inspect buildings shall be certified as defined in SPS 305,~~

~~(3) — WISCONSIN ADMINISTRATIVE CODE BY THE DEPARTMENT MAY APPOINT AS NECESSARY, DEPUTY BUILDING INSPECTORS SUBJECT TO APPROVAL BY THE TOWN BOARD. ANY DEPUTY BUILDING INSPECTOR SO APPOINTED SHALL BE INSURED AND CERTIFIED AS REQUIRED UNDER (1) ABOVE INSPECTIONS FOR THE FIELD(S) FOR WHICH THAT INSPECTOR HAS BEEN APPROVED BY THE TOWN BOARD.~~

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

### DUTIES

The Town Building Inspector, shall administer and enforce all provisions of this ordinance and all other statutes, codes and laws of the State of Wisconsin relating to building construction.

### ~~(4)~~(3) POWERS

(a) The Town Building Inspector, or an authorized certified agent of the Building Inspector and any deputy inspector, may enter upon any public or private premises for inspection purposes, at all reasonable hours; and may require the production of the permit for any building, plumbing, electrical, or HVAC work.

(b) No person may interfere with, or refuse to permit access to any such premises, to the Building Inspector, or any deputy inspector, while in the performance of their duties. If the Town Building Inspector is denied consensual entry to any premises or building, the Town Building Inspector may obtain a special inspection warrant under § 66.0119, Wis. Stats., and as may be amended.

(c) The Town Building Inspector shall have the power to pass upon any question arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. Any person aggrieved by any order or ruling or interpretation of the Town Building Inspector may appeal from such order, ruling or interpretation to the Town Board, such appeal to be in writing.

~~(d) — Whenever the Town Building Inspector finds any building or part thereof with the Town to be so old, dilapidated, or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, the Building Inspector may order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceedings shall be as provided in §66.0413(1), Wis. Stats., and as may be subsequently amended.~~

(d) — Inspection results. The findings of inspection by the Building Inspector, plumbing inspector and electrical inspector are intended to report conditions of non-compliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the closed structural and non-structural elements or the mechanical systems of the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited in the findings of inspection are expressed or implied.

### ~~(5)~~(4) RECORDS TO BE MAINTAINED

All records pertaining to the Town building inspection program, including but not limited to those identified in (a) to (d), shall be maintained in the Town Hall. All such records shall be made available for public inspection during normal business hours.

(a) A record of all applications for a building permit, including the date the application was made and the date the permit was issued by the Town Building Inspector.

(b) A record of all fees collected; showing the total amount received, the name of the person the fee was received from and their relationship to the applicant if not the same person, the date received, who received the fee, and the date the fee was turned over to the Town Treasurer.

(c) A copy of the completed standard building permit numbered in the order of issuance, including a record of the number, description and size of all buildings erected indicating the kind of materials used and the aggregate cost of each building.

(d) A record of all inspections made indicating that the site passed or failed the inspection, and any subsequent action to be taken to resolve a non-compliance condition.

~~(6)~~(5) EFFECTIVE DATE

(a) The duties and authority of the Town Building Inspector were initially described in the Town Building Code, adopted on April 17, 1989, and most recently revised on ~~January 19,~~ 2009.

(b) This section shall take effect upon passage and publication.

**12.03 UNIFORM FIRE CODE**

(1) AUTHORITY

(a) For purposes of this ordinance, the standing Chief of Cottage Grove Fire District, Volunteer Fire Department, Inc. as described in the Agreement for the Provision of Fire Protective Services shall be referred to as the Fire Chief.

(b) Pursuant to Ch. 101, Wis. Stats., and the authority granted to the Fire Chief under § 101.14(2), Wis. Stats., the Town hereby authorizes the Fire Chief, acting as a deputy of the department of the Wisconsin Department of Safety and Professional Services, to conduct fire inspections of buildings and property within the Town limits, as an agent of the Town. The Town further designates the Fire Chief as the fire code official under Wis. Adm. Code SPS 314, 361-362 and authorizes the Fire Chief to designate, mark and require fire lanes, fire apparatus access, appropriate signage and appurtenances as may be required in the Fire Chief's discretion or as may otherwise be required by law.

(2) INCORPORATION OF WISCONSIN ADMINISTRATIVE CODE BY REFERENCE

The following provisions of the Wisconsin Administrative Code Department of Safety and Professional Services (SPS) are hereby adopted, including any amendments as may be made from time to time, and made a part of this ordinance with the same force and effect as if they were fully reprinted herein, with the exception of penalty provisions. Municipal penalties are limited to those specified in (4).

SPS 314 FIRE PREVENTION

SPS 361-365 WISCONSIN COMMERCIAL BUILDING CODE

(3) ENFORCEMENT

Pursuant to §§ 60.555, 66.0113 (2) and 800.02, Wis. Stats., the Town Board designates the Fire Chief, and any other fire inspector designated in writing by the Fire Chief, to issue citations to enforce the provisions of this Uniform Fire Code under s. TCG § 12.03, including, but not limited to, violations of Wis. Adm. Code SPS 314, fire related provisions of Wis. Adm. Code SPS 361-365 and Ch. 101, Wis. Stats., any rules or standards promulgated thereunder, and to issue parking tickets for parking violations in fire or emergency lanes or spaces.

(4) PENALTY FOR VIOLATION

In addition to, and separate from, any penalties imposed by another agency for failure to comply with any federal, state, or county regulation, violations of this ordinance shall be punishable as Class C forfeitures, under s. TCG § 25.04.

(5) EFFECTIVE DATE

This section shall take effect upon passage and publication.

**12.04 REGULATION OF ADDRESS NUMBERS**

(1) LOCATION OF ADDRESS NUMBERS

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- (a) Address number and sign location for buildings located within the Town shall adhere to all requirements as set forth in Dane County Ordinances§ 76.07, and as amended.
- (b) When there is one building which has multiple address numbers, each unit shall display the appropriate address number as described in (a).
- (c) The address number shall not be concealed from view of the road by trees, shrubs, bushes, or any other obstructions, including seasonal accumulations of snow.

### (2) SPECIFICATIONS FOR NUMBERS AND LETTERS

- (a) The use of reflective material for the numbers and letters of any signage in compliance with this provision, as well as for the background is recommended, but it is not required for compliance with this ordinance.
- (b) Address supplies made available through the Dane County Planning & Development Zoning Division may be used for compliance with the provisions of this ordinance, provided they are located as described in (1).

### (3) DAMAGE TO ADDRESS NUMBER

- (a) It shall be unlawful and a violation of this ordinance to willfully disturb, remove, deface, or damage any address number installed and maintained under the provisions of this ordinance.
- (b) Any person who accidentally disturbs, removes, defaces, or damages any address number, shall promptly notify the owner of the property; or the Town Clerk, if the property owner cannot be determined.

### (4) PROPERTY OWNERS' RESPONSIBILITY

The owner of any property on which a building has been assigned an address number, shall be responsible for the installation and maintenance of the appropriate address number assigned to the building.

### (5) PENALTY FOR VIOLATION

- (a) For new construction requiring a building permit; the final inspection shall not be done, and an occupancy permit shall not be issued, until such time as the appropriate address number has been located in accordance with (1).
- (b) Violations of this ordinance shall be punishable a Class B forfeiture, under s. TCG § 25.04.

### (6) EFFECTIVE DATE

This section shall take effect upon passage and publication.

## **12.045 REGULATION OF MAILBOX INSTALLATION**

(Regulations are based on Wisconsin Transportation Bulletin No. 14 – Mailbox Safety, available at the Town Hall or on the Town's web page.)

### (1) SUPPORT

The support should be a wood post, steel pipe, or steel channel installed no more than 24" in the ground and extending to a vertical height such that the bottom of the mailbox is a minimum of 42" but not to exceed a maximum of 48" above the ground surface. The support should be the following dimensions:

- Square wood post: no larger than 4" x 4"

- Round wood post: no larger than 4" in diameter
- Steel pipe: no larger than 1 1/2" inside diameter
- Steel channel: no more than 2 lbs./ft.

Dimensions exceeding these are unacceptable and in violation of this ordinance.

The support should not be set in concrete, nor is a base plate acceptable. Anti-twist flanges may be installed on the pipe or channel supports but should not be imbedded more than 10" in the ground.

#### (7) ATTACHMENT

The box-to-post attachment should be sufficient to prevent the separation of the box from the support post when struck.

#### (8) MULTIPLE MAILBOXES

No more than two mailboxes should be mounted on one support post. For multiple installations, support posts must be spaced a minimum longitudinal distance apart which is equal to three-quarters of the height of the posts in the installation. Thus, for example, in an installation where posts are four feet above ground, they should be spaced three feet apart.

#### (9) MAILBOX LOCATION

The front of the mailbox should be aligned with the outside edge of the shoulder, and must not extend over the edge of the traveled way or over the edge of a paved shoulder. Installations should avoid blind spots or poor sight distance locations.

#### (10) PENALTY FOR VIOLATION

All mailboxes within highway or road right-of-way shall be installed and maintained in compliance with the provisions of this ordinance. Failure of a mailbox to comply with the provisions within this section shall constitute a violation of this ordinance. If the Town Highway Superintendent determines that a mailbox is in violation of this ordinance, the Highway Superintendent may remove the mailbox from the right-of-way with or without notice to the property owner. Violations of this ordinance shall result in a fine equal to the cost of removal of the mailbox, which shall be calculated at 150% of the current hourly wage rate for Town public works employee(s) multiplied by the actual time spent by said employee(s) on the mailbox removal.

#### (11) EFFECTIVE DATE

This section shall take effect upon passage and publication.

### **12.05 REGULATION OF SIGNS**

#### (1) PURPOSE AND SCOPE

The purpose of this ordinance is to regulate signs for all properties within the Town and to ensure the public safety and preservation of scenic beauty of the Town. It will also serve to implement the desired overall character of the community and its constituent zoning districts by providing enforcement of the county zoning requirements at the municipal level.

#### (2) COUNTY ZONING REGULATIONS ADOPTED BY REFERENCE

The following references from the Dane County Code of Ordinances (DCCO), following the prefix "12", are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

12-10.71	Definitions
12-10.72	Permitted Zoning Districts for Signs
12-10.73	General Sign Regulations
12-10.74	Specific Regulations for Various Types of Signs
12-10.75	Calculation of Height Regulations
12-10.76	Design Requirements
12-10.77	Location Regulations
12-10.78	Intersection Regulations
12-10.79	Sign Maintenance Regulations
12-10.80	Marquee Signs
12-10.81	Political Signs
12-10.82	Real Estate Sign Regulations
12-10.83	Set Back Regulations
12-10.84	Wall Sign Regulations
12-10.85	Subdivision Sign Regulations
12-10.86	Temporary Sign Regulations
12-10.87	Regulations Pertaining to Nonconforming Signs and Use
12-10.88	Variances
12-10.89	Variance Standards
12-10.90	Conditions on Variances
12-10.91	Application and Permits

### (3) MUNICIPAL REGULATION

(a) All on-premise advertising signs which are either internally or externally illuminated, shall be turned off when the premises are not open for business. This section does not apply to internal building lighting, and any after-hours security lighting; which is authorized to remain on, by the Dane County Sheriff's Department.

(b) In addition to complying with the requirements of DCCO 12-10.88 to 12-10.91, any person applying to the county for a permit to install or erect a sign within the Town, shall first make application to the Town Board; by providing a copy of the completed county permit application form to the Town Clerk.

(c) Applications for a sign permit, shall be reviewed following the procedures established in s.TCG § 15.03.

### (4) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable as Class C forfeitures, under s. TCG § 25.04.

### (5) EFFECTIVE DATE

(a) For purposes of compliance with the county sign ordinance, as described in (2); the effective date shall be the date the referenced section was adopted by Dane County.

(b) For purposes of municipal enforcement, including the imposition of forfeitures, the effective date shall be October 18,1993; the date the original ordinance was adopted.

(c) This section shall take effect upon passage and publication.

## **12.06 FENCING OF SWIMMING POOLS**

### (1) DEFINITIONS

- (a) "Barrier" means a fence, wall, building wall, or a combination thereof; which shall be no less than four feet above grade, with a maximum clearance of four inches between the bottom of the barrier and the grade line.
- (b) "Decorative Pool" means a permanent outdoor structure, located either above or below ground level, which contains more than eight inches of water at any point, and is used primarily for other than swimming or wading.
- (c) "Gate" means an access into and out of the pool area, which shall be self-closing, and equipped with a child-resistant latch.
- (d) "Spas and Hot Tubs" mean units that are permanently installed with a cover, capable of sustaining a weight of up to 200 pounds. Such cover shall be in- place, and secured with a locking device at all times when the unit is not in use by a responsible adult.
- (e) "Swimming Pool" means an outdoor, private or residential unit, located either above or below ground level, which contains a body of water at least 18 inches deep at any point; which is used, or is intended to be used, solely by the owner, occupant, or their family and invited guests.
- (f) "Wading Pool" means an outdoor unit, located either above or below ground level, which contains water with a depth of less than 18 inches at any point, and is used primarily by children.

## (2) FENCING REQUIREMENTS

- (a) All persons who own, erect, or maintain a Swimming Pool within the Town, shall erect a fence, or other Barrier around the Swimming Pool within 30 days from the date the unit is installed.
- (b) All barriers which enclose an in-ground Swimming Pool shall be located no closer than three feet to the water line, and shall be constructed in such a manner that they effectively obstruct access to the pool area.
- (c) Aboveground Swimming Pools shall be considered to be in compliance with this ordinance when all of the following apply:
  - (d) The sides of such pool extend at least four feet above grade.
  - (e) The pool is located no closer than three feet to any structure or embankment.
  - (f) All access points are provided with a barrier and a gate; as defined in 12.06(1)(a),(c).
  - (g) All Barriers shall be designed, erected, and maintained so that any opening shall not allow the passage of a four-inch diameter object.

## (3) EXEMPTIONS

- (a) Decorative Pools; Spas and Hot Tubs; and Wading Pools, are allowed to be owned, erected, and maintained within the Town without being fenced. However, the lack of any coverage under this ordinance does not relieve the owner of any such unit from personal liability that may arise from the use or maintenance of such a unit.
- (b) Persons who have existing swimming pools in the Town, shall have a period of up to one year from the date of passage of this ordinance, to comply with the fencing requirements, as described in (2).

## (4) PENALTY FOR VIOLATION

In addition to, and separate from, any possible liability referred to ins. TCG § 12.06(3)(a), violations of this ordinance shall be punishable as Class C forfeitures, under s. TCG § 25.04.

## (5) EFFECTIVE DATE

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

This section shall take effect upon passage and publication.

### **12.07 REGULATION OF MANUFACTURED AND MOBILE HOMES**

#### **(1) STATE LAWS ADOPTED.**

The provisions of § 66.0435, Ch. 101.91, et seq., Wis. Stats. and Wis. Admin. Code SPS 326 describing and defining regulations relative to Manufactured or Mobile Homes are hereby adopted and by reference and made part of this Chapter as if fully set forth herein. Any future amendments, revisions or modifications of the statutes or regulations incorporated herein are intended to be made part of this Code.

#### **(2) PARKING OF MANUFACTURED HOMES RESTRICTED.**

Except as provided in this chapter, no person shall park within the Town any manufactured home on any street, alley, highway or other public place or on any privately-owned land.

#### **(3) SPECIAL PERMIT FOR LOCATION OUTSIDE OF PARK.**

(a) The Town Board may issue a special written permit allowing the temporary location of a manufactured home outside a manufactured home park. At the time any special permit under this provision is granted, the Town Board shall specify the duration of the special permit, and any request for an extension or modification of the duration or other terms of said special permit must be approved by the Town Board.

(b) The person to whom such special permit is granted shall be subject to the parking permit fee as provided in sub. (4). The permit shall be granted only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued.

(c) All provisions of this ordinance governing the location, use and sanitation of manufactured homes located in a licensed manufactured home park shall so far as they are applicable, apply to any manufactured home located outside of such park.

#### **(4) MANUFACTURED HOME PARK LICENSES.**

(a) Required. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by said owner a manufactured home park within the Town without first securing a license from the Town Building Inspector pursuant to this chapter.

(b) Location Restriction. An application for the construction of a manufactured home park shall be considered only when its proposed location is within a district zoned to permit such use.

(c) Application. The application for a license or renewal of a license shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract or if the fee is vested in some person other than the applicant, a duly verified statement by such person that the applicant is authorized to construct or maintain the manufactured home park and make the application, and such a legal description of the premises upon which the manufactured home park will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by two copies of the park plan showing the following, either existing or as proposed:

1. The area to be used for park purposes.
2. Roadways and driveways.

3. The location and designation of dependent and independent manufactured home spaces.
4. The location of service buildings and the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by the occupants of the manufactured home park.
5. A complete layout of storm, sanitary and water systems for the service building and spaces.
6. The method and plan of garbage removal.
7. A plan for electrical lighting of spaces.

(d) Issuance of License.

1. Approval and Fee Required. The application for such license or renewal thereof shall be approved by the Town Board. Before a license is issued, the applicant shall pay an annual fee in accordance with Wis. Admin. Code SPS 326.
2. Municipal Sanitary Facilities Required. No license shall be issued for a manufactured home park where municipal sanitary facilities are not available.

(e) Revocation and Suspension. The Town Board may suspend or revoke any license or permit issued under this chapter after a hearing held pursuant to § 66.0435, Wis. Stats. Appeal from a decision of the Town Board shall be made pursuant to Ch. 68, Wis. Stats.

(5) MANAGEMENT OF MANUFACTURED HOME PARKS.

(a) Office to be in Park.

In every manufactured home park there shall be located the office of the attendant or person in charge of such park. A copy of the park license and of this Chapter shall be posted therein, and the park register shall at times be kept in such office.

(b) Duties of Attendant and Licensee.

The attendant or person in charge, together with the licensee, shall:

1. Keep a register of all occupants, which shall be open at all times to inspection by State, Federal, and local offices and shall show for all occupants of the manufactured home park the following information:
  - (a) Names and addresses.
  - (b) Number and ages of all children.
  - (c) Number of public elementary school children.
  - (d) Number of public secondary school children.
  - (e) State of legal residence.
  - (f) Dates of entrance and departure.
  - (g) License number of all manufactured homes and towing or other vehicles, and states issuing such licenses.
  - (h) Place of last location and length of stay.
  - (i) Place of employment of each occupant.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

2. Maintain the park in a clean, orderly and sanitary condition at all times.
3. Ensure that the provisions of this Chapter are complied with and enforced and report promptly to the proper authorities any violation of this Chapter or any other violations of law which may come to attention.
4. Collect the monthly parking permit fee and keep a record book showing the names of persons paying such fees and the amounts paid.
5. Maintain in convenient places, approved by the Fire Chief, functional hand fire extinguishers in the ratio of no less than one to each eight units.
6. Prohibit the lighting of open fires on the premises.

### (6) APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING ORDINANCES.

All plumbing, electrical, building and other work on or at any park licensed under this Chapter shall be in accord with any applicable Town and County Ordinances, the requirements of the State Plumbing, Electrical and Building Codes, and the regulations of the State of Wisconsin Department of Health.

### (7) VARIANCES.

When, in the judgment of the Town Board, a provision of this chapter may not literally be applied due to unusual hardship, such provision may be altered as long as the basic intent of control herein stated is retained.

### (8) GENERAL PENALTY.

Any person violating any provision of this Chapter shall, upon conviction thereof, forfeit not more than \$500.00, together with the costs of prosecution for each violation. Each day of violation may constitute a separate offense.

## 12.08 DESIGN REVIEW

### (1) PURPOSE.

The purpose of this section is to promote the public health, safety, and welfare pursuant to the authority in TCG § 12.01(1) by guiding site and building development in the Town of Cottage Grove according to the Town's goals, objectives, and policies expressed in this section and the Plan. Where a project requires both Design Review under this section and a Conditional Use Permit for a use or project including or requiring site and/or building improvements, the Town encourages simultaneous submittal of both Design Review and Conditional Use Permit applications.

### (2) SCOPE OF DESIGN REVIEW.

The following projects shall be subject to design review:

- (a) Development of residential land uses consisting of three or more attached dwelling units per building. [MR1]
- (b) Development of all projects in which a principal use is a commercial, industrial, utility, or institutional use, but not including any land use that is listed as a permitted use within farmland preservation zoning district in the Dane County Zoning Ordinance except per subsection (c) below.
- (c) Development of any concentrated animal feeding operation as defined in Wis. Admin. Code NR 243.03(12).

(d) Development of a non-metallic mineral extraction site, which shall also be subject TCG Chapter 17.

(e) Development of any parking area capable of holding five or more vehicles and serving one of the above listed uses.

(f) Any[MR2] physical expansion to an existing use listed in subsections (a) through (e), except for any expansion that:

1. Was authorized by prior design approval of the Town as a potential future project on the site, and is consistent with such prior authorization in the determination of the Town Clerk and will be accompanied by improvements prescribed in this section.
2. Would increase building floor area, either through expansion of the principal building(s) or construction of an accessory building(s), by not more than 10 percent over the total building floor area as of November 5, 2001, via one expansion project or the total of two or more expansion projects since that date.
3. Would increase outdoor storage or display area, loading area or docks, parking lot area or parking spaces, or other outdoor activity area by not more than 10 percent over the associated area or parking spaces as of November 5, 2001, via one expansion project or the total of two or more expansion projects since that date.

### (3) DEFINITIONS.

For purposes of this section, the following terms shall be defined in the following manner:

(a) “Design Review“ means the review of the site, building, and other exterior design aspects of a Development to determine its compliance with the Design Standards.

(b) “Development” means any new construction or exterior improvement to real property as listed in subsection (2), for which a building permit may be required, and which is subject to Design Review in advance of Development.

(c) “Development Site Area“ means the portion of the Development site being disturbed plus any lands directly between such disturbed area and the nearest public street, for the purposes of determining landscaping requirements in this section.

(d) “Design Standards“ means the standards that each proposed Development must meet, as enumerated in subsection (4) and all other applicable Town ordinances.

(e) “Exterior Wall Area“ means as the total wall area below the building roof line on the outside of a building.

(f) “Off-premise Advertising Sign” means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on a premise other than the premise where the sign is displayed. Includes off-premise “billboards,” but does not include public information signs or multi-tenant industrial park or business center signs approved by the Town.

(g) “Plan“ means the Comprehensive Plan of the Town of Cottage Grove, as adopted, amended, and updated pursuant to § 66.1001, Wis. Stats.

(h) “Principal Building“ means a building or buildings in a Development in which is conducted, or in which is intended to be conducted, the main or principal use of the site on which the Development is located, as opposed to a use or function that is ancillary to the principal use.

### (4) DEVELOPMENT TO COMPLY WITH DESIGN STANDARDS.

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No Development shall be commenced unless, in the determination of the Plan Commission, such development complies with each of the following Design Standards, except where the Plan Commission grants a waiver or modification under subsection (8):

(a) Site Layout.

1. The Development shall provide proper ingress and egress from public roads to the site at designated and limited access points only, internal traffic safety by adequate driveway widths and circulation patterns, and parking spaces per applicable standards in the Dane County Zoning Ordinance. See also TCG Chapters 8 and 9 for applicable, related standards.
2. Interconnected parking lots, public roads, driveways, and walkways shall be provided where the Plan Commission determines them necessary to facilitate movement between Development sites or where advised in the Plan. Prior to building permit issuance, shared access easements shall be recorded over driveways designated for joint access between separate adjoining lots.
3. No building, parking, drive aisle, or other hard surfaced area shall be placed within a 10-foot-wide strip adjacent to any public road right-of-way or road easement edge, except for driveways accessing that road. Setbacks and other dimensional requirements shall otherwise comply with the Dane County Zoning Ordinance.
4. The siting and design of all buildings and other improvements shall meet any applicable standard within the Plan, which may include development policies applicable within the planned "Commercial Development Area" and/or the Conceptual Rural Business Park Development Plan: Highways 12/18/N Interchange, Northeast Quadrant.
5. The Development shall be designed and constructed that all surface drainage meets the standards of any applicable Town, County, and State erosion control and storm water management regulation, including TCG Chapter 14, and does not adversely affect neighboring properties.
6. Adequate provisions shall be made to accommodate fire, emergency medical service, and police protective needs, per TCG Chapter 4 and § 12.03, and as determined by the Plan Commission based on advice from the associated provider.

(b) Building Design.

1. Building materials, colors, designs, and scale shall contribute to the desired character and image of the Town and geographic area, and with applicable standards, as indicated in the Plan including those referenced in subsection (a)4. Modifications to standardized prototype and corporate franchise designs may be required to conform to this standard.
2. The Principal Building(s) shall be oriented to and visible from the main public road on which the site is located, so that the building(s) is the most prominent site improvement rather than parking, loading, storage, or other similar improvements.
3. At least 35% of the Exterior Wall Area of each Principal Building that is visible from a public road or properties zoned or used for residential or public open space

purposes shall be covered by brick, native stone, tinted or textured concrete masonry units, windows, or other decorative material as may be approved by the Plan Commission. Unfaced concrete block, structural concrete, prefabricated metal siding, and similar surfaces are discouraged for each such wall. Where prefabricated metal siding is used on each such wall, some combination of changes in pattern, orientation, textures, colors, building openings (e.g., windows), roof lines, and wall setbacks shall be used.

4. Each exterior wall that is greater than 100 feet in length and visible a public road or properties zoned or used for residential or public open space purposes shall employ structural or decorative elements to reduce apparent size and scale, such as varying wall setbacks, varying heights, varying roof treatments or slopes, doorway openings, window openings, awnings, or decorative lighting.
5. Each Principal Building shall be architecturally finished on all sides.

(c) Natural Features, Landscaping, and Screening.

1. Pre-existing landforms, non-invasive trees of over six inches trunk diameter at breast height or over 40 feet tall, and woodlots within which at least 50 percent of the trees meet at least one of these two size criteria shall be retained to the extent the Plan Commission determines practical by minimizing grading, soil removal, and tree removal. Credit towards planting requirements may be provided where the retention and protection of existing non-invasive trees are included in the landscape plan.
2. New landscape plantings shall be focused near Principal Building foundations, within and around parking lots, loading areas, and outdoor storage areas, and within the yard adjacent to the main road on which the Development is located, in a manner that does not impede safe traffic movement or site usage.
3. Landscape plantings shall comprise of the following types and number per every one acre of Development Site Area:
  - a. Four canopy deciduous trees with a trunk diameter at breast height of at least two inches at time of planting.
  - b. Eight ornamental deciduous or evergreen trees, or some combination, with a height of at least four feet at time of planting.
  - c. Twenty shrubs with a height of at least eighteen inches at time of planting, perennial planting bed(s) of at least 300 square feet in area, or a combination.
4. Where a Development is adjacent to or across a public road from land used or zoned for residential or public open space purposes, an all-season vegetative screen, landscaped berm, and/or decorative opaque fence or wall ("bufferyard") is required in addition to landscaping required under subsection 3 above.
5. Outdoor storage of materials, trash and recycling dumpsters, equipment (aside from vehicles used in the operation), fuel, scrap, inoperative vehicles, and similar objects shall not be visible from public rights-of-way and lands used or zoned for residential or public open space purposes. Such areas shall instead be screened by opaque fences, walls, berms, dense landscaping, buildings, or combinations thereof.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

6. Mechanical equipment, communication dishes, signal receiving antennas, and similar ancillary equipment visible from public rights-of-way and lands used or zoned for residential or public open space purposes shall be softened by landscape screening or topographic changes, or covered in a manner that is integral to building or site design.

### (d) Exterior Signage and Lighting.

1. Signage shall meet all applicable requirements of TCG § 12.05, and in addition the following types of signs are not permitted in conjunction with any Development:
  - a. Any Off-premise Advertising Sign greater than 100 square feet in area.
  - b. Signs that cause a visual distraction and pose a potential nuisance or traffic safety hazard, including flashing signs, rippling or sparkling signs, feather signs, spotlights, and a wide variety of strings of lights, tinsel, pom poms, pinwheels, pennants, banners, streamers, and related attention-getting devices.
2. Exterior lighting shall be established, directed, and maintained so that the source of illumination is not visible from lands used or zoned for residential or public open space purposes.
3. All exterior light fixtures over 150 watts incandescent (or LED equivalent illumination) and not in public road rights-of-way or easements shall be completely shielded or recessed into canopies, with the fixtures mounted parallel to the ground (not tilted-up).
4. The maximum illumination level at all lot lines (or opposite lines of street rights-of-way) shall be one footcandle, the average illumination level within the lot shall be no greater than 3 footcandles, and the maximum illumination level at any point on the lot shall be 20 footcandles, except where the applicant demonstrates that different light levels will meet the standards of the Illuminating Engineering Society of North America for areas with dark surroundings.
5. The Plan Commission may specify certain hours within which illumination of signs or exterior light fixtures is permitted or prohibited.

### (5) APPLICATION AND PROCEDURE.

(a) Before or upon application for a building permit under TCG § 12.01, the applicant shall be advised by the Town Building Inspector or Town Clerk whether compliance with Design Standards is required. If such compliance is required, the applicant shall be so notified and informed of the application submittal requirements under subsection (7). Upon determining that such application is complete and any required application fees have been paid, the Town Clerk shall place the application on the agenda of the next regular Plan Commission meeting scheduled at least 21 days after the Clerk first receives the complete application. As part of the application, the applicant shall provide a sufficient number of plans plus a digital copy for the Development, as determined by the Town Clerk.

(b) The Plan Commission shall review the application submitted to determine whether the Development complies with this TCG §12.08 and other applicable Town ordinances. The Plan Commission may, but is not required to, hold a public hearing on the application. At the meeting in which the Plan Commission is to consider the application, the Plan Commission may review the

application, hear from such interested public who attend the meeting, and may receive the opinion of Town staff, consultants, and officials of the Town, county, state, fire and emergency medical services departments, or other agencies, with the applicant responsible for reimbursing the Town for any such expenses upon invoicing from the Town and for any special meeting or publishing costs.

(c) Following review of the application and plans, the Plan Commission shall approve, approve with conditions, or reject the application and plans. Such action shall be in writing, which writing may be a copy of the minutes of the Plan Commission meeting at which the action was taken.

(d) No building permit shall be issued for any Development, and no construction shall commence, until the Town Building Inspector has received, in writing, the Plan Commission's (or Town Board's under subsection (e)z) determination that the Development is in compliance with the Design Standards and has been approved, and all conditions of approval that reasonably could have been satisfied have in fact been satisfied. All construction, improvement, and maintenance of the Development shall conform with approved plans and Design Standards.

(e) The action of the Plan Commission on Design Review applications shall be appealable to the Town Board as an administrative determination under Ch. 68, Wis. Stats. Upon learning of any such appeal, the Building Inspector shall not issue a building permit until such appeal is resolved.

(f) Except in cases of appeal under subsection (e), approval shall be deemed to be given at the end of a 90-day period from the date of the submission of a complete application, with completeness determined by the Town Clerk, along with any required application fees, unless the application is rejected in writing within such period or unless the deadline is extended by agreement of the Plan Commission and the applicant.

(6) FEES.

The applicant shall be required to pay an application fee as determined by the Town Board and to reimburse any out-of-pocket expenses incurred by the Town, including consultant fees (including engineering, legal and/or planning), costs of maps, or other expenses related to the Design Review. Any such reimbursed expenses shall be paid in full by the applicant prior to issuance of the building permit or within 30 days of invoicing as determined by the Town.

(7) SUBMITTAL REQUIREMENTS.

All applications for Design Review shall contain the information required by the submittal requirements established below. A digital copy plus ten hard copies of all materials shall be submitted, except where the Town Clerk requires fewer copies. All plans described below shall be drawn to a recognized scale, and include a north arrow, date of preparation, landowner and business names, and contact information.

(a) Building plans sufficient to illustrate all exterior building walls, doors, windows, and roofs, including heights, dimensions, colors, and materials (including calculations to verify compliance with subsection (4)(b) above), along with building mounted lighting, signs, and mechanical units. The Plan Commission may also require building material samples.

(b) Color photographs to illustrate current site conditions, including from adjacent public road rights-of-way and the boundary of any adjacent land used or zoned for residential or public open space purposes, including buildings and other existing features. Photos may also be provided to illustrate installations on other sites that are similar to the applicant's proposal.

(c) A site plan, containing, on one or more plan sheets, the following information:

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1. Location of site and address if available and parcel number if not.
  2. All property and street pavement lines, labeling dimensions.
  3. Existing and proposed contours. For minor projects, the Town Engineer may accept a spot grading plan without proposed contours.
  4. Gross area of lot and all buildings stated in square feet, including building square footage divided by function (e.g., office, storage).
  5. Adjacent streets and land uses, including road centerlines.
  6. The percentage of the site that will remain in open space and the percentage that will be under buildings following Development.
  7. Setbacks for side yards, front and rear yards, for buildings and other hard surfaces, and setback from ordinary high-water mark, if applicable.
  8. Boundaries for all wetlands, floodplains, and shoreland setbacks and zoning areas.
  9. Calculations for determining the minimum required number of off-street parking spaces by applicable zoning ordinance, plus the number of spaces actually proposed,
  10. The maximum number of employees, customers, and residents, that would be at the facility at any one time.
  11. Proposed ingress and egress to the site, including on-site parking area(s), parking stalls, and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of directional signs or other motorist's aides (if any).
  12. Calculations for determining the number of trees to be placed within the Development Site Area, as well as the designation of any required bufferyard.
  13. All existing trees with a trunk diameter at breast height of over six inches or over 40 feet tall, or the limits of woodlots within which at least 50 percent of the trees meet at least one of these two size criteria.
  14. Existing landscaping that will be retained (including proposed protection measures) and proposed landscaping, which shall be differentiated and shown on the plan. The type, size, number, and spacing of all proposed plantings must be indicated.
  15. Location, dimensions, and floor area of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries.
  16. Location of all existing (to remain) and proposed lighting standards, complete with routing of electrical supply and photometric plan.
  17. Location of all other existing and proposed structures, outdoor storage or display areas, parking areas, dumpsters, fencing, and ground-mounted signs (including if proposed to be lit), including distances from all lot lines.
  18. Zoning classification.
- (d) Lighting Standard Drawing. A scaled drawing and/or catalog pages of the proposed lighting standard(s) is required and shall contain the following information:

1. All size specifications.
2. Information on lighting intensity, such as a photometric plan.
3. Materials, colors.
4. Ground or wall anchorage details.

(8) WAIVERS AND MODIFICATIONS.

The Plan Commission (or upon appeal the Town Board) may approve waiver or modification to one or more provisions of this TCG §12.08 for cases in which it determines that:

- (a) Extraordinary or undue hardship may result from strict compliance with this TCG §12.08 and/or that its purpose may be better served by an alternate approach.
- (b) Such waiver or modification will be just and proper, not be detrimental to the public good, and not impair the desirable general development of the community in accordance with the Plan.
- (c) Such waiver or modification will not be contrary to applicable requirements of State law, Dane County ordinance, or other Town ordinance, except where also modified by the appropriate agency.

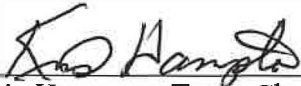
(9) VIOLATION AND PENALTIES.

Any person who shall violate this section shall, upon conviction, be subject to forfeiture of not less than ten dollars (\$10), nor more than two hundred dollars (\$200), together with all costs of prosecution, fees and penalty assessments, if any. Each day a violation continues shall constitute a separate offense. Nothing in this section shall preclude the Town from taking any appropriate action to prevent or remove a violation of any provision of this section.

(10) EFFECTIVE DATE

This ordinance section was adopted on November 5, 2001, and last reviewed/revised on ~~June-20, 2022~~ May 20, 2024.

Adopted this 20<sup>th</sup> day of May, 2024 by a vote of 5 in favor, 0 against and 0 abstaining.

  
Kris Hampton, Town Chair

ATTEST:

  
Kim Banigan, Town Clerk-Treasurer



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PUBLIC HEARING FOR 2024-25 NON-METALLIC MINING PERMITS

- I. Notice of the public hearing was posted on May 24, 2024 at the Town Hall and on the Town's website and Facebook page. Chair Kris Hampton and Supervisors Mike Fonger and Steve Anders were present in person. Supervisor Kristi Williams was present virtually. Clerk-Treasurer Kim Banigan, Deputy Clerk Jennifer Millage and Highway Superintendent Dan Dresen were also present.
- II. Hampton called the public hearing to order, read the list of applicants, and asked if there were any questions or comments from the public. There were none.

PUBLIC HEARING FOR 2024-25 ALCOHOL BEVERAGE LICENSES

- I. Notice of the public hearing was posted on May 24, 2024 at the Town Hall and on the Town's website and Facebook page, and published in the legal section of the Wisconsin State Journal on May 29, 30, 31, 2024. Attendance was the same as listed above.
- II. Hampton called the public hearing to order, read the list of applicants, and asked if there were any questions or comments from the public. There were none.

**MOTION** by Anders/Fonger to close the public hearings. **MOTION CARRIED 4-0.** The public hearings ended at 7:01 p.m.

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Attendance was as listed for the public hearings above.
- B. Hampton called the meeting to order at 7:01 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting: **MOTION** by Williams/Fonger to approve the minutes of the May 20, 2024 Public Hearing and Town Board Meeting as presented. **MOTION CARRIED 4-0.**
- E. Finance Report and Approval of Bills:
  1. **MOTION** by Anders/Fonger to approve checks #37144-37167 and EFTs in the amount of \$23,598.84. **MOTION CARRIED 4-0.**
  2. **MOTION** by Anders/Fonger to approve payment of May per diems as presented. **MOTION CARRIED 4-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Consideration of July 1, 2024– June 30, 2025 Alcohol Beverage Licenses:
  1. Renewal of Class A Beer and Class A Cider License for Door Creek Orchard, LLC, Elizabeth Griffith, Agent, 3252 Vilas Road: **MOTION** by Williams/Fonger to approve the Class A Beer and Cider licenses for Door Creek Orchard, LLC. **MOTION CARRIED 4-0.**
  2. Renewal of Combination Class B Beer and Class B Liquor Licenses:
    - a) Ball of Fun LLC, d.b.a. Doubledays, Debra Stueber, Agent, 4586 Baxter Road
    - b) Door Creek Golf Course, Inc., Phillip Frederickson, Agent, 4321 Vilas Road

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- c) Noras Tavern, Inc., Timothy Kluever, Agent, 1843 US Hwy 12 & 18
- d) Warm Belly Noble, LLC, d.b.a. Warm Belly Farm, Francis D Wisniewski, Agent, 4311 Vilas Hope Road

**MOTION** by Anders/Williams to approve Combination Class B Beer and Class B Liquor Licenses for Ball of Fun, LLC, Door Creek Golf Course, Inc., Noras Tavern, Inc. and Warm Belly Noble, LLC. **MOTION CARRIED 4-0.**

- 3. New Class B Beer and Class B Liquor License for Badger Farms, LLC, David Muehl, Agent, 1682 County Road BB: The Clerk-Treasurer noted that this is the last Class B license the Town has available without purchase of a Reserve Class B license. Mr. Muehl was present, and was asked if any alcohol would be consumed outside. He asked to add the deck and immediate grounds to the licensed premises. **MOTION** by Fonger/Anders to approve new Combination Class B Beer and Class B Liquor Licenses for Badger Farms, LLC, with the addition of the deck and immediate grounds to the licensed premises as listed on the application form. **MOTION CARRIED 4-0.**
- B. Operators and Managers Licenses: A list of applicants is attached as Exhibit A. The Clerk-Treasurer noted that one applicant for Badger Farms, LLC had not yet paid the application fee. David Muehl asked to strike another of his applicants and apply the fee to the unpaid one. The Clerk-Treasurer verified that all applicants had met all requirements for licensure. **MOTION** by Anders/Fonger to approve the list of Operator's and Manager's licenses, striking Kristine M. Fracek and applying her payment to Samantha M. Holton. **MOTION CARRIED 4-0.**
- C. Consideration of July 1, 2024– June 30, 2025 Non-Metallic Mining Permit Renewals:
  - 1. 2543 Gaston Road, Brad Huston, Operator, R.G. Huston Company, Owner.
  - 2. 3355 County Road N, Brad Huston, Operator, Skaar Pit LLC, Owner.
  - 3. 2294 US Highway 12 & 18, GR Lyons III, Operator, Rocky Rights, LLC, Owner.The Clerk-Treasurer read the conditions from the expiring permits, and noted that the CUP for the site at 3355 County Road N expires in February of 2025. Dennis Richardson, representing Skaar Pit, LLC, stated that they intend to apply for a renewal of the CUP. **MOTION** by Fonger/Anders to approve Non-Metallic Mining permits for all three sites, with conditions the same as the expiring permits. **MOTION CARRIED 4-0.**
- D. Plan Commission Recommendations:
  - 1. Brent Conwell, petitioner, Capitol Holdings, LLC, property owner: DCPREZ-2024-12049 to rezone parcel 0711-284-9740-0 (.5 acres zoned AT-35) to HC and combine with parcel 0711-284-9721-0 at 3475 North Star Road: No one was present to represent Capitol Holdings. **MOTION** by Anders/Fonger to accept the Plan Commission's recommendation to approve the rezone of .510 acres from AT-35 to HC, and combine it with parcel 0711-284-9721-0. **MOTION CARRIED 4-0.**
- E. Consideration of adoption of a policy requiring stormwater outlots in new developments to be owned and maintained by the development: The Clerk-Treasurer said this question has come up because Birrenkott Surveying asked whether the stormwater outlot in the Swalheim Business Park should be dedicated to the public. Written recommendations from Atty. William Cole and Town Planner Mark Roffers were reviewed. Anders advocated for private ownership, with the Town having authority to order maintenance if it is not performed satisfactorily. He cited liability and demands on Town Staff for maintenance as his reasons.

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Hampton would prefer to have the outlots dedicated to the public so the Town could retain control. Discussion specific to the Swalheim Business Park outlot was how to require the three lots created outside the plat to be included in a maintenance agreement. Special Assessments were mentioned. **MOTION** by Anders/Fonger to table until the June 17<sup>th</sup> meeting when Atty. Cole will be present to advise. **MOTION CARRIED 4-0.**

- F. Discuss/Consider whether to go out for bid for a new refuse and recycling contract to begin in 2025: Discussion was that it has been over 10 years since the Town last went out for bid for these services. **MOTION** by Hampton/Williams to notify the Village President that the Town wants to issue an RFP for services to begin January 1, 2025, and believes it would be in the best interest of the Town and Village to continue to use the same service provider. The letter should ask for the Village Board's response by July 2<sup>nd</sup> to allow time for the RFP process. **MOTION CARRIED 4-0.**

- G. Discuss/Consider funding options for additional Town share of the cost for the CGFD Squad arriving later this year based on the Fire Commission's recent action to determine the cost split: Hampton said he was disappointed with the Fire Commission's vote on May 28<sup>th</sup> to use 2022 Equalized Values to determine the cost sharing, and suggested either mediation or the Town filing suit against the Village for use of 2023 EVs instead. The IGA in effect at the time the contract was signed in 2022 said cost sharing is based on EVs at the time of acquisition, which the Village seems to be interpreting as when the commitment was made. The current agreement, which says it supersedes all prior agreements, allocates costs by EVs at the time of delivery. Anders thought legal fees could exceed the \$12,961 difference the Town would pay under 2022 EVs, and was concerned about negatively affecting the recent uptick in the relationship between the Town and Village Boards. **MOTION** by Williams/Fonger to table until the June 17<sup>th</sup> meeting when Atty. Cole will be here to advise. **MOTION CARRIED 4-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: None since the last meeting.
- B. The crew has been mowing like crazy due to all the rain, and trees have been falling from weight.
- C. They have started bucket patching, and Dresen will be working to schedule paving and seal-coating projects.

IV. CLERK-TREASURER'S OFFICE UPDATE: Nothing to report.

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Report on Madison Beltline PEL Study Public Meeting by Kristi Williams: The virtual meeting was well attended. The bottom line was that improvements including flex and turning lanes are planned from the far west Beltline to the Interstate, but nothing is planned between the Interstate and CTH N. An additional study of CTH AB at US Hwy 12/18 was mentioned.

VI. COMMITTEE REPORTS:

- A. Natvig Landfill Monitoring Committee: Anders reported that they approved the bills as usual.
- B. Cottage Grove Fire Commission: Anders reported that approvals were given for upgrades to improve wi-fi, add capacity to the phone system at the Emergency Services Building. A phone dedicated to calling Dane County Dispatch and an OAK box (with Narcan) will also be placed in the vestibule between the entrance doors. Future needs for full-time staffing and

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building addition or expansion were also discussed. Fire calls are ahead of this time last year. Fire and EMS departments are working to mitigate the increasing number of EMS calls that the Fire Department is being asked to assist with.

- VII. Consider/Adopt motion to convene in Closed Session Pursuant to Wisconsin Statute Section 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Development Agreement with Skaar Pit, LLC.): Hampton said no closed session was needed tonight.
- VIII. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: No closed session was held.
- IX. Adjournment: **MOTION** by Fonger/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:11 P.M.

Kim Banigan, Clerk-Treasurer  
Approved 06-17-2024

# EXHIBIT A

For Consideration 06-03-2024					
2024-25 Operator's License Applicants					
Paid	New/Renewal	Background Check	Servers Cert.	Full Name	Establishment
Yes	New	yes	yes	Jesse E. Fracek	Badger Farms
<del>Yes</del>	<del>New</del>	<del>yes</del>	<del>yes</del>	<del>Kristine M. Fracek</del>	<del>Badger Farms</del>
Yes	New	yes	yes	Michelle R. Fritz	Badger Farms
No <span style="color: red;">Yes</span>	New	yes	yes	Samantha M. Holton	Badger Farms
Yes	New	yes	yes	Tana M. Metzges	Badger Farms
Yes	New	yes	yes	Josie I. Binversie	Door Creek Golf Course
Yes	New	yes	yes	Calla L. Kelly	Door Creek Golf Course
Yes	New	yes	yes	Maya K. Kramer	Door Creek Golf Course
Yes	New	yes	yes	Abigail N. McConnell	Door Creek Golf Course
Yes	Renewal	yes	yes	Kylie L. Turner	Door Creek Golf Course
Yes	Renewal	yes	yes	Abigail L. Smith	Door Creek Orchard
Yes	Renewal	yes	yes	Bernadette L. Archer	Doubledays
Yes	Renewal	yes	yes	Becky J. Kratochwill	Doubledays
Yes	Renewal	yes	yes	Mark A. Stueber	Doubledays
Yes	Renewal	yes	yes	Riva M. Stueber	Doubledays
Yes	Renewal	yes	yes	Stephanie K Boldt	Nora's Tavern
Yes	Renewal	yes	yes	Brittany J. Calvert	Nora's Tavern
Yes	Renewal	yes	yes	Taylor J Hamm	Nora's Tavern
Yes	Renewal	yes	yes	Jaimee L. Linnerud	Nora's Tavern
Yes	Renewal	yes	yes	Jaybin R. Nielsen	Nora's Tavern
Yes	Renewal	yes	yes	Jason M. Schmidt	Nora's Tavern
Yes	Renewal	yes	yes	Lisa M. Serena	Nora's Tavern
Yes	Renewal	yes	yes	Jason M. Simle	Nora's Tavern
Yes	Renewal	yes	yes	Rebecca A. Slater	Nora's Tavern
Yes	New	yes	yes	Brian J Christian	Warm Belly Farm
Yes	New	yes	yes	Emily M. Hebbe	Warm Belly Farm
Yes	Renewal	yes	yes	Joshua M Kuelling	Warm Belly Farm
Yes	Renewal	yes	yes	Dylan M Sadogierski	Warm Belly Farm
2024-25 Manager's License Applicants					
	New/Renewal	Background		Full Name	Establishment
Yes	Renewal	ok	N/A	Kristin Frederickson	Door Creek Golf Course
Yes	New	ok	N/A	Jakob Schroeckenthaler	Door Creek Golf Course
Yes	Renewal	ok	Yes	Gary F. Stueber	Doubledays
Yes	Renewal	ok	Yes	Sheryl L. Kluever	Nora's Tavern

For Consideration 06-03-2024					
2024-25 Operator's License Applicants					
Paid	New/Renewal	Background Check	Servers Cert.	Full Name	Establishment
Yes	New	yes	yes	Jesse E. Fracek	Badger Farms
<del>Yes</del>	<del>New</del>	<del>yes</del>	<del>yes</del>	<del>Kristine M. Fracek</del>	<del>Badger Farms</del>
Yes	New	yes	yes	Michelle R. Fritz	Badger Farms
No Yes	New	yes	yes	Samantha M. Holton	Badger Farms
Yes	New	yes	yes	Tana M. Metzges	Badger Farms
Yes	New	yes	yes	Josie I. Binversie	Door Creek Golf Course
Yes	New	yes	yes	Calla L. Kelly	Door Creek Golf Course
Yes	New	yes	yes	Maya K. Kramer	Door Creek Golf Course
Yes	New	yes	yes	Abigail N. McConnell	Door Creek Golf Course
Yes	Renewal	yes	yes	Kylie L. Turner	Door Creek Golf Course
Yes	Renewal	yes	yes	Abigail L Smith	Door Creek Orchard
Yes	Renewal	yes	yes	Bernadette L. Archer	Doubledays
Yes	Renewal	yes	yes	Becky J. Kratochwill	Doubledays
Yes	Renewal	yes	yes	Mark A. Stueber	Doubledays
Yes	Renewal	yes	yes	Riva M. Stueber	Doubledays
Yes	Renewal	yes	yes	Stephanie K Boldt	Nora's Tavern
Yes	Renewal	yes	yes	Brittany J. Calvert	Nora's Tavern
Yes	Renewal	yes	yes	Taylor J Hamm	Nora's Tavern
Yes	Renewal	yes	yes	Jaimee L. Linnerud	Nora's Tavern
Yes	Renewal	yes	yes	Jaybin R. Nielsen	Nora's Tavern
Yes	Renewal	yes	yes	Jason M. Schmidt	Nora's Tavern
Yes	Renewal	yes	yes	Lisa M. Serena	Nora's Tavern
Yes	Renewal	yes	yes	Jason M. Simle	Nora's Tavern
Yes	Renewal	yes	yes	Rebecca A. Slater	Nora's Tavern
Yes	New	yes	yes	Brian J Christian	Warm Belly Farm
Yes	New	yes	yes	Emily M. Hebbe	Warm Belly Farm
Yes	Renewal	yes	yes	Joshua M Kuelling	Warm Belly Farm
Yes	Renewal	yes	yes	Dylan M Sadogierski	Warm Belly Farm
2024-25 Manager's License Applicants					
	New/Renewal	Background		Full Name	Establishment
Yes	Renewal	ok	N/A	Kristin Frederickson	Door Creek Golf Course
Yes	New	ok	N/A	Jakob Schroeckenthaler	Door Creek Golf Course
Yes	Renewal	ok	Yes	Gary F. Stueber	Doubledays
Yes	Renewal	ok	Yes	Sheryl L. Kluever	Nora's Tavern

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JUNE 17, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders and Kristi Williams were present. Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, and Deputy Eric Miller were also present. Attorney William Cole joined the meeting in progress. Dresen left early to take care of a downed tree.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting: **MOTION** by Williams/Fonger to approve the minutes of the June 3, 2024 public hearings and Town Board meeting as presented. **MOTION CARRIED 4-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by Fonger/Anders to approve checks #37168-37197, voided check #36722, and EFTs in the amount of \$13,514.12. **MOTION CARRIED 4-0.**
  - 2. **MOTION** by Anders/Williams to approve payment of \$4,560.52 to General Engineering Company for May building permits. **MOTION CARRIED 4-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Review May Police Activities: The monthly report showed 341 calls for service and 267 citations issued. Deputy Miller said his shift (second) during the festival was quiet, he thought the earlier shift may have been busier with traffic and parking concerns. He reminded citizens to secure their valuables.
- B. Presentation by Dane County Office of Energy & Climate Change about clean energy opportunities: Kathy Kuntz, Director of the Dane County Office of Energy & Climate Change, narrated a slide presentation (Exhibit A) on clean energy opportunities. She said Dane County is the first in Wisconsin and the 20<sup>th</sup> in the nation to offset 100% of its electricity usage from renewable sources. Her office aims to lead by example, celebrate the accomplishments of others, and make it easier for all to get money for renewable energy projects. There is currently an unprecedented amount of federal funding available, mostly in the form of tax credits, with provisions for tax exempt agencies to elect for direct payment even though they don't file taxes. Use of funds received is unrestricted. She had drafted a rough estimate, which she admitted was based on limited information, to give a ballpark idea of what a solar array for the Town Hall might cost, and what the direct pay credit might look like. She estimated a final out of pocket cost of \$30,000 after a 30% IRA Elective Pay credit, Focus on Energy rebate, and Solar for Good Incentive. The projected payback period was 11.1 years, with a solar warranty of 25-30 years. Systems under 20 kw are eligible for net metering, where energy is sold to the power company at the same rate it is bought at. Discussion was that a roof-mounted solar array might not be the best solution for the Town Hall due to trees to the south and the big hill to the west, along with the fact that the roof recently had a permaseal membrane installed. Dresen suggested a ground-mounted system using the bank on the north end of the property. Kuntz noted that motorized turning on a ground mounted system would add cost. Kuntz will follow up with an email containing links of examples and resources for solar projects, including the installers used. Credits are also available for electric vehicles and equipment.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JUNE 17, 2024

Williams is eager to move forward to show the Town is committed to combating climate change, and suggested that surplus unassigned funds be considered for such projects. Hampton suggested contacting reputable installers for quotes.

- C. Consideration of Certified Survey Map for John & Tracy Donlon, 3685 Ridge Road (DCPREZ-12018): **MOTION** by Anders/Fonger to approve CSM Application #10837 as presented. **MOTION CARRIED 4-0.**
- D. Discuss/Consider location for new ATC pole on Town Garage property: Dresen said that Alliant approached him because ATC needs to place a monopole in the vicinity of the Town Garage parking lot. He had indicated two possible locations on a map. Hampton questioned whether the Town can be reimbursed for the pole that will be on Town property that is not within a utility easement. Dresen will find someone from ATC to come to the next meeting. **MOTION** by Anders/Williams to table until the next meeting. **MOTION CARRIED 4-0.**

(Items II. E. through VI. were taken out of order, then there was a brief recess from 7:58 P.M to 8:14 P.M. while the Board waited for the arrival of Town Attorney William Cole).

- E. Consideration of adoption of a policy requiring stormwater outlots in new developments to be owned and maintained by the development (tabled from June 3rd meeting): Atty. Cole said there is a trend toward having the development take ownership of stormwater facilities, with an agreement allowing the municipality to inspect and maintain it if the development fails to do so adequately, and then charge the costs back to the development via special assessments. Liability factors into this trend as well. Town Planning Consultant Mark Roffers has recommended that the stormwater outlot in the Swalheim Business Park be publicly owned, and Atty. Cole does not disagree in this case since it does serve Town Roads and the Town would have more control. Discussion was that the three lots created by CSM prior to the proposed 4-lot plat also drain to this outlot. The Town Engineer will need to determine which properties are served by the outlot so that special charges can be used to recoup the maintenance costs each year. Atty. Cole recommended continuing to consider stormwater outlots on a case-by-case basis, and suggested developing specifications for any that will be publicly owned, such as safety shelving.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: One permit was issued to Alliant Energy for an emergency repair at 1754 Strawberry Lane.
- B. Update on 6-20' Culvert Inventory project: Dresen said all data has been collected, but he still needs to input it.
- C. Downed trees and mowing are keeping them busy after all the rain and storms.
- D. Re-paving projects will be happening at the end of June, and chip sealing will be later in July.

IV. CLERK-TREASURER'S OFFICE UPDATE: Preparations for the August 13<sup>th</sup> Partisan Primary are beginning; absentee ballots go out next week.

V. BOARD REPORTS AND COMMUNICATIONS: None.

VI. COMMITTEE REPORTS:

- A. Emergency Government Committee: Fonger, Hampton and Otto Kraus toured the Dane County Emergency Headquarters. Fonger described it as a quality facility and said they are here to help us.

VII. Consider/Adopt a motion to convene in Closed Session Pursuant to Wisconsin Statute Section 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JUNE 17, 2024

funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Fire Protection Agreement for the Cottage Grove Fire Department and Development Agreement with Skaar Pit, LLC). **MOTION** by Williams/Fonger to convene in closed session for the Fire Protection Agreement only. **MOTION CARRIED 4-0 by roll call vote.** The door and virtual meeting were locked and recording was paused, and the closed session began at 8:30 P.M.

- VIII. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Anders/Williams to reconvene in open session. **MOTION CARRIED 4-0 by roll call vote.** The closed session ended at 8:59 P.M., the door was unlocked and recording was resumed. There was no action take as a result of the closed session.
- IX. Adjournment: **MOTION** by Williams/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:59 P.M.

Kim Banigan, Clerk-Treasurer  
Approved 07/15/2024

***EXHIBIT A***

# Clean Energy Opportunities

Cottage Grove Town Board

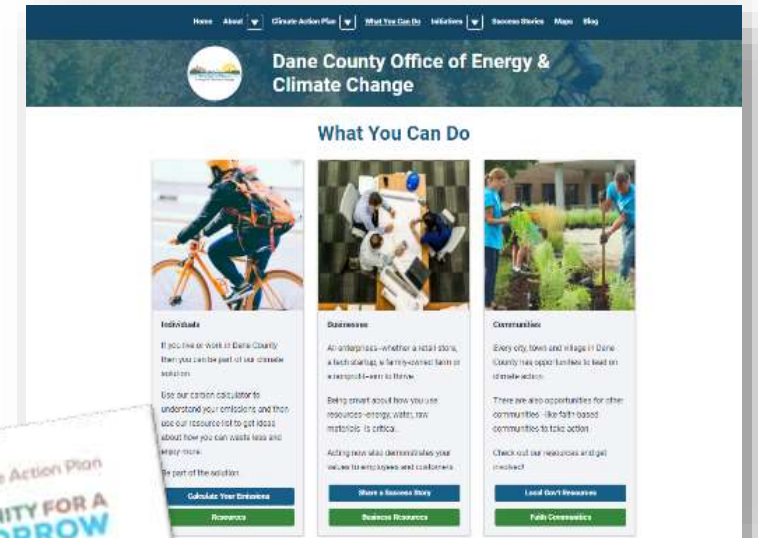
June 17, 2024



Kathy Kuntz, Director

# Office of Energy & Climate Change

- Inside County Exec Parisi's Office
- Reduce emissions in county operations
  - Electricity 100% renewable offset in 2023
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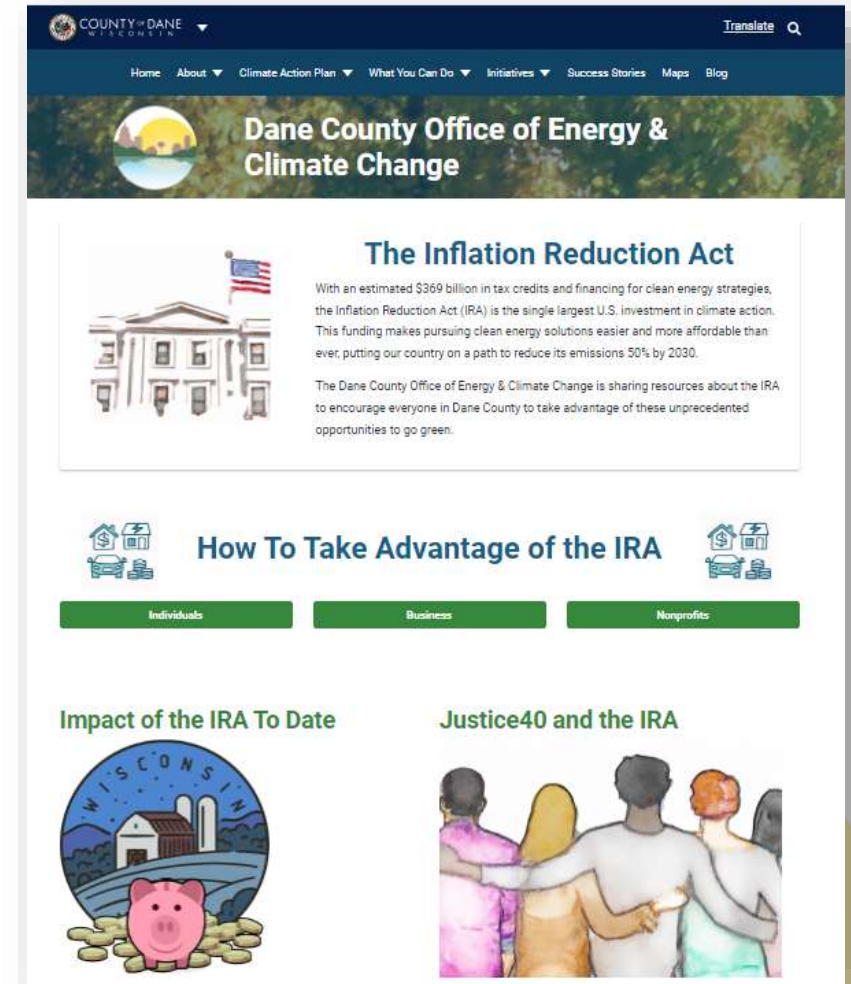
# Celebrating 150+ Local Climate Champions



# Making It Easy for You to Get Money

- Clear explanations
- Up-to-date information
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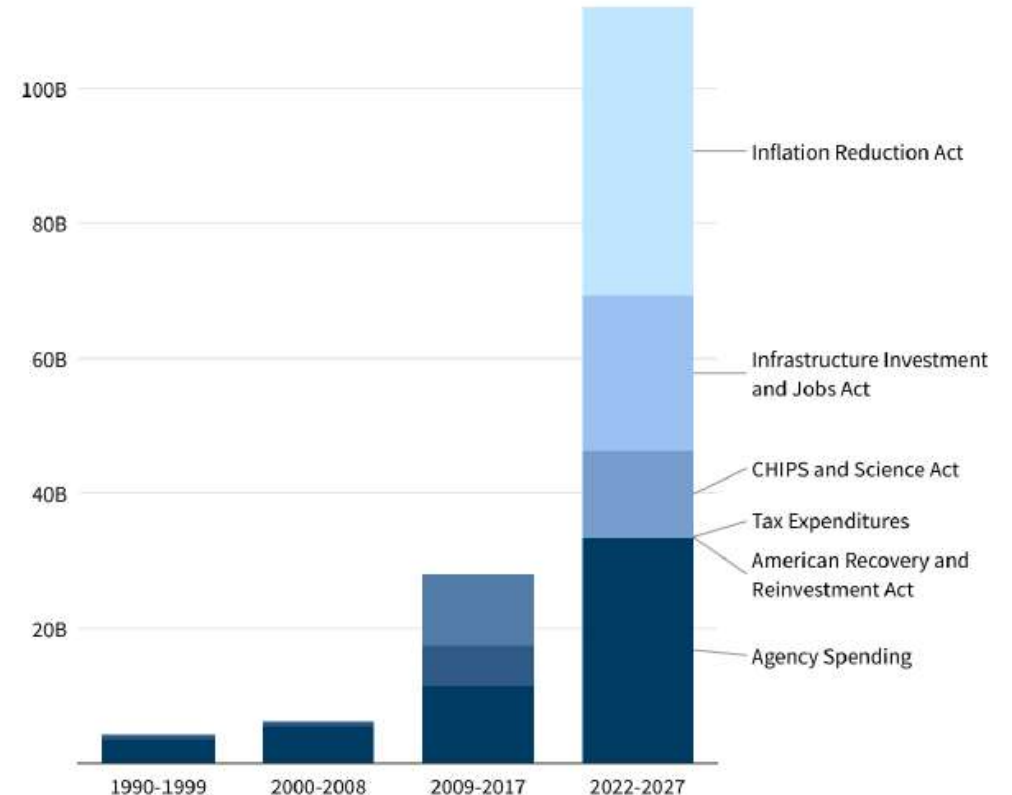


# Unprecedented Level of Federal Funding

- Bipartisan Infrastructure Law (BIL)
  - Mostly formula and competitive grants
- Inflation Reduction Act (IRA)
  - Financial incentives so clean energy cheapest option
  - Mostly (2/3) tax credits
    - Including Elective Pay for tax-exempt entities

## Federal Spending on Climate Will Exceed \$100b Annually

Spending will more than triple historic levels.



Average annual spending, adjusted for inflation. Note that the time periods shift from 2000-2008 to 2009-2017 to 1) consolidate the impact of the ARRA to one bar, and 2) address missing data between 2018-2021. Values are based on RMI estimates using agency spending data from the GAO, tax expenditure data from the JCT, and internal analysis on 2021-2022 legislation.

Source: RMI • Created with Datawrapper



# Renewable Energy Credits for EVERYONE

30% credit for solar, wind, battery storage and geothermal

- Additional bonus credits 10-40%

✓ Businesses & Farms

- Transferability!

✓ Tax Exempt Entities

- Direct/Elective Pay

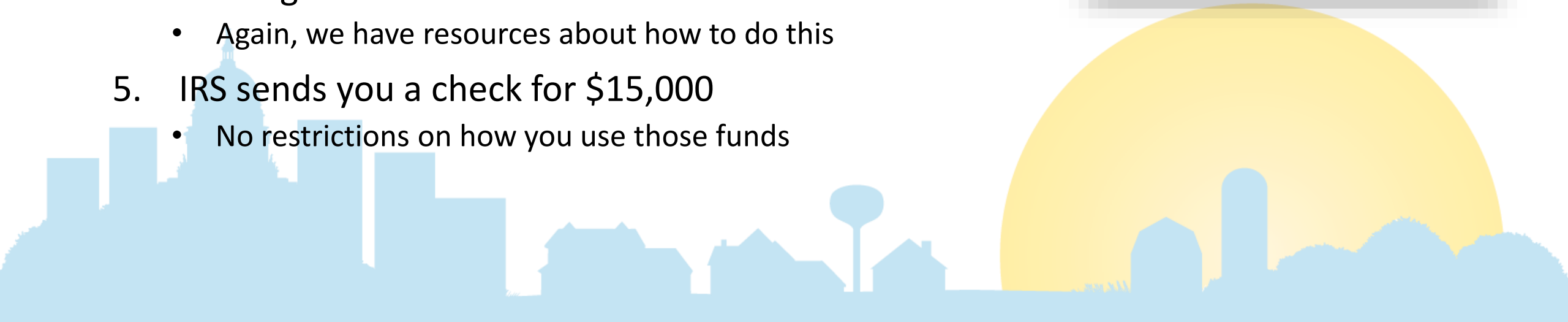
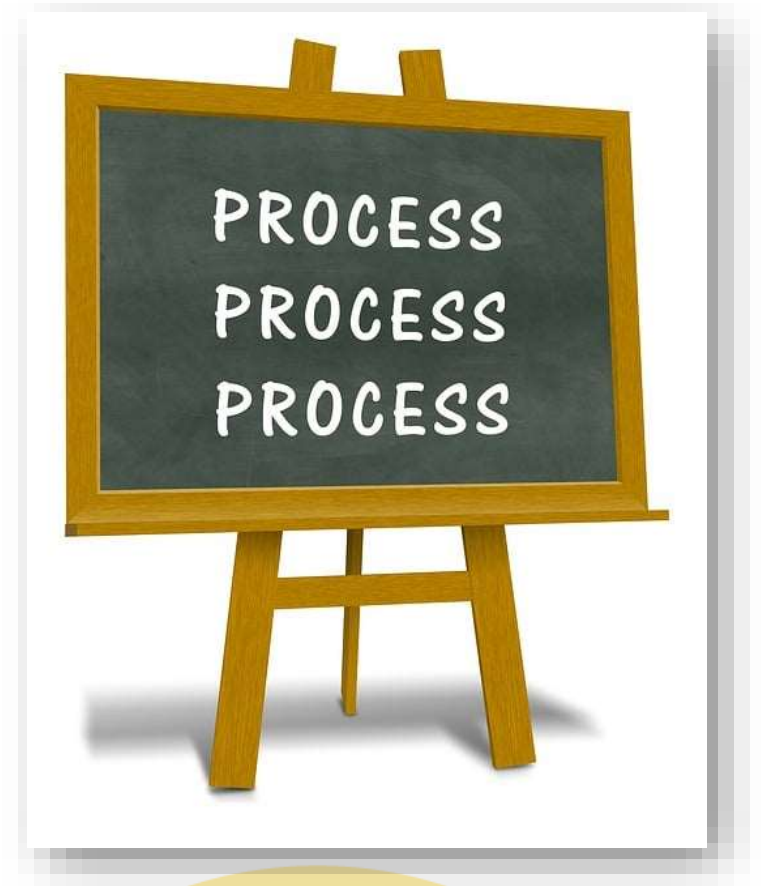
✓ Homes and Apartments

Can layer with Focus on Energy and PACE financing (not homeowners)

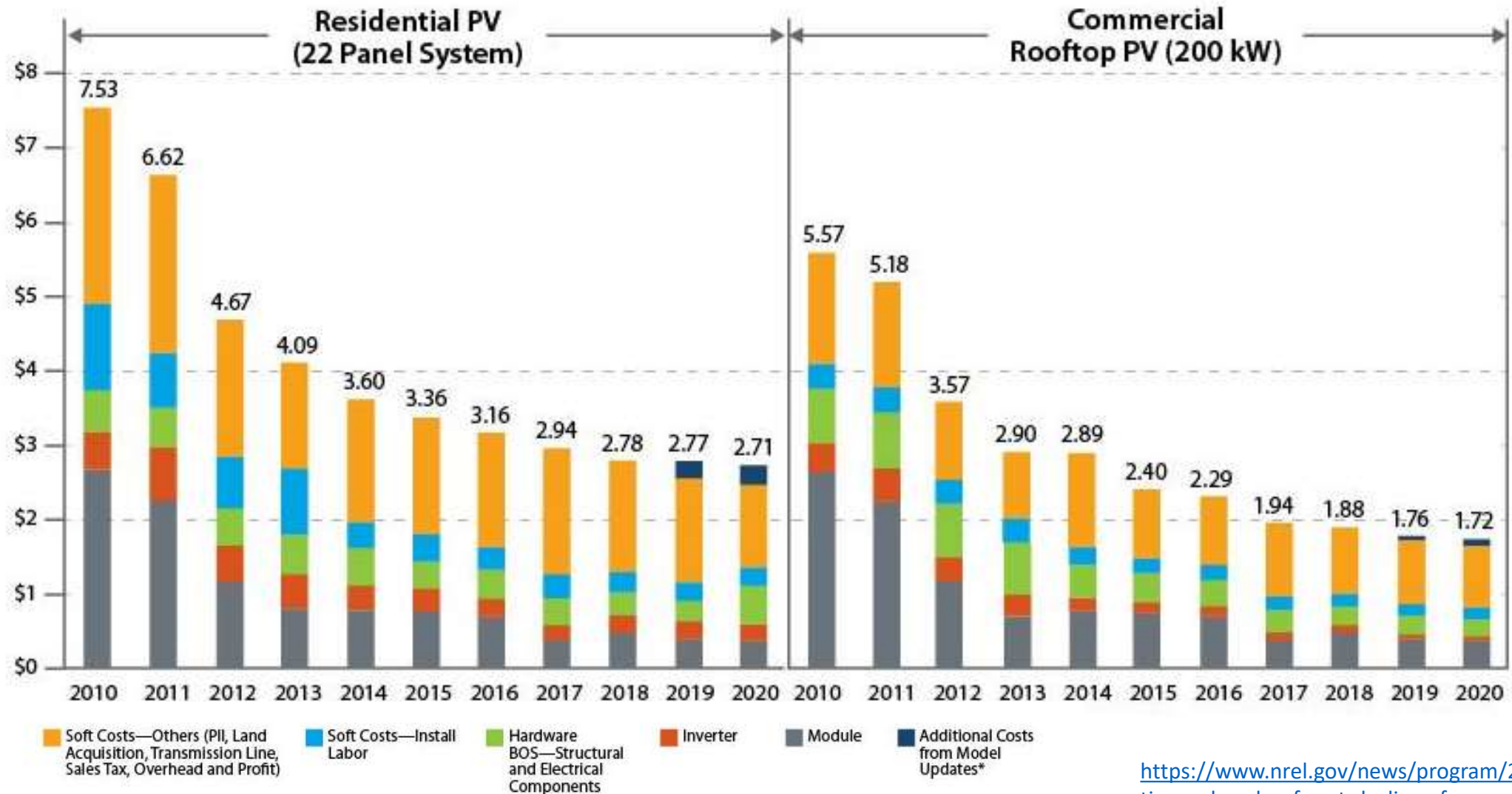


# How Elective Pay Works

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# Solar Electric Systems Are Increasingly Affordable



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The cost of solar continues to decline across residential, commercial, and utility-scale PV systems, driven largely by increased module efficiency as well as lowered hardware and inverter costs.

# Case Study: McFarland Public Safety Center



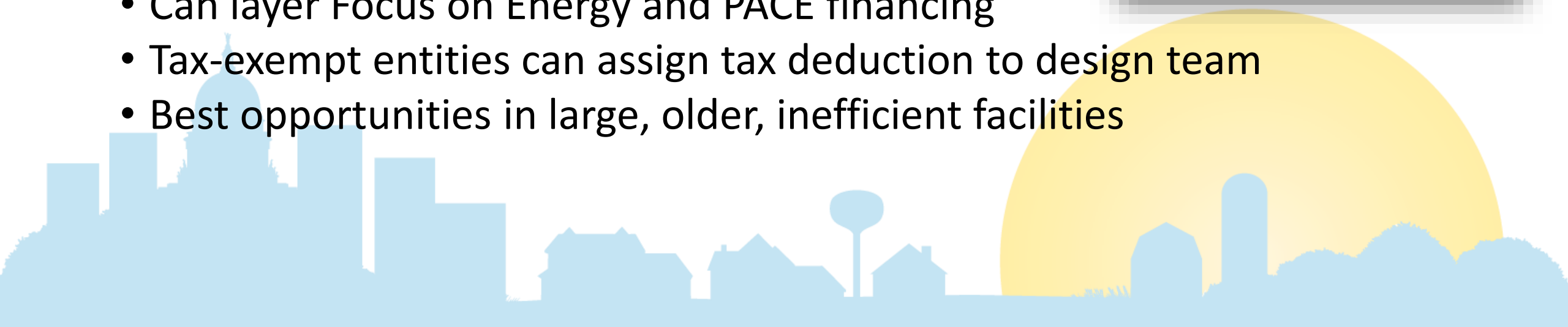
- Fire, Municipal Court, and Police
- 58,000 sq ft
- A net-zero building
  - Geothermal
  - Solar arrays
- Project Costs
  - \$850,000 Solar PV
  - \$2.5M geothermal & HVAC system
  - Total for solar/geo \$3,350,000
- Expect about \$1M in Elective Pay Credits

# Cottage Grove Town Hall – A Rough Estimate

This is a rough estimate, based on limited information	
Annual Energy Bill for Town Hall	\$8,500
Est. Annual Electricity Used (kwh)	30,000 kwh
Size of Solar to Serve 70% of that load	16 kW system ~ 21,000 kwh/year
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Simple Payback (shorter if rates increase)	11.1 years
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# Energy Efficiency Tax Deduction

- Tax deduction based on modeled energy savings
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    - \$2.50/sq ft for 25% savings
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  - Baseline for existing buildings is past energy usage
  - Also available for new construction
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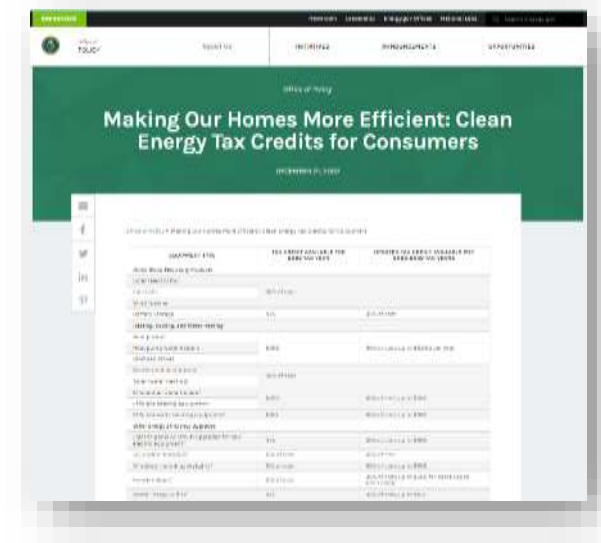
# 30% Tax Credit/Direct Pay for EVs Too

- Up to \$7,500 for qualifying new electric vehicles
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# In Addition...Tell Your Community!

- Tax credits for homeowners
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So let's do this already!



<https://daneclimateaction.org/what-you-can-do/federal-funding>

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Kathy Kuntz

[Kuntz.Kathryn@countyofdane.com](mailto:Kuntz.Kathryn@countyofdane.com)

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Cottage Grove Town Board  
June 17, 2024



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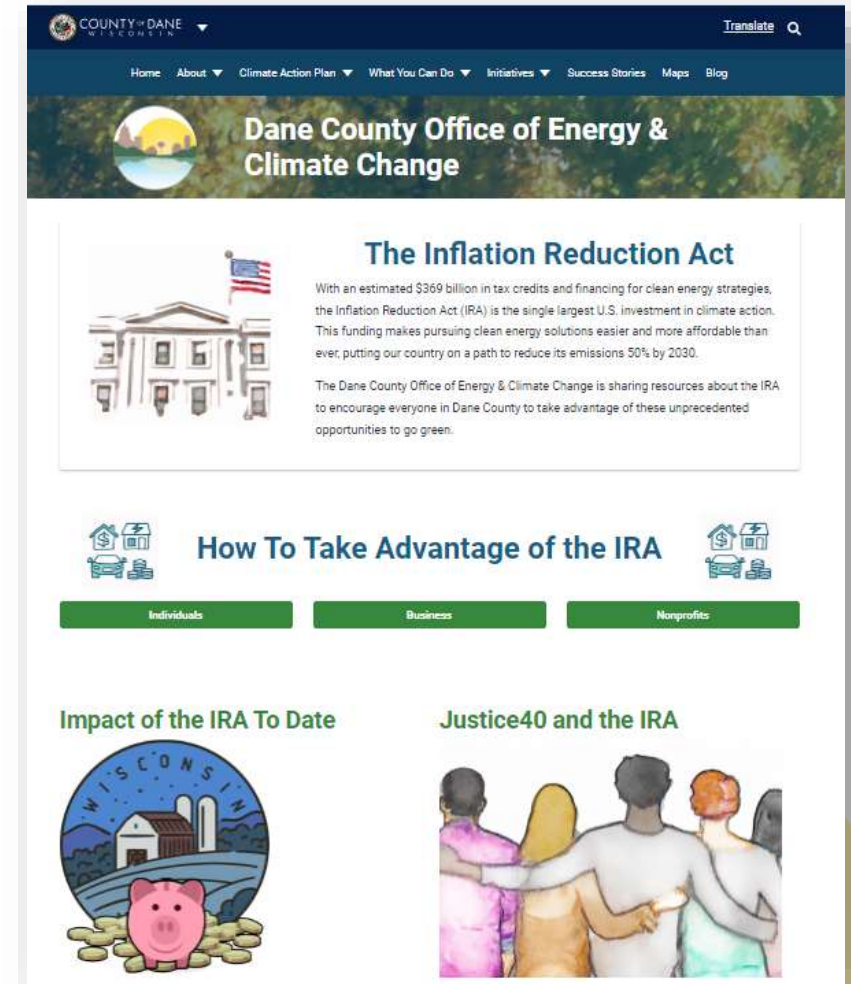


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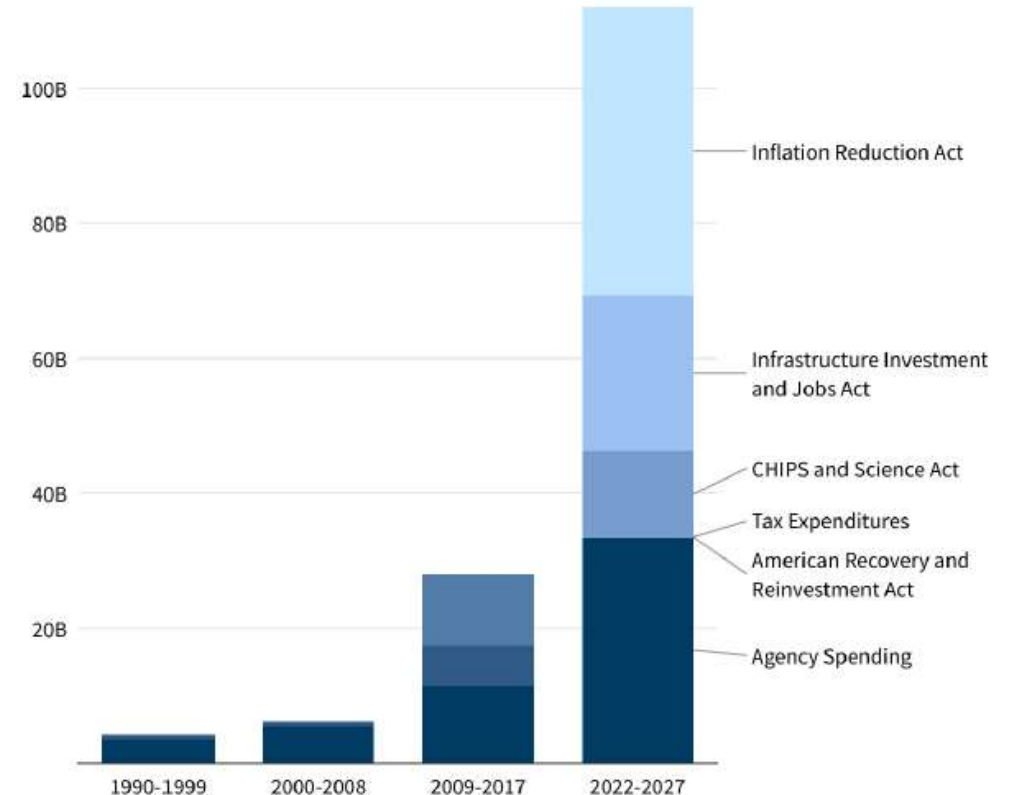


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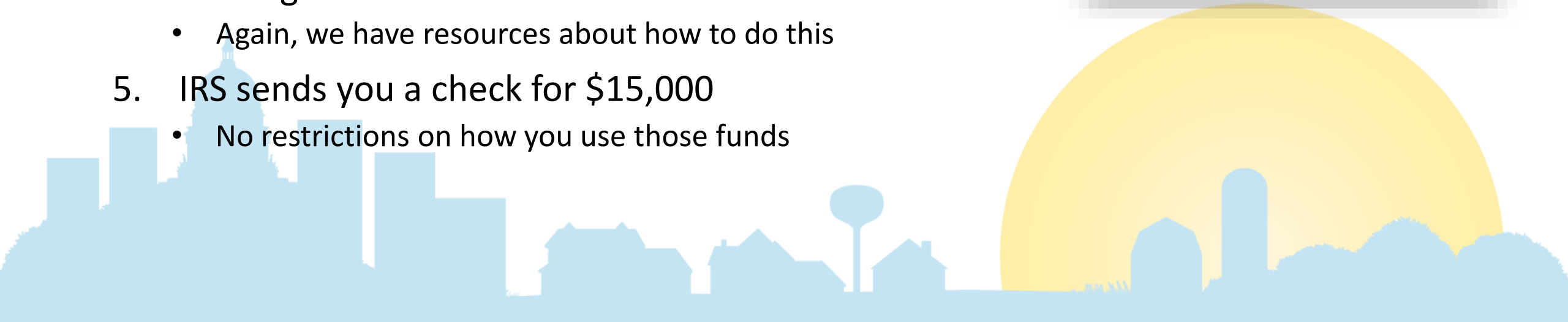
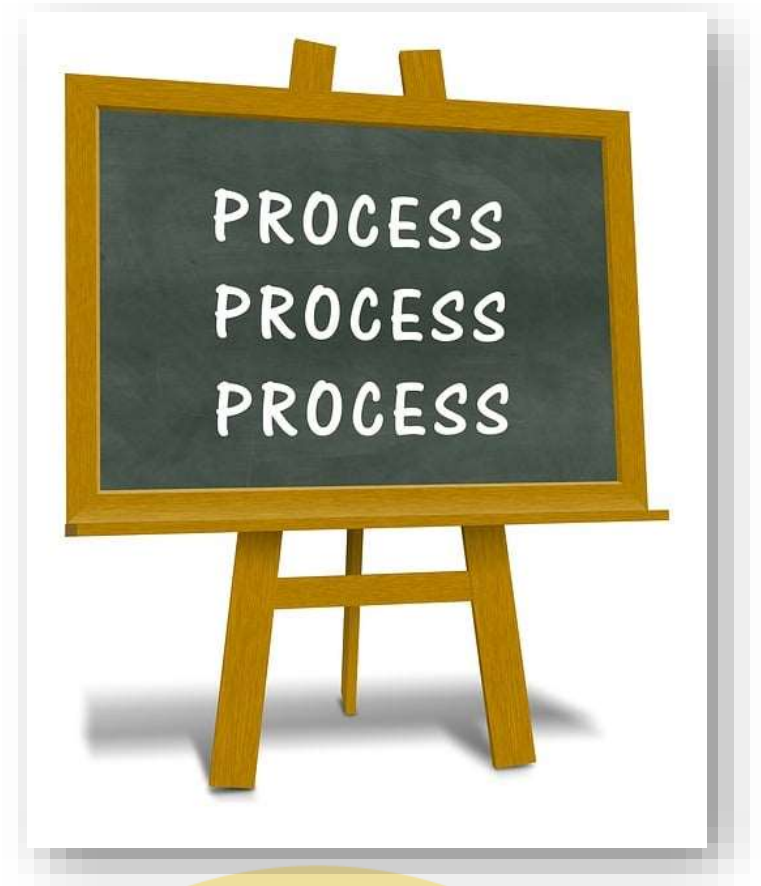
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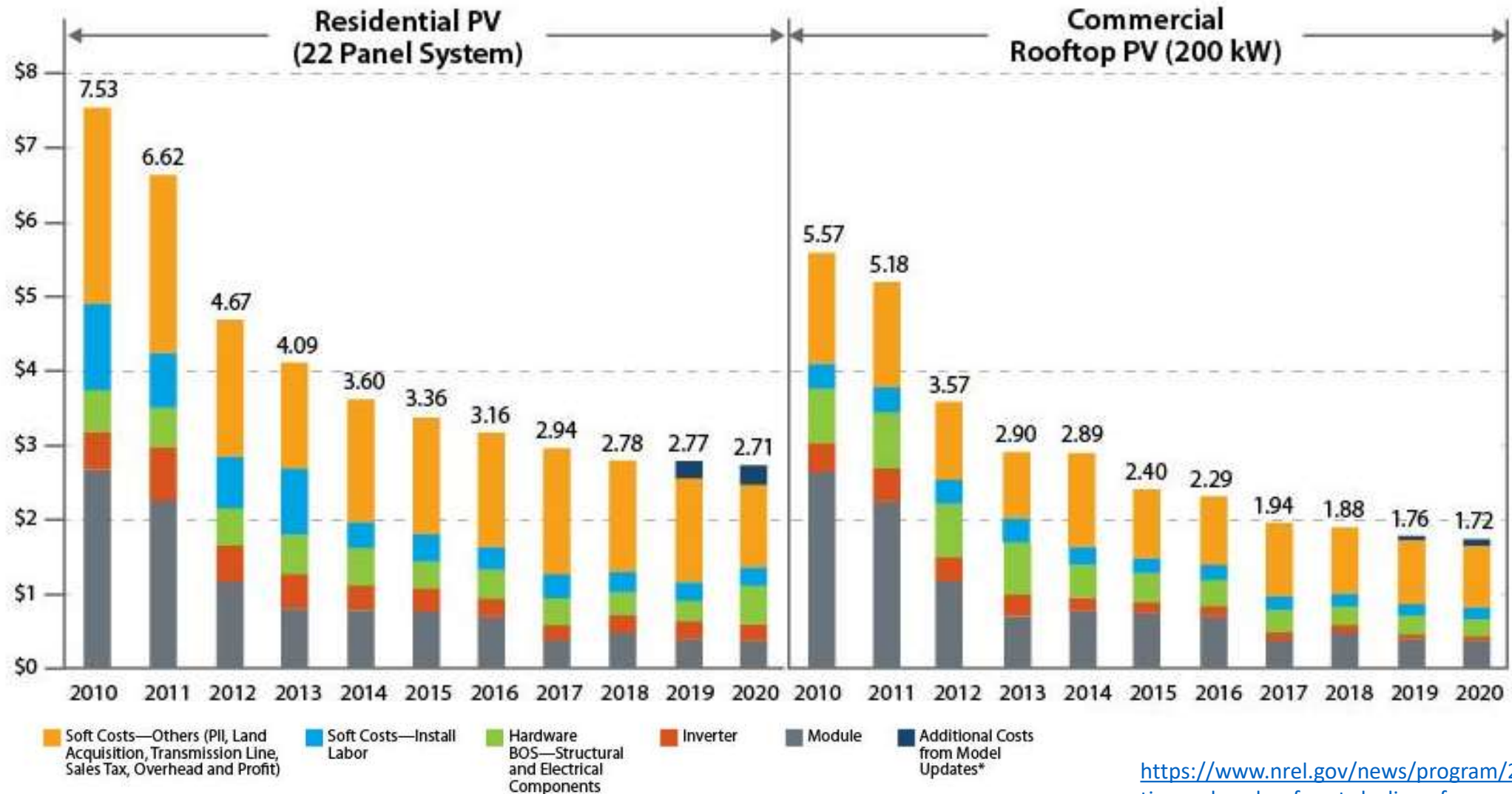
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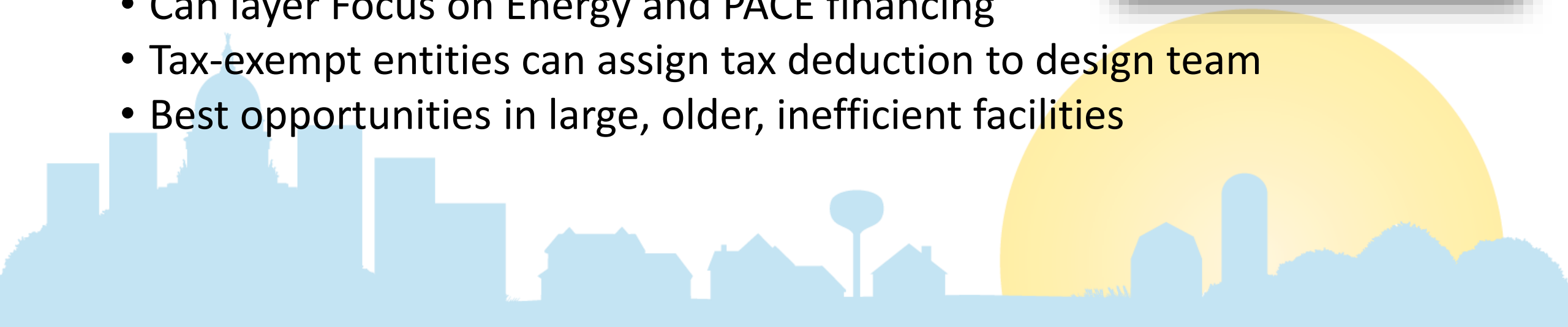
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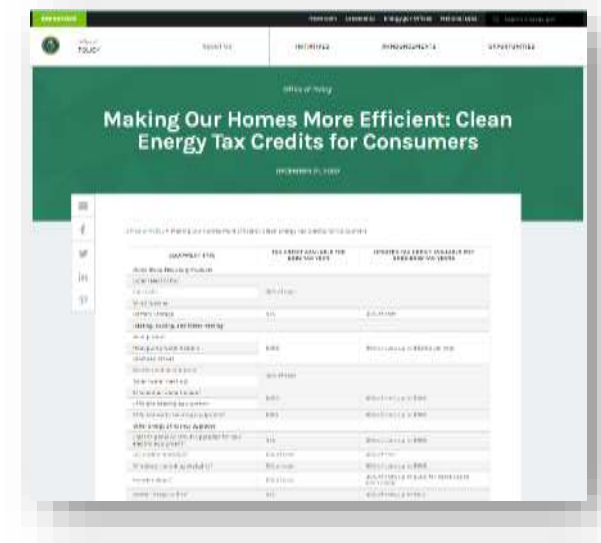
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TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JULY 15, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present. Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, and Deputy Eric Miller were also present. Deer-Grove EMS Chief Eric Lang was present virtually.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting: **MOTION** by Williams/Fonger to approve the minutes of the June 17, 2024 open session as presented. **MOTION CARRIED 4-0-1** (DuPlayee abstained). **MOTION** by Williams/Anders to approve the closed session minutes from June 17, 2024 as presented, and to keep them closed. **MOTION CARRIED 4-0-1** (DuPlayee abstained).
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #37198-37244, voided check #37011, and EFTs in the amount of \$38,526.12. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of \$3,794.55 to General Engineering Company for June building permits. **MOTION CARRIED 5-0.**
  - 3. **MOTION** by Fonger/DuPlayee to approve payment of June per diems as presented. **MOTION CARRIED 5-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Review June Police Activities. The monthly report showed 291 calls for service and 194 citations issued in June. Fonger asked if Gaston Road has passing zones, and if so, whether they should be eliminated for safety reasons. Deputy Miller wondered if it would be possible to prohibit left turns from Femrite Drive onto US Hwy 12/18 during rush hour because cars are creating a hazard by double parking in the median.
- B. Consider whether monthly speed board reports are needed: The Clerk-Treasurer noted that there is a subscription fee for the data, which is paid through the end of the year. **MOTION** by Williams/Anders to re-visit the question at budget time. **MOTION CARRIED 4-1** (Fonger opposed). There was a question about what solar chargers would cost for the speed board batteries. Dresen will look into it.
- C. Plan Commission Recommendations:
  - 1. Francis Wisniewski, applicant, Warm Belly Noble, LLC, property owner, parcels 0711-073-8090-2 and 0711-073-8390-9 at 4311 Vilas Hope Road: Application to update CUP 2592 with the following:
    - a) Add amplified music, background music during festival hours and small scale live musical acts during the fall season.
    - b) Add a dedicated building zone for a storage and farm related building as well as playground equipment.
    - c) Add Five acres of leased adjacent farmland (parcel 0711-073-9531-6 owned by Bruce Homburg) to allow 10 days/year or more of Agricultural Entertainment.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JULY 15, 2024

Mr. Wisniewski was present. Hampton read the motion from the Plan Commission, which included a requirement that the landscaping plan be agreed upon in writing between Mr. Wisniewski and Town Planning Consultant Mark Roffers. Mr. Wisniewski confirmed that he was in agreement with the subsequent email provided by Roffers.

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

- Amplified music with volume limited to 60 db at 100' from the speakers.
- A dedicated building zone for a storage and farm related building and playground equipment, with landscaping plan to be as per written confirmation from Town Planner Mark Roffers regarding what he and Mr. Wisniewski discussed over the phone.
- The addition of five acres owned by Bruce Homburg to the CUP area, as long as an active lease is in place.

All lighting must be dark sky compliant/downward facing. Design review will be required upon application for a building permit for the farm store. **MOTION CARRIED 5-0.**

- D. Discuss/Consider location and reimbursement for new ATC pole on Town Garage property (tabled from June 17th meeting): Nathan Grobarchik and Mike White from ATC were present virtually. Mr. Grobarchik shared a graphic showing two potential locations for the new pole, both within the easement for the existing pole. ATC's preferred location was the same as the one preferred by the Town. The pole will be set in a 5' diameter base and be five feet taller than the current pole. It will be composed of brown metal with a look similar to wood. The Board asked about possible reimbursement to the Town, but Mr. White said ATC's real-estate personnel feel they are within rights to use the existing easement without reimbursement. They will send a copy of the easement. Installation will likely be next summer. **MOTION** by Anders/DuPlayee to approve the location for the new pole, which was shown as red on the graphic and is to the south of the existing pole. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of Request for Proposals for Trash and Recycling collection: The RFP used back in 2009 was reviewed. The Clerk-Treasurer had also provided other examples by email prior to the meeting. Discussion was mostly about additional services such as bulk pickup and electronics recycling. It was agreed that cost options with and without those services should be requested. **MOTION** by Hampton/Williams directing the Clerk-Treasurer to revise the RFP as discussed and send it to the four contractors who have expressed interest. Proposals to be due by August 21<sup>st</sup> for Board consideration on September 3<sup>rd</sup>. **MOTION CARRIED 5-0.**
- F. Discuss/Consider attendees for July 17th Town Advocacy Council listening session: No one will attend.
- G. Discuss/Consider attendees for October 6th-8th WTA Convention in Stevens Point: No one will attend.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: One permit application was received from Frontier to drop fiber at address on Uphoff Road.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JULY 15, 2024

- B. Monona Youth Football has asked to use the park at Cedar Knolls again this year, and they would like to park a gear trailer there through the practice season. Dresen told them as long as it is locked up it will be fine.
  - C. Paving of Uphoff, Laudon, Rathert, and Myer Roads, and Buckley Ridge Circle is complete. He will be adding Meadowview once a culvert is replaced. Chipsealers will be here the week of July 29<sup>th</sup> to do the Ravenwood and American Heritage subdivisions.
  - D. Dresen asked about replacing the water fountain at the Town Garage with a bottle filler. He was directed to get quotes.
- IV. CLERK-TREASURER'S OFFICE UPDATE: She and Deputy Clerk Amber Steele will attend election training hosted by the Dane County Clerk tomorrow. With the new court decision regarding absentee ballot boxes allowing them to be used at the Clerk's discretion, she is leaning toward putting the Town's ballot box back up.
- V. BOARD REPORTS AND COMMUNICATIONS: Hampton said the Board will need to consider the Negotiated Agreement for the new County Landfill site, which is quite lengthy, and asked if others would prefer it in hard copy or by email. All preferred email. Hampton also reported that the Village Board has agreed that the cost of the CGFD Squad arriving later this year should be split using 2023 Equalized Values.
- VI. COMMITTEE REPORTS:
- A. Deer-Grove EMS Commission: Grahams Automotive has taken the training needed to repair the electronic problems with one of the ambulances, which will eliminate the need to take it way up north for service. June saw 24/7 paramedic coverage of both stations, and calls are 35 ahead of last year.
  - B. Cottage Grove Fire Commission: New locks operated by fobs have been installed throughout the building, and the call box has been installed in the entry way.
- VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:22 P.M.

Kim Banigan, Clerk-Treasurer

Approved 08-05-2024

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
AUGUST 05, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, and Mike DuPlayee were present. Along with Clerk-Treasurer Kim Banigan and Highway Superintendent Dan Dresen. Deer-Grove EMS Chief Eric Lang was present virtually.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting: **MOTION** by DuPlayee/Fonger to approve the minutes of the July 15, 2024 meeting as presented. **MOTION CARRIED 4-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #37245-37279, voided checks #37280-37296, and EFTs in the amount of \$23,791.99. **MOTION CARRIED 4-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment July per diems as presented. **MOTION CARRIED 4-0.**
- F. Public Concerns:
  - 1. Gary Tresner, 4610 Conestoga had two concerns:
    - a) A Frontier pedestal along Kennedy Road is damaged and an eyesore. Dresen said he has contacted local Frontier staff multiple times without resolution. Board members directed the Clerk-Treasurer to ask the Town Attorney what options the Town has to require resolution.
    - b) He recently filed a police report of a teenager riding an ATV on the road without a helmet, and with passengers on each fender, and has safety concerns over the recently approved ATV routes.
  - 2. Richard Wood, 1965 W. Ridge Rd, had several comments/concerns:
    - a) He thanked the Board for their service and fiscal responsibility.
    - b) He thanked the Town for trimming trees along Ridge Road at the bike trail.
    - c) He voiced his support for reducing the speed limit on Uphoff Road to 45 m.p.h.
    - d) He suggested traffic enforcement is needed on CTH N at US Hwy. 12/18 because motorists exiting the highway are not slowing down.
  - 3. Jenifer Quimby, candidate for the 46<sup>th</sup> Assembly District, introduced herself and stated that as the Mayor of Waterloo, she understands the challenges facing local governments. She will support changes to state aid formulas to provide additional resources for roads, emergency services and schools.

II. BUSINESS

- A. Plan Commission Recommendations:
  - 1. Discuss/Consider adoption of Resolution 2024-08-05 Approving the Swalheim Business Park 4-lot preliminary plat: Hampton read the Plan Commission minutes to adopt their resolution recommending conditional approval of the preliminary plat. The draft Town Board resolution included redline changes that the Clerk-Treasurer stated have since been confirmed with the Town Attorney. **MOTION** by Anders/Fonger to adopt Resolution 2024-08-05 Granting Conditional Approval of the Swalheim Business Park Preliminary Plat as red-lined, and noting that the Developer has been advised he must

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
AUGUST 05, 2024

consult with the Postmaster about mailbox placement. **MOTION CARRIED 4-0.** The Developers Agreement will be on the August 19<sup>th</sup> agenda.

2. Town of Cottage Grove, Applicant, as recommended by Dane County Planning and Development for consistency with the Dane County Farmland Preservation Plan and s. 91.38 Wisconsin Statutes: Rezone of 151.3 acres from FP-35 to AT-35, Rezone of 2.39 acres from FP-35 to NR-C, 22.8 acres from FP-1 to NR-C, and Rezone of 8.51 acres from FP-1 to UTR: Hampton read the Plan Commission's recommendation for approval of the rezone. The Clerk-Treasurer noted that all affected property owners were notified in advance of the Plan Commission meeting. **MOTION** by Anders/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 151.3 acres from FP-35 to AT-35, Rezone of 2.39 acres from FP-35 to NR-C, 22.8 acres from FP-1 to NR-C, and Rezone of 8.51 acres from FP-1 to UTR. (See Exhibit A for list for specific parcels). **MOTION CARRIED 4-0.**
- B. Discuss/Consider approval of Certified Survey Maps for:
1. Benjamin and Gwendelyn Specht, 2549 Gaston Road (DCPREZ #12040): **MOTION** by Anders/DuPlayee to approve Drawing #6219-24 dated 07/23/2024 as presented. **MOTION CARRIED 4-0.**
  2. Capital Holdings LLC, 3475 North Star Road (DCPREZ #12049): **MOTION** by Fonger/DuPlayee to approve Office Map no. 230494 dated July 26, 2024 as presented. **MOTION CARRIED 4-0.**
- C. Discuss/Consider Monona Grove Soccer Club request to use Town parks for the Fall soccer season: Marissa Anders represented the soccer club, and stated they would like to use fields at Bass, Ravenwood, and Sr. Dan Johnson Memorial parks for practice and the Town Hall field for games, which will be between 8 a.m. on 2 p.m. on Saturdays and Sundays. She will provide a schedule when it is available. They will avoid October 2<sup>nd</sup> when the Fire Department will be holding their open house, and will make sure parents and coaches are aware that they cannot park in the Emergency Services Building parking lot at any time. **MOTION** by DuPlayee/Fonger to grant the Monona Grove Soccer Club their request to use fields at Bass, Ravenwood, Sr. Dan Johnson Memorial parks, and the Town Hall field, for the Fall soccer season. **MOTION CARRIED 4-0.** Ms. Anders was advised to come back in January or February with her request for the Spring season.
- D. Discuss/Consider approval of the Negotiated Agreement Relating to Dane County Landfill No. 3 Between the County of Dane, the City of Madison, the Town of Cottage Grove, and the Village of McFarland: Roxanne Weinkes, Deputy Director of Dane County Department of Waste and Renewables, was present, and Director John Welch was online. Hampton took issue with the provision in the agreement to compensate the City of Madison with \$125,000 annually for police, fire and EMS. He felt when the city sold the land to the County at \$24,000/acre, which he said was greater than the appraised value, they knew what the intended use would be and should not be looking for additional compensation. Weinkes said the agreement is modeled off of prior agreements for the Rodefild Landfill, with a new level of compensation to the City of Madison for Fire, EMS and other municipal services as well as impact to revenue of the Yahara Golf Course. She said the \$24,000/acre was less than the price of land already approved for commercial or industrial development, and the appraisal was devalued due to the impacts of the existing landfill. She pointed out that by State law, the City got 4 seats at the negotiation because the entire footprint of the new landfill is within its limits. The County and the Town of Cottage Grove each got one, and the Village of

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
AUGUST 05, 2024

McFarland was also allowed a seat. The City on its own would probably not have approved compensation for the Town of Cottage Grove or Village of McFarland, however the County advocated for maintenance of compensation to the Town of Cottage Grove and new compensation to the Village of McFarland, including a 2% annual increase. There is also a provision that the City could get up to \$50,000 per year as direct reimbursement for any costs they have to reimburse golfers or close the course temporarily due to odors or other impacts of the Landfill. Welch does not expect this to ever happen, but thought it will act as an incentive to keep the County responsible to make sure such issues do not come up. He said they want to be good neighbors to the residents and municipalities. Fonger and Anders thanked Weinkes and Welch for doing all they can to work with the Town. It was also noted that the County and City have a 10-year agreement for City waste disposal, which does include provisions for the County to raise City tipping fees. Town of Cottage Grove waste does not go to the County landfill currently, however that could change depending on who is selected as a waste hauler for the next contract. **MOTION** by Hampton/Anders to approve the Negotiated Agreement Relating to Dane County Landfill No. 3 Between the County of Dane, the City of Madison, the Town of Cottage Grove, and the Village of McFarland under duress. **MOTION CARRIED 4-0.**

- E. Discuss/Consider plans to sell 2010 International Patrol Truck: It was determined that this is premature as the box for the new truck will not be ready until later this year or early next year. **MOTION** by Hampton/DuPlayee to table until March. **MOTION CARRIED 4-0.**
- F. Discuss/Consider Highway Superintendent's recommendation to reduce the speed limit on Uphoff Road to 45 m.p.h. and determine funding source for required speed study: Dresen said with all of the curves, he thinks the lower limit is warranted. The Dane County Highway Dept. had provided a quote to do the required speed study for \$1,500. The Town Engineer said his firm is not able to do the study. **MOTION** by DuPlayee/Anders to contract with Dane County for the speed study, using up to \$1,500.00 from Unassigned Funds. **MOTION CARRIED 4-0.**
- G. Discuss/Consider 2024 short term borrowing needs: The Clerk-Treasurer had prepared a comparison of projected short-term borrowing needs for road maintenance projects at the time the 2024 budget was developed and the current outlook. It looks like it might be slightly less than the \$350,000 originally anticipated, however some of the bills have not yet been finalized. She was looking for approval to go ahead and get loan quotes once the bills are all finalized rather than having to wait for another board meeting so the Town funds can get replenished for the cost of the projects sooner than later. **MOTION** by DuPlayee/Fonger to authorize the Clerk-Treasurer to solicit loan quotes up to \$350,000 as soon as the final amount needed is known. **MOTION CARRIED 4-0.**
- H. Consider date for first Town Board meeting in September: Consensus was to hold the meeting on Tuesday, September 3<sup>rd</sup>.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: No permits have been issued since the last meeting.
- B. Paving and chip sealing projects are complete, and they are almost done shouldering. They have been mowing like crazy, and will start patching roads soon.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
AUGUST 05, 2024

- IV. CLERK-TREASURER'S OFFICE UPDATE: Early voting for the Partisan Primary is open through the end of this week. The public test of the voting equipment will be held tomorrow morning.
- V. BOARD REPORTS AND COMMUNICATIONS: Hampton attended an open house on the 1-39/90/94 Corridor study. He said the construction is anticipated sometime between 2030-2040.
- VI. COMMITTEE REPORTS:
- A. Deer-Grove EMS Commission: They started looking at the 2025 budget.
  - B. Cottage Grove Fire Commission: The new Squad is expected to arrive in mid-September. They are getting quotes to replace lights in the ESB.
  - C. Natvig Landfill Committee: They will talk about 2025 budget needs at the September meeting.
- VII. Adjournment: **MOTION** by DuPlayee/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:08 P.M.

Kim Banigan, Clerk-Treasurer  
Approved 08-19-2024

# EXHIBIT A

Dane County Farmland Preservation Zoning Recertification 2024												
Town of Cottage Grove Rezones out of FP Districts												
Municipality	PARCELNO	Plan_or_Zoning_Amendment	ZONING_DISTRICT	Proposed_Zoning	Acres	Notes	ConctOwner	BillingStreetAddress	BillingCity	BillingState	BillingZip	PlatDescription
Town of Cottage Grove	071134220220	Zoning	FP-1	NR-C	11.22	Property is along North Star Rd and shown as <b>future commercial</b> in the Town plan. NR-C zoning proposed in lieu of FP-1 as a holding category until owner pursues a development proposal in accordance with Town plan objectives for the commercial area	CUMMINGS AND TURK FARMS LLC	9615 OVERLAND RD	MOUNT HOREB	WI	53572	CSM 16268
Town of Cottage Grove	071134287300	Zoning	FP-1	NR-C	11.58	Property is along North Star Rd and shown as <b>future commercial</b> in the Town plan. NR-C zoning proposed in lieu of FP-1 as a holding category until owner pursues a development proposal in accordance with Town plan objectives for the commercial area	MICHAEL MCEVILLY	100 ONTARIO CT	GIBSON	PA	15044	CSM 15383
Town of Cottage Grove	071104288050	Zoning	FP-1	UTR	8.51	Property is a separate CSM lot located within a <b>neighborhood development area and within 1/4 mile of the Village of Cottage Grove</b> . Owner lives on adjoining SFR lot at 2620 Gaston Rd. Was zoned to A-4 under petition 11274 and then FP-1 under the 2019 zoning code update. Proposed UTR zoning would ensure Town oversight of any future development.	PATTI K HELGELAND	2620 GASTON RD	COTTAGE GROVE	WI	53527	CSM 14892
Town of Cottage Grove	071117485003	Zoning	FP-35	AT-35	40.15	Property is within the Village of Cottage Grove Urban Service Area. Shown as <b>Ag Transition</b> in Town plan.	2001 REALTY	2729 COFFEYTOWN RD	COTTAGE GROVE	WI	53527	METES AND BOUNDS
Town of Cottage Grove	071117490024	Zoning	FP-35	AT-35	31.43	Property is within the Village of Cottage Grove Urban Service Area. Shown as <b>Ag Transition</b> in Town plan.	2001 REALTY	2729 COFFEYTOWN RD	COTTAGE GROVE	WI	53527	METES AND BOUNDS
Town of Cottage Grove	071116387400	Zoning	FP-35	NR-C	2.39	Property is within the Village of Cottage Grove Urban Service Area. Shown as <b>Ag Transition</b> in Town plan. Property appears to be a remnant parcel left in the town following an annexation of owner's adjacent land. Property is within mapped wetlands and wetland indicators and appears unbuildable.	2001 REALTY & TIMOTHY R OLSON	2725 COFFEYTOWN RD	COTTAGE GROVE	WI	53527	METES AND BOUNDS
Town of Cottage Grove	071134285009	Zoning	FP-35	AT-35	13.40	Property is part of 78 acre ownership parcel (3 tax parcels) along North Star Rd and shown as <b>future commercial</b> in the Town plan. AT-35 zoning proposed until owner pursues a development proposal in accordance with Town plan objectives for the commercial area	SWALHEIM 2011 REV TR, DUANE P & CANDACE J	436 CONNIE ST	COTTAGE GROVE	WI	53527	METES AND BOUNDS
Town of Cottage Grove	071134290011	Zoning	FP-35	AT-35	26.51	Property is part of 78 acre ownership parcel (3 tax parcels) along North Star Rd and shown as <b>future commercial</b> in the Town plan. AT-35 zoning proposed until owner pursues a development proposal in accordance with Town plan objectives for the commercial area	SWALHEIM 2011 REV TR, DUANE P & CANDACE J	436 CONNIE ST	COTTAGE GROVE	WI	53527	METES AND BOUNDS
Town of Cottage Grove	071134297300	Both	FP-35	AT-35	39.8	Property is part of 78 acre ownership parcel (3 tax parcels) along North Star Rd and shown as <b>future commercial</b> in the Town plan. AT-35 zoning proposed until owner pursues a development proposal in accordance with Town plan objectives for the commercial area	SWALHEIM 2011 REV TR, DUANE P & CANDACE J	436 CONNIE ST	COTTAGE GROVE	WI	53527	CSM 12384

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**TOWN OF COTTAGE GROVE  
RESOLUTION 2024-08-05**

**GRANTING CONDITIONAL APPROVAL OF THE  
PRELIMINARY PLAT OF SWALHEIM BUSINESS PARK**

**WHEREAS**, Duane Swalheim (the “Developer”), on behalf Swalheim 2011 Revocable Trust, which owns the property described as Lot 4, Certified Survey Map No. 16140 (the “Subject Property”) has requested approval of a preliminary plat for the Subject Property; and,

**WHEREAS**, the Developer submitted an application for preliminary plat approval and the preliminary plat review fee to the Town of Cottage Grove (the “Town”); and,

**WHEREAS**, the proposed preliminary plat, Swalheim Business Park, consists of Lots 1-4 for commercial business development, Outlot 1, and a new street, and is located in the SW ¼ of the SW ¼ of Section 27, T7N, R11E, in the Town; and,

**WHEREAS**, the Plan Commission reviewed the matter and recommends conditional approval.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Cottage Grove as follows:

The Town Board approves the Swalheim Business Park Preliminary Plat subject to the following conditions:

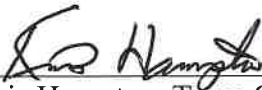
1. The Developer is required to develop the Preliminary Plat in compliance with all applicable State statutes and Town ordinances and in accordance with generally acceptable engineering standards in the Town, as determined by the Town Engineer.
2. The Developer shall satisfy to the satisfaction of the Town Engineer all items listed in the Town Engineer’s review letters dated June 3, 2024 and July 23, 2024.
3. The Developer shall execute and record one or more temporary grading and construction easement agreements as determined necessary by the Town Engineer, and as approved in form by the Town Attorney.
4. The Developer shall execute and record one or more drainage easement agreements as determined necessary by the Town Engineer, and as approved in form by the Town Attorney.
5. The Developer shall obtain from the Dane County Land and Water Resources Department (“LWRD”) all reviews and permits necessary for: (a) soil and erosion control within the Preliminary Plat; and, (b) stormwater management facilities that fully satisfy County requirements and address stormwater runoff issues related to the Preliminary Plat.

6. The Developer shall provide the Town written certification from the Developer's engineer, in the same format as required by County LWRD, that the stormwater management facilities as-built are in compliance with all applicable permits and are operating in accordance with the approved design.
7. The Developer shall establish design requirements and construction standards for the street improvements within the Plat and the improvements to North Star Road related to this Preliminary Plat in accordance with Town specifications as approved by the Town Engineer.
8. The Developer shall enter a Development Agreement with the Town regarding the development of the Preliminary Plat acceptable to the Town Attorney. The Development Agreement shall be drafted by the Town Attorney and reviewed by the Town Engineer and Town Board. When approved by the Town Board, the Development Agreement shall be executed by and between the Developer and Town. The Final Plat shall not be signed by the Town until the Development Agreement is fully executed.
9. The Developer shall obtain written confirmation from the Town Engineer of "no objection" to the Construction Plans and Specifications for all public improvements prior to construction.
10. The Developer shall obtain approval of the Preliminary Plat from the Cottage Grove Fire Department and the Deer-Grove EMS District and present such approval to the Town.
11. The Developer shall obtain written confirmation of appropriate rezoning of the Preliminary Plat from Dane County and present such confirmation to the Town.
12. In addition to those outlined above, the Developer shall obtain all required approvals from other approving authorities, as required by law.
13. The drainage arrows shown on the preliminary plat shall be corrected to accurately reflect the drainage, as approved by the Town Engineer.
14. On the final plat, or in separate restrictions recorded with the final plat, the developer shall consolidate and reconcile the preliminary plat notes 15 and 21 to the satisfaction of the Town Planner. If addressed in separate restrictions, the developer shall reference those restrictions on the final plat.
15. To compensate for the removal of the trees to be retained pursuant to the Town Comprehensive Plan, the final plat shall be accompanied by restrictions that require with the development of Lots 1-4 tree planting above the normal Town ordinance requirements, in an amount equal to the trees removed, to the satisfaction of the Town Planner.
16. The 20' drainage easement shown on the preliminary plat as splitting Lot 2 shall be eliminated, as approved by the Town Engineer.

17. At the time the East-West section of North Star Road is improved to Town Road standards, it should be considered a Neighborhood Connector Street with a 70-foot right-of-way, but no bike lanes will be required.
18. At the time North Star Road is built out, the entire road and half cul-de-sac shall be built to Town road standards with respect to the base course. The roadway portion shall be paved, however the half cul-de-sac may be gravel.
19. The Developer shall promptly reimburse the Town for all costs and expenses incurred by the Town in connection with the review and approval of the Preliminary and Final Plat, including, but not limited to, the costs of professional services incurred by the Town for the review and preparation of required documents, attendance at meetings, or other related professional services.
20. The Town Board's conditional approval of the Preliminary Plat expires one hundred eighty (180) days from the date of adoption of this Resolution unless the Developer has satisfied all conditions of approval stated herein. Time is of the essence. If the Developer encounters an unforeseen development delay, it shall immediately advise the Town Clerk and may request an extension.

This Resolution was duly adopted by the Town Board of the Town of Cottage Grove, Dane County, Wisconsin at a meeting on August 5, 2024, by a vote of 4 in favor, 0 opposed, and 0 not voting.

TOWN OF COTTAGE GROVE

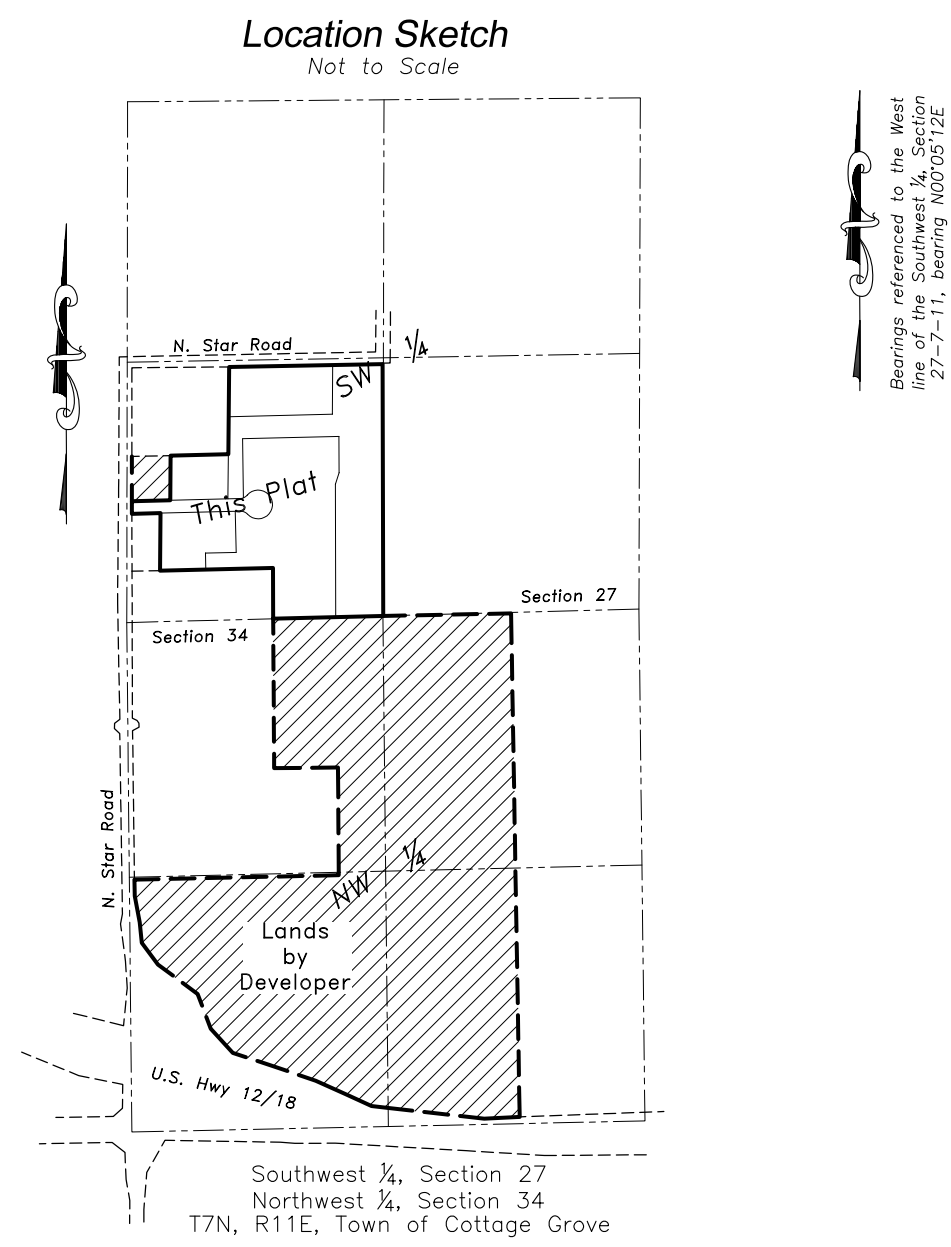
By:   
Kris Hampton, Town Chairperson

Attested by:

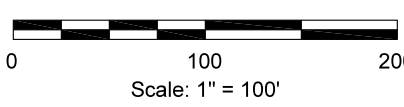
  
Kim Banigan, Town Clerk-Treasurer

Incorporated by Reference:

- Preliminary Plat for Swalheim Business Park
- Town Engineer Review Letter dated June 3, 2024
- Town Engineer Review Letter dated July 23, 2024



Lot 4, Certified Survey Map No. 16140, recorded in Volume 119 of Certified Survey Maps of Dane County on Pages 134-135 as Document No. 5870098, located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 27, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin



**Surveyor's Certificate:**

I, Mark A. Pynnonen, Professional Land Surveyor S-2538, do hereby certify that in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the Town of Cottage Grove Code of Ordinances, and under the direction of the owners listed herein, I have surveyed, divided and mapped SWALHEIM BUSINESS PARK and that such plot correctly represents all exterior boundaries and the subdivision of the land surveyed and is a parcel of land as described below:

Lot 4, Certified Survey Map No. 16140, as recorded in Volume 119 of Certified Survey Maps of Dane County on Pages 134-135, located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 27, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin; Containing 1,208,422 square feet, or 27.742 acres.

Mark A. Pynnonen, PLS No. 2530

## Notes:

1. The proposed number of lots is 4 with one outlot.
2. Gross area in this preliminary plat = 1,208,422 square feet, or 27.742 acres.
3. This survey is subject to any and all agreements and easements of record and those that may have not been recorded.
4. Before any digging, boring, construction, etc., is done on or near the lands in this subdivision, Diggers Hotline shall be called at 1-800-242-8511 for the safety and liability purposes for all involved.
5. The lands within this subdivision shall be served by underground utilities.
6. The lands within this subdivision are located in UNSHADED ZONE X, area determined to be at least a 0.2% annual average floodplain, per FEMA Flood Insurance Rate Map, Map No. 55025C0462H, Revised September 17, 2014.
7. Property currently zoned FP-1. Proposed zoning GC, General Commercial District; and UTR, Utility, Transportation and ROW District; per Petition Number DCPRE-2023-11960 pending approval.
8. Four foot initial = 2 foot. Vertical datum NAVD '88 ('91). Contours shown are pre-development.
9. Street name Pandella Lane to be approved by Dane County.
10. Utility easements shall be added as required by appropriate utility companies.
11. Pandella Lane and N. Star Road will be dedicated to the public for street purposes.
12. This is a PRELIMINARY PLAT. All distances and areas are approximate on subject to change upon final platting.
13. Lands encompassed by this plat currently used for agricultural purposes.
14. All five lot owners are hereby notified of farming activities in the vicinity.
15. Vehicular access to N. Star Road from Lot 4 or Outlot 1 prohibited except for agricultural purposes until N. Star Road is improved to town road standards. Lot 4 to remain unbuildable (i.e., no building permits granted) until plans are supplied to and approved by the Town for the section of N. Star Road along the lot line.
16. Outlot 1 to be dedicated to the public for storm water management.
17. Wetlands delineation per report prepared by Taylor Construction LLC, dated June 11, 2021.
18. Individual lot owners responsible for driveway culvert maintenance and/or replacement.
19. Septic areas approximate. Individual lots require testing for precise septic system type and placement.
20. Setbacks for GC zoning: Front/Road, 30 feet; Side, 10 feet; Rear, 10 feet; Septic area, 10 feet.
21. All Lots are required to have tree plantings above normal Town ordinance requirements.

Curve Data						
CURVE	RADIUS	ARC	DELTA	CHORD	BEARING	CHORD
<b>Wetland Buffer</b>						
C1	75.00'	83.98'	63'09"08"	S05°39'46"W	79.66'	
C2	75.00'	43.26'	33'42'49"	S1°49'30"E	42.66'	
C3	75.00'	25.14'	19°12'21"W	N04°23'41"W	25.02'	
C4	75.00'	35.19'	26°52'50"	N36°25'13"W	34.86'	
C5	75.00'	36.39'	27'48"11"	N02°39'08"E	36.04'	
<b>Plot</b>						
C6	50.00'	42.23'	48°23'40"	N64°41'23"E	40.99'	
C7	50.00'	17.62'	20°11'23"	N58°47'31"E	17.53'	
C8	50.00'	24.61'	28°12'17"	N74°35'41"E	24.37'	
C9	75.00'	362.32'	278°20'14"	N01°06'18"E	365.02'	
C10	50.00'	42.23'	48°23'40"	N66°54'17"E	40.99'	
C11	50.00'	63.71'	73°00'14"	S54°16'05"E	59.48'	
C12	80.00'	239.64'	171°37'51"	N76°25'06"E	159.57'	
C13	75.00'	4.42'	3'22"31"	S42°10'49"W	4.42'	

<b>OWNER/SUBDIVIDER</b>	<b>ENGINEER</b>
Duane P. and Candace J. Swalheim 2011 Revocable Trust (Swalheim Rev. Trust) 436 Connie Street Cottage Grove, WI 53527 608.335.4057	Quam Engineering 4604 Siggelkow Road McFarland, WI 53556 608-838-7750



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

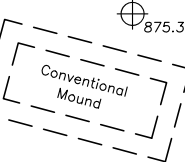
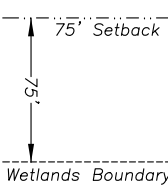
Rev: August 2, 2024  
July 16, 2024

L:\2021\210194-Swalheim\210194-Preliminary Plat v6  
Sheet 1 of 1  
Office Map No. **210194**

**Legend:**

- = Found 1" Iron Pipe
- ◎ = Found ¾" Rebar
- = Set 1-¾" x 30" rebar  
Weight = 4.303 lbs./ft.

All other lot and outlot corners set with ¾"x18" rebars, weight = 1.502 lbs./ft.

- × = Unmonumented angle point
- ← = Post-development drainage direction
- B-5  
866.0 = Soil Boring with Elevation
- TP-5  
875.3 = Test Pit with Elevation
-  = Septic Area with Proposed Type (Protect from grading)  
Approximate location. (See Note 19)
- · - · - · - · - = Zoning Boundary
- GC, UTR = Proposed Zoning
-  = Wetlands boundary and setback
- · — · — · — · — = Building Setback Line

June 3, 2024

Ms. Kim Banigan  
Town Clerk  
Town of Cottage Grove  
4058 C.T.H. N  
Cottage Grove, WI 53527

Subject: Proposed Swalheim Business Park Construction Plan Review #2

Dear Kim:

We have received the proposed revised construction plans dated May 13, 2024 and proposed preliminary plat dated April 30, 2024 for a development proposed to be located at the southeast corner of North Star Road. The proposed plat is subject to Chapter 15 of the Town's code of Ordinances – Land Division and Planning Code (Revised 03-07-2022). There are a number of items, in part listed below, that should be satisfactorily resolved before approving the construction plans. However, the documents could be approved contingent upon said items.

**Plat Documents**

- The plat should show public drainage and public utility easements along each lot line.
- The swales will require driveway culverts. Sizing calculations should be submitted to confirm the 18-inch proposed size is adequate for lots 3 and 4.

**Sheet C-4 and C-5**

- Roadway detail shall label pavement material.
- The Developer's connection with North Star Road sight distance standards for the connection with North Star Road indicated 30 mph. It is recommended the speed be adjusted.
- Fire and EMS services should provide confirmation that they are comfortable with the current configuration.

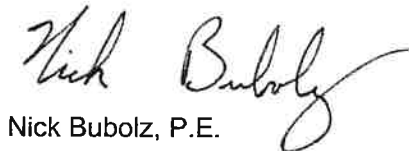
**Sheet C-6 and C-9**

- Provide the necessary sheet showing the permanent drainage easement going north for the culvert at station 231+25.
- The developer shall provide documentation that adjacent owner will supply temporary and permanent easements.
- Permanent drainage easements and public utility easements shall be supplied adjacent to property lines.
- Roadway detail shall label pavement material.
- With the cul-de-sac not constructed at the end of the parcel, it could hinder future development.

- The label "ex. Fence" is pointing to new gravel. Remove or locate to the appropriate location.
- Connect existing roadway to cul-de-sac.
- The board shall discuss if N. Star Road should be classified as part of the Neighborhood Connector Streets for a roadway detail including 5-foot bike lanes with the potential to connect to Nora Road and/or Natvig Road.

Please feel free to contact us with any questions or comments regarding this review.

Very truly yours,  
TOWN & COUNTRY ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Nick Bubolz". The signature is fluid and cursive, with the first name "Nick" and last name "Bubolz" clearly distinguishable.

Nick Bubolz, P.E.

cc: Mr. Kris Hampton, Town of Cottage Grove (*via email*)  
Mr. Dan Dresen, Town of Cottage Grove (*via email*)  
Mr. Adam Ryan, P.E., Quam Engineering, LLC (*via email*)

NRB:nrb

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July 23, 2024

Ms. Kim Banigan  
Town Clerk  
Town of Cottage Grove  
4058 C.T.H. N  
Cottage Grove, WI 53527

Subject: Proposed Swalheim Business Park Construction Plan Review #4

Dear Kim:

We have received the proposed revised construction plans dated July 17, 2024 and proposed preliminary plat dated July 16, 2024 for a development proposed to be located at the southeast corner of North Star Road. The proposed plat is subject to Chapter 15 of the Town's code of Ordinances – Land Division and Planning Code (Revised 03-07-2022). There are a number of items, in part listed below, that should be satisfactorily resolved before approving the construction plans. However, the documents could be approved contingent upon said items.

**Plat Documents**

- The swales will require driveway culverts. Sizing calculations should be submitted to confirm the 18-inch proposed size is adequate for lots 3 and 4.

**Sheet C-4 and C-5**

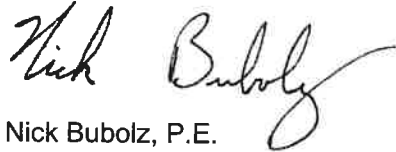
- Roadway detail shall have an asphaltic binder thickness of 2.25".
- The Developer's connection with North Star Road sight distance standards for the connection with North Star Road indicated 30 mph. It is recommended the speed be adjusted.

**Sheet C-6 and C-9**

- Provide the necessary sheet showing the permanent drainage easement going north for the culvert at station 231+25 to a water of the state.
- Roadway detail shall have an asphaltic binder thickness of 2.25".
- With the cul-de-sac not constructed at the end of the parcel, it could hinder future development. The Town can decide to address this when the field north of North Star Road (east/west segment) is developed.
- The board shall discuss if N. Star Road should be classified as part of the Neighborhood Connector Streets for a roadway detail including 5-foot bike lanes with the potential to connect to Nora Road and/or Natvig Road.

Please feel free to contact us with any questions or comments regarding this review.

Very truly yours,  
TOWN & COUNTRY ENGINEERING, INC.

A handwritten signature in black ink, reading "Nick Bubolz". The signature is fluid and cursive, with the first name "Nick" and last name "Bubolz" clearly distinguishable.

Nick Bubolz, P.E.

cc: Mr. Kris Hampton, Town of Cottage Grove (*via email*)  
Mr. Dan Dresen, Town of Cottage Grove (*via email*)  
Mr. Adam Ryan, P.E., Quam Engineering, LLC (*via email*)

NRB:nrb

J:\JOB#S\Cottage Grove\CG-46-M6 Swalheim Development\2. Client Correspondence\Review Letter - 4th.docx

AFFIDAVIT OF POSTING OF  
TOWN OF COTTAGE GROVE RESOLUTIONS AND ORDINANCES

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF DANE         )

I, Kim Banigan, Cottage Grove Town Clerk-Treasurer, being first duly sworn, on oath,  
state as follows:

On August 6, 2024 the following was duly posted on the Town of Cottage Grove's  
internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with  
TCG 25.01(4) and Wis. Stats., §60.80.

**Town Board Resolution 2024-08-05**  
**Granting Conditional Approval of the**  
**Preliminary Plat of Swalheim Business Park**

  
\_\_\_\_\_  
Kim Banigan, Town Clerk-Treasurer

Subscribed to and sworn before me  
this 6<sup>th</sup> day of August, 2024.

  
\_\_\_\_\_  
Deputy Clerk

or

\_\_\_\_\_  
(print name)  
Notary Public, State of Wisconsin  
My Commission expires: \_\_\_\_\_

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
AUGUST 19, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Mike Fonger, Kristi Williams and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen and Deputy Eric Miller. Supervisor Steve Anders was present virtually initially and arrived in person at 7:13 p.m. DGEMS Chief Eric Lang arrived prior to the closed session.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting: **MOTION** by Fonger/DuPlayee to approve the minutes of the August 5th meeting, correcting the motion in item B. 2. to be made/seconded by Fonger/DuPlayee and correcting one typo. **MOTION CARRIED 4-0-1** (Williams abstained).
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #37297-32314 and EFTs in the amount of \$13,576.52. **MOTION CARRIED 4-0** (a vote from Anders was not heard).
  - 2. **MOTION** by Williams/DuPlayee to approve payment of \$909.20 to General Engineering for July building permits. **MOTION CARRIED 4-0** (a vote from Anders was not heard).
- F. Public Concerns: None.

II. BUSINESS

- A. Review July Police Activities: The monthly report showed 343 calls for service and 190 citations issued. Williams wondered if 10 was a typical number for EMS Assists. Deputy Miller said they try to go if they are available, but the 10 in the report would only include those they were actually dispatched to. Hampton said it is taking Deputy Grafton 3 hours to compile the monthly speed board reports, and wondered again if they are necessary. The Clerk-Treasurer suggested that Deputy Grafton provide the raw data to the Clerk's office, and staff can compile the reports as needed.
- B. Discuss/Consider approval of Agreement for Public Improvements and Other Matters Relating to Plat of Swalheim Business Park. Duane Swalheim was present and had already provided a signed and notarized copy of the agreement. He said the letter of credit should be coming soon. **MOTION** by Fonger/Williams to approve the agreement as drafted. **MOTION CARRIED 4-0** (a vote from Anders was not heard).

(Anders arrived at 7:13 P.M.)

- C. Discuss/Consider a Parade or Race permit for the Badger Challenge bicycling event to include portions of Nora, W. Jargo, Uphoff, Coffeytown, Vilas, and Gaston Roads on Sunday, September 22, 2024. Andrea VandeBerg was present to represent the Badger Challenge. She said this year the course will stay on Vilas Road rather than passing through the Ravenwood subdivision. 2250 participants are possible. **MOTION** by Williams/DuPlayee to approve the permit for the Badger Challenge to be held on September 22<sup>nd</sup>. **MOTION CARRIED 5-0**.
- D. Discuss/Consider quote for 2025 Western Star Equipment Package and funding source. An optional add-on for a brine system was quoted at \$6,000.00. Dresen said he has heard that Monona may discontinue use of theirs because of the work in keeping it clean. It can always be added later. **MOTION** by DuPlayee/Fonger to approve the quoted amount of

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
AUGUST 19, 2024

\$125,932.25, not including the brine system. This will be funded from Unassigned Funds.  
**MOTION CARRIED 5-0.**

- E. Discuss/Consider approval of agreement for Dane County to perform a speed study on Uphoff Road: **MOTION** by Fonger/Anders to approve the agreement at a cost of \$1,500.00 to come out of Unassigned Funds. **MOTION CARRIED 5-0.**
- F. Discuss/Consider attendees for Door Creek Bridge B-13-0042 Operational Planning/Kickoff Meeting on September 5<sup>th</sup>: Hampton said the bridge replacement will probably be in 2027. Concerns were that traffic would use Natvig Road instead, which has a box culvert that needs to be replaced. Dresen recommended putting a weight limit on Natvig Road. Discussion was to replace the box culvert before or at the same time as the Door Creek Bridge. Hampton, DuPlayee and Fonger are available for the meeting. Dresen may also attend. **MOTION** by Hampton/Williams to allow 3 board members to attend the Microsoft Teams meeting virtually from the Town Hall. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of attendees for 2024 the WTA Fall Workshop: No one will attend.
- H. Discuss/Consider approval for the Clerk-Treasurer to attend WMCA election training on September 26, 2024: **MOTION** by Anders/Williams to allow the Clerk-Treasurer to attend. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits issued: Four permits have been issued since the last meeting: 1) Alliant Energy for electric service for a new home at 2181 Nora Rd, 2) Alliant Energy for gas service for a new home at 2190 Wooded Ridge Trl., 3) Alliant Energy to replace the substation on Gaston Road and 4) Spectrum for coax cable replacement on Gaston Circle.
- B. Frontier has someone working to repair the pedestal on Kennedy Road.

IV. CLERK-TREASURER'S OFFICE UPDATE: There were 1208 voters at the partisan primary on August 13<sup>th</sup>, 314 of which were by absentee ballot. Everything went very well.

V. BOARD REPORTS AND COMMUNICATIONS: The Fire Department provided a list of addresses with driveway encroachments that will not allow Engine 3 to get to the house. Hampton asked if a postcard mailing should be made to the property owners. Consensus was to go ahead, but first see how many can be notified by email.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: They took a first look at the 2025 budget. Under the new funding formula, the Town will pay a lower percentage of the district costs.

VII. Consider/Adopt motion to move into closed session pursuant Wis. Stat. §19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: for the purpose of bargaining position for provision of EMS services to areas currently making up the Cambridge EMS District: **MOTION** by DuPlayee/Williams to move into closed session for the reason stated above. **MOTION CARRIED 5-0 by roll call vote.** The Town Board, Clerk-Treasurer and Chief Lang stayed, everyone else left, the door and virtual meeting were locked and recording was suspended. The closed session began at 7:38 P.M.

VIII. Consider/Adopt motion to reconvene to open session and to take any action necessary from closed session: **MOTION** by Williams/DuPlayee to reconvene from closed session. **MOTION**

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
AUGUST 19, 2024

**CARRIED 5-0 by roll call vote.** The closed session ended at 8:40 P.M. The door and virtual meeting were unlocked, and recording was resumed. **MOTION** by Williams/Anders to approve and submit the first 5 and last 3 pages of the Proposal for Emergency Medical Services to the Village of Cambridge and Town of Oakland as approved by the Deer-Grove EMS Commission on August 15, 2024. **MOTION CARRIED 5-0.**

- IX. Adjournment: **MOTION** by Anders/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:42 P.M.

Kim Banigan, Clerk-Treasurer

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
SEPTEMBER 3, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Mike Fonger, Kristi Williams, Steve Anders and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Deputy Clerk Amber Steele, and Highway Superintendent Dan Dresen.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting: **MOTION** by Williams/DuPlayee to approve the minutes of the August 19th meeting as presented. **MOTION CARRIED 5-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #37315-37351 and EFTs in the amount of \$23,888.12. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of August per diems as presented. **MOTION CARRIED 5-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Plan Commission Recommendations: Silvin Kurt, Petitioner, Silvin F & Rosemary C Kurt Rev Tr, property owner: Petition to renew CUP 2478 for a secondary farm residence at 4558 Ridge Road (DCPCUP-2024-02638): Tyler and Silvin Kurt were present but did not speak. The 8 standards for CUP review were considered satisfied. **MOTION** by Williams/Fonger to accept the Plan Commission's recommendation to approve the renewal of the CUP for a secondary farm residence at 4558 Ridge Road for as long as it is occupied by a farm employee **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of Certified Survey Map for James Schmidt, Mary Wick and M&W Olson associated with rezone #12053 at 1784 Leon Lane: **MOTION** by Anders/DuPlayee to approve the CSM identified as Dwg. No. 6169-23 dated 08/05/2024. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of Pre-Development Agreement for Plat Review of Kennedy Hills First Addition, and of the agreement document as to form for future use without Board approval: The Clerk-Treasurer explained that this agreement was drafted by former Town Attorney Connie Anderson and was utilized for the first phase of Kennedy Hills. Current Town Attorney William Cole has given his approval of it and recommended that the Board approve it as to form for future applications. Revisions suggested by the attorney for Kennedy Hills, LLC were red-lined and agreed upon by Atty. Cole as well. **MOTION** by Fonger/Williams to approve the Pre-Development agreement for Plat Review of Kennedy Hills First Addition as red-lined, and approve the document as to form for execution by staff for future plat reviews without Board approval. **MOTION CARRIED 5-0.**
- D. Discuss/Consider proposals for Municipal Solid Waste Collection, Disposal and Recycling Services: Todd Bollenbach from Pellitteri, Tim Miller from Waste Management, and Justin Montani from LRS each gave presentations and answered questions about their respective companies. Hampton asked each company how many CNG trucks were in their fleets; Pellitteri has 5 and are working on getting more, Waste Management's entire fleet is CNG, and Montani from LRS did not know. This was a concern due to fuel surcharges when gas

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
SEPTEMBER 3, 2024

prices get high. Anders had many questions regarding the types of materials that were and were not recycled by each company. **MOTION** by Anders/Williams to table the decision until the next Board meeting on September 16th. **MOTION CARRIED 5-0.**

- E. Discuss/Consider proposals for short-term loan to finance 2024 road maintenance projects: Loan proposals from Bank of Sun Prairie, One Community Bank, and Lake Ridge Bank were considered (Attached as Exhibit A). Lake Ridge Bank's proposal came in a little higher than One Community, however One Community has fees that Lake Ridge does not, making the difference between the two less than \$800. The Clerk/Treasurer spoke about the good relationship the Town has with Lake Ridge Bank, and the many benefits they provide the Town including excellent interest rates on our deposit accounts, and fraud protection and lockbox services at no charge. **MOTION** by DuPlayee/Williams to accept the proposal from Lake Ridge Bank to supply \$312,411.58 in principal on September 17, 2024 at 6.12% interest, payable in full on March 15, 2025 **MOTION CARRIED 5-0.**
- F. Discuss/Consider installing pedestrian walkways where the dead ends of Pheasant Run and Mourning Dove meet at the Town/Village boundary. Hampton received a call from John Williams from the Village asking us to help students that walk to school: Discussion included the number of kids that use the path, the liability issues that may arise if someone is injured, who would be responsible for maintenance of the path, and surveying the land to find out who owns trees that would need to be cleared. **MOTION** by Hampton/Williams follow up with Dan on suggestions for how to carry out project, and to ask the Village who would pay for what. **MOTION FAILED 2-3 (Fonger, Anders, DuPlayee opposed).**
- G. Discuss/Consider Certificate of Insurance/Bond amount for Weight Variance Permit for Alliant Energy to bring in new substation equipment on Gaston Road: Dresen said the substation is over the weight limit by 45,000 pounds. They would come off of County Road N onto Gaston Road, utilizing 1,400 ft of Town roads. Dresen said \$1.5 million would be plenty to rebuild the road if needed. Proof of insurance has already been provided. **MOTION** by Fonger/Williams to approve the Weight Variance Permit with a \$1.5 million bond. **MOTION CARRIED 5-0.**
- H. Discuss/Consider providing notice of termination of agreements with the Kennedy Hills and Viney's Addition to Sky High Homeowner's Associations for Stormwater Facility Mowing effective December 31, 2024; Fonger was concerned that the HOAs would be surprised by this sudden decision. Banigan reminded him that Town Board agendas are posted publicly. The agreement states either party can cancel for any reason with a 30-day notice. The HOAs would be given 90-day notice, and would have an additional few months until spring mowing would begin. **MOTION** by Anders/DuPlayee to terminate both agreements effective 12/31/2024. **MOTION CARRIED 4-1 (Fonger opposed).**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits: Charter-Spectrum has one pending for Natvig Road, just waiting on a notification of the security deposit.
- B. Highway Department is busy mowing grass. Dresen will be out for 2 weeks due to surgery, but will be working from home during that time.

IV. CLERK-TREASURER'S OFFICE UPDATE: Banigan will be gone for a week. There was a request to post a link on the Town's website regarding the Monona Grove School District financial crisis. The Board felt this would be ok.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
SEPTEMBER 3, 2024

- V. BOARD REPORTS AND COMMUNICATIONS: Hampton, Fonger and DuPlayee plan to attend a virtual operational planning meeting for replacement of Door Creek Bridge B-13-0042 in 2027 on Thursday, September 5th. Williams attended an Eagle Scout Court of Honor on August 26th honoring Tate Hepler, David Schuchart, and Levi Wurgler. They had done previous projects for the Town including building Leopold benches and recovering picnic tables.
- VI. COMMITTEE REPORTS:
- A. Cottage Grove Fire District Commission: The 2025 budget will be considered at the September 23<sup>rd</sup> meeting. New squad being delivered at the end of the month. Ladder testing was last week. The CO device is gone, General Engineering has indicated that a replacement is not needed.
  - B. Flynn Hall Committee: The 2025 budget will stay the same as the 2024 budget. The building was cleaned outside including gutters, downspouts, windows and siding, and looks very nice.
  - C. Emergency Government Committee: Meeting next Tuesday, September 10th to discuss the emergency call list. They plan to talk to other communities to coordinate their committees.
- VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:46 P.M.

Amber Steele, Deputy Clerk

Approved 09-16-2024

# **EXHIBIT A**



ONE  
**COMMUNITY**  
BANK

---

## COMMERCIAL LENDING PROPOSAL



Town of  
**Cottage Grove**

To: Town of Cottage Grove

4058 COUNTY ROAD N, COTTAGE GROVE, WI 53527



## ***Feel Good Banking Difference***

### **Access to Decision Makers**

Every bank says that it values your business. One Community Bank demonstrates the importance of your relationship by giving you access to all its resources and all its people. Our leadership team will get to know you and your mission in a way that other banks cannot or will not. At One Community Bank, you can count on working with a team who makes meeting your needs our number one priority.

### **Flexibility**

At One Community Bank, we strive to be flexible when working with you. We realize that your organization is unique, which is why we will never recommend a “one-size-fits-all” approach. We promise to work tirelessly with you to develop creative solutions to your business challenges.

### **Personalized Attention and Knowledgeable Professionals**

At One Community Bank, we pride ourselves on learning your organization inside and out. We use your goals and objectives to guide the creation and individualized solutions enhancing your mission. Our relationship managers come from strong business backgrounds and have contributed to the successes of hundreds of companies. This expertise enables us to develop strategies to help your business grow and prosper.



*Feel Good Banking*

733 N Main Street  
Oregon, WI 53575  
[www.onecommunity.bank](http://www.onecommunity.bank)



**August 26, 2024**

Town of Cottage Grove  
4058 County Road N  
Cottage Grove, WI 53527

Re: 2024 Public Works Road Maintenance Projects.

Dear Kim,

One Community Bank ("the Bank") is pleased to define our interest in the loan transaction(s) described in this letter. This letter is not intended to be a commitment to lend on the Bank's part but is intended to summarize for discussion purposes the loan transaction which the Bank is interested in considering currently.

<b>Borrower</b>	Town of Cottage Grove
<b>Purpose</b>	2024 Public Works Road Projects
<b>Collateral</b>	General Obligation of the Township
<b>Loan Amount (est.)</b>	\$312,411.58
<b>Equity</b>	N/A
<b>Amortization</b>	N/A, Single Pay Note
<b>Payment Frequency</b>	Single Payment due on March 15 <sup>th</sup> , 2025
<b>Interest Rate / Term</b>	Fixed at 5.50% / 6-Month Term
<b>Origination Fee</b>	N/A
<b>Pre-payment Premium (%)</b>	N/A
<b>Guarantor(s), unlimited</b>	N/A
<b>Documentation:</b>	Borrower/Guarantors to execute all loan documentation, will execute all municipal documents provided by the bank.
<b>Documentation Fee</b>	\$250
<b>Conditions</b>	Bank must have board minutes indicating the approval of a loan from OCB, Indicating who can sign for the Town of Cottage Grove.



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**Closing Costs**

Borrower will pay all costs of the transaction, which may include, but are not limited to title insurance & inspection charges, appraisal charges, recording fees, environmental fees, legal fees, transfer fees and Bank fees whether the loan is closed.

**Deposit Relationship**

Borrower to maintain current deposit relationship with OCB.

This letter does not constitute a commitment to lend by the Bank. If the borrower desires to pursue the above terms presented in this letter, the Bank will engage in further discussions and obtain the information needed to seek Bank approval. While this letter may form the basis for discussion with you of various loan terms, you understand that the Bank will not be committed to make a loan available to you unless the loan commitment is evidenced in writing by the Bank, expressly stating that it is intended to be a loan commitment. **This letter of interest expires on September 6th, 2024**, but can be extended with mutual consent of both borrower and bank. The Bank looks forward to moving forward with the transaction. If you have any questions, please call me at 608-480-9984.

Sincerely,

A handwritten signature in black ink, appearing to read 'DM', with a large, sweeping loop at the end.

Dan Mattes  
AVP – Commercial Banking Officer  
One Community Bank  
608-480-9984 (cell)  
[dmattes@onecommunity.bank](mailto:dmattes@onecommunity.bank)

By signing below, I am acting as an authorized signer for the borrower and agree to move forward with the terms presented herein, with One Community Bank. Furthermore, I agree to pay commitment fee and any third-party charges that may be incurred by the Bank, related to this loan request.

---

Kim Banigan

Date



*Feel Good Banking*

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Oregon, WI 53575  
[www.onecommunity.bank](http://www.onecommunity.bank)



**PROPOSAL FOR  
TOWN OF COTAGE GROVE**

**FROM  
LAKE RIDGE BANK  
AUGUST 28, 2024**

Lake Ridge Bank ("LRB", "Bank") is pleased to provide the following financing proposal for your consideration. This is not a commitment to lend; a commitment may be provided once the approval process is complete.

**Borrower:** Town of Cottage Grove

**Purpose:** Town of Cottage Grove 2024 public works road maintenance projects

**Term:** September 17, 2024-March 15, 2025

**Interest Rate:** 6.12% fixed after tax yield assuming the loan qualifies

**Principal Amount:** \$312,411.58

**Collateral:** Unsecured. Reliance is placed upon the full faith and credit of the Town of Cottage Grove

**Fees:** Should the loan be fully funded as closing, all fees are waived. Should the loan have a draw component, Borrower will be responsible for Bank's legal counsel fees.

**Prepayment:** You may prepay the loan at any time without penalty.

We greatly appreciate your partnership with Lake Ridge Bank and thank you for the opportunity to provide this proposal. I look forward to hearing from you in the near future.

Sincerely,

Laura Peterson  
Sr. Vice President - Business Relationship Manager  
608-443-1980  
[lpeterson@lakeridge.bank](mailto:lpeterson@lakeridge.bank)

---

## RFP - Town of Cottage Grove / Bank of Sun Prairie

1 message

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**Butts, Jeffrey** <Jeffrey.Butts@bankofsunprairie.com>  
To: Kim Banigan <clerk@tn.cottagegrove.wi.gov>

Wed, Aug 21, 2024 at 3:18 PM

Kim –

Thanks for your time to discuss the request from the Town.

We would propose a rate fixed at 6.32% matching the terms requested in the RFP and can meet the deadlines proposed. We would have a loan origination/document preparation fee of \$199.

Please let me know if you need any additional information.

Sincerely,



Jeffrey Butts

VP Business Banking

Direct: (608) 467-1769

228 East Main Street

Sun Prairie, WI 53590

To send me a secure email click here: <https://bankofsunprairie.secureemailportal.com/>

Please click [Personal Financial Statement - JB](#) to complete the online option for Personal Financial Statement

**Voted Best Financial Institution in 2023 Best of Cottage Grove and Best of Sun Prairie Awards!**





ONE  
**COMMUNITY**  
BANK

---

COMMERCIAL LENDING PROPOSAL



Town of  
**Cottage Grove**

To: Town of Cottage Grove  
4058 COUNTY ROAD N, COTTAGE GROVE, WI 53527



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One Community Bank  
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Please click [Personal Financial Statement - JB](#) to complete the online option for Personal Financial Statement

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TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
SEPTEMBER 16, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Mike Fonger, Kristi Williams, Steve Anders and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan and Deputy Clerk Jen Millage. Highway Superintendent Dan Dresen was present virtually.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting:
  - 1. **MOTION** by Williams/DuPlayee to approve the minutes of the September 3rd meeting as presented. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by DuPlayee/Williams to approve the August 19<sup>th</sup>, 2024 closed session minutes as presented and keep them closed. **MOTION CARRIED 5-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #37352-37383 and EFTs in the amount of \$12,559.72. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of \$3,599.75 to General Engineering for August building permits. **MOTION CARRIED 5-0.**
- F. Public Concerns: Gary Tresner, 4610 Conestoga, wanted to thank the Town Board for addressing his previous concerns about a Frontier pedestal along Kennedy Road that was damaged and an eyesore. He is pleased with the resolution.

II. BUSINESS

- A. Review August Police Activities: Deputy Eric Miller shared that there was an upswing in speeding tickets in August, with an additional focus on patrolling Cty Hwy BB, Jargo Rd, and Ridge Rd more during the recent construction. He also shared that there have been no school bus complaints since school has been back in session.
- B. Discuss/Consider proposals for Municipal Solid Waste Collection, Disposal and Recycling Services (tabled from the September 3<sup>rd</sup> meeting):

Todd Bollenbach from Pelliterri addressed the Town Board to follow up on questions from the September 3<sup>rd</sup> meeting. He clarified what metal objects they are willing to take, and also shared more details of their in-depth recycling efforts in Dane County. He also shared that tipping fees at the Dane County Landfill go back towards supporting local programs, and mentioned that as the only local company, their entire staff is always willing to go above and beyond for the communities they serve.

Justin Montani from LRS mentioned to the Board that LRS would be happy to work with the Town on cart options.

Richard Chapas from Waste Management addressed the Board regarding continued complaints with their Customer Service Department – since they are a national company, he is aware that they have issues, especially with their move to AI. He is happy to address concerns himself and with his local staff, when possible.

**MOTION** by Williams/DuPlayee to accept the Pelliterri 10-year proposal, using current carts. **MOTION FAILED 2-3 (Hampton, Anders, Fonger opposed).**

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
SEPTEMBER 16, 2024

**MOTION** by Anders to accept the LRS 10-year proposal, using current carts failed due to lack of a second.

**MOTION** by Williams to accept the Pelliterri 5-year proposal, using current carts failed due to lack of a second.

**MOTION** by Fonger/DuPlayee to accept the 5-year proposal from Waste Management.  
**MOTION CARRIED 4-1 (Williams opposed).**

- C. Consider adoption of Resolution 2024-09-16 authorizing the borrowing of \$312,411.58; providing for the issuance and sale of a general obligation promissory note therefor; and levying a tax in connection therewith. **MOTION** by Fonger/Williams to adopt the resolution as presented. **MOTION CARRIED 5-0.** (Note that Lake Ridge Bank calls this Resolution 1).
- D. Discuss/Consider allowing the Monona Grove Soccer Club to have soccer games at Sr. Airman Johnson Park in the American Heritage subdivision: Marissa Anders joined the meeting via speaker phone to explain the need for utilizing a second field with the growth they've seen in the soccer program. The games will take place for one hour on Saturday mornings over the next two months. Discussion occurred surrounding potential parking issues, and Hwy Superintendent Dan Dresen noted that the east side of American Way has no parking allowed, and parking on Liberty Drive should be on the north side only, with no parking within 20 feet of stop signs on any roads. Dresen will post signs in these areas to mark no parking zones, and M Anders will notify all soccer participants of the parking restrictions. **MOTION** by Williams/DuPlayee to approve the use of Sr. Airman Johnson Park by the Monona Grove Soccer Club. **MOTION CARRIED 5-0.**
- E. Discuss/Consider plans to deal with CTH N closure during reconstruction of Door Creek Bridge B-13-0042 in 2027: Work to tentatively begin in the Spring/Summer of 2027 to extend the bridge from 26' to 44'. Discussion was related to Natvig Road and the need to improve the bridge prior to 2027. Hampton shared that he has asked Dane County for assistance to improve the bridge, and though he hasn't heard back from them yet, he will continue to push for assistance with the bridge improvements. Hwy Superintendent Dan Dresen also mentioned that weight restrictions of 10 tons will be needed for Natvig Road and other surrounding roads during the construction, but local traffic and deliveries will not be restricted. Reducing the Natvig Road speed limit to 45 mph was mentioned, however, a speed study would be necessary. Continued discussion and plans needed.
- F. Set dates for 2025 Budget Workshops: dates set for Tuesday, October 29<sup>th</sup> at 6:30 pm at Town Hall, and Wednesday, October 30<sup>th</sup> if needed at 6:30 pm.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits: Hwy Superintendent Dan Dresen will give update on Right-of-Way permits in person at next meeting.
- B. Highway Department will be finishing up parks mowing this week. The 2012 One Ton Truck is getting cleaned up to sell. Dresen has been working from home after surgery, and will be back in the office next week. Justin Madsen is currently out of the office also, as he and his wife just had a baby.

IV. CLERK-TREASURER'S OFFICE UPDATE: Banigan gave an update that it is currently a busy time in the office, as absentee ballots will be delivered and then sent out this week. She also mentioned that everything ran smoothly for the Deputy Clerks while she was gone on vacation.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
SEPTEMBER 16, 2024

Shared that Deputy Clerk Amber Steele is currently working on the postcard project requested by Hampton.

- V. BOARD REPORTS AND COMMUNICATIONS: Williams received an invitation to be a part of the test drive for the new electric buses in Madison. She reported that she found the experience to be very interesting. The new service begins on September 22<sup>nd</sup>. The Dane County Towns Association will host a Dane County Executive Candidate Forum on Wednesday, September 18<sup>th</sup> at the Town Hall.
- VI. COMMITTEE REPORTS:
- A. Deer-Grove EMS Commission: Working on the budget for 2025. Currently looking at options of start dates next year for the two new paramedics to be hired.
  - B. Flynn Hall Committee: The 2025 budget will stay the same as the 2024 budget. Williams shared that Flynn Hall has been working well as a space to hold local blood drives.
  - C. Emergency Government Committee: The 2025 budget will stay the same as the 2024 budget.
- VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:31 P.M.

Jen Millage, Deputy Clerk  
Approved 10-07-2024

# RESOLUTION

Cottage Grove Town Board Resolution 2025-09-16

(Bank) RESOLUTION NO. 1

## RESOLUTION AUTHORIZING THE BORROWING OF \$312,411.58; PROVIDING FOR THE ISSUANCE AND SALE OF A GENERAL OBLIGATION PROMISSORY NOTE THEREFOR; AND LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, the Town Board (the "Governing Body") hereby finds and determines that it is necessary, desirable and in the best interest of the Town of Cottage Grove, Dane County(ies), Wisconsin (the "Issuer") to raise funds for the purpose of:

Funds for public road maintenance projects

(the "Borrowing Purpose"); and

WHEREAS, the Governing Body hereby finds and determines that the Borrowing Purpose is within the Issuer's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes; and

WHEREAS, the Issuer is authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and issue general obligation promissory notes for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Issuer that:

Section 1. Authorization of the Note. For the purpose of paying the cost of the Borrowing Purpose, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, the principal sum of \$312,411.58 from Lake Ridge Bank (the "Lender") in accordance with the terms set forth herein.

Section 2. Issuance of the Note. To evidence such indebtedness, the Chairperson and the Clerk are hereby authorized, empowered and directed to make, execute, issue and deliver to the Lender for, on behalf of and in the name of the Issuer, a general obligation promissory note aggregating the principal amount of \$312,411.58 (the "Note").

Section 3. Terms of the Note. The Note shall be designated "General Obligation Promissory Note"; shall be dated the date of its issuance; shall bear interest at the rate of 6.120% per annum; and shall be payable as follows:

Borrower will pay this loan in one principal payment of \$312,411.58 plus interest on March 15, 2025. This payment due on March 15, 2025, will be for all principal and all accrued interest not yet paid.

Interest on this Note is computed on a 365/365 simple interest basis; that is, by applying the ratio of the interest rate over the number of days in a year (366 during leap years), multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. All interest payable under this Note is computed using this method.

Section 4. Prepayment Provisions. The Note shall not have prepayment privileges.

Section 5. Form of the Note. The Note shall be issued in registered form and shall be attached hereto and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Note as the same becomes due, the full faith, credit and resources of the Issuer are hereby irrevocably pledged, and a direct annual irrepealable tax is hereby levied upon all taxable property of the Issuer. Said direct annual irrepealable tax shall be levied in the years and amounts as follows:

<u>Levy Year</u>	<u>Amount</u>
2025	\$321,772.86

The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Issuer levied in said years are collected. So long as any part of the principal of or interest on the Note remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on the Note when due, the requisite amount shall be paid from other funds of the Issuer then available, which sums shall be replaced upon the collection of the taxes herein levied. In the event the Issuer exercises its prepayment privilege, if any, then no such direct annual tax shall be included on the tax rolls for the prepayments made and the amount of direct annual tax hereinabove levied shall be reduced accordingly for the year or years with respect to which said note was prepaid.

Section 7. Debt Service Fund Account. There is hereby established in the Issuer's treasury a fund account separate and distinct from every other Issuer fund or account designated "Debt Service Fund Account for \$312,411.58 General Obligation Promissory Note." Such fund shall be maintained in accordance with generally accepted accounting practices. There shall be deposited in said fund account any premium plus accrued interest paid on the Note at the time of delivery to the Lender, all money or funds raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Note when the same shall become due and to retire the principal installments on the Note. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Note and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished. Sinking funds established for obligations previously issued by the Issuer may be considered as separate and distinct accounts within the Debt Service Fund Account.

Section 8. Segregated Borrowed Money Fund. The proceeds of the Note (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Note into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and be disbursed solely for the purposes for which borrowed or for the payment for the principal of and the interest on the Note.

Section 9. Arbitrage Covenant. The Issuer shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Note (the "Closing"), would cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any income tax regulations promulgated thereunder (the "Regulations").

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the Issuer hereby covenants and agrees that so long as the Note remains outstanding, moneys on deposit in any fund or account created or maintained in connection with the Note, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Note to be an "arbitrage bond" within the meaning of the Code or Regulations.

The Clerk, or other officer of the Issuer charged with responsibility for issuing the Note, shall provide appropriate certifications of the Issuer, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the Issuer regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The Issuer hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Note) to assure that the Note is an obligation described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout its term. The Clerk or other officer of the Issuer charged with the responsibility of issuing the Note, shall provide appropriate certifications of the Issuer as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the Issuer to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Note will continue to be an obligation described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

For Note Proceeds allocable to a Borrowing Purpose for new projects or acquisitions, the Issuer reasonably expects to:

- ☐ qualify for the small issuer rebate exception because it (including any entities subordinate to the Issuer) will issue no more than \$5,000,000 of tax-exempt obligations (including the Note(s)) during the current calendar year.
- ☐ qualify for the eighteen month rebate exception under Section 1.148-7(d) of the Regulations.
- ☐ qualify for the two-year rebate exception under Section 148(f)(4) of the Code.
- ☒ not qualify for an exception to rebate.

The Issuer hereby designates the Note to be a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the Clerk or other officer of the Issuer charged with the responsibility for issuing the Note, shall provide appropriate certifications of the Issuer, all as of the Closing.

Section 11. Execution of the Note. The Note shall be prepared in typewritten form, executed on behalf of the Issuer by the manual or facsimile signatures of the Chairperson and Clerk, sealed with its official or corporate seal thereof, if any, and delivered to the Lender upon payment to the Issuer of the purchase price thereof, plus accrued interest to the date of delivery; provided that, if this is a refinancing, the refunding Note shall be immediately exchanged for the note being refinanced. In the event that either of the officers whose signatures appear on the Note shall cease to be such officers before the delivery of the Note, such signatures shall nevertheless be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

Section 12. Payment of the Note. The principal of and interest on the Note shall be paid by the Clerk or Treasurer in lawful money of the United States.

Section 13. Registration and Transfer of Note. The Clerk shall keep records for the registration and for the transfer of the Note. The person in whose name the Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of either principal or interest on the Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid. The Note may be transferred by the registered owner thereof by presentation of the Note at the office of the Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his legal representative duly authorized in writing. Upon such presentation, the Note shall be transferred by appropriate entry in the registration records and a similar notation, including date of registration, name of new registered owner and signature of the Clerk, shall be made on such Note.

Section 14. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Issuer or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Section 15. Financial Reports. Officials of the Issuer are hereby authorized and directed, so long as the Note is outstanding, to deliver to Lender any audit statement or other financial information Lender may reasonably request and to discuss its affairs and finances with Lender.

Adopted and recorded this 16th day of September, 2024.

(Seal)

By:   
Kris Hampton, Chairperson

ATTEST:

By:   
Kim Banigan, Clerk

# GENERAL OBLIGATION PROMISSORY NOTE

## UNITED STATES OF AMERICA STATE OF WISCONSIN TOWN OF COTTAGE GROVE

original date of issue:

09-17-2024

REGISTERED OWNER: Lake Ridge Bank

PRINCIPAL AMOUNT: THREE HUNDRED TWELVE THOUSAND FOUR HUNDRED ELEVEN & 58/100 DOLLARS  
(\$312,411.58)

Section 1. Payment Schedule. KNOW ALL MEN BY THESE PRESENTS, that the Town of Cottage Grove, Dane County(ies), Wisconsin (the "Issuer"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner identified above, or to registered assigns, (the "Lender") the principal amount identified above, payable with interest at the rate of 6.120% per annum as follows:

**Borrower will pay this loan in one principal payment of \$312,411.58 plus interest on March 15, 2025. This payment due on March 15, 2025, will be for all principal and all accrued interest not yet paid.**

Both the principal of and interest on this Note are payable to the Lender in lawful money of the United States at the office of the Lender. Payment of the last installment of principal of this Note shall be made upon presentation and surrender hereof to the Issuer's Clerk or Treasurer.

Interest on this Note is computed on a 365/365 simple interest basis; that is, by applying the ratio of the interest rate over the number of days in a year (366 during leap years), multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. All interest payable under this Note is computed using this method.

Section 2. Other Charges. If any payment (other than the final payment) is not made on or before the 10th day after its due date, Lender may collect a delinquency charge of 5.000% of the unpaid amount. Unpaid principal and interest bear interest after maturity until paid (whether by acceleration or lapse of time) at the rate of 18.000% per year, computed on the basis of a 365 day year. Issuer agrees to pay a charge of \$30.00 for each check presented for payment under this Note which is returned unsatisfied.

Section 3. Security. For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the Issuer are hereby irrevocably pledged.

Section 4. Purpose and Authorization. This Note is issued pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for the purpose of paying the cost of the "Borrowing Purpose" as defined and authorized by a resolution of the Issuer's Town Board (the "Governing Body") duly adopted at a meeting held on 09-16-2024. Said resolution is recorded in the official minutes of the Governing Body for said date.

Section 5. Prepayment. This Note is not subject to redemption prior to maturity. All prepayments, if applicable, shall be applied first upon the unpaid interest and then applied upon the unpaid principal in inverse order of maturity.

Section 6. Transferability. This Note is transferable by a written assignment, in a form satisfactory to the Issuer's Clerk, duly executed by the registered owner hereof or by such owner's duly authorized legal representative. Upon such transfer a new registered Note may be issued to the transferee in exchange hereof if requested by said transferee. The Issuer may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof, and interest due hereon and for all other purposes, and the Issuer shall not be affected by notice to the contrary.

Section 7. Certifications. It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the Issuer, including this Note, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable. It is hereby further certified that the Issuer has designated this Note to be a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 8. Default. Upon the occurrence of any one or more of the following events of default, then the unpaid balance shall, at the option of Lender, without notice, mature and become immediately payable: (a) Issuer fails to pay any amount when due under this Note or under any other instrument evidencing any indebtedness of Issuer to Lender; (b) any representation or warranty made under this Note or information provided by Issuer to Lender in connection with this Note is or was false or fraudulent in any material respect; (c) a material adverse change occurs in Issuer's financial condition; (d) Issuer fails to timely observe or perform any of the covenants or duties in this Note; (e) an event of default occurs under any agreement securing this Note; or (f) Lender deems itself insecure. The unpaid balance shall automatically mature and become immediately payable in the event Issuer becomes the subject of bankruptcy or other insolvency proceedings. Lender's receipt of any payment on this Note after the occurrence of an event of default shall not constitute a waiver of the default of the Lender's rights and remedies upon such default.

Section 9. Issuer Obligations. Issuer agrees to pay all costs of collection before and after judgment, including, without limitation, reasonable attorney's fees (including those incurred in successful defense or settlement of any counterclaim brought by Issuer or incident to any action or proceeding involving Issuer brought pursuant to the United States Bankruptcy Code) and waive presentment, protest, demand and notice of dishonor. Subject to Wis. Stat. § 893.80, Issuer agrees to indemnify and hold harmless Lender, its directors, officers and agents, from and under this Note or the activities of Issuer. This indemnity shall survive payment of this Note. Issuer acknowledges that Lender has not made any representation or warranties with respect to, and the Lender does not assume any responsibility to Issuer for, the collectability or enforceability of this Note or the financial condition of Issuer. Issuer has independently determined the collectability and enforceability of this Note. Issuer authorizes Lender to disclose financial and other information about Issuer to others.

Section 10. Waiver. No failure on the part of Lender to exercise, and no delay in exercising, any right, power or remedy under this Note shall operate as a waiver of such right, power or remedy; nor shall any single or partial exercise of any right under this Note preclude any other or

GENERAL OBLIGATION PROMISSORY NOTE  
(Continued)

Loan No: 709303

further exercise of the right or the exercise of any other right.

Section 11. Rights of Lender. The remedies provided in this Note are cumulative and not exclusive of any remedies provided by law. Without affecting the liability of Issuer, Lender may, without notice, accept partial payments, release or impair any collateral security for the payment of this Note or agree not to sue any party liable on it. Without affecting the liability of Issuer, Lender may from time to time, without notice, renew or extend the time for repayment subject to the time limits prescribed in Wis. Stat. § 67.12(12).


Section 12. Venue; Interpretation. Unless otherwise prohibited by law, the venue for any legal proceeding relating to collection of this Note shall be, at Lender's option: (a) the county in which Lender has its principal office in this state; (b) the county in which Issuer is located; (c) or the county in which this Note was executed by Issuer. This Note is intended by Issuer and Purchase as the final expression of this Note and as a complete and exclusive statement of its terms, there being no conditions to the enforceability of this Note. This Note may not be supplemented or modified except in writing. This Note benefits Lender, its successors and assigns and binds Issuer and its successors and assigns. The validity, construction and enforcement of this Note are governed by the internal laws of Wisconsin. Invalidity or unenforceability of any provision of this Note shall not affect the validity or enforceability of any other provisions of this Note.

IN WITNESS WHEREOF, the Issuer, by its Governing Body, has caused this Note to be executed for it and in its name by the signatures of its duly qualified Chairperson and Clerk or persons authorized by law to sign on their behalf, and to be sealed with its official or corporate seal, if any, all as of the original date of issue identified above.

TOWN OF COTTAGE GROVE, WISCONSIN:

(Seal)

By:   
Kris Hampton, Chairperson

By:   
Kim Banigan, Clerk

REGISTRATION

This Note shall be registered in registration records kept by the Clerk of the Issuer, such registration to be noted in the registration blank below and upon said registration records, and this Note may thereafter be transferred only in accordance with the terms of this Note, such transfer to be made on such records and endorsed hereon.

<u>Date of Registration</u>	<u>Name of Lender</u>	<u>Signature of Clerk</u>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
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ISSUER'S CERTIFICATE

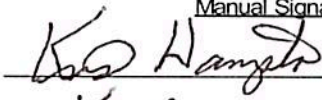

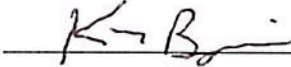
The undersigned is the duly qualified and acting Clerk of the Town of Cottage Grove, Dane County(ies), Wisconsin (the "Issuer") who hereby certifies to Lake Ridge Bank ("Lender") that:

I. ISSUER ORGANIZATION AND OFFICERS

1. At all times mentioned herein, the Issuer was duly organized, validly existing and operating as a town administered by a governing body composed of five (5) members (the "Governing Body"), who are listed below and were duly qualified and acting as such at all times mentioned in this Certificate:

Mike Fonger, Kristi Williams, Steve Anders, Mike DuPlayee and Kris Hampton

2. The following named individuals whose authentic signatures are hereto subscribed, are the duly elected, qualified and acting officers of the Issuer presently holding the offices set forth opposite their respective names below:

<u>Name</u>	<u>Office</u>	<u>Manual Signature</u>
Kris Hampton	Chairperson	
Kim Banigan	Treasurer	
Kim Banigan	Clerk	

II. AUTHORIZATION OF THE NOTE: OPEN MEETING LAW COMPLIANCE

3. At a lawful, duly-convened open meeting of the Governing Body held at Cottage Grove, Wisconsin at 7:00pm, on the 16th Day of September, 2024, at which 5 of the members-elect of the Governing Body were present in person, a resolution authorizing the Issuer to borrow the sum of not to exceed \$312,411.58 and issue its General Obligation Promissory Note (the "Note") therefor pursuant to Section 67.12(12), Wis. Stats., (the "Resolution"), was, on motion duly made and seconded, adopted and recorded by the affirmative vote of 5 of the members of the Governing Body. Said meeting of the Governing Body was duly called, noticed, held and conducted in the manner established by the Governing Body and required by pertinent Wisconsin Statutes.

4. The Resolution was on the agenda for said meeting and public notice thereof was given not less than twenty-four (24) hours prior to the commencement of said meeting by (i) posting notice of the meeting; (ii) providing notice to those news media which have filed a written request for notice of meetings; (iii) providing notice to the official newspaper of the Issuer; and (iv) complying with special meeting requirements if said meeting was a special meeting.

5. The Resolution has been duly recorded in the minutes of said meeting, has not been amended or revoked, and, in all other respects, is in full force and effect on the date hereof and there is no proceeding of the Governing Body or Issuer electors in conflict with or in any way altering the effect of the Resolution. A true and correct copy of said Resolution is attached hereto as a part of the transcript of proceedings.

III. DEBT LIMIT COMPLIANCE

6. The full value of all taxable property located within the Issuer's boundaries, as last equalized for State purposes by the Wisconsin Department of Revenue, is \$720,558,400.00. The Department of Revenue Certificate of Equalized Value is attached hereto as a part of the transcript of proceedings.

7. The total outstanding general obligation indebtedness of the Issuer, howsoever incurred, including this Note, aggregates not more than \$312,411.58, determined as follows:

<u>Amount</u>	<u>Description of Debt</u>
\$312,411.58	Principal/Issue Amount

IV. DELIVERY: RECEIPT: RECORD BOOK

8. I have delivered the Note to the Lender in the principal amount set forth in and duly authorized by the Resolution.

9. I have received the full principal amount of the Note issued to the Lender.

10. The Lender has complied in all respects with its agreement to lend money on the Note.

11. I have provided and kept and will keep a separate record book in which I have recorded a full and correct statement of every step or proceeding had or taken in the course of issuing the Note referred to herein. The Treasurer is prepared to keep a record of the Note receipted and returned to him or her.

V. NO LITIGATION

12. There is no legislation, reorganization, proceedings or order, controversy or litigation pending or threatened in any manner questioning or affecting the corporate existence of the Issuer; its boundaries; the right or title of any of its officers to his or her respective office; or the due authorization or validity of the Note referred to herein, the Resolution or any of the taxes heretofore levied by the Issuer.

VI. FACTS AND REASONABLE EXPECTATIONS RELATING TO ARBITRAGE REQUIREMENTS

13. The certifications made in this Section VI of this Certificate are being made pursuant to Section 1.148-1 through 1.148-11 of the Income Tax Regulations and the applicable provisions of the Internal Revenue Code of 1986, as amended (the "Regulations" and "Code," respectively).

14. The Issuer is a governmental unit with general taxing powers.

15. All of the proceeds of the Note (the "Note Proceeds") shall be used for governmental purposes of the Issuer. None of the Note Proceeds will be used (directly or indirectly) in a trade or business carried on by any person (other than a governmental unit), and none of the payments on the Note are (directly or indirectly): (a) secured by any interest in property used or to be used for a trade or business or payments in respect of such property; or (b) derived from payments (whether or not to the Issuer) in respect of property or borrowed money, used or to be used for a trade or business.

16. None of the Note Proceeds will be used (directly or indirectly) to make or finance loans to persons other than government units.

17. The estimated total cost of the Borrowing Purpose is \$312,411.58. "Borrowing Purpose" has the meaning given in the attached Resolution.

18. The Note Proceeds and earnings on temporary investment thereof will not exceed the amount necessary for the Borrowing Purpose by more than the lesser of \$100,000 or Five Percent (5%) of the Note Proceeds.

19. If the Borrowing Purpose includes funding new projects or acquisitions:

a) The Note Proceeds and any money received from the investment or reinvestment of Note Proceeds, and from investment of money derived from such investments, will be expended on the costs of the Borrowing Purpose within three (3) years from the date of this Certificate.

b) The Issuer has heretofore entered into some substantial binding obligations for the Borrowing Purpose and will, within six (6) months of the date of this Certificate, enter into additional substantial binding obligations requiring payment by the Issuer of not less than Five Percent (5%) of the Note Proceeds.

c) Work on some elements of the Borrowing Purpose has begun. Work on all elements of the Borrowing Purpose will proceed with due diligence to completion.

d) The Issuer reasonably expects to:

☐ qualify for the small issuer rebate exception because it (including any entities subordinate to the Issuer) will issue no more than \$5,000,000 of tax-exempt obligations (including the Note) during the current calendar year.

☐ qualify for the eighteen month rebate exception under Section 1.148-7(d) of the Regulations.

☐ qualify for the two-year rebate exception under Section 148(f)(4) of the Code.

☒ not qualify for an exception to rebate.

20. If the Borrowing Purpose includes refunding outstanding obligations of the Issuer:

a) The obligations being refunded will be discharged within 30 days of the date hereof.

b) There are no remaining original or investment proceeds of the obligations being refunded, so that there are no "transferred proceeds" with respect to the Note.

c) All of the Note Proceeds will be expended within six months of the date hereof.

d) The Issuer expected on the date the obligations being refunded were issued that at least 85% of the spendable proceeds of the refunded obligations would be used to carry out the governmental purposes of those obligations within a three year period beginning on such date, and not more than 50% of the proceeds of the refunded obligations were invested in investments having a substantially guaranteed yield for four years or more.

21. None of the Note Proceeds will be invested in a reserve or replacement fund.

22. There are no other obligations of the Issuer which (a) were sold at substantially the same time as the Note; (b) were sold pursuant to a common plan of financing together with the Note; and (c) will be paid out of substantially the same source of funds as the Note.

23. None of the Note Proceeds are being invested in investments having a substantially guaranteed yield for a period of four years or more.

24. The issuance of the Note is not a transaction or part of a series of transactions which the Issuer has employed that attempts to circumvent the Regulations or Code for the purpose of enabling the Issuer to exploit the difference between tax-exempt and taxable interest rates to gain a material financial advantage and which increases the burden on the market for tax-exempt obligations.

#### **VII. BONA FIDE DEBT SERVICE FUND ACCOUNT**

25. The Issuer has created a segregated debt service fund account pursuant to Section 7 of the Resolution (the "Debt Service Fund Account").

26. The Debt Service Fund Account shall be used primarily to achieve proper matching of revenues and debt service within each note year. Amounts deposited in the Debt Service Fund Account will be depleted at least once a year except for a reasonable carryover amount which will not exceed the greater of (a) one year's earnings on such funds, or (b) one-twelfth of the annual debt service on the Note.

27. The Issuer does not anticipate that the earnings on amounts in the Debt Service Fund Account will ever exceed \$100,000 in any note year.

28. Other than the Debt Service Fund Account, the Issuer has not created or established, and does not expect to create or establish, any sinking or other similar account which is reasonably expected to be used to pay debt service on the Note or which is pledged as collateral for the Note or to replace funds that will be used to pay debt service on the Note.


VIII. QUALIFIED TAX-EXEMPT OBLIGATIONS

29. The Note constitutes a "qualified tax-exempt obligation" as that term is defined in the Code in that:
- a) as described in Paragraphs 15 and 16 of this Certificate, the Note is not a "private activity bond" as defined in the Code;
  - b) the Issuer has designated the Note as a "qualified tax-exempt obligation";
  - c) The Note, together with any other obligations heretofore designated as "qualified tax-exempt obligations" during the current calendar year, aggregate less than \$10,000,000; and
  - d) The Issuer does not reasonably expect to issue more than \$10,000,000 of obligations which are designated as "qualified tax-exempt obligations" during the current calendar year.

IX. MISCELLANEOUS


30. The payment of principal or interest with respect to the Note will not be guaranteed, either directly or indirectly, in whole or in part, by the United States or any agency or instrumentality thereof. None of the Note Proceeds will be (i) used in making loans the payment of principal or interest with respect to which are to be guaranteed, in whole or in part, by the United States or any agency or instrumentality thereof, or (ii) invested directly or indirectly in federally insured deposits or accounts, except for proceeds invested during permitted temporary periods or in the debt service fund for the Note or as otherwise permitted under Section 149(b)(3) of the Code.
31. With respect to a Borrowing Purpose that includes funding for new projects or acquisitions, any expenditures already paid by the Issuer for which the Issuer is to be reimbursed with Note Proceeds (a) were paid no more than 60 days before the date on which the Issuer adopted the resolution authorizing the issuance of the Note or stating its intention to reimburse itself from the Note Proceeds for any expenditures relating to said new projects or acquisitions which it paid from other funds prior to receipt of the Note Proceeds, or (b) are preliminary expenditures relating to said new projects or acquisitions (such as architectural, engineering, surveying, soil testing and similar costs but not including land acquisition, site preparation and similar costs incident to the commencement of construction) which are in an amount which is less than 20% of the issue price of the Note.
- The undersigned hereby certifies that the above-stated facts are true and correct and the above-stated expectations of the Issuer are reasonable, and there are no other facts, estimates or circumstances that would materially change the foregoing conclusions.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity effective as of the original date of issue of the Note.

By:   
Kim Banigan, Clerk

Approved as correct:

By:   
Kris Hampton, Chairperson


By:   
Kim Banigan, Treasurer

INVESTMENT REPRESENTATION

The undersigned duly authorized officer of Lake Ridge Bank ("Lender") located in Monona, Wisconsin, hereby certifies with respect to the purchase of that certain \$312,411.58 Promissory Note dated September 17, 2024, issued by the Town of Cottage Grove, Dane County(ies), Wisconsin, that the Lender is purchasing said note for investment purposes and will not resell said note, except to another depository institution or depository institutions which will also make this certification. This Investment Representation is dated September 17, 2024.

LENDER:

LAKE RIDGE BANK

By:   
Authorized Signer

# RESOLUTION

Cottage Grove Town Board Resolution 2025-09-16

(Bank) RESOLUTION NO. 1

## RESOLUTION AUTHORIZING THE BORROWING OF \$312,411.58; PROVIDING FOR THE ISSUANCE AND SALE OF A GENERAL OBLIGATION PROMISSORY NOTE THEREFOR; AND LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, the Town Board (the "Governing Body") hereby finds and determines that it is necessary, desirable and in the best interest of the Town of Cottage Grove, Dane County(ies), Wisconsin (the "Issuer") to raise funds for the purpose of:

Funds for public road maintenance projects

(the "Borrowing Purpose"); and

WHEREAS, the Governing Body hereby finds and determines that the Borrowing Purpose is within the Issuer's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes; and

WHEREAS, the Issuer is authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and issue general obligation promissory notes for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Issuer that:

Section 1. Authorization of the Note. For the purpose of paying the cost of the Borrowing Purpose, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, the principal sum of \$312,411.58 from Lake Ridge Bank (the "Lender") in accordance with the terms set forth herein.

Section 2. Issuance of the Note. To evidence such indebtedness, the Chairperson and the Clerk are hereby authorized, empowered and directed to make, execute, issue and deliver to the Lender for, on behalf of and in the name of the Issuer, a general obligation promissory note aggregating the principal amount of \$312,411.58 (the "Note").

Section 3. Terms of the Note. The Note shall be designated "General Obligation Promissory Note"; shall be dated the date of its issuance; shall bear interest at the rate of 6.120% per annum; and shall be payable as follows:

Borrower will pay this loan in one principal payment of \$312,411.58 plus interest on March 15, 2025. This payment due on March 15, 2025, will be for all principal and all accrued interest not yet paid.

Interest on this Note is computed on a 365/365 simple interest basis; that is, by applying the ratio of the interest rate over the number of days in a year (366 during leap years), multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. All interest payable under this Note is computed using this method.

Section 4. Prepayment Provisions. The Note shall not have prepayment privileges.

Section 5. Form of the Note. The Note shall be issued in registered form and shall be attached hereto and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Note as the same becomes due, the full faith, credit and resources of the Issuer are hereby irrevocably pledged, and a direct annual irrepealable tax is hereby levied upon all taxable property of the Issuer. Said direct annual irrepealable tax shall be levied in the years and amounts as follows:

<u>Levy Year</u>	<u>Amount</u>
2025	\$321,772.86

The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Issuer levied in said years are collected. So long as any part of the principal of or interest on the Note remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on the Note when due, the requisite amount shall be paid from other funds of the Issuer then available, which sums shall be replaced upon the collection of the taxes herein levied. In the event the Issuer exercises its prepayment privilege, if any, then no such direct annual tax shall be included on the tax rolls for the prepayments made and the amount of direct annual tax hereinabove levied shall be reduced accordingly for the year or years with respect to which said note was prepaid.

Section 7. Debt Service Fund Account. There is hereby established in the Issuer's treasury a fund account separate and distinct from every other Issuer fund or account designated "Debt Service Fund Account for \$312,411.58 General Obligation Promissory Note." Such fund shall be maintained in accordance with generally accepted accounting practices. There shall be deposited in said fund account any premium plus accrued interest paid on the Note at the time of delivery to the Lender, all money or funds raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Note when the same shall become due and to retire the principal installments on the Note. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Note and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished. Sinking funds established for obligations previously issued by the Issuer may be considered as separate and distinct accounts within the Debt Service Fund Account.

Section 8. Segregated Borrowed Money Fund. The proceeds of the Note (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Note into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and be disbursed solely for the purposes for which borrowed or for the payment for the principal of and the interest on the Note.

Section 9. Arbitrage Covenant. The Issuer shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Note (the "Closing"), would cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any income tax regulations promulgated thereunder (the "Regulations").

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the Issuer hereby covenants and agrees that so long as the Note remains outstanding, moneys on deposit in any fund or account created or maintained in connection with the Note, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Note to be an "arbitrage bond" within the meaning of the Code or Regulations.

The Clerk, or other officer of the Issuer charged with responsibility for issuing the Note, shall provide appropriate certifications of the Issuer, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the Issuer regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The Issuer hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Note) to assure that the Note is an obligation described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout its term. The Clerk or other officer of the Issuer charged with the responsibility of issuing the Note, shall provide appropriate certifications of the Issuer as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the Issuer to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Note will continue to be an obligation described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

For Note Proceeds allocable to a Borrowing Purpose for new projects or acquisitions, the Issuer reasonably expects to:

- ☐ qualify for the small issuer rebate exception because it (including any entities subordinate to the Issuer) will issue no more than \$5,000,000 of tax-exempt obligations (including the Note(s)) during the current calendar year.
- ☐ qualify for the eighteen month rebate exception under Section 1.148-7(d) of the Regulations.
- ☐ qualify for the two-year rebate exception under Section 148(f)(4) of the Code.
- ☒ not qualify for an exception to rebate.

The Issuer hereby designates the Note to be a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the Clerk or other officer of the Issuer charged with the responsibility for issuing the Note, shall provide appropriate certifications of the Issuer, all as of the Closing.

Section 11. Execution of the Note. The Note shall be prepared in typewritten form, executed on behalf of the Issuer by the manual or facsimile signatures of the Chairperson and Clerk, sealed with its official or corporate seal thereof, if any, and delivered to the Lender upon payment to the Issuer of the purchase price thereof, plus accrued interest to the date of delivery; provided that, if this is a refinancing, the refunding Note shall be immediately exchanged for the note being refinanced. In the event that either of the officers whose signatures appear on the Note shall cease to be such officers before the delivery of the Note, such signatures shall nevertheless be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

Section 12. Payment of the Note. The principal of and interest on the Note shall be paid by the Clerk or Treasurer in lawful money of the United States.

Section 13. Registration and Transfer of Note. The Clerk shall keep records for the registration and for the transfer of the Note. The person in whose name the Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of either principal or interest on the Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid. The Note may be transferred by the registered owner thereof by presentation of the Note at the office of the Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his legal representative duly authorized in writing. Upon such presentation, the Note shall be transferred by appropriate entry in the registration records and a similar notation, including date of registration, name of new registered owner and signature of the Clerk, shall be made on such Note.

Section 14. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Issuer or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Section 15. Financial Reports. Officials of the Issuer are hereby authorized and directed, so long as the Note is outstanding, to deliver to Lender any audit statement or other financial information Lender may reasonably request and to discuss its affairs and finances with Lender.

Adopted and recorded this 16th day of September, 2024.

(Seal)

By:   
Kris Hampton, Chairperson

ATTEST:

By:   
Kim Banigan, Clerk

# GENERAL OBLIGATION PROMISSORY NOTE

## UNITED STATES OF AMERICA STATE OF WISCONSIN TOWN OF COTTAGE GROVE

original date of issue:

09-17-2024

REGISTERED OWNER: Lake Ridge Bank

PRINCIPAL AMOUNT: THREE HUNDRED TWELVE THOUSAND FOUR HUNDRED ELEVEN & 58/100 DOLLARS  
(\$312,411.58)

Section 1. Payment Schedule. KNOW ALL MEN BY THESE PRESENTS, that the Town of Cottage Grove, Dane County(ies), Wisconsin (the "Issuer"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner identified above, or to registered assigns, (the "Lender") the principal amount identified above, payable with interest at the rate of 6.120% per annum as follows:

**Borrower will pay this loan in one principal payment of \$312,411.58 plus interest on March 15, 2025. This payment due on March 15, 2025, will be for all principal and all accrued interest not yet paid.**

Both the principal of and interest on this Note are payable to the Lender in lawful money of the United States at the office of the Lender. Payment of the last installment of principal of this Note shall be made upon presentation and surrender hereof to the Issuer's Clerk or Treasurer.

Interest on this Note is computed on a 365/365 simple interest basis; that is, by applying the ratio of the interest rate over the number of days in a year (366 during leap years), multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. All interest payable under this Note is computed using this method.

Section 2. Other Charges. If any payment (other than the final payment) is not made on or before the 10th day after its due date, Lender may collect a delinquency charge of 5.000% of the unpaid amount. Unpaid principal and interest bear interest after maturity until paid (whether by acceleration or lapse of time) at the rate of 18.000% per year, computed on the basis of a 365 day year. Issuer agrees to pay a charge of \$30.00 for each check presented for payment under this Note which is returned unsatisfied.

Section 3. Security. For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the Issuer are hereby irrevocably pledged.

Section 4. Purpose and Authorization. This Note is issued pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for the purpose of paying the cost of the "Borrowing Purpose" as defined and authorized by a resolution of the Issuer's Town Board (the "Governing Body") duly adopted at a meeting held on 09-16-2024. Said resolution is recorded in the official minutes of the Governing Body for said date.

Section 5. Prepayment. This Note is not subject to redemption prior to maturity. All prepayments, if applicable, shall be applied first upon the unpaid interest and then applied upon the unpaid principal in inverse order of maturity.

Section 6. Transferability. This Note is transferable by a written assignment, in a form satisfactory to the Issuer's Clerk, duly executed by the registered owner hereof or by such owner's duly authorized legal representative. Upon such transfer a new registered Note may be issued to the transferee in exchange hereof if requested by said transferee. The Issuer may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof, and interest due hereon and for all other purposes, and the Issuer shall not be affected by notice to the contrary.

Section 7. Certifications. It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the Issuer, including this Note, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable. It is hereby further certified that the Issuer has designated this Note to be a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 8. Default. Upon the occurrence of any one or more of the following events of default, then the unpaid balance shall, at the option of Lender, without notice, mature and become immediately payable: (a) Issuer fails to pay any amount when due under this Note or under any other instrument evidencing any indebtedness of Issuer to Lender; (b) any representation or warranty made under this Note or information provided by Issuer to Lender in connection with this Note is or was false or fraudulent in any material respect; (c) a material adverse change occurs in Issuer's financial condition; (d) Issuer fails to timely observe or perform any of the covenants or duties in this Note; (e) an event of default occurs under any agreement securing this Note; or (f) Lender deems itself insecure. The unpaid balance shall automatically mature and become immediately payable in the event Issuer becomes the subject of bankruptcy or other insolvency proceedings. Lender's receipt of any payment on this Note after the occurrence of an event of default shall not constitute a waiver of the default of the Lender's rights and remedies upon such default.

Section 9. Issuer Obligations. Issuer agrees to pay all costs of collection before and after judgment, including, without limitation, reasonable attorney's fees (including those incurred in successful defense or settlement of any counterclaim brought by Issuer or incident to any action or proceeding involving Issuer brought pursuant to the United States Bankruptcy Code) and waive presentment, protest, demand and notice of dishonor. Subject to Wis. Stat. § 893.80, Issuer agrees to indemnify and hold harmless Lender, its directors, officers and agents, from and under this Note or the activities of Issuer. This indemnity shall survive payment of this Note. Issuer acknowledges that Lender has not made any representation or warranties with respect to, and the Lender does not assume any responsibility to Issuer for, the collectability or enforceability of this Note or the financial condition of Issuer. Issuer has independently determined the collectability and enforceability of this Note. Issuer authorizes Lender to disclose financial and other information about Issuer to others.

Section 10. Waiver. No failure on the part of Lender to exercise, and no delay in exercising, any right, power or remedy under this Note shall operate as a waiver of such right, power or remedy; nor shall any single or partial exercise of any right under this Note preclude any other or

GENERAL OBLIGATION PROMISSORY NOTE  
(Continued)

Loan No: 709303

further exercise of the right or the exercise of any other right.

Section 11. Rights of Lender. The remedies provided in this Note are cumulative and not exclusive of any remedies provided by law. Without affecting the liability of Issuer, Lender may, without notice, accept partial payments, release or impair any collateral security for the payment of this Note or agree not to sue any party liable on it. Without affecting the liability of Issuer, Lender may from time to time, without notice, renew or extend the time for repayment subject to the time limits prescribed in Wis. Stat. § 67.12(12).


Section 12. Venue; Interpretation. Unless otherwise prohibited by law, the venue for any legal proceeding relating to collection of this Note shall be, at Lender's option: (a) the county in which Lender has its principal office in this state; (b) the county in which Issuer is located; (c) or the county in which this Note was executed by Issuer. This Note is intended by Issuer and Purchase as the final expression of this Note and as a complete and exclusive statement of its terms, there being no conditions to the enforceability of this Note. This Note may not be supplemented or modified except in writing. This Note benefits Lender, its successors and assigns and binds Issuer and its successors and assigns. The validity, construction and enforcement of this Note are governed by the internal laws of Wisconsin. Invalidity or unenforceability of any provision of this Note shall not affect the validity or enforceability of any other provisions of this Note.

IN WITNESS WHEREOF, the Issuer, by its Governing Body, has caused this Note to be executed for it and in its name by the signatures of its duly qualified Chairperson and Clerk or persons authorized by law to sign on their behalf, and to be sealed with its official or corporate seal, if any, all as of the original date of issue identified above.

TOWN OF COTTAGE GROVE, WISCONSIN:

(Seal)

By:   
Kris Hampton, Chairperson

By:   
Kim Banigan, Clerk

REGISTRATION

This Note shall be registered in registration records kept by the Clerk of the Issuer, such registration to be noted in the registration blank below and upon said registration records, and this Note may thereafter be transferred only in accordance with the terms of this Note, such transfer to be made on such records and endorsed hereon.

<u>Date of Registration</u>	<u>Name of Lender</u>	<u>Signature of Clerk</u>
<hr/>	<hr/>	<hr/>
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ISSUER'S CERTIFICATE

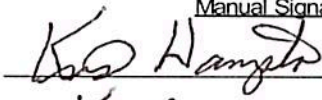

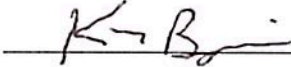
The undersigned is the duly qualified and acting Clerk of the Town of Cottage Grove, Dane County(ies), Wisconsin (the "Issuer") who hereby certifies to Lake Ridge Bank ("Lender") that:

I. ISSUER ORGANIZATION AND OFFICERS

1. At all times mentioned herein, the Issuer was duly organized, validly existing and operating as a town administered by a governing body composed of five (5) members (the "Governing Body"), who are listed below and were duly qualified and acting as such at all times mentioned in this Certificate:

Mike Fonger, Kristi Williams, Steve Anders, Mike DuPlayee and Kris Hampton

2. The following named individuals whose authentic signatures are hereto subscribed, are the duly elected, qualified and acting officers of the Issuer presently holding the offices set forth opposite their respective names below:

<u>Name</u>	<u>Office</u>	<u>Manual Signature</u>
Kris Hampton	Chairperson	
Kim Banigan	Treasurer	
Kim Banigan	Clerk	

II. AUTHORIZATION OF THE NOTE: OPEN MEETING LAW COMPLIANCE

3. At a lawful, duly-convened open meeting of the Governing Body held at Cottage Grove, Wisconsin at 7:00pm, on the 16th Day of September, 2024, at which 5 of the members-elect of the Governing Body were present in person, a resolution authorizing the Issuer to borrow the sum of not to exceed \$312,411.58 and issue its General Obligation Promissory Note (the "Note") therefor pursuant to Section 67.12(12), Wis. Stats., (the "Resolution"), was, on motion duly made and seconded, adopted and recorded by the affirmative vote of 5 of the members of the Governing Body. Said meeting of the Governing Body was duly called, noticed, held and conducted in the manner established by the Governing Body and required by pertinent Wisconsin Statutes.

4. The Resolution was on the agenda for said meeting and public notice thereof was given not less than twenty-four (24) hours prior to the commencement of said meeting by (i) posting notice of the meeting; (ii) providing notice to those news media which have filed a written request for notice of meetings; (iii) providing notice to the official newspaper of the Issuer; and (iv) complying with special meeting requirements if said meeting was a special meeting.

5. The Resolution has been duly recorded in the minutes of said meeting, has not been amended or revoked, and, in all other respects, is in full force and effect on the date hereof and there is no proceeding of the Governing Body or Issuer electors in conflict with or in any way altering the effect of the Resolution. A true and correct copy of said Resolution is attached hereto as a part of the transcript of proceedings.

III. DEBT LIMIT COMPLIANCE

6. The full value of all taxable property located within the Issuer's boundaries, as last equalized for State purposes by the Wisconsin Department of Revenue, is \$720,558,400.00. The Department of Revenue Certificate of Equalized Value is attached hereto as a part of the transcript of proceedings.

7. The total outstanding general obligation indebtedness of the Issuer, howsoever incurred, including this Note, aggregates not more than \$312,411.58, determined as follows:

<u>Amount</u>	<u>Description of Debt</u>
\$312,411.58	Principal/Issue Amount

IV. DELIVERY: RECEIPT: RECORD BOOK

8. I have delivered the Note to the Lender in the principal amount set forth in and duly authorized by the Resolution.

9. I have received the full principal amount of the Note issued to the Lender.

10. The Lender has complied in all respects with its agreement to lend money on the Note.

11. I have provided and kept and will keep a separate record book in which I have recorded a full and correct statement of every step or proceeding had or taken in the course of issuing the Note referred to herein. The Treasurer is prepared to keep a record of the Note receipted and returned to him or her.

V. NO LITIGATION

12. There is no legislation, reorganization, proceedings or order, controversy or litigation pending or threatened in any manner questioning or affecting the corporate existence of the Issuer; its boundaries; the right or title of any of its officers to his or her respective office; or the due authorization or validity of the Note referred to herein, the Resolution or any of the taxes heretofore levied by the Issuer.

VI. FACTS AND REASONABLE EXPECTATIONS RELATING TO ARBITRAGE REQUIREMENTS

13. The certifications made in this Section VI of this Certificate are being made pursuant to Section 1.148-1 through 1.148-11 of the Income Tax Regulations and the applicable provisions of the Internal Revenue Code of 1986, as amended (the "Regulations" and "Code," respectively).

14. The Issuer is a governmental unit with general taxing powers.

15. All of the proceeds of the Note (the "Note Proceeds") shall be used for governmental purposes of the Issuer. None of the Note Proceeds will be used (directly or indirectly) in a trade or business carried on by any person (other than a governmental unit), and none of the payments on the Note are (directly or indirectly): (a) secured by any interest in property used or to be used for a trade or business or payments in respect of such property; or (b) derived from payments (whether or not to the Issuer) in respect of property or borrowed money, used or to be used for a trade or business.

16. None of the Note Proceeds will be used (directly or indirectly) to make or finance loans to persons other than government units.

17. The estimated total cost of the Borrowing Purpose is \$312,411.58. "Borrowing Purpose" has the meaning given in the attached Resolution.

18. The Note Proceeds and earnings on temporary investment thereof will not exceed the amount necessary for the Borrowing Purpose by more than the lesser of \$100,000 or Five Percent (5%) of the Note Proceeds.

19. If the Borrowing Purpose includes funding new projects or acquisitions:

a) The Note Proceeds and any money received from the investment or reinvestment of Note Proceeds, and from investment of money derived from such investments, will be expended on the costs of the Borrowing Purpose within three (3) years from the date of this Certificate.

b) The Issuer has heretofore entered into some substantial binding obligations for the Borrowing Purpose and will, within six (6) months of the date of this Certificate, enter into additional substantial binding obligations requiring payment by the Issuer of not less than Five Percent (5%) of the Note Proceeds.

c) Work on some elements of the Borrowing Purpose has begun. Work on all elements of the Borrowing Purpose will proceed with due diligence to completion.

d) The Issuer reasonably expects to:

☐ qualify for the small issuer rebate exception because it (including any entities subordinate to the Issuer) will issue no more than \$5,000,000 of tax-exempt obligations (including the Note) during the current calendar year.

☐ qualify for the eighteen month rebate exception under Section 1.148-7(d) of the Regulations.

☐ qualify for the two-year rebate exception under Section 148(f)(4) of the Code.

☒ not qualify for an exception to rebate.

20. If the Borrowing Purpose includes refunding outstanding obligations of the Issuer:

a) The obligations being refunded will be discharged within 30 days of the date hereof.

b) There are no remaining original or investment proceeds of the obligations being refunded, so that there are no "transferred proceeds" with respect to the Note.

c) All of the Note Proceeds will be expended within six months of the date hereof.

d) The Issuer expected on the date the obligations being refunded were issued that at least 85% of the spendable proceeds of the refunded obligations would be used to carry out the governmental purposes of those obligations within a three year period beginning on such date, and not more than 50% of the proceeds of the refunded obligations were invested in investments having a substantially guaranteed yield for four years or more.

21. None of the Note Proceeds will be invested in a reserve or replacement fund.

22. There are no other obligations of the Issuer which (a) were sold at substantially the same time as the Note; (b) were sold pursuant to a common plan of financing together with the Note; and (c) will be paid out of substantially the same source of funds as the Note.

23. None of the Note Proceeds are being invested in investments having a substantially guaranteed yield for a period of four years or more.

24. The issuance of the Note is not a transaction or part of a series of transactions which the Issuer has employed that attempts to circumvent the Regulations or Code for the purpose of enabling the Issuer to exploit the difference between tax-exempt and taxable interest rates to gain a material financial advantage and which increases the burden on the market for tax-exempt obligations.

#### **VII. BONA FIDE DEBT SERVICE FUND ACCOUNT**

25. The Issuer has created a segregated debt service fund account pursuant to Section 7 of the Resolution (the "Debt Service Fund Account").

26. The Debt Service Fund Account shall be used primarily to achieve proper matching of revenues and debt service within each note year. Amounts deposited in the Debt Service Fund Account will be depleted at least once a year except for a reasonable carryover amount which will not exceed the greater of (a) one year's earnings on such funds, or (b) one-twelfth of the annual debt service on the Note.

27. The Issuer does not anticipate that the earnings on amounts in the Debt Service Fund Account will ever exceed \$100,000 in any note year.

28. Other than the Debt Service Fund Account, the Issuer has not created or established, and does not expect to create or establish, any sinking or other similar account which is reasonably expected to be used to pay debt service on the Note or which is pledged as collateral for the Note or to replace funds that will be used to pay debt service on the Note.


VIII. QUALIFIED TAX-EXEMPT OBLIGATIONS

29. The Note constitutes a "qualified tax-exempt obligation" as that term is defined in the Code in that:
- a) as described in Paragraphs 15 and 16 of this Certificate, the Note is not a "private activity bond" as defined in the Code;
  - b) the Issuer has designated the Note as a "qualified tax-exempt obligation";
  - c) The Note, together with any other obligations heretofore designated as "qualified tax-exempt obligations" during the current calendar year, aggregate less than \$10,000,000; and
  - d) The Issuer does not reasonably expect to issue more than \$10,000,000 of obligations which are designated as "qualified tax-exempt obligations" during the current calendar year.

IX. MISCELLANEOUS


30. The payment of principal or interest with respect to the Note will not be guaranteed, either directly or indirectly, in whole or in part, by the United States or any agency or instrumentality thereof. None of the Note Proceeds will be (i) used in making loans the payment of principal or interest with respect to which are to be guaranteed, in whole or in part, by the United States or any agency or instrumentality thereof, or (ii) invested directly or indirectly in federally insured deposits or accounts, except for proceeds invested during permitted temporary periods or in the debt service fund for the Note or as otherwise permitted under Section 149(b)(3) of the Code.
31. With respect to a Borrowing Purpose that includes funding for new projects or acquisitions, any expenditures already paid by the Issuer for which the Issuer is to be reimbursed with Note Proceeds (a) were paid no more than 60 days before the date on which the Issuer adopted the resolution authorizing the issuance of the Note or stating its intention to reimburse itself from the Note Proceeds for any expenditures relating to said new projects or acquisitions which it paid from other funds prior to receipt of the Note Proceeds, or (b) are preliminary expenditures relating to said new projects or acquisitions (such as architectural, engineering, surveying, soil testing and similar costs but not including land acquisition, site preparation and similar costs incident to the commencement of construction) which are in an amount which is less than 20% of the issue price of the Note.
- The undersigned hereby certifies that the above-stated facts are true and correct and the above-stated expectations of the Issuer are reasonable, and there are no other facts, estimates or circumstances that would materially change the foregoing conclusions.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity effective as of the original date of issue of the Note.

By:   
Kim Banigan, Clerk

Approved as correct:

By:   
Kris Hampton, Chairperson


By:   
Kim Banigan, Treasurer

INVESTMENT REPRESENTATION

The undersigned duly authorized officer of Lake Ridge Bank ("Lender") located in Monona, Wisconsin, hereby certifies with respect to the purchase of that certain \$312,411.58 Promissory Note dated September 17, 2024, issued by the Town of Cottage Grove, Dane County(ies), Wisconsin, that the Lender is purchasing said note for investment purposes and will not resell said note, except to another depository institution or depository institutions which will also make this certification. This Investment Representation is dated September 17, 2024.

LENDER:

LAKE RIDGE BANK

By:   
Authorized Signer

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
OCTOBER 7, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Mike Fonger, Kristi Williams, Steve Anders and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, and Attorney Chris Nelson. EMS Chief Eric Lang was present virtually, and Fire Chief Nick Archibald arrived toward the end of the meeting.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting: **MOTION** by Williams/DuPlayee to approve the minutes of the September 16, 2024 meeting as presented. **MOTION CARRIED 5-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #37384-37430 and EFTs in the amount of \$34,350.96. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Williams/Anders to approve payment of September per diems as presented. **MOTION CARRIED 5-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Plan Commission Recommendations:
  - 1. Dennis Richardson representing R.G. Huston, Inc., petitioner, Skaar Pit LLC, property owner of parcel 0711-283-9800-6 at 3355 County Road N, petitions to:
    - a) Rezone of 14.51 acres from HC and 31.01 acres from RM-16 to MI (Manufacturing and Industrial) to match existing land use to current zoning districts (DCPREZ #12109): Dennis Richardson stated that the rezone would bring the mining site into compliance under current Dane County zoning districts that were changed since the mining site was last approved. They are only looking for the permitted uses not crossed off on a copy of the MI district fact sheet they provided (Exhibit A). **MOTION** by Williams/Fonger to accept the Plan Commission's recommendation to approve the rezone of 14.51 acres from HC and 31.01 acres from RM-16 to MI to include only the permitted uses not crossed off on Exhibit A. **MOTION CARRIED 5-0.**
    - b) Extend current CUP #2342 for processing or composting of organic by-products or wastes, which was approved in 2016 and expires Feb. 25, 2025 (DCPCUP #2641): **MOTION** by Fonger/DuPlayee to confirm that the standards for approval were met. **MOTION CARRIED 5-0.** Williams asked if the compost site could take the yard waste generated by Town residents. Richardson said its composition would cause it to decay at a different rate than the organic products they currently compost, plus the possible inclusion of chemicals would not produce the same product. **MOTION** by Anders/DuPlayee to accept the Plan Commission's recommendation to extend the CUP for composting of organic by-products or wastes for 10 years. **MOTION CARRIED 5-0.**
    - c) Extend current CUP #2003 for non-metallic mining extraction, which was approved in 2015 and expires Feb. 25, 2025 (DCPCUP #2642). **MOTION** by

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
OCTOBER 7, 2024

Anders/Williams to confirm the standards for approval have been met, and accept the Plan Commission's recommendation to extend the CUP for non-metallic mining extraction for 10 years.

2. Viney Acres LLC, petitioner and property owner: petition to rezone 0.190 acres from FP-1 to RR2 to adjust the lot line between parcel 0711-311-0011-0 and parcel 0711-311-8020-0 at 2876 Siggelkow Road. (DCPREZ #12112): **MOTION** by DuPlayee/Williams to accept the Plan Commission's recommendation to approve the rezone 0.190 acres from FP-1 to RR2 to adjust the lot line between parcel 0711-311-0011-0 and parcel 0711-311-8020-0 at 2876 Siggelkow Road. **MOTION CARRIED 5-0.**
3. Discuss/Consider approval of Declaration of Covenants and Restrictions for Swalheim Business Park: Hampton asked if section 5.2 should state approval from the Plan Commission rather than the Town Board for Design review, since that is how the Town Ordinance is written. **MOTION** by Williams/DuPlayee to approve the Declaration of Covenants and Restrictions for Swalheim Business Park, changing Town Board to Plan Commission in item 5.2. **MOTION CARRIED 5-0.** Mr. Swalheim will need to get the signatures from the owners of the three CSM lots identified as Property 1 in the Declaration of Covenants and Restrictions.
4. Consider adoption of Resolution 2024-10-07 recommending approval of the Final Plat of Swalheim Business Park: The Clerk-Treasurer stated that the Town Engineer has confirmed that the plat now contains all the required elements. Atty. Nelson said the Town will need to contact Dane County to have responsibility for maintaining the stormwater lot assigned to the Town. **MOTION** by Anders/Williams to adopt Resolution 2024-10-07 recommending approval of the Final Plat of Swalheim Business Park as presented. **MOTION CARRIED 5-0.** The Plat and Declaration of Covenants and Restrictions must be recorded with the Dane County Register of Deeds once Mr. Swalheim has acquired all of the necessary signatures. The Town Attorney will do the recording at Mr. Swalhiem's expense. Hampton asked Mr. Swalhiem if any standards for the buildings have been discussed. Mr. Swalheim said they will most likely be metal buildings. The Clerk-Treasurer was directed to send him the Town's design standards.
- B. Consider approval of Deer-Grove EMS Commission Resolution 2024-01-0919: Vehicle Maintenance Funds: Chief Lang explained that vehicle maintenance costs are likely to exceed budgeted amounts this year due to the major ambulance repairs already made, this resolution would allocate unassigned funds to get through the year. **MOTION** by Anders/Williams to approve Deer-Grove EMS Commission Resolution 2024-01-0919: Vehicle Maintenance Funds. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of the 2025 Deer-Grove EMS District Budget: The budget will allow for the addition of two additional FTE paramedics on January 1, 2025 to staff two ambulances 24/7. An increase in run fees was implemented on October 1<sup>st</sup> to put them more in line with other area services and offset the higher costs. **MOTION** by Williams/DuPlayee to approve the 2025 DGEMS Budget as presented, with the Town's share at \$314,054.11 (24.87% of \$1,262,630.00). **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of the 2025 Cottage Grove Fire Department Budget: Chief Archibald noted that in 2025 NFPA and OSHA regulations will include mandatory annual physicals for all personnel. They have arranged for someone to come onsite to conduct them. **MOTION** by Williams/DuPlayee to approve the 2025 Cottage Grove Fire Department

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
OCTOBER 7, 2024

Budget, which includes \$10,000 for capital expenses. The Town's portion is \$82,742.09 (34.66% of \$238,725.00). **MOTION CARRIED 5-0.**

- E. Discuss/Consider approval of the 2025 Emergency Services Building Budget: **MOTION** by DuPlayee/Williams to approve the 2025 Emergency Services Budget as presented, with the Town's share at \$44,269.50 (50% of 88,539.00). **MOTION CARRIED 5-0.**
- F. Discuss and Consider approval of Agreement with Strand Associates for 2025 Services for the Natvig Road Landfill: **MOTION** by Anders/Williams to approve the 2025 agreement as presented, with total cost of \$27,500. **MOTION CARRIED 5-0.**
- G. Consider acceptance of High-Tech Heating 2025 HVAC maintenance quotes: Williams asked about getting more quotes, there was general agreement to get new quotes next year. **MOTION** by Williams/DuPlayee to accept High-Tech Heating 2025 HVAC maintenance quotes. **MOTION CARRIED 5-0.**
- H. Complete 2025 Insurance Renewal questionnaire: The Board reviewed the questionnaire and the Clerk-Treasurer will submit it.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits: Dresen reported there were two permits issued to Charter Communications since the last meeting, one on Bass Road and one on Wind Chime Way. An application for Natvig Road came in today.
- B. The batteries in the speed boards are getting weak. Dresen was directed to get quotes for replacements to consider at the next meeting.
- C. Dresen asked about a drinking water bottle filler to replace the old water fountain at the Town Garage. He was directed to get prices for the next meeting.
- D. One of the furnaces at the Garage is from the 1990's, Dresen was directed to get quotes for a replacement for the next meeting.

IV. CLERK-TREASURER'S OFFICE UPDATE: Banigan said she is working on quotes to reduce the cost of phone services currently provided by Frontier, and to get her a cell phone, as she is not liking how many authentication apps she is needing to install on her personal phone, nor does she appreciate having to give her personal number for election contacts, etc. She has gotten one quote to install access keypads at the Town and Flynn halls. It is substantial, she wondered if it is worth pursuing additional quotes. Consensus was to go ahead with that. She and the Deputy Clerks attended training by the Dane County Treasurer for the new tax collection system the Town will be moving to this year. Taxpayers will now be able to retrieve receipts from Access Dane the day after payments are posted.

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that Village of Cottage Grove Administrator Matt Giese had forwarded him a copy of an invitation to the Village of Cottage Grove from the City of Sun Prairie to participate in a study to address challenges and provide recommendations for enhanced delivery and sustainable financing of fire and EMS services. There was disappointment expressed that the Town was not extended the same invitation. Chief Lang stated there is room to find ways to save money regionally, and he does believe it is important for Cottage Grove Fire and DGEMS to be part of the conversation, but questioned why they did not invite either the Town of Cottage Grove or the Village of Deerfield. He suggested things like regionalized EMS billing, shared vehicle maintenance and synchronized purchases as

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
OCTOBER 7, 2024

examples of potential savings. Chiefs Lang and Archibald reported that the Village Board accepted the invitation at their meeting tonight.

- B. Williams reported that the MG Education Foundation was at the recent Chamber of Commerce meeting, and the coordinator of student internships made a presentation. She wondered if student interns could be of any use in the Town Office. Banigan said there is a huge learning curve for Town office staff and not enough routine work for that to work. Williams also noted that the Village's Centennial Celebration is coming up this weekend.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: Williams reported that there were 119 calls in August. The next ambulance will have a gas engine because of all of the recent expenses related to the diesel engines in the existing units.
- B. Natvig Landfill Monitoring Committee: They approved the bills and the 2025 maintenance contract and annual testing report, which showed nothing out of the ordinary.
- C. Cottage Grove Fire Commission: They approved the Fire Department and Emergency Services Building budgets for 2025. The new Squad 1 is due to arrive any day.

- VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:51 P.M.

Kim Banigan, Clerk-Treasurer  
Approved 10-07-2024

# MI Manufacturing & Industrial Zoning District

CH. 10-Zoning, [Section 10.282](#)

**EXHIBIT A**

## Purpose of the Manufacturing Industrial District 10.282(1)

The Manufacturing and Industrial Zoning District is intended to accommodate industrial, processing and extractive uses, where: primary activity occurs either indoors or outdoors; uses are intensive, and at relatively high densities and may produce a high volume of employee and freight traffic; uses require separation from residential uses; uses may require full urban services or create intensive electrical, water or other utility demand, and; uses are appropriate to an urbanized or industrial area.

## Permitted Uses 10.282(2)

- Undeveloped natural resource and open space areas
- ~~□ Adult book stores, subject to s.10.103(2)~~
- ~~□ Adult entertainment, subject to the provisions of the Adult Entertainment Overlay District (AED)~~
- Agriculture and accessory uses (livestock not permitted)
- ~~□ Animal boarding, domestic pets~~
- ~~□ Animal boarding, large animal~~
- Electric generating facilities
- Fertilizer manufacture, mixing or blending
- Freight and passenger bus terminals
- Government, institutional, religious or nonprofit community uses
- Drive-in establishments
- Personal or professional service
- Indoor entertainment and assembly
- Indoor storage and repair
- Indoor sales
- ~~□ Marinas~~
- Outdoor sales, display or repair
- Heavy industrial uses
- Light industrial uses
- Contractor, landscaping or building trade operations
- Off-site parking lot or garage
- Office uses
- Outdoor active recreation
- Outdoor entertainment
- Outdoor storage
- Personal storage facilities
- Utility services
- Vehicle repair or maintenance services
- ~~□ Veterinary clinics~~
- Transportation, utility or communication use required by law
- Warehousing and distribution facilities
- Wastewater treatment facilities

## Conditional Uses 10.282(3)

- Asphalt and concrete production
- Biodiesel and ethanol manufacturing
- Biopower facilities for distribution & sales
- Communication towers
- Commercial processing or composting of organic by-products or wastes
- Demolition material disposal sites
- Dumping grounds
- Incinerator sites
- Manure processing facilities
- Processing or composting of organic by-products or wastes
- Mineral extraction operations
- Salvage & salvage recycling operations
- Solid waste disposal or recycling operations
- Stockyards, livestock auction facilities
- Storage of explosive materials
- Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not required by law

## MI Manufacturing & Industrial Zoning District

### CH. 10-Zoning, Section 10.282

#### **Setbacks, Height, and Size requirements 10.282 (4) & (6)**

##### **Front setback for all structures from highway centerline / right-of-way line (whichever is greater)**

State or Federal Highway: 100/42 feet minimum

County Highway: 75/42 feet minimum

Town Road: 63/30 feet minimum

Subdivision streets platted prior to ordinance: 20 feet minimum

All other streets: 30 feet minimum

**Height:** 50 feet maximum, not including tanks, storage bins, silos and towers.

##### **Side Yards:**

10 feet minimum each side

##### **Rear Yards:**

10 feet minimum

#### **Lot Width & Area: 10.282(5)**

Lots must have sufficient area to accommodate sanitary, stormwater, and parking for intended uses

# **MI Manufacturing & Industrial Zoning District**

CH. 10-Zoning, [Section 10.282](#)

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- Biodiesel and ethanol manufacturing
- Biopower facilities for distribution & sales
- Communication towers
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- Dumping grounds
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10 feet minimum each side

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10 feet minimum

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**TOWN OF COTTAGE GROVE  
TOWN BOARD  
RESOLUTION 2024-10-07**

**CONDITIONAL APPROVAL OF THE  
FINAL PLAT OF SWALHEIM BUSINESS PARK**

**WHEREAS**, the Town Board for the Town of Cottage Grove (the “Town”) granted preliminary plat approval for the Swalheim Business Park plat on August 5, 2024;

**WHEREAS**, Duane Swalheim and Candace Swalheim, collectively the “Developer”, have submitted an application for final plat approval to the Town; and,

**WHEREAS**, the proposed final plat for Swalheim Business Park generally conforms to the requirements of Wis. Stat. § 236.20 and Town Ordinance § 15.05, but requires additional modifications to fully comply with State statutes, preliminary plat approval conditions, Town Ordinances and the applicable Development Agreement, to be approved by the Town Board, and to be recorded with the Dane County;

**WHEREAS**, on September 25, 2024, the Town Plan Commission recommended approval of the Final Plat of the Swalheim Business Park, conditioned upon the Developer’s completion of the conditions articulated in Plan Commission Resolution 2024-09-25;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Cottage Grove as follows:

1. The Town Board approves the final plat for Swalheim Business Park, subject to the following conditions:
  - a. The Developer shall submit the proposed final plat to all private utilities, communications providers, and the post office serving the plat area for identification of easements to deliver services to the Plat and provide verification of such submission to the Town.
  - b. The Developer shall submit the plans, profiles, and specifications required by Town Ordinances §§ 15.07(3), 15.11(1) to the Town.
  - c. The Developer shall submit any tests required under Town Ordinance § 15.07(4) to the Town Engineer.
  - d. The Developer shall verify the drainage arrows along the south and west property lines for Lot 1 and along the east property line for Lot 4.
  - e. The Plat shall depict the drainage easement at the southwest corner of the Pondella Lane.

- f. The Developer shall provide a Declaration of the Covenants for the Plat for review and approval by the Town Attorney and Town Board, which shall be recorded upon such approval and prior to any lot sale or building permit.
  - g. The Developer shall satisfy all other conditions identified in Plan Commission Resolution 2024-09-25.
2. The Final Plat shall not be submitted for recording until the Town has verified the Developer's compliance with each of the conditions set forth herein.

This Resolution was duly adopted by the Town Board of the Town of Cottage Grove, Dane County, Wisconsin at a meeting on October 7, 2024, by a vote of \_ in favor, \_ opposed, and \_ not voting.

TOWN OF COTTAGE GROVE

By:   
Kris Hampton, Town Board Chair

Attested by:

  
Kim Banigan, Town Clerk

Incorporated by Reference:

- Final Plat for Swalheim Business Park
- Covenants for the Swalheim Business Park

[illegible]

My Commission expires: \_\_\_\_\_

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
OCTOBER 21, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Mike Fonger, Kristi Williams, Steve Anders and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, EMS Chief Eric Lang, Town Engineer Nick Bubolz and Deputy Eric Miller. Dane County Highway Engineer Brian Rice was present virtually.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meeting: **MOTION** by Williams/DuPlayee to approve the minutes of the October 7, 2024 meeting as presented. **MOTION CARRIED 5-0.**
- E. Finance Report and Approval of Bills: **MOTION** by DuPlayee/Fonger to approve checks #37431-37450, voided lost check #35685 that was replaced by #37431 and EFTs in the amount of \$14,327.91. **MOTION CARRIED 5-0.**
- F. Public Concerns: Anders wondered if any enforcement action for the house at 4707 CTH N that has been boarded up after a fire some time ago was in order. Consensus was to refer it to the Building Inspector.

II. BUSINESS

- A. Review September Police Activities: The monthly report showed 244 calls for service and 115 citations issued in September. Deputy Miller reported that the speed signs are now on Gaston Road, Vilas Road at Gladeview Road, and American Way. There was a speeder going 80 mph on Gaston Road. With the weather cooling off, Deputy Miller urged residents not to leave vehicles running, and to bring packages in right away. Homecoming week was an eventful one for law enforcement, with incidents including damage to property and harassment.
- B. Discuss/Consider replacement of the bridge on Natvig Road: Response from Emergency Services was that they do not want CTH N and Natvig Road closed at the same time, so Hampton wondered if the Town should rebuild the bridge on Natvig Road in 2026. Bubolz said that Town and Country Engineering does not work with bridges, and recommended the Town consult with Jewell Associates. He estimated that from design to completion, the bridge replacement could take 18 months. County Bridge Aid could fund 50%. The question was raised of whether a box culvert would still suffice, or if a bridge would be needed. Consensus was to get a price and an opinion from Jewel Associates to determine which is needed.
- C. Discuss/Consider quotes for land line phone service: Quotes from TDS and HostMySip were reviewed. **MOTION** by Fonger/Williams to accept the quote from HostMySip for 9 lines (to replace all Town, Fire Department and DGEMS lines + 2 additional call tracks) for \$184.50/month with a \$106.00 installation charge. Since phones will use the internet service at the Emergency Services Building, to keep things simple, the Town will not bill DGEMS for their two lines and DGEMS will not bill the Town for the additional use of the internet. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of adding a cell phone for the Clerk-Treasurer: A quote from FirstNet includes a purchase price for an Iphone 15 of 99 cents and service at \$35.99/month before Federal and State fees. Additionally, the 4 smart phones already in service are each

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
OCTOBER 21, 2024

eligible for upgrade at \$9.99 with a \$180 trade-in. **MOTION** by Willaims/DuPlayee to accept the quote from FirstNet to add a phone for the Clerk-Treasurer and upgrade the other 4 smart phones. **MOTION CARRIED 5-0.**

- E. Discuss/Consider approval of quote to replace speed board batteries: **MOTION** by Anders/Fonger to approve the quote from All Traffic Solutions for 4 batteries and 2 chargers at \$820.98. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of purchase of water bottle filler for the Town Garage: Dresen provided two options from Amazon, one refrigerated and filtered for \$1,234 and one un-refrigerated/filtered for \$836.83. **MOTION** by Anders/Williams to approve the purchase of Elkay model LZ8WSSS refrigerated and filtered bottle filling station for \$1,234.00. **MOTION CARRIED 5-0.**
- G. Discuss/Consider quote to replace furnace at the Town Garage: Dresen reported that he did not receive the quotes in time for the meeting.
- H. Discuss/Consider plans to fill upcoming Court Clerk vacancy: The Clerk-Treasurer noted that hours, duties and hiring decisions are the responsibility of the judge. **MOTION** by Anders/Fonger to suggest that the Clerk-Treasurer and outgoing Court Clerk participate in interviews with the Judge. Williams would be the alternate if any of the above are unable to participate. **MOTION CARRIED 5-0.**
- I. Discuss/Consider re-scheduling the November 4th Town Board Meeting: **MOTION** by Hampton/Williams to hold the meeting on Wednesday, November 6<sup>th</sup> due to the meeting room being set up for the election on the usual meeting date. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits: The new F-550 arrived last week. They are cleaning up the 2012 F-550 to be listed for auction on Wisconsin Surplus.
- B. Fall ditch mowing is under way.

IV. CLERK-TREASURER'S OFFICE UPDATE: In Person Absentee Voting begins tomorrow.

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that an anonymous party is donating a solar lighted flag pole to be erected near the old grader at 4091 CTH N in memory of Orville Freudenberg.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: The Village of Deerfield has approved the 2025 budget, only the Village of Cottage Grove is yet to consider approval. Chief Lang said a hiring day has been identified.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:19 P.M.

Kim Banigan, Clerk-Treasurer  
Approved 11-06-2024

TOWN OF COTTAGE GROVE  
TOWN BOARD 2024 BUDGET WORKSHOP  
OCTOBER 29, 2024

1. Notice of the meeting was properly posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Clerk-Treasurer Kim Banigan, Deputy Clerks Amber Steele and Jennifer Millage, and Highway Superintendent Dan Dresen. Dan Anderson was present through item 4.
2. Hampton called the meeting to order at 6:30 P.M.
3. 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: 2025 Employee Compensation: **MOTION** by DuPlayee/Williams to move into closed session for the reason stated above. **MOTION CARRIED 5-0 by roll call vote.** The door and virtual meeting were locked, and recording was paused. The closed session began at 6:32 PM.
4. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION to take any action necessary from closed session: **MOTION** by DuPlayee/Fonger to reconvene in open session. **MOTION CARRIED 5-0 by roll call vote.** The closed session ended at 6:43 P.M the door and virtual meeting were unlocked, and recording was resumed. The Budget Worksheet supported what was discussed in closed session.
5. Review of Town Fees as per TCG Ord. Sec. TCG Ord. sec. 07.01(2)(a): Discussion was to increase Change of Land Use application fee to \$350, increase alcohol Operator and Manager License fees by \$5 to \$30, increase Land Use Concept Plan fee to \$350, Plan Commission Special Meeting fee to \$350, and increase the bond for variance to weight limits to \$1.5 million per mile of road. It was noted that under Road Right-of-Way Permit Fee on the Fees and Bonds schedule, the Deposit should be changed to state "Set by the Town Highway Superintendent on a case-by-case basis." A resolution to formally adopt these changes will be considered at the next meeting.
6. Discuss/Consider approval of quotes for:
  - a. Town Hall and Flynn Hall Keyless Access: Discussion was that with keyless access, hall renters and other users will only have access during their designated times. There will be no keys or fobs to keep track of. **MOTION** by DuPlayee/Williams to allocate \$7,000.00 for the keyless entry to the 2025 Capital Outlay expense accounts for the respective buildings, and \$175.00 to the 2025 maintenance expense accounts for the respective buildings. **MOTION CARRIED 5-0.**
  - b. Replacement furnace for Town Garage: **MOTION** by Fonger/DuPlayee to approve the quote from High Tech Heating for the 96% efficient furnace option, for \$4,859.10 with money coming out of Unassigned Funds this year. **MOTION CARRIED 5-0.**
  - c. Purple Cow Yard Waste agreement for 2025-2027: Anders asked what happens if we go over the allotted amount, Dresen replied there are no overage costs. **MOTION** Anders/Williams to approve the 2025-2027 agreement with Purple Cow Organics. **MOTION CARRIED 5-0.**
7. Discuss/Consider Town budget for Fiscal Year 2025: Banigan had prepared a proposed budget in preparation for tonight's meeting.
  - a. Revenue Estimates: \$1,300.00 was added to 40464 – County Bridge Aid because the Town will be reimbursed in 2025 for the count done this year.

TOWN OF COTTAGE GROVE  
TOWN BOARD 2024 BUDGET WORKSHOP  
OCTOBER 29, 2024

- Banigan suggested borrowing \$125,935.25 to pay for the Western Star Equipment Package instead of using Unassigned Funds. This will be considered at the next Town Board meeting.
  - b. Expense Estimates:
    - Discussion to increase per diem payments for the Plan Commission and Emergency Government Committee to \$50.00. This will be added to the next Town Board Agenda.
    - 51770 · Contractor Expense: Banigan reported that historically contractor expense related to new development has been charged to this account. She created a new expense account under Conservation and Development to track these expenses, which are billed back to developers. Dresen said 51770 is mainly used for tree trimming and culvert excavation and can be lowered if necessary, but no change was made.
    - 51870 · Garage Maintenance & Repairs: currently at \$6,000, Dresen said it could be lowered to \$5,000.
  - c. Capital Expenditures: It was proposed to use the remaining ARPA funds for the Town Garage furnace. The 2024 budget allocated the remainder of the Town's ARPA funds to several projects, some of which have come in under budget. During the 2024 budget process, after funding all of the projects, there was a remaining ARPA balance of \$964.59 which was allocated to go toward the Town Hall roof replacement., The only outstanding project is the outfitting of CGFD Squad 1 (\$3,025.80). If that amount stays true, there will be \$4,170.73 remaining. Consensus was to use whatever is left over after outfitting Squad 1 for the Town Garage furnace, and if more money is needed, it will come from unassigned funds. This will be added to the next Town Board Agenda.
  - d. Use of Surplus Funds:
    - Fund Balances were reviewed, and there was discussion about how much Unassigned Funds should be used in the 2025 budget. Williams suggested using some of the money for solar panels for the Town Hall and Garage. She had gotten quotes from three companies. A quote for \$28,000 for the Town Hall was discussed. A 30% rebate available right now would lower the cost to \$19,243. Hampton said we are currently paying \$3,400 a year for electricity for the Town Hall and the panels would potentially be paid off in 6 years. They will not penetrate the new roof for installation. She also said the Town was told we needed a new electrical panel as it is original to the building, and that would be included in the cost. Further discussion and a possible presentation will be added to the next Town Board Agenda.
    - After all 2025 revenues and expenses were accounted for, there was a net change in fund balance of \$100,104.00. Consensus was to put that in 52000 – Highway Maintenance Contracts, knowing that funds can be moved between line items as needed after the budget is adopted. Fonger questioned whether the levy could be lowered but there were concerns that not using the full allowable levy this year could impact future levies under the current levy limit law.
8. Set the date for:
- a. A Public Hearing for the Town of Cottage Grove Budget for Fiscal Year 2025.
  - b. A Special Meeting of the Electors, pursuant to s.60.12(1)(c), Wis. Stat., to adopt the 2024 town tax levy to be paid in 2025 pursuant to s.60.10(1)(a), Wis. Stat.

TOWN OF COTTAGE GROVE  
TOWN BOARD 2024 BUDGET WORKSHOP  
OCTOBER 29, 2024

The public hearing and special meeting of the electors will be held on Monday, December 2nd, beginning at 7:00 P.M.

9. Adjournment: **MOTION** by Anders/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:48 P.M.

Amber Steele, Deputy Clerk  
Approved 11-06-2024

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
NOVEMBER 6, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Kristi Williams, Steve Anders and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Deputy Clerk Amber Steele, Highway Superintendent Dan Dresen, and EMS Chief Eric Lang was present virtually.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meetings:
  - 1. **MOTION** by Williams/DuPlayee to approve the minutes of the October 21, 2024 meeting as presented. **MOTION CARRIED 4-0.**
  - 2. **MOTION** by Williams/DuPlayee to approve the minutes of the October 29, 2024 Budget Workshop with a correction to page 2, item D, 3<sup>rd</sup> line to state that 3 quotes were obtained (instead of 2). **MOTION CARRIED 4-0.**
  - 3. **MOTION** by DuPlayee/Williams to approve the closed session minutes from the October 29, 2024 Budget Workshop and keep them closed until the 2025 budget is adopted. **MOTION CARRIED 4-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Anders to approve checks #37451-37483, with check #37471 voided, and EFTs in the amount of \$25,746.59. **MOTION CARRIED 4-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve October Per Diems with correction for Anders to 4 Town Board per diems and 1 Plan Commission per diem. **MOTION CARRIED 4-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Plan Commission Recommendations: Discuss/Consider adoption of Resolution 2024-11-06a Granting Conditional Approval of the Preliminary Plat for Kennedy Hills First Addition. Corey Clemens, Dunroven Ridge, LLC, property owner was present, as well as Joe DeYoung, Engineer from MSA Professional Services. DeYoung brought up previous concerns about there being sufficient groundwater to supply the residential wells. Banigan read CARPC letter (Exhibit A). DeYoung stated that aquifers will be sufficient for the next phase of Kennedy Hills as well. There was a suggestion from Mark Roffers to add the word "conditional" to the 3<sup>rd</sup> WHEREAS clause before the words "preliminary plat approval." **MOTION** by DuPlayee/Williams to accept the Plan Commission recommendation and adopt Resolution 2024-11-06a with the change suggested by Roffers. **MOTION CARRIED 4-0.**
- B. Presentation by Midwest Solar Power on solar panel proposals for Town Hall and Town Garage. Barrett Lione-Seaton from Midwest Solar Power started by that saying he spoke to two companies, and the only installation option is to penetrate the roof. Neither company was willing to do this, and it is not recommended. He stated it would be about \$30,000 per system for the Town Hall and Garage, with trenching and running wire to be the biggest cost. Anders asked how big of an array was needed, and it was determined to be sixteen 430-watt panels, measuring 25' high by 10' deep by 10' tall. Hampton asked what Alliant Energy pays for excess energy and it is 4 cents per KW Hour. This is being taken into consideration and the array will not be made large enough to produce extra energy.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
NOVEMBER 6, 2024

- C. Discuss/Consider approval of quotes to install solar panels on the Town Hall and Town Garage. **MOTION** by Anders/Williams to table quotes for installing solar panels, and have Barrett return to the next Board meeting on Nov. 18<sup>th</sup> with quotes for installation between the Town Hall and Fire Station, as well as in back of the Town Hall. **MOTION CARRIED 4-0.**
- D. Discuss/Consider replacement of the bridge on Natvig Road. Hampton reported that he met with Jewell Associates on the site and they said it needs to be a bridge, not a culvert. They will attend the November 18<sup>th</sup>, 2024 Board meeting for discussion. **MOTION** by DuPlayee/Williams to table the discussion until the next meeting. **MOTION CARRIED 4-0.**
- E. Discuss/Consider increasing Plan Commission and Emergency Government Committee per diems to \$50.00 beginning in 2025. **MOTION** by Williams/DuPlayee to approve the per diem increases effective January 1<sup>st</sup>, 2025. **MOTION CARRIED 4-0.**
- F. Consider adoption of Resolution 2024-11-06b Adopting Certain Fees. **MOTION** by Williams/DuPlayee to adopt Resolution 2024-11-06b as discussed at Budget Workshop, effective January 1<sup>st</sup>, 2025. **MOTION CARRIED 4-0.**
- G. Reconsider 08-19-2024 motion to use Unassigned Funds for the purchase of the 2025 Western Star Patrol Truck Equipment Package. **MOTION** by Anders/Williams to reconsider 08-19-2024 motion. **MOTION CARRIED 4-0.**
- H. Discuss/Consider funding source for 2025 Western Star Patrol Truck Equipment Package. **MOTION** by Williams/DuPlayee to budget to borrow the money for the 2025 Western Star Patrol Truck Equipment Package 2025. **MOTION CARRIED 4-0.**
- I. Reconsider 10-29-2024 motion to use Unassigned Funds to replace the Town Garage Furnace. **MOTION** by Williams/DuPlayee to reconsider 10-29-24 motion. **MOTION CARRIED 4-0.**
- J. Discuss/Consider funding source to replace the Town Garage Furnace. The furnace cost is \$4,859.10. **MOTION** by DuPlayee/Anders to use \$4409.76 remaining in ARPA funds, then use unassigned funds for the leftover balance. **MOTION CARRIED 4-0.**
- K. Discuss/Consider quote to replace the roof at 4091 CTH N in 2025. Dresen reported that the quote from Great Lakes Roofing for \$39,500 will be honored, and the amount is already in the 2025 draft budget. **MOTION** by DuPlayee/Williams to approve the quote of \$39,500 for Great Lakes to replace the roof in 2025. **MOTION CARRIED 4-0.**
- L. Discuss/Consider quote to replace furnace at 4091 CTH N. Correction was made that this is to repair the furnace, not to replace it. There is a leak in the exhaust pipe. **MOTION** by Williams/DuPlayee to go with option 1 from High Tech quote #q5039 for \$1,861.89 using unassigned funds. **MOTION CARRIED 4-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits: There are 2 or 3 permits pending, but they are awaiting payment before final approval.
- B. Dresen reported that he listed the broom and 2012 F-550 for auction. The crew is mowing ditches and doing fall maintenance on vehicles. November 10<sup>th</sup> is the last day for yard waste drop off.

IV. CLERK-TREASURER'S OFFICE UPDATE:

- A. Banigan reported that the election went really well. There were 1569 absentee ballots and 2646 total votes. The Town Board shared their appreciation for the Clerk's Office staff and the election workers for a successful election.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
NOVEMBER 6, 2024

- B. Banigan also shared that Danielle King may be staying on as Court Clerk, and that the budget will need to be adjusted to reflect that.

V. BOARD REPORTS AND COMMUNICATIONS:

A. Hampton reported that:

1. Dane County Towns Association President Jerry Derr passed away.
2. Hampton talked to County Supervisor Dave Peterson about having the County help to redo Natvig Road. Dresen said there is no base under the road and semi traffic will destroy it. It was suggested to have Bill Cole attend the November 18<sup>th</sup> meeting to join the discussion about the road.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: Chief Lang said the hiring date for next year is November 15<sup>th</sup>, 2024. The Deer-Grove EMS website is new and improved. They have been averaging 120-140 calls for service per month.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:15 P.M.

Amber Steele, Deputy Clerk

Approved 11-18-2024



May 21, 2018

Kris Hampton  
Town Board Chair  
Town of Cottage Grove  
4058 County Road N  
Cottage Grove, WI 53527

Re: Request for Input Regarding the Proposed Subdivision on the “Riesop Farms Property”  
in the Town of Cottage Grove

Dear Mr. Hampton,

We are writing in response to your May 11, 2018 request that the Capital Area Regional Planning Commission provide input regarding a proposed subdivision on the “Riesop Farms” property in the Town of Cottage Grove. CARPC staff have reviewed the concept plan and related information you provided and are providing the following information and recommendations for consideration by the Town of Cottage Grove.

#### Groundwater Considerations

Map 1 shows the direction of groundwater flow in the area, using the [2016 Groundwater Flow Model for Dane County](#) developed by the Wisconsin Geological and Natural History Survey (WGNHS). The modeling indicates that the groundwater flow direction in the area of the proposed development is generally from northwest to southeast.

Based on the WGNHS karst potential data, karst features may be encountered along the southwest and southeast edge of the development area, as is the case for much of the American Heritage neighborhood to the east of the proposed plat (see Map 2). Karst features such as enlarged bedrock fractures are prevalent in the local dolomite uplands. Karst features such as vertical fractures and conduits provide primary pathways for groundwater movement and can dramatically increase the susceptibility for groundwater contamination when present. The location of karst features are difficult to predict, and the thickness and type of the overlying soil greatly affects how much water drains into them. Where clay soils are thick, infiltration rates are likely to be very low. However, where bedrock fractures are near the surface infiltration rates can be very high.

The U.W. Stevens Point Center for Watershed Science and Education's [WI Well Water Quality Interactive Viewer](#) is a good resource for private well testing data. Nitrate results in the Town of Cottage Grove, based on the private well samples that have been voluntarily submitted, are included as Attachment 1. While this data is only an indication of groundwater quality in the area, it suggests that nitrate levels presently average between 2.1 and 10 mg/L in the existing unsewered subdivisions to the north and east of the proposed development. The health standard for nitrate in drinking water is 10 mg/l.

#### Wastewater Treatment Considerations

The proposal includes 64 total lots, minimum 29,600 square feet (0.68 acres) each; on a total gross acreage of approximately 70 acres. The proposed lot sizes exceed the 20,000 square foot minimum lot size for unsewered (on-site septic system) development in the Dane County Zoning Ordinance. The 20,000 square foot minimum lot size for unsewered development is a common requirement in the majority of Town ordinances in the region.

The Regional Planning Commission's 2013 report on [Private On-Site Wastewater Treatment Systems Management](#), recommends an evaluation to ensure that drinking water supplies are protected for clusters (more than 20) of on-site systems where the average density based on the gross acreage of the development is 1 house per 1 to 1.5 acres. The proposed development has an average density of about 1 house per 1.1 gross acres, which is in the range where an evaluation is warranted. Such an evaluation typically consists of modeling the nitrate in the groundwater using a mass balance approach. If the evaluation shows that nitrate levels are a concern, alternatives such as reducing the number of lots, utilizing nitrogen-reducing wastewater treatment systems, or a community scale water supply system could be explored.

#### Natural Resource Considerations

The proposed development is located in Upper Koshkonong Creek Subwatershed. Stormwater management practices will be required to provide peak rate, runoff volume, and sediment control as specified in [Dane County's Stormwater Ordinance](#).

There is approximately 5 acres of wood land in the eastern part of the property (see Map 3). We recommend that the Town consider requiring a tree survey be conducted to determine the type and quality of trees present. If the survey shows trees that warrant preservation, we recommend that the Town consider requiring a tree preservation plan for each lot or that the area be preserved as a public park or open space, with a connection to American Heritage Park.

The [Dane County Land and Water Resources Viewer](#) does not indicate the presence of any wetlands, waterways, or floodplains within the proposed development.

Mr. Kris Hampton

May 21, 2018

Page 3

Other Considerations

This part of the Town of Cottage Grove is within the planning boundary of the [Madison Area Transportation Planning Board](#). We recommend that you contact them to obtain their input on this development proposal as it relates to consistency with the [Regional Transportation Plan 2050](#).

If you or Town of Cottage Grove staff have any questions or would like to discuss any of this information, please do not hesitate to contact me.

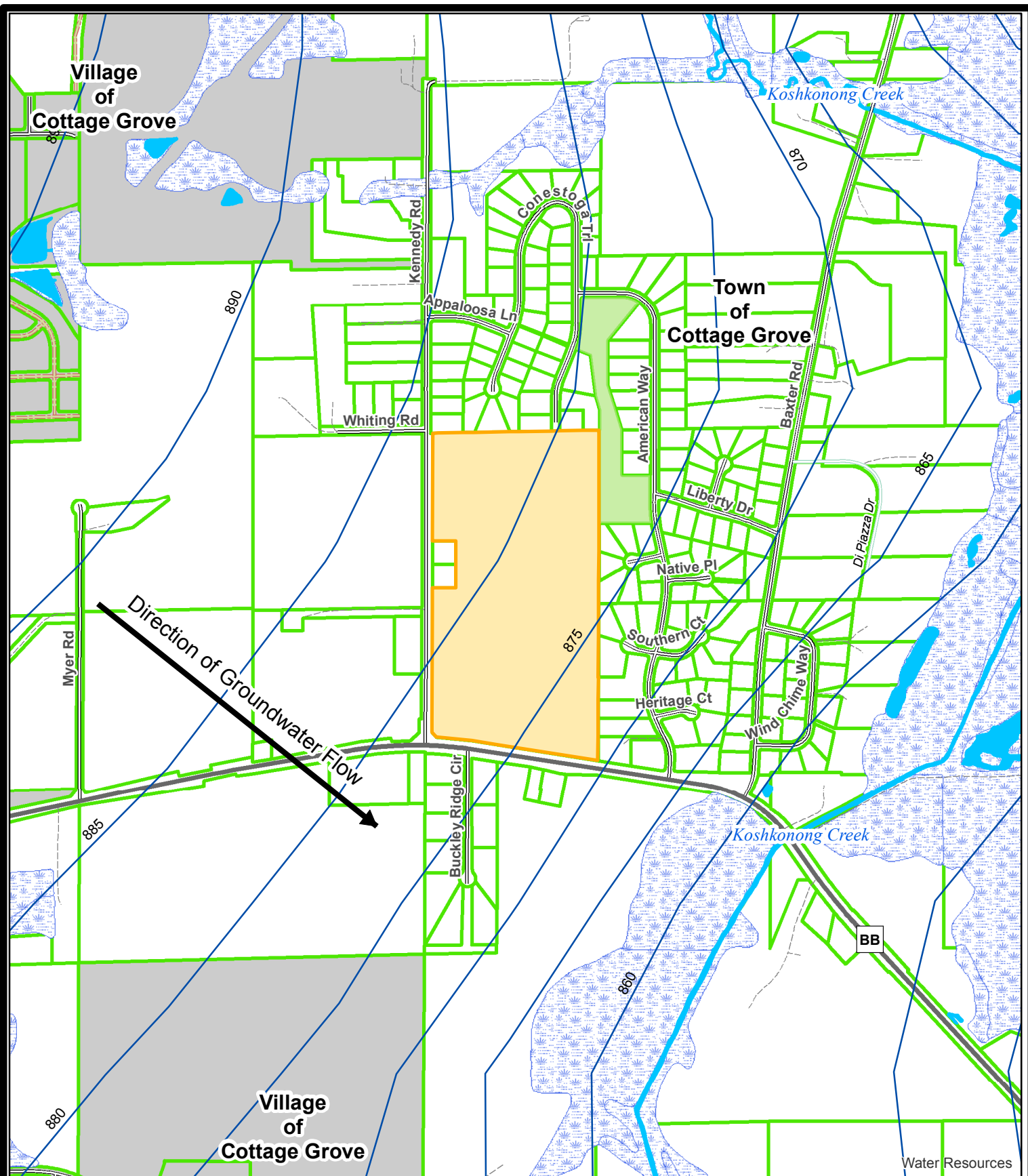
Sincerely,



Mike Rupiper, PE, ENV SP

Director of Environmental Resources Planning

cc: Ms. Kim Banigan, Clerk, Town of Cottage Grove



**Map 1: Groundwater Flow Direction in Upper Aquifer**

**Proposed Unsewered Development  
in the Town of Cottage Grove.**

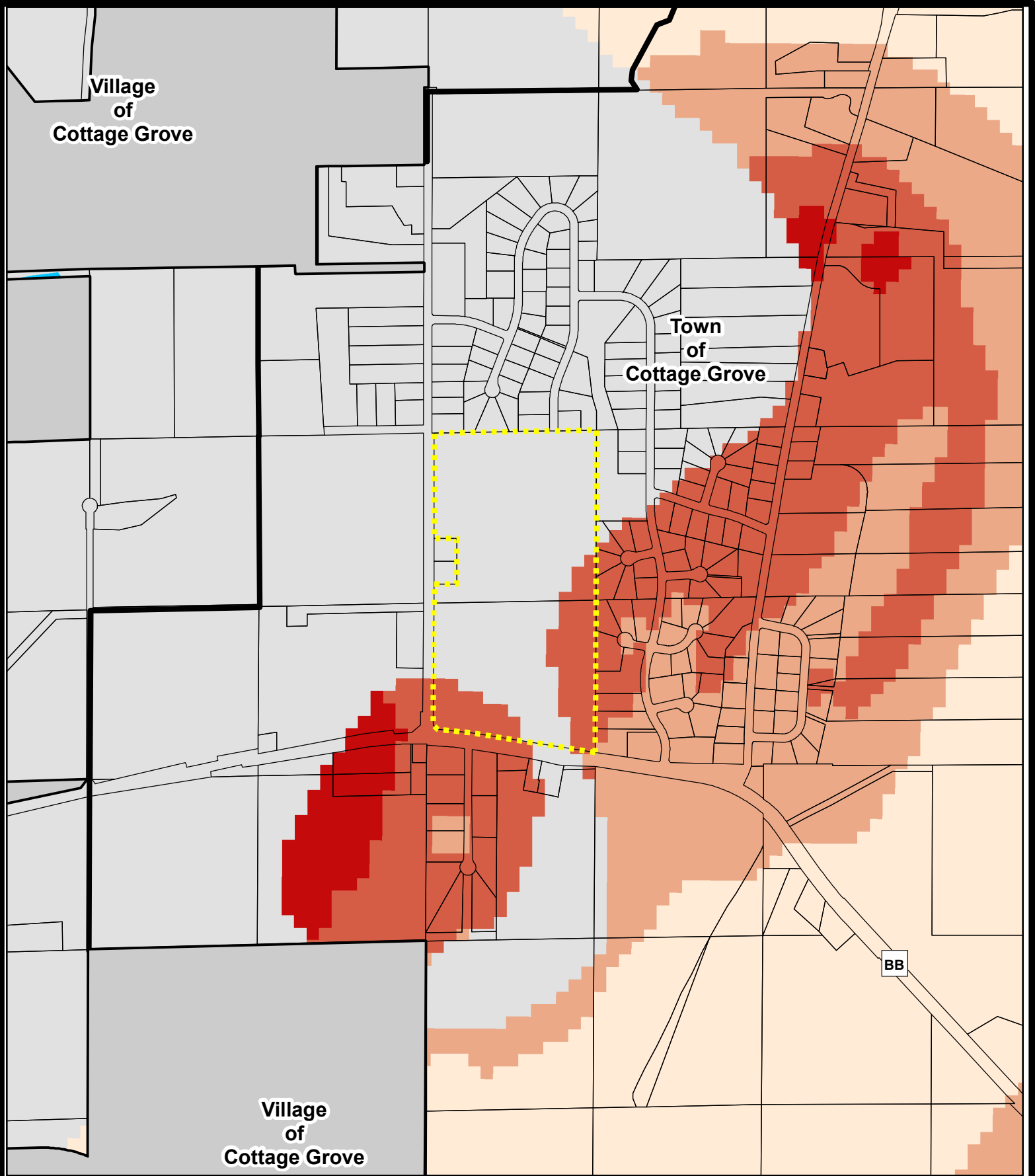
- Proposed Development
- Modeled Contour of Head (ft)

Date: 05/18/2018

0 1,000  
Feet



Prepared by staff  
of the CARPC.



**Map 2: WGNHS Potential Karst Features**

**Proposed Unsewered Development  
in the Town of Cottage Grove**

**Potential Karst Units (ft)**

-  0 - 10
-  10 - 50
-  50 - 100
-  100 - 400

Date: 05/18/2018

0 1,000  
Feet







Prepared by staff  
of the CARPC.



**Map 3: Aerial (2017)**

**Proposed Unsewered Development  
in the Town of Cottage Grove**

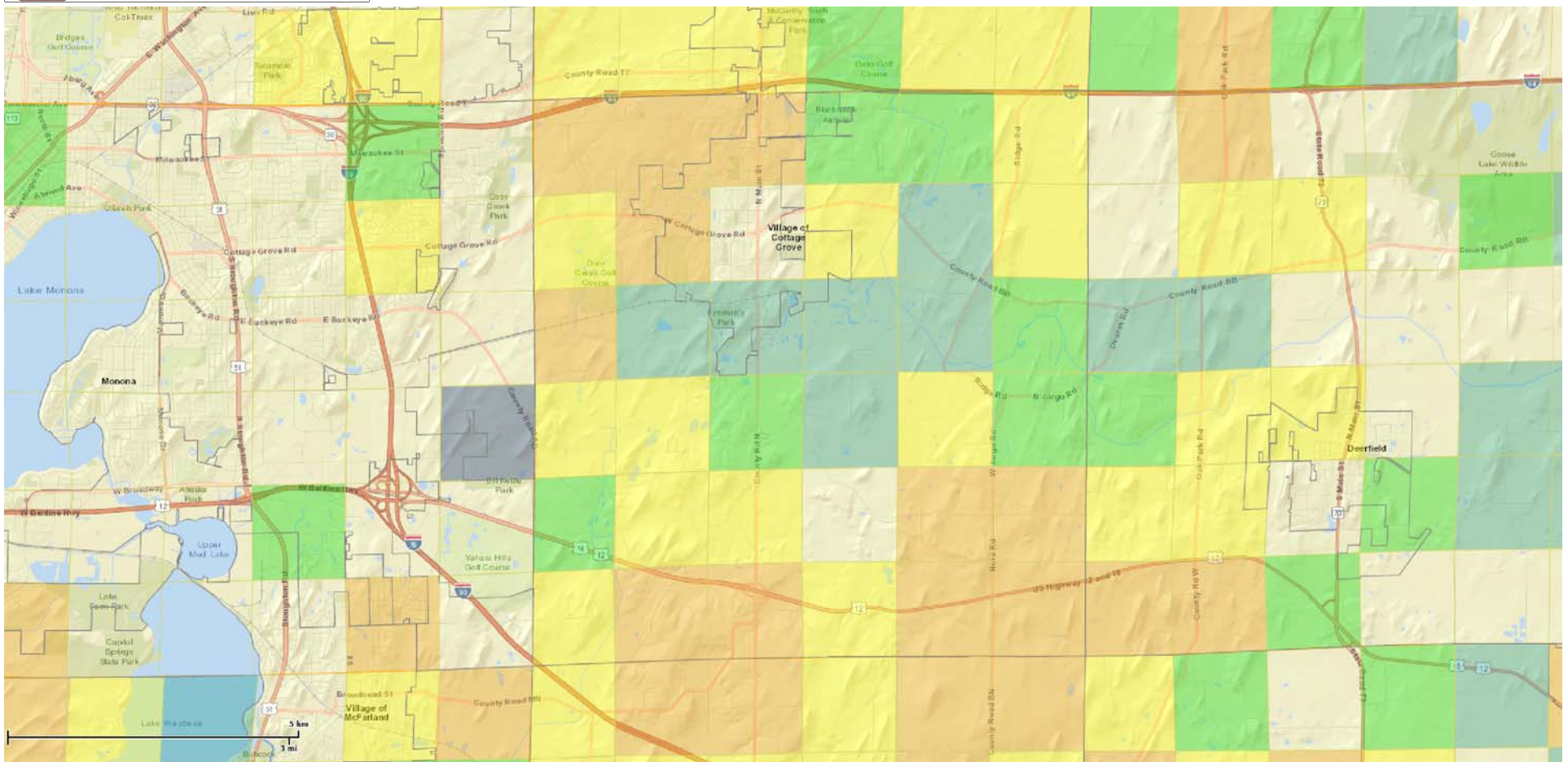
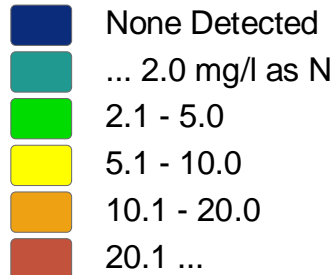
-  Proposed Development
-  Existing Service Area
-  Municipal Boundary
-  Existing Environmental Corridors

Date: 05/18/2018



Prepared by staff of  
the CARPC.

## Private Wells Groundwater Quality

**Nitrate - Average by Section**

NOTE: The mapped groundwater quality may not be representative of the actual groundwater quality for the area displayed. The map is based on private well samples voluntarily submitted by the citizens of Wisconsin and are not a statistically random distribution for the area. Do not extrapolate mapped results to specific areas or addresses. The Center for Watershed Science and Education is not responsible for the use or application of the map.

## Nitrate (mg/l as N) for TOWN OF COTTAGE GROVE, DANE COUNTY

Range	Number	Percent	Summary
None Detected	14	6%	Minimum: No Detect
... 2.0	75	30%	
2.1 - 5.0	34	14%	Median: 5.1
5.1 - 10.0	54	22%	Average: 6.7
10.1 - 20.0	60	24%	
20.1 ...	11	4%	Maximum: 44
Total	248		
> 10mg/l N	71	29%	Exceeds Health Standard

NOTE: This groundwater quality summary may not be representative of the actual groundwater quality for the area selected. It is based on private well samples that are not a statistically random distribution for the area. Do not extrapolate these statistics to specific areas or addresses. The Center for Watershed Science and Education is not responsible for the use or application of this summary.

Groundwater Center - Center for Watershed Science and Education - UWSP

Public Web Mapping Service. Thu May 17 2018 04:01:44 PM.

**TOWN OF COTTAGE GROVE  
TOWN BOARD  
RESOLUTION 2024-11-06a**

**GRANTING CONDITIONAL APPROVAL OF THE  
PRELIMINARY PLAT OF KENNEDY HILLS FIRST ADDITION**

**WHEREAS**, Dunroven Ridge, LLC (the “Developer”) has submitted an application for preliminary plat approval to the Town, for Kennedy Hills First Addition, a single-family residential development;

**WHEREAS**, the proposed Kennedy Hills First Addition preliminary plat attached hereto as Exhibit A, consists of Lots 17-36 for single family residential development, an Outlot, and public street improvements, and is located in part of the SW ¼ of the SE ¼ of Section 3 and part of the NW ¼ of the NE ¼ of Section 10, Town 7 North, Range 11 East, Town of Cottage Grove, Dane County, Wisconsin;

**WHEREAS**, the proposed Kennedy Hills First Addition preliminary plat has been reviewed by the Town Engineer and Town Planner, who have determined the Developer’s proposed preliminary plat meets the Town’s requirements for conditional preliminary plat approval;

**WHEREAS**, the proposed Kennedy Hills First Addition preliminary plat generally conforms to the requirements of Town Ordinance§ 15.07;

**WHEREAS**, the Plan Commission recommended approval of the preliminary plat for Kennedy Hills First Addition subject to certain conditions identified in Plan Commission Resolution 2024-10-23a;

**WHEREAS**, the Town Board has reviewed the preliminary plat and the Plan Commission’s recommended conditions for approval thereof and finds the conditions for approval recommended by the Plan Commission are appropriate and necessary;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Cottage Grove as follows:

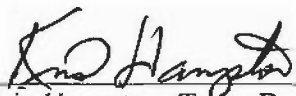
1. The Town Board hereby approves of the preliminary plat for Kennedy Hills First Addition subject to the following conditions:
  - a. The Developer is required to develop the preliminary plat in compliance with all applicable State statutes and Town ordinances and in accordance with generally accepted engineering standards and practices;
  - b. The Developer shall include on the preliminary plat any drainage or utility easement as determined necessary by the Town Engineer;

- c. The Developer shall obtain from County Land and Water Resources Department ("LWRD") all reviews and permits necessary for: (a) soil and erosion control within the preliminary plat; and, (b) stormwater management facilities that fully satisfy County requirements and address stormwater runoff issues related to the preliminary plat.
- d. The Developer shall provide the Town written certification from the Developer's engineer, in the same format as required by County LWRD, that the stormwater management facilities as-built are in compliance with all applicable permits and are operating in accordance with the approved design.
- e. The Developer shall establish design requirements and construction standards for the street improvements within the preliminary plat in accordance with Town specifications as approved by the Town Engineer.
- f. The Developer shall enter a Development Agreement with the Town regarding the development of the preliminary plat acceptable to the Town Attorney. The Development Agreement shall be drafted by the Town Attorney and reviewed by the Town Engineer and Town Board. When approved by the Town Board, the Development Agreement shall be executed by and between the Developer and Town. The Final Plat shall not be signed by the Town until the Development Agreement is fully executed.
- g. The Developer shall obtain approval of the preliminary plat from the Cottage Grove Fire Department and the Deer-Grove EMS District and present such approval to the Town.
- h. The Developer shall obtain written confirmation of appropriate rezoning of the preliminary plat from Dane County and present such confirmation to the Town.
- i. The Developer shall replace on the preliminary plat and engineering plans the current cul-de-sac bulb at the northern terminus of current Wooded Ridge Trail with a hammerhead turnaround within the dedicated right-of-way, of a design approved by the Town Engineer.
- j. The Developer shall contact the local Postmaster to determine the required configuration and placement of mailboxes to serve the new homes in the plat;
- k. In addition to those outlined above, the Developer shall obtain all required approvals from other approving authorities, as required by law.
- l. The Developer shall promptly reimburse the Town for all costs and expenses incurred by the Town in connection with the review and approval of the preliminary plat, including, but not limited to, the costs of professional services incurred by the Town for the review and preparation of required documents, attendance at meetings, or other related professional services.

- m. All street names on the preliminary plat must be reviewed and approved by the Dane County Surveyor;
- n. The Developer shall address all of the Town Engineer's comments in his letter dated October 21, 2024, to the satisfaction of the Town Engineer;
- o. The Town Board's approval of the preliminary plat expires one hundred eighty (180) days from the date of adoption of this Resolution unless the Developer has satisfied all conditions of approval stated herein. Time is of the essence. If the Developer encounters an unforeseen development delay, it shall immediately advise the Town Clerk and may request an extension.
- p. The Town Engineer, at the developer's expense, shall investigate historical groundwater levels and what impact these additional homes may have on it.

This Resolution was duly adopted by the Town Board of the Town of Cottage Grove, Dane County, Wisconsin at a meeting on November 6, 2024 by a vote of 4 in favor, 0 opposed, and 0 not voting.

TOWN OF COTTAGE GROVE

By:   
Kris Hampton, Town Board Chair

Attested by:

  
Kim Banigan, Town Clerk

Incorporated by Reference:  
Preliminary Plat for Kennedy Hills First Addition

# PRELIMINARY PLAT OF KENNEDY HILLS FIRST ADDITION

PART OF THE SW1/4 OF THE SE1/4 OF SECTION 3 AND PART OF THE  
NW1/4 OF THE NE1/4 OF SECTION 10, TOWN 7 NORTH, RANGE 11 EAST,  
TOWN OF COTTAGE GROVE, DANE COUNTY, WISCONSIN.

CURVE	LENGTH	RADIUS	DELTA	CH. BEAR	CH. DIST.	TAN IN	TAN OUT
C1	232.72'	266.00'	50°07'42"	S25°23'21"W	225.37'	S50°27'12"W	S00°19'30"W
C2	72.77'	266.00'	15°40'27"	S8°09'44"W	72.54'	S15°59'57"W	S00°19'30"W
C3	114.80'	266.00'	24°43'41"	S28°21'48"W	113.91'	S40°43'38"W	S15°59'57"W
C4	45.15'	266.00'	9°43'34"	S45°35'25"W	45.10'	S50°27'12"W	S40°43'38"W
C5	147.32'	167.00'	50°32'42"	S25°10'51"W	142.59'	S00°05'30"E	S50°27'12"W
C6	205.78'	233.00'	50°36'06"	N25°09'09"E	199.16'	N00°08'54"W	N50°27'12"E
C7	105.40'	233.00'	25°55'07"	N12°48'39"E	104.50'	N00°08'55"W	N25°46'12"E
C8	100.38'	233.00'	24°41'00"	N38°06'42"E	99.60'	N25°46'12"E	N50°27'12"E
C9	47.13'	30.00'	90°00'25"	N5°26'59"E	42.43'	N50°27'12"E	N39°33'13"W
C10	233.47'	267.00'	50°06'01"	N64°36'13"W	226.10'	N39°33'13"W	N89°39'14"W
C11	51.22'	267.00'	10°59'31"	N45°02'58"W	51.14'	N39°33'13"W	N50°32'44"W
C12	158.97'	267.00'	34°06'47"	N67°36'07"W	156.63'	N50°32'44"W	N84°39'31"W
C13	23.28'	267.00'	4°59'42"	N87°09'22"W	23.27'	N84°39'31"W	N89°39'14"W
C14	47.12'	30.00'	90°00'00"	S45°20'47"W	42.43'	N89°39'13"W	S00°20'47"W
C15	35.04'	265.00'	7°34'35"	S3°26'30"E	35.02'	S00°20'47"W	S07°13'48"E
C16	44.30'	335.00'	7°34'35"	N3°26'30"W	44.26'	N07°13'48"W	N00°20'47"E
C17	47.12'	30.00'	90°00'00"	S44°39'13"E	42.43'	S89°39'13"E	S00°20'47"W
C18	291.18'	333.00'	50°06'00"	S64°36'13"E	281.99'	S39°33'13"E	S89°39'13"E
C19	9.53'	333.00'	1°38'22"	S88°50'02"E	9.53'	S89°39'13"E	S88°00'51"E
C20	165.66'	333.00'	28°30'12"	S73°45'45"E	163.96'	S88°00'51"E	S59°30'39"E
C21	21.01'	333.00'	3°36'56"	S57°42'11"E	21.01'	S59°30'39"E	S55°53'43"E
C22	94.98'	333.00'	16°20'30"	S47°43'28"E	94.66'	S55°53'43"E	S39°33'13"E
C23	50.20'	30.00'	95°52'32"	S87°30'03"E	44.55'	N44°33'41"E	S39°33'47"E
C24	154.41'	200.06'	44°13'20"	N22°26'38"E	150.61'	N00°19'56"E	N44°33'16"E

LINE	BEARING	LENGTH
L1	S00°05'30"E	22.20'
L2	N50°27'12"E	6.65'
L3	S89°56'07"E	43.95'

- NOTE:
- 1) OUTLOT 1 IS DEDICATED FOR TRAIL/PARK ACCESS PURPOSES
  - 2) OUTLOT 2 IS PLANNED FOR FUTURE PLATTING PHASES
  - 3) EACH LOT OWNER SHALL BE OBLIGATED TO PAY PARK IMPACT FEES TO THE TOWN OF COTTAGE GROVE AT THE TIME A BUILDING PERMIT IS ISSUED FOR THEIR LOT.
  - 4) ACCESS RESTRICTION: NO DIRECT VEHICULAR ACCESS TO LOTS 17-19 FROM KENNEDY RD.

CURRENT OWNER AND SUBDIVIDER:  
DUNROVEN RIDGE LLC  
7857 DUNROVEN RD  
DANE, WI 53529

SURVEYOR:  
BRADLEY TISDALE, PLS  
MSA PROFESSIONAL SERVICES, INC.  
1702 PANKRATZ STREET  
MADISON, WI 53704

ENGINEER:  
MSA PROFESSIONAL SERVICES, INC.  
1702 PANKRATZ STREET  
MADISON, WI 53704

## SYMBOL LEGEND

- SUBDIVISION BOUNDARY
- PROPOSED LOT LINE
- EXISTING RIGHT-OF-WAY
- CENTERLINE
- EASEMENT LINE
- EXISTING LOT LINE
- ACCESS RESTRICTION

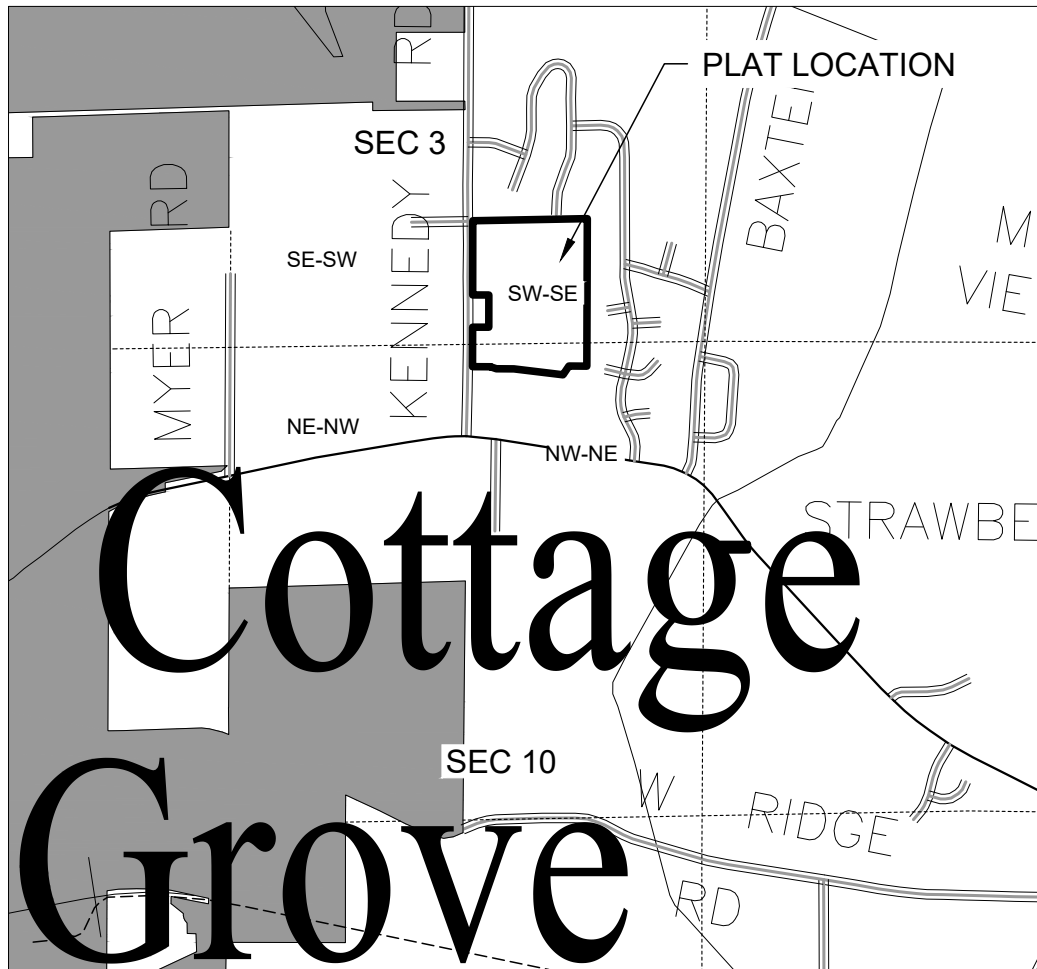
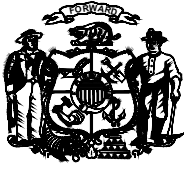
- SECTION CORNER AS SHOWN
- FOUND 1" IRON PIPE
- FOUND 3/4" IRON REBAR
- FOUND 1 1/4" IRON REBAR

- SET 1 1/4" BY 24" IRON REBAR WEIGHING 4.30 LBS./FT.
- ALL OTHER LOT AND OUTLOT CORNERS ARE 3/4" X 24" IRON REBAR WEIGHING 1.50 LBS./FT.

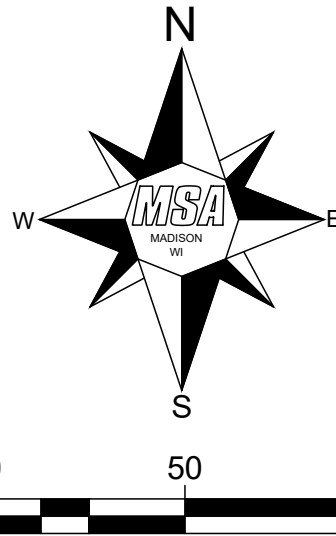
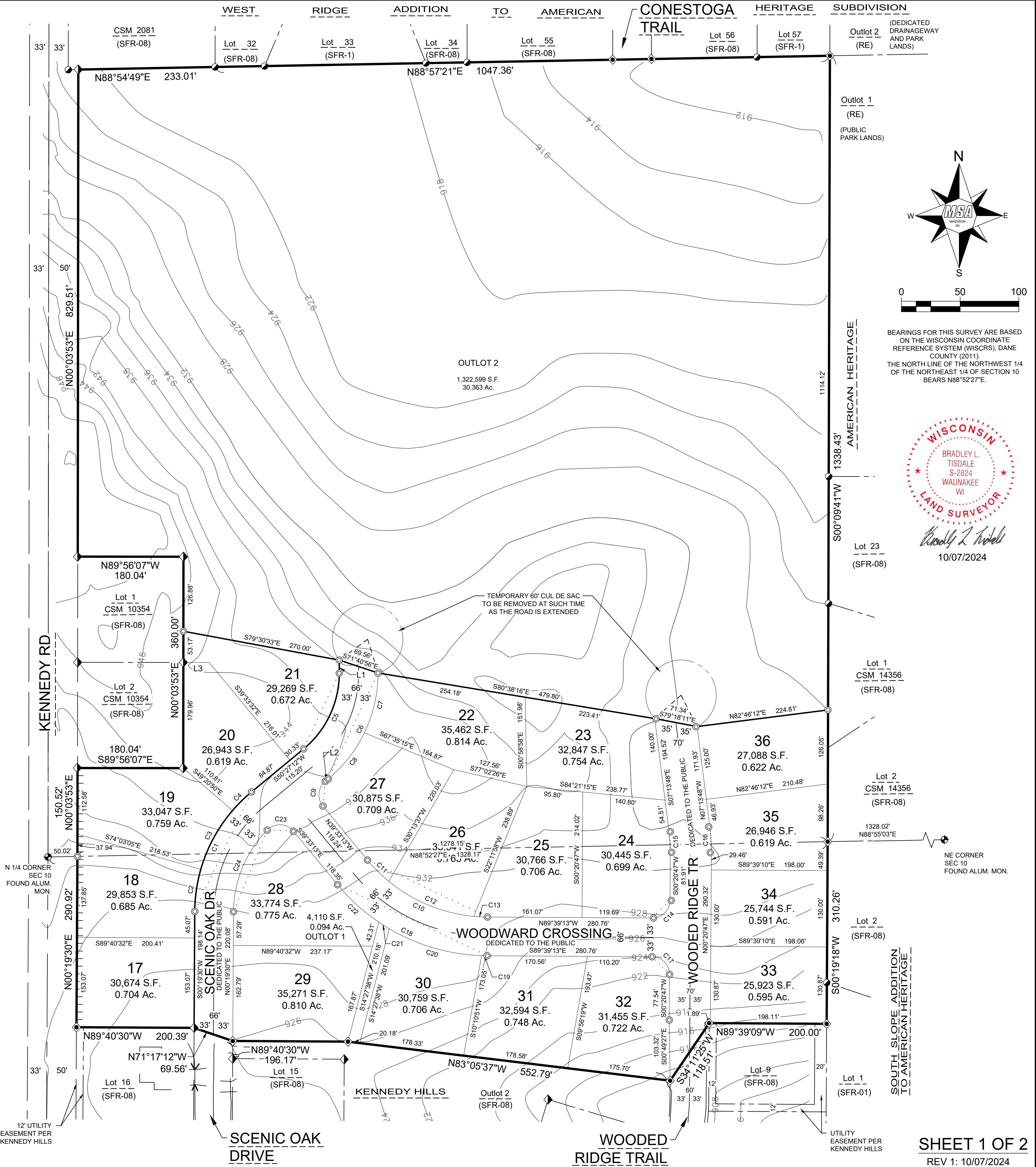
There are no objections to this plat with respect to  
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),  
Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration



VICINITY MAP



BEARINGS FOR THIS SURVEY ARE BASED  
ON THE WISCONSIN COORDINATE  
REFERENCE SYSTEM (WISCRS), DANE  
COUNTY (2011).  
THE NORTH LINE OF THE NORTHWEST 1/4  
OF THE NORTHEAST 1/4 OF SECTION 10  
BEARS N88°52'27"E.



Bradley L. Tisdale  
10/07/2024

TOWN OF COTTAGE GROVE  
EXISTING ZONING:

SINGLE FAMILY RESIDENTIAL  
(SFR-08)



ENGINEERING | ARCHITECTURE | SURVEYING  
FUNDING | PLANNING | ENVIRONMENTAL  
1702 Pankratz St Madison, WI 53704  
(608) 242-7779 www.msa-ps.com

© MSA Professional Services, Inc.

SHEET 1 OF 2  
REV 1: 10/07/2024

**TOWN OF COTTAGE GROVE  
TOWN BOARD RESOLUTION NO. 2024-11-06b**

**A RESOLUTION ADOPTING CERTAIN FEES AS PERMITTED  
BY THE TOWN OF COTTAGE GROVE CODE OF ORDINANCES AND THE  
TOWN OF COTTAGE GROVE SMART GROWTH 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 on January 1, 2025: (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[§ 125.51(4), Stats]	\$10,000.00
Class "A" Fermented Malt Beverage License[§ 125.25, Stats.]	\$500.00
Class "B" Fermented Malt Beverage License[§ 125.51(2), Stats]	\$100.00
"Class A" Intoxicating Liquor License[§ 125.51(2), Stats.]	\$500.00
"Class B" Intoxicating Liquor License[§ 125.51(3)(b), Stats.]	\$500.00
"Class B" Winery License [§ 125.51(3am), Stats].	\$100.00
"Class C" Retail Wine License[§ 125.51(3m), Stats]	\$100.00
Temporary Class "B" Fermented Malt Beverage License[§ 125.26(6), Stats]	\$10.00
Temporary "Class B" Wine License[§ 125.51(10), Stats.]	\$10.00/day
Operator's License[§ 125.17(1-3,6), Stats.]	\$30.00
Manager's License[§§ 125.18, 125.32(10 and 125.68(1), Stats]	\$30.00

**Blasting Permit Fee [TCG §18.01]**

Short Term	\$250.00
Long Term	\$500.00

**Change of Land Use Fee [TCG §15.20]** \$350.00

**Cigarette and Tobacco Products Retailer License Fee [TCG §07.02(1)]** \$50.00

**Dangerous Animal License [TCG §20.20(7)]** \$150.00

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

Per dog	\$4.50
Multi-Dog (up to 12)	\$10.00

**Driveway Permit Fee [TCG §08.02]** \$150.00

**Driveway Permit Deposit [TCG §08.02]** \$1,000.00

**Emergency Response Reimbursement Fees [TCG §07.02(3)]**

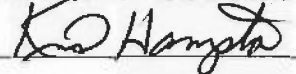
CGFD Ladder 1	\$400.00/hour
CGFD Engine 3	\$250.00/hour
CGFD Engine 4	\$250.00/hour
CGFD Squad 1	\$200.00/hour
CGFD Tender 1	\$150.00/hour
CGFD Tender 2	\$150.00/hour
CGFD Brush 1	\$100.00/hour
Personnel (minimum of 1 hour, rounded to next full hour for any minute over the hour)	

First hour .....	\$20.00/hour
Each additional person .....	\$15.00/hour
Water .....	\$10.00/1000 gal
Foam .....	\$35.00/gal
Oil Dry .....	\$10.00/40 lb. bag
Fire Works Use Permit Fee [TCG §18.02(4)] .....	\$50.00
Hall Rental Fees (Town Hall or Flynn Hall) [TCG §07.02(5)]	
User Fee – Town or Village of Cottage Grove Resident .....	\$150.00
User Fee - Non-Resident .....	\$1,000.00
Security Deposit – Town or Village of Cottage Grove Resident .....	\$100.00
Security Deposit – Non-Resident .....	\$500.00
Handling Fee [TCG §07.02(4)]	
per hour .....	\$20.00
minimum .....	\$20.00
Impact Fees	
Park Land Impact Fee (per new dwelling unit) [TCG §15.03(4)(d)3] .....	\$375
Recreation Improvement Impact Fee (per new dwelling unit) [TCG §15.03(4)(d)3] .....	\$1,160
Land Division Fees [TCG §15.19]	
Concept Plan .....	\$350.00
Preliminary Plat, .....	\$350.00 + \$25/lot
Final Plat and Comprehensive Development Plan .....	\$350.00 + \$25/lot
Certified Survey Map .....	\$125.00
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
Overweight Permit Fees [TCG §07.02(8)] .....	\$20.00 per power unit
Bond for variance to weight limits [TCG §09.07] .....	\$1.5 million/mile of road permitted
Park Organized Event Administrative Fee [TCG §10.05] .....	\$25.00
Peddlers and Transient Merchants Permit Fee [TCG §11.07(4)(c)] .....	\$50.00
Photocopying Fee [TCG §07.02(9)]	
Black & White copies .....	\$.25/page
Color Copies: .....	\$.50/page
Plan Commission, Special Meeting of [TCG §15.01(6)] .....	\$350.00
Road Right-of-Way Permit Fee [TCG §08.03]	
Base Fee .....	55.00
Boring, trenching or plowing (small projects) .....	\$45.00 per boring/trenching/plowing
Open cut pavement .....	\$220.00/open cut
Trenching/Plowing in excess of 1,320 ft. (large projects) .....	\$110.00/# of lineal feet/1,000
Construction of vault or other structure .....	\$110.00 per vault or structure
Deposit .....	Set by the Highway Superintendent on a case-by-case basis

Town Board, Special Meeting of [TCG §2.03(4)] .....	\$300.00
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 6th day of November, 2024.

**TOWN OF COTTAGE GROVE**



Kris Hampton, Town Chair

ATTEST:



Kim Banigan, Town Clerk-Treasurer



TOWN OF COTTAGE GROVE  
TOWN BOARD CLOSED SESSION MINUTES  
NOVEMBER 18, 2024

- I. Consider/Adopt a motion to convene in Closed Session Pursuant to Wisconsin Statute Section 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Land acquisition for North Star Road access): **MOTION** by DuPlayee/Williams to convene in closed session for the reason stated above. **Fonger, Anders, Hampton, Williams and DuPlayee all voted aye by roll call vote.** Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, and Atty. William Cole were also present.
- II. Banigan displayed a preliminary development plan (Exhibit A) for property owned by Don & Marilyn Viney on North Star Road. A pre-application meeting was held last week that included Don Viney, Chris Casson from Birrenkott Surveying, Hampton, Banigan, Town Planner Mark Roffers and Town Engineer Nick Bubolz. Banigan also displayed the approved site plan for the Redline boat property (Exhibit B) directly to the north of the Viney property, which includes a 66' road reservation. The question was should the Town pursue purchasing the road reservation from Redline Boats, or should the Viney's be required to build the road on their own property. Atty. Cole stated that the only property to benefit from the road would be the Viney property since the properties to the north already have access to North Star Road. This would mean the Viney's would be special assessed for the entire cost of acquisition, which he thought would be significantly more than the cost to develop a road on their own property by the time legal fees were included. Hampton felt the Redline property was the best location for the road, others did not want to pursue it given history with the owner/property, and felt the road could be placed on the Viney property instead. It would need to extend all the way to the west lot line, and include a turn-around. If a dead-end north-south road is added for lots to the south, it would need a cul-de-sac.
- III. **MOTION** by DuPlayee/Williams to reconvene to open session. **MOTION CARRIED 5-0 by roll call vote.** The closed session ended at 8:54 P.M.

Kim Banigan, Clerk-Treasurer

Approved and made an open record on 12-16-2024

EXHIBIT A

MR COMMENTS 11/11/24

Legend:

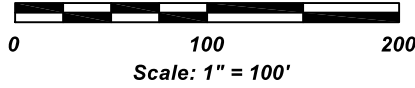
- = Section Corner
- = Found 3/4" Iron Bar

LINE	BEARING	DISTANCE
L1	N 48°18'41" W	26.96'
L2	N 29°44'58" W	12.12'
L3	S 01°10'41" W	17.81'
L4	S 47°35'55" W	33.99'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT BEARING-IN	TANGENT BEARING-OUT
C1	25.00'	39.27'	35.36'	N 44°18'18" E	89°59'59"	N 89°18'17" E	N 00°41'42" W
C2	95.00'	149.23'	134.35'	S 44°18'18" W	89°59'59"	N 89°18'17" E	N 00°41'42" W

Preliminary Plat  
VINEY ACRES  
BUSINESS PARK

Part of the Northeast 1/4 of the Northeast 1/4 and the Southeast 1/4 of the Northeast 1/4 all in Section 33, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.



Bearings referenced to the North line of the Northeast 1/4 of Section 33, bearing N89°18'17" E

Review Town land division ordinance and application checklist for required inclusions on/with preliminary plats, which include preliminary engineering and stormwater plans.

Ordinance requires Town Plan Commission and Town Board review of a "comprehensive development plan" (concept plan) before a preliminary plat may be filed. CDP submittals are supposed to include:  
\* Basic soils information  
\* Distance to groundwater and bedrock  
\* WDNR NHI preliminary assessment  
\* Plan map  
\* Projected development schedule

Land division curve with centerline radius of at least 150 feet.

Provide vision triangles at all public street corners

This east-west "future town road" segment is on the Oremus property. Does the Town have anything aside from the possibility of use of eminent domain and assessment to get this dedicated and built? The "North Star Investments Condominium Plat"? It is in a good location for a future public road but should be extended all the way to the west Oremus (071128475110) property line. Need to discuss.

Alternate Road location with cul-de-sac discussed as an alternative

Advise covenant restricting storage yards forward (east) of buildings on Lots 9 and 10.

Verify that air strip is no longer in operation.

Presence of this waterway and DNR wetland indicators along it suggest that a wetland field delineation needs to be completed, with a 75' impervious surface area setback around delineated wetland edge. Also, 75' building setback from OHWM of waterway, which should be surveyed. All this should be done first before setting lots and streets. I believe this waterway is called Little Door Creek, and if so should be labeled as such on the plat.

Presumably for stormwater management but this should be clarified/specified

Interest in business park sign here?

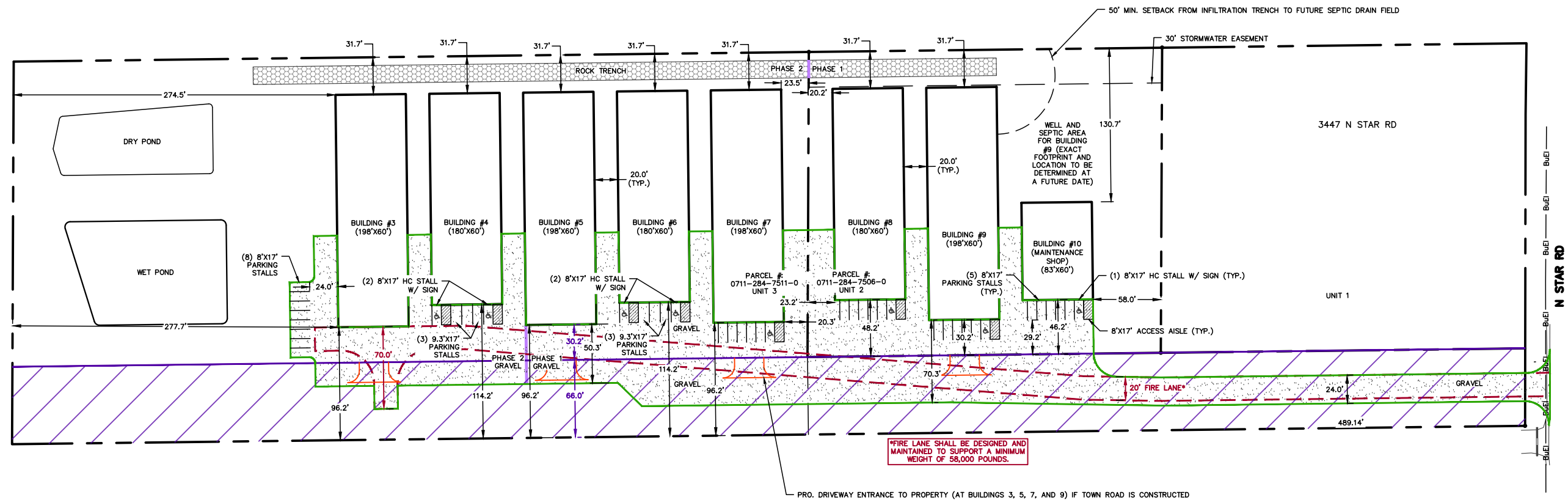
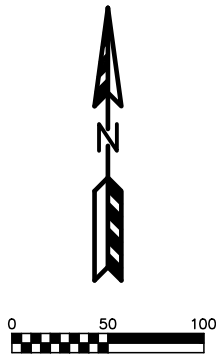


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Sheet 1 of 1

Office Map No. 240818

# EXHIBIT B



## OREMUS DEVELOPMENT - N STAR ROAD PROPOSED DIMENSIONS PLAN

SHEET: C-2  
DATED: JUNE 28, 2022



www.quamengineering.com  
4604 Siggelkow Road, Suite A - McFarland, Wisconsin 53558  
Phone (608) 838-7750; Fax (608) 838-7752

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
NOVEMBER 18, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, Deputy Eric Miller (through II. B.) and Town Attorney William Cole. EMS Chief Eric Lang was present virtually.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meetings: **MOTION** by Williams/DuPlayee to approve the minutes of the November 6, 2024 meeting as presented. **MOTION CARRIED 4-0-1** (Fonger abstained).
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #37484-37530 and EFTs in the amount of \$15,220.89. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of \$3,937.00 to General Engineering for October building permits. **MOTION CARRIED 5-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Review October Police Activities: The monthly report showed 227 calls for service and 126 citations issued in October. Deputy Miller reported that speed boards are giving high speed alerts on Gaston and Vilas Roads in the 60-70-80 mph range, although being in the right place at the right time for enforcement is a challenge.
- B. Presentation by Jewell Associates Engineers, Inc. of options to replace bridge on Natvig Road: Mike Bakalars from Jewell reported that the bridge is in fairly good shape and not in danger of failure, although it does have "widow makers". He said bridges of this type can be difficult to get into replacement programs, and that he cannot recommend replacement as there is no reason to. If the Town does wish to pursue replacement, a full inspection should be made. He suggested applying for WisDOT TRID (50:50 cost sharing) and TRIS (70:30 cost sharing), along with County Bridge Aid which could provide a 50:50 split of the Town's share after TRID/TRIS. The next funding cycle for these programs begins in the fall of 2025, with awards in March or April of 2026. Construction would probably not happen until 2027, after the anticipated heavy traffic when the County replaces the CTH N bridge in 2026, which he said would make sense if the additional traffic will create damage. He said that more than likely it would need to be a bridge, not a culvert. He recommended that during the CTH N closure in 2026, barricades be placed that would allow light vehicle traffic but not large trucks through. Weight limits and stop and go lights to limit traffic to one direction at a time were also mentioned. Hampton asked for a proposal to inspect the bridge and write the grant applications that the Board can consider at the next meeting.
- C. Consider approval of Certified Survey Map for Viney Acres, LLC for lot line adjustment between parcel 0711-311-0011-0 and parcel 0711-311-8020-0 at 2876 Siggelkow Road. (DCPREZ #12112): **MOTION** by Anders/Williams to approve the CSM identified as office map #220298 dated 10/31/2024. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
NOVEMBER 18, 2024

- D. Discuss/Consider approval of quotes to install solar panels for the Town Hall and Town Garage: Barrett Lione-Seaton of Midwest Solar Power presented quotes to install a 16-panel inverter system on the bank just to the south of the Town Hall, and an 18-panel inverter system in the roof of the salt shed. The systems would provide 76-79% of the energy needs for the Town Hall and Town Garage. Payback was estimated at 12-13 years for the Town Hall and 10 years for the Town Garage. Warranties are 25 years for the panels and 12 years on the inverters (extendable to 25 years). Panels are made in the USA, although components are made in China. Dresen was concerned about corrosion with panels on the salt shed, and Anders asked about the roof fasteners, which Lione-Seaton said use a flashing to go under the shingles. There would be little energy sold back to the grid under the proposed systems. Lione-Seaton said as long as the amount produced was within range of the normal amount used, the price Alliant would pay would be equal to what the Town purchases energy for. In order to change this, Alliant would need PSC approval, and there would be a 10-12 year grandfather period before it would affect the Town. The Federal tax credits go through 2032, however changes are possible under the new administration. If funding changes, Midwest Solar Power would not hold the Town to the contract. A \$1,000 deposit would be required on each system, with the first payment due one month prior to installation in March or April of 2025, and final payment due upon power generation and an interconnection agreement. **MOTION** by Williams/DuPlayee to proceed with the proposals. **MOTION CARRIED 5-0.** Lione-Seaton was directed to work with the Town Attorney on the contracts.
- E. Discuss/Consider approval of 2025-2029 Solid Waste Management Agreement with Waste Management of Wisconsin, Inc: Atty. Cole stepped through a redline version of the agreement that is a result of one round back and forth between him and Waste Management. He was directed to work through the remaining issues with Waste Management so that the contract can be considered for approval at the next meeting.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits: Two permits have been issued to Charter-Spectrum since the last meeting: One on Mourning Dove and one on Gaston at Raven Way.
- B. Dresen reported that the new furnace has been installed at the Town Garage, the 2012 F-550 sold on Wisconsin Surplus for \$29,000 and the sweeper brought \$1,200. Snowplows are going on the trucks and mowers are getting cleaned up to be put away for the winter.

IV. CLERK-TREASURER'S OFFICE UPDATE: Banigan reported office staff is busy preparing for taxes.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton again reported that Town of Bristol and DCTA Chair Jerry Derr passed away.

VI. COMMITTEE REPORTS: None.

VII. Consider/Adopt a motion to convene in Closed Session Pursuant to Wisconsin Statute Section 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Land acquisition for North Star Road access): **MOTION** by DuPlayee/Williams to convene in closed session for the reason stated above. **MOTION CARRIED 5-0 by roll call vote.** Chief Lang left the virtual meeting, the door and virtual meeting were locked and recording was paused. The closed session began at 8:31 p.m.

VIII. **MOTION** by DuPlayee/Williams to reconvene to open session. **MOTION CARRIED 5-0 by roll call vote.** The closed session ended at 8:54 P.M., the door and virtual meeting were unlocked, and

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
NOVEMBER 18, 2024

recording was resumed. The Clerk was directed to convey to the Viney's that to develop as proposed, they will need to put a 70' wide road across the full width of their own property, including a temporary turn around at the west edge.

- IX. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:56 P.M.

Kim Banigan, Clerk-Treasurer  
Approved 12-02-2024

TOWN OF COTTAGE GROVE  
TOWN BOARD CLOSED SESSION MINUTES  
NOVEMBER 18, 2024

- I. Consider/Adopt a motion to convene in Closed Session Pursuant to Wisconsin Statute Section 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Land acquisition for North Star Road access): **MOTION** by DuPlayee/Williams to convene in closed session for the reason stated above. **Fonger, Anders, Hampton, Williams and DuPlayee all voted aye by roll call vote.** Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, and Atty. William Cole were also present.
- II. Banigan displayed a preliminary development plan (Exhibit A) for property owned by Don & Marilyn Viney on North Star Road. A pre-application meeting was held last week that included Don Viney, Chris Casson from Birrenkott Surveying, Hampton, Banigan, Town Planner Mark Roffers and Town Engineer Nick Bubolz. Banigan also displayed the approved site plan for the Redline boat property (Exhibit B) directly to the north of the Viney property, which includes a 66' road reservation. The question was should the Town pursue purchasing the road reservation from Redline Boats, or should the Viney's be required to build the road on their own property. Atty. Cole stated that the only property to benefit from the road would be the Viney property since the properties to the north already have access to North Star Road. This would mean the Viney's would be special assessed for the entire cost of acquisition, which he thought would be significantly more than the cost to develop a road on their own property by the time legal fees were included. Hampton felt the Redline property was the best location for the road, others did not want to pursue it given history with the owner/property, and felt the road could be placed on the Viney property instead. It would need to extend all the way to the west lot line, and include a turn-around. If a dead-end north-south road is added for lots to the south, it would need a cul-de-sac.
- III. **MOTION** by DuPlayee/Williams to reconvene to open session. **MOTION CARRIED 5-0 by roll call vote.** The closed session ended at 8:54 P.M.

Kim Banigan, Clerk-Treasurer

Approved and made an open record on 12-16-2024

EXHIBIT A

MR COMMENTS 11/11/24

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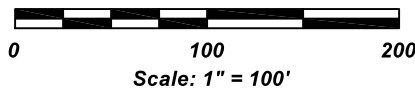
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Preliminary Plat  
VINEY ACRES  
BUSINESS PARK

Part of the Northeast 1/4 of the Northeast 1/4 and the Southeast 1/4 of the Northeast 1/4 all in Section 33, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.



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Provide vision triangles at all public street corners

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Advise covenant restricting storage yards forward (east) of buildings on Lots 9 and 10.

Verify that air strip is no longer in operation.

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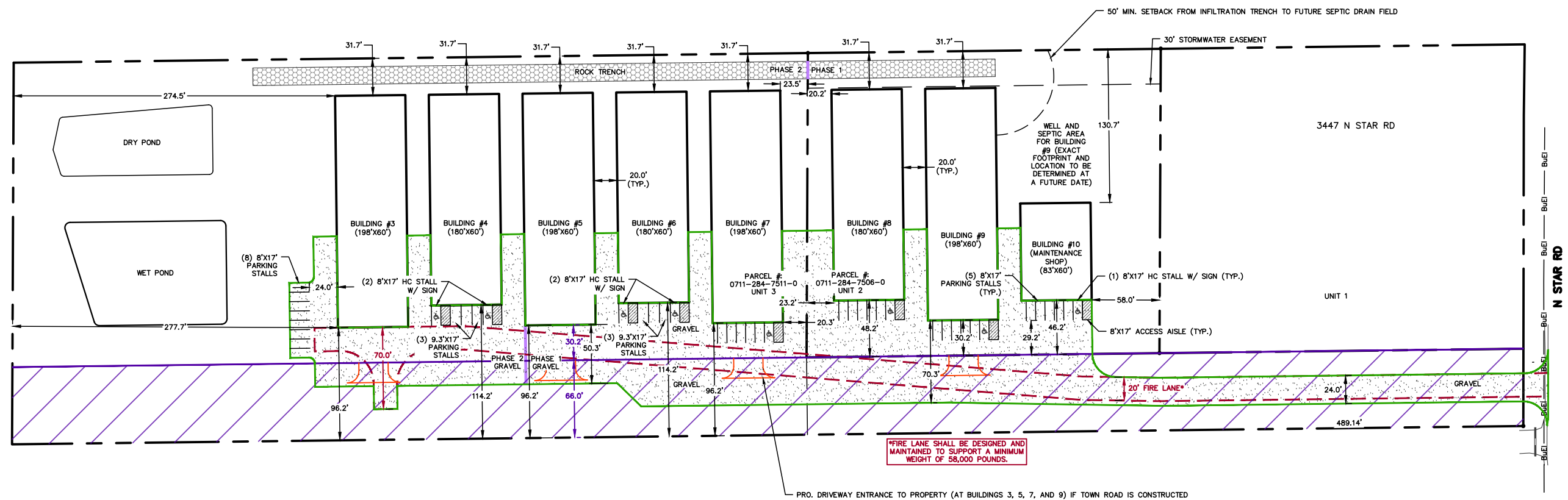
Interest in business park sign here?



L:\2024\240818- Viney\240818

Sheet 1 of 1

Office Map No. 240818



4604 Siggelkow Road, Suite A – McFarland, Wisconsin 53558  
Phone (608) 838-7750; Fax (608) 838-7752

TOWN OF COTTAGE GROVE  
PUBLIC HEARING FOR 2025 BUDGET  
SPECIAL TOWN MEETING OF THE ELECTORS  
DECEMBER 02, 2024

**PUBLIC HEARING FOR 2025 TOWN OF COTTAGE GROVE BUDGET**

- I. On November 15, 2024, notice of the public hearing was published in the Wisconsin State Journal and posted, along with a summary of the proposed budget, at the Town Hall, Doubledays, Nora's Tavern, and on the Town's internet site and Facebook page. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan and Highway Superintendent Dan Dresen. Town Residents Randy Gaber and Andrew McKinney were also present. DGEMS Chief Eric Lang was present virtually.
- I. Hampton called the public hearing to order at 7:00 P.M. The Clerk-Treasurer explained slight adjustments she made since the October 29<sup>th</sup> Budget Workshop to accommodate actual amounts for special charges and interest expense, to adjust Court Clerk wages since the current Court Clerk has decided to continue, and to add funding and incentives for solar projects as discussed by the Town Board on November 18<sup>th</sup>. There were no questions or comments regarding the proposed 2025 budget.
- II. **MOTION** by DuPlayee/Williams to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:03 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 for the 2025 Budget, as stated above. Attendance was also as stated above for the 2025 Budget Public Hearing. Including Town officials and staff, there were 8 Town Electors present, attendance sheet available in the Clerk's Office.
- I. Hampton called the Special Meeting of the Electors to order at 7:03 P.M.
- III. Discuss/Consider adoption of the 2024 town tax levy, to be paid in 2025 pursuant to s.60.10(1)(a), Wis. Stat. **MOTION** by Daniel Dresen/Andrew McKinney to adopt the 2024 town tax levy at \$1,916,046.00, which will result in a Town mill rate of \$3.4993. **MOTION CARRIED 8-0** by voice vote.
- IV. **MOTION** by Steve Anders/Mike DuPlayee to adjourn. **MOTION CARRIED 8-0.** The meeting ended at 7:07 P.M.

Kim Banigan, Clerk-Treasurer

Approved 12-16-2024

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
DECEMBER 2, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan and Highway Superintendent Dan Dresen. EMS Chief Eric Lang was present virtually.
- B. Hampton called the meeting to order at 7:07 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meetings: **MOTION** by Williams/DuPlayee to approve the minutes of the November 18, 2024 meeting as presented. **MOTION CARRIED 5-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #37531-37549, voided check #37505 and EFTs in the amount of \$28,560.87. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of November per diems as presented. **MOTION CARRIED 5-0.**
  - 3. The Clerk-Treasurer noted that the Unaudited Cash and Investment Report reflects that ARPA funds have been fully expended. She would like to have the Board review all ARPA fund activity at the next meeting.
- F. Public Concerns: None.

II. BUSINESS

- A. Discuss/Consider approval of 2025 Town Budget: **MOTION** by Fonger/DuPlayee to approve the 2025 Budget draft dated 11/26/2024 (Total Expenditures of \$3,906,480.) **MOTION CARRIED 5-0.**
- B. Plan Commission Recommendations:
  - 1. Randall & Maureen Gaber, petitioners and landowners, parcels 0711-192-8600-0 and 0711-192-8290-0 at 3895 Vilas Hope Road – petition for rezone of 34.14 acres from FP-35 to FP-1, .97 acres from FP-35 to RR-2, and .01 acres from RR-2 to FP-1 to adjust lot line to include driveway and outbuilding in the residential lot (DCPREZ-#12121). Discuss/Consider combining CUP and Design Review steps: Mr. Gaber was present. Hampton suggested a motion for approval include language that an exception to the 2-acre maximum for residential lots is allowed in order for the residence, entire driveway and outbuilding to be on one lot. **MOTION** by Fonger/DuPlayee to accept the Plan Commission's recommendation to rezone 34.14 acres from FP-35 to FP-1, .97 acres from FP-35 to RR-2, and .01 acres from RR-2 to FP-1, also incorporating Hampton's suggestion above. **MOTION CARRIED 5-0.**
  - 2. Set date for Public Hearing for proposed changes to the Comprehensive Plan: **MOTION** by DuPlayee/Fonger to hold the public hearing on January 20, 2025 at 7:00 P.M. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of 2025-2029 Solid Waste Management Agreement with Waste Management of Wisconsin, Inc.: The Clerk-Treasurer stated that Town Attorney William Cole confirmed this draft is consistent with the Board's discussions. **MOTION** by Fonger/Anders to approve the agreement as drafted. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
DECEMBER 2, 2024

- D. Discuss/Consider quote from Jewell Associates Engineers, Inc. to inspect the Natvig Road bridge, and apply for costing-sharing replacement of the bridge: Quotes from Jewell were \$1,000 (estimated time and materials) to inspect the bridge and \$500 (flat rate) to submit a 2025 WisDOT LRIP Grant application. **MOTION** by DuPlayee/Fonger to approve both quotes. Dresen mentioned that the bridge is scheduled for inspection by Dane County in 2025, and there was discussion about whether two inspections were necessary. Dresen will inquire about the timing of the County inspection. **MOTION FAILED 0-5. MOTION** by Fonger/DuPlayee to table until the December 16<sup>th</sup> meeting. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of RFP installation of solar panels for the Town Hall and Town Garage: The Town Attorney had advised that since the cost of the solar project exceeds \$25,000, the Town will need to go out for bid. Williams stated that she had not had time to complete the RFP. Specifications for the solar installations were discussed. The Clerk-Treasurer will draft the RFP for consideration at the December 16<sup>th</sup> meeting. She will set a Class 2 Notice of the RFP to publish on December 17<sup>th</sup> and 23<sup>rd</sup>, with bid opening at 9:00 a.m. on December 31<sup>st</sup> and awarding of the bid at the January 6<sup>th</sup> Town Board Meeting.
- F. Discuss/Consider approval of RFP to build up and install Permaseal membrane over existing roof at 4091 CTH N: This project also exceeds \$25,000, and therefore must be bid. **MOTION** by Williams/DuPlayee to approve the RFP with two changes: Bid opening to be at 9:00 a.m. on December 31<sup>st</sup> and the project must be completed by June 1, 2025. A Class 2 Notice will be published on December 17<sup>th</sup> and 23<sup>rd</sup>, with awarding of the bid at the January 6<sup>th</sup> Town Board Meeting. **MOTION CARRIED 5-0.**
- G. Discuss/Consider attendees for DCTA Meet the Dane County Highway Commissioner on December 10: **MOTION** by Anders/Williams to allow up to four Town Board Members to attend. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits: Dresen issued a permit after the fact to a property owner he caught installing a sprinkler system in the right-of-way. He noted that this is not something he would permit if he knew about it in advance, but fortunately they did contact Digger's Hotline.
- B. Snow equipment is all on the trucks, and they made their first application of brine on some hills today.

IV. CLERK-TREASURER'S OFFICE UPDATE: Now that the tax levy has been adopted, she will get the mill rate worksheet submitted to the Dane County Treasurer ASAP so tax bills can be created. Staff will also be sending out annual dog license renewals soon.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton reported that the December Plan Commission Meeting will be held on the 18<sup>th</sup>, and that Stormwater Consultant Chuck Nahn has provided a report on his November 15<sup>th</sup> educational presentation to Monona Grove High School students.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: Williams reported that the Town of Oakland has decided to split between multiple EMS providers, none of which are Deer-Grove EMS. The Village of Cambridge will stay with their current service. She noted that Chief Lang has invested considerable time and energy in working with them for the best solution, but they did not see it that way. The Commission will conduct the Chief's annual evaluation in January. The

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
DECEMBER 2, 2024

hiring process for two full time paramedics is generating a lot of interest. Chief Lang said they have 12 interviews scheduled.

- B. Natvig Landfill Monitoring Committee: Anders reported that the committee approved the bills and reviewed recent test results, which all showed zero detects.
- C. Cottage Grove Fire Commission: DuPlayee reported that the Village Board did not approve the Village's annual \$20,000 contribution to the ESB Repair Fund. They would like to see a list of planned projects first. Town commission members told them that the fund has been used for unexpected expenses, and Hampton said the furnace that went out today is a perfect example of why it is needed. Anders said the Clerk-Treasurer provided the original agreement creating the fund to the Village, which was incorporated into the current Fire Protection Agreement with much clearer language.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:14 P.M.

Kim Banigan, Clerk-Treasurer

Approved 12-16-2024

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
DECEMBER 16, 2024

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's website. Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, Fire Chief Nick Archibald, Assistant Fire Chief April Hammond, and Deputy Eric Miller (through item II. B).
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Flag Pledge.
- D. Discuss/Consider approval of minutes of previous meetings: **MOTION** by Williams/DuPlayee to approve the minutes of the December 2, 2024 meeting as presented. **MOTION CARRIED 5-0.** **MOTION** by DuPlayee/Anders to approve the minutes of the November 18, 2024 closed session as presented, and to make them an open record. **MOTION CARRIED 5-0.**
- E. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve checks #37550-37581, and EFTs in the amount of \$12,295.64. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Anders/DuPlayee to approve payment of \$2,229.00 to General Engineering for November building permits. **MOTION CARRIED 5-0.**
- F. Public Concerns: None.

II. BUSINESS

- A. Review November Police Activities: The monthly report showed 223 calls for service and 126 citations issued in November. Deputy Miller said they are still seeing excessive speeds on Vilas and Gaston Roads, although the recent weather has tempered them somewhat. Speeding on American Way seems to be reduced. He issued a reminder for residents to lock their garages and cars that are remote started.
- B. Discuss/Consider recommendation for additional speed limit signs on Vilas Road: A memo from Deputy Grafton suggested additional 45 mph speed limit signs on Vilas Road between Coffeytown and Hope Roads. Dresen reported that he has already installed one northbound sign between Bass and Gladeview Roads, and identified locations for one more northbound and two southbound signs. Hannah Hammond, 3812 Vilas Road, said she hopes additional enforcement will continue in the spring when the motorcycles come back out. There was also discussion that additional 45 mph signs are needed on Vilas Rd. between Hope Rd. and US Hwy 12/18, and on Hope Rd. **MOTION** by Anders/DuPlayee to approve up to 8 additional 45 mph signs to be installed on Vilas and Hope Roads early in 2025, including flags. **MOTION CARRIED 5-0.**
- C. Discuss/Consider quote from Jewell Associates Engineers, Inc. to inspect the Natvig Road bridge, and apply for cost-sharing replacement of the bridge (tabled on December 2nd): Dresen reported that he learned from Dane County that the 2025 bridge inspections will be performed by consultants hired by WisDOT. There will be no cost to the Town, however, the contract has not even been let out for bid yet, so they are not likely to occur until later in the year, and results of other inspections performed by Town-hired contractors will not count. **MOTION** by DuPlayee/Hampton to approve the agreement for Jewell Associates to inspect the Natvig Bridge in the spring of 2025 for \$500, and to submit for the 2025 WisDOT LRIP Grant Program for Natvig Road and Bridge for \$1,000. Unassigned funds should be used for both agreements. **MOTION CARRIED 5-0.**
- D. Review/Finalize use of American Recovery Plan Act funds: The Clerk-Treasurer provided a list of ARPA expenditures, including dates they were approved by the Town Board (attached as Exhibit

TOWN OF COTTAGE GROVE  
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A). She asked for the Board's final blessing before she closes out the account and prepares for the final report due in the spring. **MOTION** by Williams/DuPlayee to recognize the final report of ARPA expenditures and that important work was accomplished through this funding. **MOTION CARRIED 5-0.**

- E. Consider approval of RFP for solar panels for the Town Hall and Town Garage: **MOTION** by Williams/Anders to approve the RFP as presented. **MOTION CARRIED 5-0.**
- F. Discuss/Consider Driveway Inspections: The Fire Department recently evaluated Town driveways for accessibility, and the Town Clerk's office sent notices to addresses with driveways that could obstruct access by fire trucks, either due to branches and shrubbery, or due to narrow width, grade, curves, etc. Most residents were thankful of the notification and many reported back that they had taken steps to reduce the encroachments. A few wanted someone to inspect them afterwards. Discussion was how to address the ones that are not easy to remedy and are not in compliance with the Town's driveway ordinance, as well as how to ensure that new driveways are built as required by the ordinance. **MOTION** by Williams/DuPlayee to table until January 20<sup>th</sup>, to allow the Clerk-Treasurer to work with the fire department to identify the driveways most in need of remedy. **MOTION CARRIED 5-0.**
- G. Discuss/Consider insurance coverage options for 2025: **MOTION** by DuPlayee/Fonger to opt for the \$1,000,000 Cyber Liability Insurance from Beazley Insurance Company, for a total Annual premium of \$1,730, and to decline the increase in the crime limit from \$50,000 to \$100,000 and the increase on property deductible from \$1,000 to \$2,500. **MOTION CARRIED 5-0.**
- H. Discuss/Consider attendees for 2025 WTA District Meeting: **MOTION** by Anders/Williams to approve up to 4 attendees for the virtual Board of Review training on March 18<sup>th</sup>. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

- A. Report of Road Right-of-Way permits: Dresen reported he issued a permit to Charter-Spectrum to bury a line that has been above ground at the Glacial Drumlin Trail on Ridge Road since it was damaged by an Alliant Energy project.
- B. They have been applying brine to roads ahead of possible icing events and so far, he thinks it is working well.

IV. CLERK-TREASURER'S OFFICE UPDATE: The office carpet was cleaned recently and looks much better. Phone service is scheduled to switch to HostMySip tomorrow.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton reported that they met the new County Highway Commissioner. He asked if there is any interest in pursuing the Natvig/CTH N intersection, and there was none.

VI. COMMITTEE REPORTS: Williams reported that a DGEMS ambulance was rear-ended on I-94. Fortunately, there were no injuries. Anders said the ambulance is being evaluated by a repair facility.

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

Kim Banigan, Clerk-Treasurer  
Approved 01-06-2025

**Town of Cottage Grove**  
**ARPA FUNDS**  
**All Transactions**

	Date	Name	Memo	Amount	Balance
<b>26100 - Deferred ARPA Funding</b>					
	12/31/2021		Reclassify ARPA Funds To Deferred Revenue	207,453.08	207,453.08
	06/21/2022	Wisconsin Department of Revenue	ARPA Local Recovery Funds received	207,453.08	414,906.16
	07/15/2022	Paragon Development Systems, Inc.	2022 ARPA Expense - Badger Books TB 03/07/22	-5,928.00	408,978.16
	07/15/2022	Paragon Development Systems, Inc.	2022 ARPA Expense - Badger Books TB 03/07/22	-2,251.00	406,727.16
	07/22/2022	Horstman, Monona Plumbing	2022 ARPA Expenses - Town Hall WiFi upgrade, Water Softener, Drinking Fountain TB 01/17/2022	-3,943.99	402,783.17
	08/29/2022	Village of Cottage Grove	2022 ARPA Expenses - To Cover Chipseal Project TB 09/06/2022	-22,307.60	380,475.57
	08/30/2022	Wolf Paving & Excavating Co.	2022 ARPA Expenses - Paving Projects Over Budget TB 06/06/2022	-38,161.66	342,313.91
	08/30/2022	Inclusion Solutions, LLC	2022 ARPA Expenses - 4 Station Election Self Booth TB 08/15/2022	-1,044.04	341,269.87
	08/31/2022	Inclusion Solutions, LLC	2022 ARPA Expenses - Election 4 Station Shelf Voting Booth TB 08/15/2022	-993.28	340,276.59
	09/29/2022	Village of Cottage Grove	2022 ARPA Expenses - Clark Street Improvements - Town Share - TB 07/18/2022	-28,890.00	311,386.59
	12/19/2022	Lee Recreation, LLC	2022 ARPA Expenses - Bass Park Zip Line - TB 06/22/2022	-4,761.00	306,625.59
	12/19/2022	J R's Mulch Sales, Inc.	2022 ARPA Expenses - Bass Park Certified Play Mat TB 10/17/2022	-2,570.75	304,054.84
	02/22/2023	All Traffic Solutions	2023 ARPA Expenses - 2 Speed Boards TB 10/18/2022	-13,142.40	290,912.44
	03/07/2023	General Communications	2023 ARPA - CGFD Portable Radios - Town Share TB 03/07/2022	-30,039.35	260,873.09
	05/04/2023	General Communications	2023 ARPA Expenses - CGFD Mounted Radios TB 03/07/2022	-14,950.65	245,922.44
	06/05/2023	Lee Recreation, LLC	2023 ARPA Expenses - SY-3096 Synergy Play Structure - portion funded with ARPA Fees TB 03/20/2023	-14,107.67	231,814.77
	06/05/2023	Deer-Grove EMS	2023 ARPA Expenses - DGGEMS Radios TB 03/07/2022	-16,223.38	215,591.39
	10/06/2023	Fahrner Asphalt Sealers, LLC	2023 ARPA Expenses - Sealcoating per TB 10/24/2022	-80,000.00	135,591.39
	10/06/2023	Wolf Paving & Excavating Co.	2023 ARPA Expenses - patch & cold mix per TB 10/24/2022	-11,000.00	124,591.39
	11/17/2023	COWS - UW Madison	2023 ARPA Expenses - Koshkonong Creek Collaborative per 2023 budget	-5,000.00	119,591.39
	01/10/2024	All Traffic Solutions	2024 ARPA Expenses - CGFD Pagers (Town Share) as per 2024 budget	-6,816.46	112,774.93
	05/29/2024	All Traffic Solutions	2024 ARPA Expenses - ESB Security Security System - Town Share - 2024 Budget	-36,765.00	76,009.93
	06/03/2024	General Communications	2024 ARPA Expenses - 2 Radios bought with surplus CGFD pager funds as per 2024 budget	-1,556.39	74,453.54
	06/19/2024	General Communications	2024 ARPA Expenses - ESB Antenna using surplus pager funds per 2024 Budget	-1,402.00	73,051.54
	10/24/2024	RG Huston, Town & Country Engineering	2024 ARPA Expenses - Vilas Road Culvert Replacement portion not covered by Bridge Aid per 2024 budget	-65,855.01	7,196.53
	11/01/2024	Reliant Fire Apparatus, Inc	2024 ARPA Expenses - S1 Outfitting - Equipment mounting (Town Share) per 2024 Budget	-2,239.77	4,956.76
	11/01/2024	Cottage Grove Fire Dept Association	2024 ARPA Expenses - S1 Outfitting - Tools (Town Share) per 2024 Budget	-547.00	4,409.76
	11/18/2024	High Tech Heating & A/C Inc.	2024 ARPA Expenses - Garage Furnace Replacement TB 11/06/2024	-4,409.76	0.00
Total 26100 - Deferred ARPA Funding				0.00	0.00
<b>TOTAL</b>				<b>0.00</b>	<b>0.00</b>