

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JANUARY 4, 2010

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached attendance sheet (available in the Clerk's office). Crystal Buck and Kelly Zylstra of Crispell-Snyder, Inc. arrived at 8:00 P.M. and left after their agenda item (II. J.) Attorneys Connie Anderson and Paul Kent were present for agenda item II. J. and the closed session.
- B. Chairman Hampton called the meeting to order at 7:04 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kessenich/Kindschi to approve the minutes of the December 21, 2009 Public Hearing and Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by Anders/Fonger to approve payment of bills corresponding to checks #17057 – 17104 as corrected (check #17099 should be charged against expense account 52140 – Landfill Monitoring – Town. Check #17071 should be charged against expense account 50270 – Town Board Litigation Expenses.) **MOTION CARRIED 5-0.**
  2. **MOTION** by Anders/Kindschi to approve payment of 2009 committee member per diems as presented. **MOTION CARRIED 5-0.**
  3. **MOTION** by Fonger/Kessenich to approve payment of \$875.00 to Tom Viken for December 2009 building permits. **MOTION CARRIED 5-0.**
  4. **MOTION** by Anders/Kindschi to approve payment of December 2009 Town Board per diems as presented. **MOTION CARRIED 5-0.**
  5. The Treasurer noted that mileage reimbursement has dropped to 50 cents per mile for 2010. She reported that almost \$4 million in property taxes was processed in December, and the first transmittal to the County is complete.
- E. Public Concerns: Gene Wagner, 1585 County Road BB expressed concerns over new refuse pickup contractor Veolia Environmental Services. He stated that he was not delivered with the size of carts he ordered, and they were delivered at the intersection of Wagner Road rather than at the end of the blacktop where he is accustomed to having his refuse picked up. He also said that Veolia has not been returning his phone calls. The clerk said she will contact Veolia, and asked him to call her if he has any more concerns.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider approval of 2009 Budget Amendments: No amendments are necessary.
- B. Discuss/Consider creation of a designated fund to carry over unspent funds budgeted for parks: **MOTION** by Kindschi/Fonger to NOT create a designated fund for future park equipment purchases. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of Letter of Intent to join Dane County's new interoperable emergency communication radio system, including commitment to contribute to annual operating and maintenance costs of the system starting in 2013: **MOTION** by Anders/Kessenich to table this agenda item, and hold a special meeting after the DCTA and

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DCCVA have met with the County Executive on this issue. The special meeting was tentatively set for January 14<sup>th</sup> at 6:00 P.M. **MOTION CARRIED 5-0.**

- D. Discuss/Consider approval of 2010 Deer-Grove EMS Budget: **MOTION** by Anders/Kessenich to schedule a meeting of the four municipalities that make up the DGEMS District for the purpose of approving the DGEMS 2010 budget prior to January 31, 2010. The date of January 14<sup>th</sup> was suggested as a possible date for this meeting. **MOTION CARRIED 5-0.**
- E. Discuss law enforcement options for 2011 and beyond: **MOTION** by Kessenich/Anders to schedule a joint meeting with the Village Board to discuss this. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of attendees for 2010 WTA District meetings/Board of Review training: **MOTION** by Hampton/Anders to approve four attendees for the upcoming training sessions. Board members will need to confirm which session they will attend and a check is to be prepared for approval at the February 1<sup>st</sup> meeting. **MOTION CARRIED 4-0** (Kessenich was out of the room for the vote).
- G. Discuss/Consider approval of proposed amendments to Chapter 10 of the Dane County Code of Ordinances:
1. Ord. Amend. No. 44, 2009-2010 Creating a Planned Unit Development (PUD) District: Kessenich noted that the DCTA supports this amendment. **MOTION** by Kessenich/Hampton to approve the amendment as presented. **MOTION CARRIED 4-0.** (Anders was out of the room for the vote).
  2. Ord. Amend. No. 45, 2009-2010 Creating Transfer of Development Rights (TDR) Zoning Districts. Kessenich stated that the DCTA indicated there will most likely be more changes to this ordinance, and suggests towns either approve or take no action. **MOTION** by Hampton/Fonger to approve the amendment as presented. **MOTION CARRIED 3-2** (Kindschi and Kessenich opposed).
- (Anders left for an EMS call)
3. Ord. Amend. No. 46, 2009-2010 Regarding copy area of signs. Kessenich noted that the DCTA supports this amendment. **MOTION** by Kessenich/Fonger to approve the amendment as presented. **MOTION CARRIED 4-0.**
- (Anders returned)
- H. Consider adoption of amendment to TCG Ordinance Section 11.02 Open Burning and associated permits: Corrections were noted as follows:
- (3)(c) ...Department of Industry, Labor and Human *Relations*. This same change must be made on each of the associated permits.
  - (5)(c) ...by the town chair *or* their designee.
  - (7)(d) Outdoor furnace installations completed prior to January 4, 2010 will be considered grandfathered in for the purposes of (b) and (c) above.
- MOTION** by Kessenich/Hampton to adopt the ordinance as amended. **MOTION CARRIED 5-0.**
- I. Consider adoption of TCG Ordinance Section 16.04 Regulation of Waste Treatment, Disposal and Storage, including revisions to TCG Ordinance Section 16.02 Solid Waste Disposal: The clerk had found two examples of ordinances from towns in Michigan authorizing their town boards to establish landfill evaluation fees on a case by case basis. The Clerk will check with the WTA to see if they recommend such an ordinance. **MOTION** by Hampton/Anders to table the agenda item until February 1<sup>st</sup>. **MOTION CARRIED 5-0.**

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- J. Discuss/Consider approval of 2010 Agreement with Crispell-Snyder, Inc. for Professional Consulting Services for Preparation of Comprehensive Plan Amendments and Boundary Agreement: Attorney Connie Anderson presented a handout containing her comments regarding the terms and conditions in the proposed agreement. Specifically, she suggested the following:
- Paragraph 2: Allow up to 60 days (rather than 30) for the Town to provide written notice of an objection to an invoice.
  - Paragraph 4: Define more clearly how an ‘equitable adjustment’ is to be arrived at by both parties. Add: Unilateral adjustments are expressly prohibited.
  - Paragraph 5: Incorporate Zlystra’s email definition of termination costs “*the costs we would incur while providing the Client with copies of their maps, reports, plans, specs, etc that the Client would request. These costs would be at the hourly rates and reimbursable rates shown in the contract. If termination should occur, we could provide the Town with an estimate of these expenses prior to undertaking the reproduction process*” into the agreement
  - Paragraph 8: Confirm that the Town does not waive its governmental immunity.
  - Strike Paragraph 10 (Limitations on Liability) and Paragraph 18 (Statutes of Limitation).

Zlystra said she will take Anderson’s recommendations to her CEO for approval, and re-draft the terms and conditions for the January 18<sup>th</sup> meeting.

- K. CONSIDER/ADOPT MOTION TO MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to the Olson case: **MOTION** by Anders/Kindschi to move into closed session for the purpose stated above. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE** .
- L. MOVE INTO CLOSED SESSION: Everyone except board members, attorneys and the Clerk were asked to leave. The closed session began at 9:04 P.M.
- M. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Kindschi/Anders to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE**. The closed session ended at 9:47 p.m.
- N. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: None.

III. CLERKS REPORT

- A. Dane County Ordinances: None.

IV. Board Reports and other Communication: None.

V. Committee Reports: None.

VI. Adjournment: **MOTION** by Hampton/Anders to adjourn. **MOTION CARRIED 5-0**. The meeting was adjourned at 9:48 p.m.

Kim Banigan, Clerk  
Approved 1-18-2010

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I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson and Mark Hazelbaker of the DCTA were also present, along with those listed on the attached attendance sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Kessenich/Kindschi to approve the minutes of the January 4, 2010 Town Board Meeting with the following corrections:
    - In item II. G. 2. add *Kessenich stated that the DCTA indicated there will most likely be more changes to this ordinance, and suggests towns either approve or take no action.*
    - In item II. G. 3. add *Kessenich noted that the DCTA supports this amendment.*
    - In item II. M. add the time the closed session ended (9:47 P.M.)**MOTION CARRIED 5-0.**
  2. **MOTION** by Anders/Kessenich to approve the January 4, 2010 closed session minutes as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by Kessenich/Kindschi to approve payment of bills corresponding to checks #17105 – 17170 as presented. **MOTION CARRIED 5-0.** There was discussion about the Crispell-Snyder bill corresponding to check #17153, and the Treasurer was directed to pull the last 4 Crispell-Snyder bills looking for any billed contact from Ellery Jensen.
  2. The Treasurer noted that a refund in the amount of \$1,112.09 has been received for 2009 fuel tax. She also said that 2009 actuals are looking good at this point, and the auditors will be in house on January 26<sup>th</sup> and 27<sup>th</sup>.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider adoption of an introductory resolution to vacate a portion of Laudon Road: Hampton read the resolution, which requires filing of a notice of pendency as well personal delivery of the resolution to the affected landowners prior to a public hearing, noticed by class 3 publication, in no less than 40 days. **MOTION** by Kindschi/Kessenich to adopt the resolution as read. It will be resolution 2010-01. **MOTION CARRIED 5-0.**
- B. Dane County Towns Association Exec Board – discuss TDR issue with Town Board: Mark Hazelbaker addressed the board representing the DCTA. He said that the biggest underlying question is whether TDRs will work economically on a county wide basis, but if the ordinance is not passed, there will just be more time and money spent studying the issue without knowing if it will even work. In contrast to earlier versions of the ordinance, the current version does not have a sunset date. The agricultural conservation easements it would create go to only the county and the town, no third party. It would be driven by what towns do with their comprehensive plans, including creation of a TDR program, ratios, and receiving areas. The county has shown good faith in accepting receiving areas ad designated by the Towns. The level

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of buy-in from cities and villages is yet to be seen, and there would need to be resolution/mediation involving areas under their ETJ.

Hazelbaker spoke briefly on a Planned Urban Development (PUD) District, stating that it has the advantage of having zoning and development plans up for approval simultaneously.

Finally Hazelbaker commented on the Capital Area Regional Planning Commission (CARPC), saying that their progress on development of Future Urban Development Area (FUDA) plans has been extremely slow, and that TDRs could be integrated into the FUDA plans. He also noted that there will be a vacant seat on the CARPC in May.

- C. Discuss/Consider approval of 2010 Agreement with Crispell-Snyder, Inc. for Professional Consulting Services for Preparation of Comprehensive Plan Amendments and Boundary Agreement:
- Item 5. Termination still needs the addition of *These costs would be at the hourly rates and reimbursable rates shown in the contract.*
  - Item 8. Insurance still needs the addition of *The Town does not, whether by this paragraph or others in the agreement, waive its governmental immunity.*
  - Item 12. The Board is not comfortable with CSI retaining ownership of instruments of service, and directed the clerk to consult with the attorney about this point.

No action was taken, and the agreement will be back on the February 1<sup>st</sup> agenda.

- D. Discuss/Consider approval of Letter of Intent to join Dane County's new interoperable emergency communication radio system, including commitment to contribute to annual operating and maintenance costs of the system starting in 2013: Hazelbaker stated that the system upgrade is necessary, but that the County Executive's original proposal to the municipalities was unacceptable. The DCCVA has a compromise of 50% on the table at this point, and the time for municipalities to indicate their intent to participate or not has been extended until February 1<sup>st</sup>. The board took no action, and the matter will be on the February 1<sup>st</sup> agenda.
- E. Discuss/Consider approval of attendee(s) for Jan. 27, 2010 Dane County Towns Association Meeting: Kindschi indicated he may be able to attend. If not, Anders will attend but will need to miss the Plan Commission meeting to do so.
- F. Discuss/Consider approval of Deer-Grove EMS 2010 Budget: DGEMS Commission Chair Kevin Hoey was present for the discussion. Initial discussion by the board was that approval of the budget should wait until the results of the 2009 audit are known, either at the April Joint Town/Village meeting, or at a meeting of the four municipalities at the end of March. Hoey said that if there is not a decision by the end of January, the commission may ask for arbitration. At this, there were questions about why the commission would press for arbitration when the 2009 budget, which they would continue to operate under without approval of the 2010 budget, is a larger amount than the proposed 2010 budget? In response, Hoey and Hampton asked what additional information board members are looking for. Hoey noted that the 2010 proposed budget is \$16,000 - \$18,000 less than the 2009 budget, and includes more detail than has been provided in previous years. He addressed the possibility of a large surplus for 2009 by saying that run fees were higher than budgeted because Lifequest, who supplies the run fee projections, did not have any data to project fees for service to Pleasant Springs, which lead to a conservative projection.

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Kessenich stated that she has not been provided with all of the documentation she has requested, specifically relating to continuing education expenses. She questioned why the DGEMS Chief has been absent from most of the budget discussions, stating that it is his job to prepare the budget, not the commission's. She questioned why the agenda for the commission's upcoming agenda includes discussion of outsourcing of payroll and bookkeeping, and suggested that if these are being explored, the extra time before the 2010 budget is approved could be used to incorporate any such changes.

III. CLERKS REPORT

- A. Dane County Ordinances: The clerk distributed copies of Sub. 1 to Ordinance Amendment 21, 2009-2010, Amending Chapter 10 of the Dane County Code of Ordinances, Regarding Residences in the Exclusive Agriculture District. The Board will consider the amendment at the February 1<sup>st</sup> meeting.

IV. Board Reports and other Communication:

- A. Hampton reported that Gardiner Appraisal sent a sample resolution opposing countywide assessment.

V. Committee Reports:

- A. Emergency Government Committee: Anders reported that they were working on badges and assignment of emergency tasks, and are planning a tabletop exercise for the summer.
- B. Kessenich asked about the Dane County Emergency Services Commission meeting scheduled to be held at the Cottage Grove Emergency Services Building on January 20. Their agenda includes level of service change for DGEMS. Other board members were unaware of the meeting.

- VI. Adjournment: **MOTION** by Kindschi/Kessenich to adjourn. **MOTION CARRIED 5-0**. The meeting was adjourned at 9:16 p.m.

Kim Banigan, Clerk  
Approved 2-1-2010

TOWN OF COTTAGE GROVE  
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FEBRUARY 1, 2010

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, and Mike Kindschi in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached attendance sheet (available in the Clerk's office). Police Chief John Gould was also present for a portion of the meeting.
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Kindschi/Fonger to approve the minutes of the January 18, 2010 Town Board Meeting as written. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by Anders/Kindschi to approve payment of bills corresponding to checks #17171 – 17209 as presented. **MOTION CARRIED 4-0.**
  2. **MOTION** by Kindschi/Anders to approve payment of the Town's portion of the new ambulance (based on equalized values from 2008, which were used to split DGEMS expenses in 2009 when the ambulance purchase was approved). **MOTION CARRIED 4-0.** The treasurer will prepare a check in the amount of \$22,532.72. Hampton suggested that funds allocated for the second installment of 2010 DGEMS expenses could be used to cover the expense for now, until the results of the 2009 audit are known. At that time, the Board will need to decide whether to use undesignated funds or secure a loan to cover the cost of the ambulance. (This action took place later in the meeting when Hampton remembered that this was missed during the finance report and approval of bills).
  3. The Treasurer stated that she is holding payment for the December 2009 billing from the Village of Cottage Grove for police department expenses until she receives clarification on the amount billed. She said that police billings are routinely coming from the Village later than she would like, and for the second year in a row this is interfering with the Town's audit.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider per diem rates for board members serving on committees/commissions: The January 2010 report from the Wisconsin Towns Association states that board members serving on committees/commissions cannot be paid for meetings at a higher per diem rate than non-board members, as per s. 66.0501(2), Wis. Stats. After reviewing the statute, the board did not have the same interpretation, and directed the Clerk to research this further. **MOTION** by Anders/Fonger to approve January Town Board and committee/commission per diems as presented, along with payment of \$200.00 to Tom Viken for January building permits. **MOTION CARRIED 4-0.**
- B. Discuss/Consider approval of an Amendment to the 2009 Town of Cottage Grove Budget: The clerk explained that the adjustment made to Police Wage and Invoice Payments with Budget Amendment 2009-02 was in error, and the proposed amendment is to reverse this. **MOTION** by Fonger/Anders to approve Budget Amendment 2009-03 as presented. **MOTION CARRIED 4-0.**

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- C. Consider approval of CSM for Randy Letlebo – 1908 Strawberry Road: In addition to the CSM, the board also reviewed deed restrictions for no further residential development for lots 1 and 2 of the CSM. **MOTION** by Anders/Fonger to approve the CSM dated 1-13-2010 and identified as File No. 05-50(2009). **MOTION CARRIED 4-0.**
- D. Discuss/Consider approval of the use of Bass Park for the 2010 spring and fall soccer seasons: The Bass Park neighbors present said that the fall 2009 season went much better than the spring season had, with much more reasonable access to the park and awareness of the situation by soccer participants. Carl Pulvermacher said that they had prohibited parking on the opposite side of the street, and scheduled games two hours apart to keep traffic down. He said that in 2010 there are five Cottage Grove teams in the U11-12 age group that plays at Bass Park, which would mean 20 games in 9 weeks, or about 2 games per week. He asked the board for some flexibility for Monona teams to play at Bass Park should their field at Ahuska Park in Monona be too wet in the spring. He stated the worst case scenario would four games per weekend. He also asked for flexibility regarding game start times, still adhering to the 2 hours between game starts, but the board was not in favor of tying up the park for more of the day. Pulvermacher said he hopes there will be no need to use Bass Park as a practice field. **MOTION** by Hampton/Anders to strongly discourage any practice sessions being held at Bass Park, and to allow up to 4 games per weekend, no more than 2 per day, for the spring and fall 2010 soccer seasons. Saturday games are to start at 9:00 a.m. and 11:15 a.m., and Sunday games are to start at 12:30 p.m. and 2:45 p.m. Reasonable modification is allowed to accommodate rainouts or other weather situations. **MOTION CARRIED 4-0.**
- E. Discuss/Consider adoption of the State of Wisconsin Department of Transportation Classified Equipment Rates: Hampton said that the Fire Chief does not want to adopt the State rates for fire apparatus, as the Town's current rates are higher. Smith stated that in the case of FEMA reimbursements for disaster cleanup, etc., if the Town has adopted State rates, there will be the choice whether to use FEMA or State rates. Without adoption of State rates, the choice is limited to FEMA rates only. State rates are higher than FEMA rates on some things, lower on others. The Board directed the Clerk to prepare a resolution for the next meeting to adopt the State rates but exempt rates for fire apparatus.
- F. Plan Commission Recommendations:
1. Yahara Materials, Inc. (Parcel 0711-304-9671-7) - reconsider rezone from A-1EX to C-2 (approved April 6, 2009) in light of revised zoning petition to Dane County to accommodate development of a bus transportation service: **MOTION** by Hampton/Fonger to accept the Plan Commission recommendation to reaffirm approval of 19 acres from A1-EX to C-2 for bus transportation service, with conditions as approved on March 25, 2009. The driveway must be built to town road standards. **MOTION CARRIED 4-0.**
  2. Daniel Goff, 3023 County Road BB. - .8 acres currently zoned C-2, restricted to only permitted use (c) sales of new and used motor vehicles. Petition is to add permitted use (w) all uses permitted in the LC-1 Limited Commercial District. **MOTION** by Fonger/Kindschi to accept the Plan Commission recommendation to restrict uses on the .8 acres zoned C-2 to (c) sales of new and used motor vehicles, and (w) uses permitted in the LC-1 Limited Commercial District limited to (a) General, mechanical and landscape contracting business and buildings used in connection with such activity and (b) Storage of construction equipment necessary for the operation of a general, mechanical or landscape contracting business, with a limit of 12 items of equipment stored on the zoning lot. **MOTION CARRIED 4-0.**

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3. John & Patty Leonhardt – 3479 Natvig Road, Parcel #0711-283-8310-1 – Discuss/Consider approval of rezone of 3.44 acres from RH-2 to A-2 with a conditional use permit for a four seasons store and sale of Christmas trees: **MOTION** by Kindschi/Anders to accept the Plan Commission recommendation to approve the rezone of 3.44 acres from RH-2 to A-2(2) with conditional use (m) Limited family business subject to s. 10.192. **MOTION CARRIED 4-0.**
4. Skaar Living Trust – Larry G. Skaar:
  - a) Discuss/Consider approval of rezone of .934 acres from A1-EX to R-1 to separate house and some outbuildings at 3287 Field View Lane from the farm (parcels 0711-332-9631-0 and 0711-332-9001-0): **MOTION** by Anders/Kindschi to accept the Plan Commission recommendation to approve the rezone subject to siting of a new driveway and a well agreement with the new owner when the residential lot is sold. **MOTION CARRIED 4-0.**
  - b) Discuss/Consider approval of rezone of 2.508 acres from A1-EX to A-2(2) to separate house and outbuildings at 3680 County Road N from farm land (parcel number 0711-281-8500-3): **MOTION** to accept the Plan Commission recommendation to approve the rezone as presented, noting that the acreage is over the 2.0 acre limit because due to the building layout, a smaller parcel size is not available. **MOTION CARRIED 4-0.**
  - c) Discuss/Consider approval of rezone of 2.045 acres from A1-EX to A-2(2) to separate house and buildings at 2480 Nora Road from farm land (parcel 0411-222-8500-4): **MOTION** by Anders/Kindschi to accept the Plan Commission recommendation to approve the rezone as presented. **MOTION CARRIED 4-0.**
5. Larry G. Skaar: Discuss/Consider approval of rezone of 1.44 acres from A-1EX to R-1 to separate house and some outbuildings at 3098 Hope Hollow Trail from farm land (.97 acres) and to create one additional residential lot (.47 acres): **MOTION** by Kindschi/Hampton to accept the Plan Commission recommendation to approve the rezone as presented, with a 66 foot right of way dedicated to the Town for Hope Hollow Road, and a cul-de-sac to be built at the time that the vacant lot is sold. The remaining acreage to be deed restricted for no further development. **MOTION CARRIED 4-0.**
- G. Consider adoption of TCG Ordinance Section 16.04 Regulation of Waste Treatment, Disposal and Storage, including revisions to TCG Ordinance Section 16.02 Solid Waste Disposal: There was discussion about the revision since the previous version to include fees covering the Town's expenses in evaluating the application, with no changes suggested. Penalties were also discussed, with the Board settling on a Class D forfeiture for violation, with consensus that the Clerk will modify the penalty language to state this. **MOTION** by Hampton/Fonger to amend TCG Ordinance Section 16.02 as presented and adopt TCG Ordinance Section 16.04 as amended tonight. **MOTION CARRIED 4-0.**
- H. Discuss/Consider approval of 2010 Agreement with Crispell-Snyder, Inc. for Professional Consulting Services for Preparation of Comprehensive Plan Amendments and Boundary Agreement: **MOTION** by Hampton/Fonger to approve the agreement as drafted. **MOTION CARRIED 4-0.**
- I. Update on Dane County's new interoperable emergency communication radio system: Police Chief Gould said that to his knowledge only four Dane County municipalities have signed the letter of intent to participate, and he had just come from the Village of Cottage Grove where their board had voted it down tonight. The WTA has recommended NOT participating. Kindschi attended a recent meeting, and he said that municipalities who rely on others to provide

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emergency services feel it may not be up to them whether to participate or not. Some small municipalities may be better off with a pay per use system, although there were questions about whether the cost would then be passed on to consumers. The only other county not funding their radio system on the county tax roll is Waukesha County, and after 10 years they are still working out bugs. This topic will be on the February 15<sup>th</sup> agenda for action.

- J. Discuss/Consider celebration of the 110th birthday of Flynn Hall: Hampton was contacted by the Historical Society about holding a celebration, possibly in the Fall of this year. There was talk of a fund raiser to finance a new roof for Flynn Hall. **MOTION** by Anders/Fonger directing the Flynn Hall Committee to participate in planning of the 110<sup>th</sup> birthday celebration. **MOTION CARRIED 4-0.**
- K. Discuss agenda items for the Annual Town Meeting on April 13, 2010: The only addition to the usual business conducted at the Annual meeting was the 110<sup>th</sup> Birthday Celebration of Flynn Hall.

III. CLERKS REPORT

- A. Discuss/Consider approval of Sub 1 to Ord. Amdt. 21, 2009-2010, Amending Chapter 10 of the Dane County Code of Ordinances, Regarding Residences in the Exclusive Agriculture District: **MOTION** by Kindschi/Anders to approve the amendment as presented. **MOTION CARRIED 4-0.**

IV. Board Reports and other Communication:

- A. Hampton said he intends to attend a public hearing at the City of Madison regarding plans for a transfer station at the Rodefeld Landfill site.

V. Committee Reports:

- A. Parks, Recreation and Forestry Committee: No report.
- B. Deer-Grove EMS Commission: The new ambulance will arrive this week and be put into service on February 8<sup>th</sup>.
- C. Joint Town/Village Landfill Monitoring Committee: There have been no detects on monitoring probes. No other news to report.
- D. Law Enforcement Committee: The Police Union is still proceeding with a grievance on 2010 furlough days. The old squad car was sold for \$2,800.

VI. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:56 p.m.

Kim Banigan, Clerk  
Approved 2/15/2010

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
FEBRUARY 15, 2010

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Karen Kessenich in attendance. Clerk Kim Banigan and Treasurer Debbie Simonson were also present, along with those listed on the attached attendance sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
  - 1. **MOTION** by Anders/Kindschi to approve the minutes of the February 1, 2010 Town Board Meeting as written. **MOTION CARRIED 4-0-1** (Kessenich abstained).
- D. Finance Report and Approval of Bills:
  - 1. **MOTION** by Kessenich/Anders to approve payment of bills corresponding to checks #17210-17325 as presented. **MOTION CARRIED 5-0**. The checks included 2009 property tax overpayments.
  - 2. The Treasurer asked that February per diem reports be submitted by February 26<sup>th</sup>. She said that the 2009 audit is coming together, and her settlement with the Dane County Treasurer for 2009 property tax first installment payments is this Thursday.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider per diem rates for board members serving on committees/commissions: In her recent email, the Wisconsin Towns Association Attorney stated that in their opinion, s. 66.0501, Wis. Stats. means that board member per diem payments for committee meetings must be in the same amount as non-board committee member per diem payments. Board members disagreed with this interpretation. **MOTION** by Fonger/Kindschi to keep the per diem policy as is. **MOTION CARRIED 5-0**.
- B. Discuss/Consider approval of an Amendment to the 2010 Town of Cottage Grove Budget: **MOTION** by Anders/Kindschi to approve Budget Amendment 2010-01 as presented. **MOTION CARRIED 5-0**.
- C. Discuss/Consider approval of a portable toilet at American Heritage Park for 2010 Spring soccer season (approx. April 6 thru June 13): Tom Engle, Field Coordinator for the Monona Grove Soccer Club, made the request. No one was present to oppose, but the Clerk reported that she had a phone call from Richard Boyes at 4545 American Way. He did not oppose the placement of a portable toilet in the park, but expressed concern over its placement close to the residences. **MOTION** by Kindschi/Fonger to allow placement of a portable toilet at American Heritage Park for the spring soccer season, approximately April 6<sup>th</sup> thru June 13<sup>th</sup>, at the soccer club's expense. The board's preferred location was behind the posting box along the road, but final placement is to be determined by Highway Superintendent Jeff Smith. **MOTION CARRIED 5-0**.
- D. Discuss/Consider participation in Dane County's new interoperable emergency communication radio system: **MOTION** by Hampton/Kessenich to make no response to the request from the County Executive to sign a letter of intent to participate in the new radio system. While the Town Board is in support of and recognizes the need for a new radio system, the currently proposed funding formula is unacceptable. **MOTION CARRIED 5-0**.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
FEBRUARY 15, 2010

- E. Reaffirm adoption of TCG Ordinance Section 16.04 Regulation of Waste Treatment, Disposal and Storage by roll call vote: **MOTION** by Hampton/Anders to reaffirm adoption of the ordinance as presented. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.**
- F. Discuss amendments to TCG Ordinance Chapt. 07 Fees and Bonds, and miscellaneous other sections referring to Chapt. 07, to allow certain fees to be set by resolution of the Town Board: The clerk said that since Chapter 07 will need to be revised if the Town adopts State of Wisconsin DOT Classified Equipment Rates, the time seems right to follow through on an earlier directive from the Town Board to remove all actual fee amounts from Chapter 07 and allow them to be set by Town Board resolution instead. The red-line draft she had prepared was reviewed briefly, with a few changes suggested. The board will review again at the next meeting and potentially hold a public hearing followed by consideration of adoption on March 15<sup>th</sup>.
- G. Discuss Contents of 2009 Annual Report and Newsletter: The clerk asked for suggestions for articles to include. In addition to the usual inclusions, there will be information about recycling of electronics as required by Wisconsin Act 50, a list of ordinances that have been updated since last year's issue, and encouragement to residents to return their US Census surveys.
- H. Discuss creation of a park use reservation and/or rental policy, and a policy for dogs in parks: The clerk had prepared a spreadsheet showing policies of other local municipalities. In general, Towns had very little regulation of park use. Villages had more, but mostly relating to park shelters. Consensus was for the clerk to draft a revision of section 10.05, including:
- Renaming the section from Regulated Traffic in Public Parks to Regulated Use of Public Parks.
  - Adding the stipulation that any organized event must have prior approval of the Town Board.
  - Giving the Town Board authority to require a security deposit for cleanup or damage remediation.
- I. Discuss options for future police coverage: Kindschi had prepared a list of talking points on the subject (Exhibit A). The options discussed included continuing to operate a joint police department with the Village of Cottage Grove, contracting with the Dane County Sheriff's Department or other party (Village President Mike Mikalsen indicated that the Village would not be interested in provided contracted services), or relying on the Dane County Sheriff's normal coverage. Anders expressed his concern over a loss of control if the Town were to divest in its police department and contract instead, especially in regards to cost after the initial contract period is up and options are more limited.

The result of much discussion was a directive to the clerk to send a request to the Dane County Sheriff to provide a written quote ASAP for the cost of a deputy to be on duty in the Town 24 hours per day, 365 days per year, with no holes in the schedule due to illness, vacation or in-service, etc. The quote should include a patrol vehicle and all other equipment the deputy would need, along with a list of anything that the Town would need to provide. Questions to be addressed included what would happen if there was a natural disaster elsewhere in the County, would our deputy remain here or be required to respond elsewhere, and what additional support the deputy would need to enforce Town ordinances and appear in Town Court.

The Board plans to call a special meeting to review the Sheriff's response as soon as it arrives, and possibly invite the Sheriff to a later meeting to answer any questions.

III. CLERKS REPORT

TOWN OF COTTAGE GROVE  
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FEBRUARY 15, 2010

- A. Ord. Amdt. 45, 09-10 Amending Chapter 10 of the Dane County Code of Ordinances Creating Transfer of Development Rights (TDR) Zoning Districts (as amended and approved by the Dane County Board of Supervisors): There was discussion about whether the Town would be better off using the County's or the Town's TDR Ordinance, or whether they could co-exist. Participation in the County's ordinance is voluntary, and the Town would need to formally adopt it in order to participate. **MOTION** by Kessenich/Fonger to approve Ord. Amdt. 45, 09-10 as amended and approved by the Dane County Board of Supervisors on February 4, 2010, and by the County Executive on February 5, 2010. **MOTION CARRIED 5-0.**

IV. BOARD REPORTS AND COMMUNICATIONS

A. Hampton:

1. Payne & Dolan sent a notice regarding the I-94 project from County N to Airport Road that includes bridge work at Baxter and Ridge Road. Meetings to discuss the project with interested residents will be scheduled in the near future.
2. The Dane County Sheriff's 2008 Annual Report is available in the Town Office.
3. Hampton attended the public hearing regarding a proposal to construct a waste transfer facility at the Rodefild Landfill. He said they want to put two buildings on the far west end of the site, one to house the Clean Sweep program, and one for sorting of refuse.

- B. Anders attended a Village Public Relations Committee meeting where he was asked whether the Town has any interest in using the Village's broadcast services for materials generated in the Town. There was consensus to keep options open for this.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Emergency Government Committee: No Report

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

Kim Banigan, Clerk  
Approved 3/1/2010

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
MARCH 1, 2010

PUBLIC HEARING – PROPOSED VACATION OF A PORTION OF LAUDON ROAD

- I. Notice of the public hearing was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Board members present were Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, and Mike Kindschi. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith and Police Chief John Gould were also present, along with those listed on the attached attendance sheet (available in the Clerk's office).
- II. Hampton called the public hearing to order at 7:00 P.M., and asked if there were any comments or questions from the public regarding the proposed vacation of the old portion of Laudon Road. There were none.
- III. **MOTION** by Anders/Kindschi to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 7:01 p.m.

TOWN BOARD MEETING

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Attendance was as listed above for the public hearing.
- B. Chairman Hampton called the meeting to order at 7:01 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Fonger/Kindschi to approve the minutes of the February 15, 2010 Town Board Meeting as written. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
  1. The Treasurer noted that the checks issued include the February 18<sup>th</sup> tax settlement with the county and school districts. **MOTION** by Anders/Hampton to approve payment of bills corresponding to checks #17353-17379 as presented. **MOTION CARRIED 4-0.**
  2. **MOTION** by Kindschi/Anders to approve payment of February board and committee per diems as presented, and payment of \$330.00 to Tom Viken for February building permits. **MOTION CARRIED 4-0.**
  3. The Treasurer said that the 2009 audit report will be at the April 5<sup>th</sup> Town Board meeting.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider adoption of a Resolution Vacating Old Laudon Road: **MOTION** by Anders/Fonger to approve the resolution as presented. **MOTION CARRIED 4-0.** This will be Resolution 2010-02.
- B. Plan Commission Recommendations:
  1. John & Patty Leonhardt – 3479 Natvig Road, Parcel #0711-283-8310-1 – Complete findings of fact for the standards listed in section 10.255(2)(h) of the Dane County Code of Ordinances for a conditional use permit for a four seasons store and sale of Christmas trees: **MOTION** by Hampton/Anders that all standards from section 10.255(2)(h), Dane County Code of Ordinances, have been considered to be satisfied. **MOTION CARRIED 4-0.**

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MARCH 1, 2010

2. Daniel Goff - vacant land on County Road BB, Parcel 0711-071-9050-0 – 1.959 acres zoned C-1 and 0711-071-8790-7 – .224 acres currently zoned R-1A. Petition is to rezone the entire 2.18 acres as C-2 for storage and sale of antique cars: Goff stated that the petition was to rezone both parcels, there is no CSM based on a recommendation from Dane County Zoning. **MOTION** by Fonger/Kindschi to approve a rezone of 2.18 acres from C-1 to C-2, but only for permitted uses (b) major repairs to motor vehicles, (c) sales of new and used motor vehicles (q) parking and storing of motor vehicles. (warehousing is not included). **MOTION CARRIED 4-0.**
  3. R.G. Huston Company, Inc, applicant, Dale and Dwight Huston, owners – 3355 County Road N (“Skaar Pit”) – combine and extend current Conditional Use Permits (#1956 and #2003) for mining operations for 5 more years: Dennis Richardson represented R.G. Huston Company, Inc. There was no opposition from the neighbors, and the Leonhardts spoke in favor of the extension. **MOTION** by Kindschi/Fonger to combine and extend the Conditional Use Permits for 5 years, with the same conditions and limits to hours of operation as before (6 a.m. to 6 p.m., M-F, 8 a.m. to 3 p.m. Saturday). All standards from section 10.255(2)(h), Dane County Code of Ordinances, have been considered to be satisfied. **MOTION CARRIED 4-0.**
- C. Update/recommendations on insurance coverage for the Town and Fire Department from Michelle Strauss of The Horton Group: Strauss presented booklets summarizing the insurance policies for both the Town and the Fire Department. She provided a corrected list of coverage limitations/exclusions for each policy – the ones sent with the policies were in error. A new law enacted with the 2009 State budget allows for stacking of limits for uninsured and underinsured motorists. The current policies are for a \$350,000 combined single limit for both uninsured and underinsured motorists.

Strauss would also like to meet with the membership of the Fire Department to explain their insurance benefits to them.

Strauss said that rates to the Town and Fire Department have been flat over recent years. There was talk of the going out to bid for insurance in 2011, and Strauss said she can provide an RFP. Insurance companies will not quote more than 30 days in the future, so there would be not point in sending out RFP’s until the Fall.

- D. Discuss request for cost of contracting for police services with Dane County Sheriff’s Dept. - Captain Jeff Hook: Sheriff David Mahoney and Lieutenant Dan Bolch were also present: Sheriff Mahoney began by stating some of the benefits the Town would receive by contracting with the County for police services, including:
- Maintaining an identity of our own Police Department, with local selection of deputies
  - Elimination of personnel issues
  - Consistent quality of law enforcement
  - Traffic offenses continue to be prosecuted in local court
  - Flexibility of contract based on the needs of the community.

Hook said that the Town’s request for 24/7 un-interrupted coverage would be cost prohibitive, and provided handouts showing staffing levels and costs of other contracting municipalities. Another handout summarized calls from the Town of Cottage Grove to the

TOWN OF COTTAGE GROVE  
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MARCH 1, 2010

911 center in 2009.

Topics of discussion included:

- Typically contracts are for 1 year, and renew automatically, with a 60 day notice to opt out.
- The contract could be modified at any time.
- Deputy costs range from \$85,000 to \$122,000 depending on seniority.
- Typically a deputy would have about 400 hours of vacation and in-service each year. These hours would not be staffed.
- Vehicle and fuel would be additional costs. The Town can decide to purchase a new or used vehicle.
- Deputies can have an office at a nearby precinct or in the Town Hall if the Town wants to provide one. Computer and necessary equipment/software and connections would be included in the contract. The Town would need to provide a phone line.
- Deputies have access to County Corporate counsel, no legal fees (except court)
- In the event of a natural disaster elsewhere in the County, the Town's deputies would not be pulled long term, only for the initial mutual aid call.

The Town Board plans to meet on March 8<sup>th</sup> to draft a specific request for proposal to the County.

- E. Discuss amendments to TCG Ordinance Chapt. 07 Fees and Bonds, and miscellaneous other sections referring to Chapt. 07, to allow certain fees to be set by resolution of the Town Board: The draft was reviewed and consensus was to hold a public hearing and consideration of adoption of the revisions at the March 15<sup>th</sup> Town Board Meeting.
- F. Discuss amendment to TCG Ordinance section 10.01 Regulated Use of Public Parks: Based on the Board's review of the draft changes, the Clerk will add an administrative fee for any organized events held in Town parks, to be set by resolution of the Town Board, and a requirement that event organizers or organizations sign a hold harmless agreement. There was a suggestion that notice of approved events be posted at the park. A public hearing and consideration of adoption of the revisions will be held at the March 15<sup>th</sup> Town Board Meeting.
- G. Reconfirm Budget Resolution 2010-01 – correct revenue account amounts to reflect 2010 budget: **MOTION** by Anders/Kindschi to approve the corrected budget amendment resolution. **MOTION CARRIED 4-0.**
- H. CLERKS REPORT
  1. Dane County Ordinances – None
  2. The Clerk reported that the 2009 workers compensation field audit was completed on February 24<sup>th</sup>.

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
MARCH 1, 2010

III. BOARD REPORTS AND COMMUNICATIONS

- A. Hampton received a request for the Town Board to adopt a resolution supporting the Stoughton School District's upcoming referendum. There was no interest in going forward with this.
- B. Smith said that the Town of Pleasant Springs has posted their roads, so he will post North Star and the part of Vilas Road that abut Pleasant Springs. He will probably post the remainder of the town roads by the end of the week.

IV. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE)

- A. Joint Town Recreation Program: No Report
- B. Deer-Grove EMS Commission: The new ambulance is in service. The commission accepted Chief Matt Hurtienne's resignation effective April 3, 2010.
- C. Law Enforcement Committee: Hampton, as committee chair, sent a letter to Police Commissioners asking them to review the Police Officer job description regarding certification requirements, and report back to the Law Enforcement Committee.
- D. Adjournment: **MOTION** by Fonger/Kindschi to adjourn. **MOTION CARRIED 4-0**. The meeting was adjourned at 9:20 p.m.

Kim Banigan, Clerk  
Approved 3-15-2010

TOWN OF COTTAGE GROVE  
SPECIAL TOWN BOARD MEETING MINUTES  
MARCH 08, 2010

- I. Notice of the meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Board members present were Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, and Mike Kindschi and Karen Kessenich. Clerk Kim Banigan, Police Chief John Gould, Village of Cottage Grove President Mike Mikelsan and Village Police Commissioner Jack Henrich were also present, as well as town resident Silvin Kurt.
- II. Hampton called the meeting to order at 7:02 P.M.
- III. Discuss/consider approval of response to the Village of Cottage Grove's proposed conditions for continuation of the Cottage Grove Joint Law Enforcement Agreement: The Board discussed responses to seven conditions suggested by the Village:
  1. Membership of Law Enforcement Committee: Village suggested a shift to 4 Village and 2 Town members if the Village's financial contribution for any budget year reaches or exceeds 60% of expenses. Board members were not in favor of this, prefer to leave the committee membership at 3 members from each municipality. Discussion was that if Town membership is reduced, a super majority should be required to pass budgetary motions. Mikelsan pointed out that final approval of the budget is at the board level, operational issues are decided by the committee.
  2. Officer Ratio: Village suggested increasing it from 1.3 officers/1000 population to 1.6 to 1.9/1000. The board prefers to stay with the 1.3 ratio, but agreed that the ratio should be set by resolution of the boards rather than in the Law Enforcement Agreement, to allow for easier modification of the ratio. There was discussion about when and how often a change of ratio could be proposed to the boards, with agreement that the ratio should be looked at annually, prior to the budget process, but disagreement about whether alternate proposals should be considered in the same year.
  3. CGPD Employee Status: Currently the employees are considered Village employees for ease of administration. The Village suggested they be considered employees of CGPD only. The board agreed with this.
  4. Notice of Withdrawal: Current agreement calls for six-month notice, the Village suggested 9-months. The board agreed with this.
  5. Term of New Agreement: The Village suggested an 8 year term for the next agreement. Discussion was that if a new agreement is reached, it be for only one year, to coincide with the term of the union labor agreement. Subsequent agreements would be for 6 years, which would encompass two three-year union labor agreements.
  - 6.&7. Village Funded Officers and 2009 Village Funded Officer were lumped together, deemed to not be an issue at this time.
- IV. Discuss/Consider approval of conditions for a request for proposal to provide contracted police services to the Town of Cottage Grove – to be sent to the Dane County Sheriff and the Village of Cottage Grove: Discussion included mainly what the appropriate staffing level and schedule would be. Chief Gould provided information about typical County Sheriff beat staffing levels (i.e. coverage when a contracted officer is not on duty). The Clerk was directed to draft an RFP to send to the County Sheriff's Department, with a copy to the Village (Mikelsan indicated the Village Board would be open to considering contracting services to the Town if it did not require 24/7, 365 day coverage). The RFP should include the following conditions:
  - All personnel costs for three full time deputy equivalents.

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- Cost differential for 2<sup>nd</sup>, 3<sup>rd</sup>, and power shifts, as well as any additional cost for a deputy to work a “split”, as with the Sheriff’s current contract with the Town of Windsor.
- Cost options for the County to provide a patrol vehicle and all necessary equipment.

V. **MOTION** by Kessenich/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:30 p.m.

Kim Banigan, Clerk  
Approved 3-15-2010

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
MARCH 15, 2010

PUBLIC HEARING – PROPOSED 2010 PHASE 2 AMENDMENT TO THE  
COMPREHENSIVE PLAN

- I. Notice of the public hearing was published in the Wisconsin State Journal on February 13, 2010, and was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Notice of the public hearing, along with a copy of the proposed amendment, was mailed to adjoining municipalities and other parties as per Plan Commission Resolution 2010-01, as well as to those who had requested such notice as authorized by 2005 Wisconsin Act 208.

Town Board members present were Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Karen Kessenich and Mike Kindschi. Clerk Kim Banigan, Treasurer Debbie Simonson, Plan Commission Chair Silvin Kurt, Fire Chief Bruce Boxrucker, and Crystal Buck from Crispell-Snyder, Inc. were also present, along with those listed on the attached attendance sheet (available in the Clerk's office).

- II. Hampton called the public hearing to order at 7:00 P.M., and Buck made a brief presentation summarizing the history of the Town's comprehensive plan and the proposed amendment. Her presentation included maps showing current and proposed future land use in the Town.
- III. Caryn Schmidt, 4345 Vilas Road, asked for her property to be included in the area designated for future medium density residential. The Board had been given a copy of her written request with their meeting packet.
- IV. Robert Gake, co-owner of property at 2936 Hope Road, also asked that his property be designated for future medium density residential. The Board also had this written request in their meeting packet.
- V. Jim Bradt asked about the TDR Ratio, which Hampton said was not proposed to change from the current 8:1 at this time.
- VI. **MOTION** by Anders/Kessenich to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:17 p.m.

PUBLIC HEARING – PROPOSED ORDINANCE REVISIONS:

- 1) Chapter 07 Fees and Bonds, including related revisions to sections 05.03(2) Alcohol Beverage Fees, 15.19.1 Change of Land Use Fee, 17.02(1)(c) and (4), Nonmetallic Mining Fee, 18.01(4) and (8)(b) Blasting Permit Fees, 18.02(4) and (5)(b) Fireworks Permit Fees, and 20.01(4)(d) Dog License Fee
- 2) Chapter 10.01 Regulated Use of Public Parks
  - I. Notice of the public hearing was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Attendance was as listed above.
  - II. Hampton called the public hearing to order at 7:17 P.M., and the Clerk explained the purpose of the proposed ordinance revisions as 1) to streamline the process for the Town Board to set fee amounts by resolution rather than by the more cumbersome process of revising ordinances and 2) to require anyone wishing to hold an organized event in a Town park to first get the approval of the Town Board.
  - III. **MOTION** by Kindschi/Kessenich to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:19 p.m.

TOWN BOARD MEETING

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
MARCH 15, 2010

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Attendance was as listed above for the public hearings.
- B. Chairman Hampton called the meeting to order at 7:19 P.M.
- C. Minutes of previous meeting(s):
  - 1. **MOTION** by Anders/Kindschi to approve the minutes of the March 1, 2010 Town Board Meeting, with a correction to the spelling of Strauss in item II. C. **MOTION CARRIED 4-0-1** (Kessenich abstained).
  - 2. **MOTION** by Kessenich/Kindschi to approve the minutes of the March 8, 2010 Town Board Meeting, with the corrections of typos in items III. 5 and 6&7. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  - 1. **MOTION** by Anders/Kessenich to approve payment of bills corresponding to checks #17380-17402 as presented, with check #17380 voided. **MOTION CARRIED 5-0.**
  - 2. There was discussion about the long distance expense for the Emergency Government phone, with the Clerk stating that she had provided other options but the Emergency Government Committee had decided not to make a change. The Board directed the Clerk to request that the committee re-examine this issue, with a copy of the request sent to the Village.
  - 3. Kessenich suggested that a new expense account be added for non-capitalized police department equipment purchases to avoid future confusion (these items are listed as capital purchases on the Police Department's annual budget, but the portion paid for by the Town ends up falling below the capital assets threshold).
  - 4. The Treasurer asked that March per diem reports be submitted by April 3<sup>rd</sup>.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider adoption of an Ordinance adopting the 2010 Phase 2 Amendment to the Comprehensive Plan: There was a lengthy discussion, including:
  - Kessenich stated that while she was OK with the entire Town being designated as a sending area, she felt that the proposed new TDR receiving areas were not consistent with the original intent of the TDR program of preserving agricultural land by focusing development where there is already infrastructure. In particular she took issue with the area proposed for 8 future lots on Skarstinden Road. She recalled that in April of 2009 a number of residents spoke against future development of this area. Hampton said that there is already a Town road there, and pointed out that of all the proposed receiving areas, this is the only outside of the extra territorial jurisdiction of either the Village of Cottage Grove or the City of Madison.
  - Kindschi thought the proposed J-3 Future Land Use Map was inconsistent because it showed some existing subdivisions shaded for Medium Density Residential, some

TOWN OF COTTAGE GROVE  
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MARCH 15, 2010

unshaded. Consensus was to shade all existing subdivisions the same color (yellow) as the areas designated for future Medium Density Residential.

- Kessenich wondered how the proposed amended Comprehensive Plan fits with the County's TDR ordinance.
- It was questioned why the areas around all existing subdivisions were not designated as TDR receiving areas, especially since with the entire town being a sending area, landowners in the receiving areas could still choose to sell their development rights and preserve their land as undeveloped.

**MOTION** by Kindschi/Kessenich to send the amendment back to the Plan Commission to address the Town Board's concerns. A joint Town Board and Plan Commission meeting was suggested for this purpose. **MOTION CARRIED 4-1** (Hampton opposed).

- B. Discuss/Consider approval of closure of Vilas Road from County Road BB to Damascus Trail on April 17, 2010 from 6:30 a.m. to 2:00 p.m. while the Fire Department conducts a controlled burn at 4374 Vilas Road: Chief Boxrucker explained that because the driveway of the house to be burned is so small, they will need to park fire apparatus on the road during the burn. **MOTION** by Anders/Kessenich to approve closure of Vilas Road from County Road BB to Damascus Trail on April 17, 2010 from 6:30 a.m. to 2:00 p.m. Local traffic will be allowed to access the closed area from the direction of Damascus Trail, including golf course traffic if the course is open. **MOTION CARRIED 5-0.**
- C. Discuss/Consider adoption of revisions to TCG Ordinance Chapter 07 Fees and Bonds and related revisions to sections 05.03(2) Alcohol Beverage Fees, 15.19.1 Change of Land Use Fee, 17.02(1)(c) and (4), Nonmetallic Mining Fee, 18.01(4) and (8)(b) Blasting Permit Fees, 18.02(4) and (5)(b) Fireworks Permit Fees, and 20.01(4)(d) Dog License Fee: **MOTION** by Kessenich/Fonger to adopt the above-stated ordinance revisions as presented. **MOTION CARRIED 5-0.**
- D. Discuss/Consider adoption of revisions to TCG Ordinance section 10.01 Regulated Use of Public Parks: **MOTION** by Kessenich/Kindschi to adopt the revisions to section 10.01 as presented. **MOTION CARRIED 5-0.**
- E. Discuss/Consider adoption of a Resolution adopting certain fees as permitted by the Town of Cottage Grove Code of Ordinances: **MOTION** by Hampton/Kindschi to adopt the resolution as presented, with the following fees as stated below:
1. Blasting Permit – short term: increase to \$100.00
  2. Blasting Permit – long term: increase to \$250.00
  3. Cigarette License – increase to \$25.00
  4. Park Reservation Administrative Fee – Set at \$25.00
  5. Road Right-of-way permit deposit – to be established upon approval of the permit.
- MOTION CARRIED 5-0.**
- F. Discuss/Consider formation of a committee to study consolidation of the Town with the Village of Cottage Grove: **MOTION** by Kessenich/Anders to table until April 19, 2010. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

1. Dane County Ordinances – None.

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
MARCH 15, 2010

2. The Clerk distributed a draft copy of the 2009 Annual Report and Newsletter for Board members to review.

IV. BOARD REPORTS AND COMMUNICATIONS

- A. Hampton reported that the Town of Hewett in Marathon County has offered to pay \$18,000 for the 1995 snow plow truck that the Town will have for sale this spring. He has posted a notice for any other interested parties to contact Smith.
- B. Hampton said that the Fire Department recently received a grant to purchase radios, with a condition that all elected officials must complete NIMS level 100 and 700 courses.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE): None.

- VI. Adjournment: **MOTION** by Fonger/Anders to adjourn. **MOTION CARRIED 5-0**. The meeting was adjourned at 9:20 p.m.

Kim Banigan, Clerk  
Approved 4-05-2010

TOWN OF COTTAGE GROVE  
JOINT TOWN BOARD AND PLAN COMMISSION MINUTES  
MARCH 24, 2010

- I. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum of the Town Board was present with Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, and Mike Kindschi all in attendance. A quorum of the Plan Commission was also present, including Board members Hampton and Anders, Commission Chair Silvin Kurt, Dave Muehl, Virgil Schroeder, Sharon Fredenberg, and Phillip Bultman. Clerk Kim Banigan and Crystal Buck of Crispell-Synder, Inc. were also present, along with those listed on the attached attendance sheet (available in the Clerk's office).
- II. Call to Order:
  - A. Hampton called the Town Board to order at 7:00 P.M.
  - B. Kurt called the Plan Commission to order at 7:00 P.M.
- III. Public Concerns: None.
- IV. Plan Commission: Annual Review of Town Comprehensive Plan: Kurt stated that all new landowner requests for changes to the comprehensive plan have been considered along with the proposed 2010 Phase 2 Amendment to the Comprehensive Plan.
- V. Town Board and Plan Commission: Discussion on concerns of the Town Board regarding the proposed 2010 Phase 2 Amendment to the Comprehensive Plan: Buck began by presenting a memo and map (Exhibits A & B) analyzing development suitability for potential residential sites. In addition to sites identified as medium density residential TDR receiving areas on the previous draft of the amendment, her analysis included three more sites, two along Vilas Road near the Door Creek Golf Course (4 and 5 on exhibit B), one near Gala Way (6 on the map), and one at Femrite Drive and Hope Road (7 on the map). Discussion was that area 4 should be designated as medium density residential and a TDR receiving area, area 5 should be reduced in size to only include the 13 acres requested by landowners Kyllö and Schmidt, and areas 6 and 7 should not be included due to the likelihood that the City of Madison would veto any land divisions in those areas under their ETJ powers. Robert Gake, co-owner of area 7, stated that a condominium development was not in their plans.

There was much discussion about whether area 8 on Skarstinden Road should be designated as a TDR receiving area, or if the landowners should instead be required to use their RDUs on a 1:1 basis for any development there. Fonger felt that the original intent of the Comprehensive Plan to preserve farmland called for a 1:1 use of RDUs, i.e. deed restricting 35 acres for each lot developed, especially since the landowners have more than enough RDUs to develop the 8 lots they have requested. His concern was that even though the proposed amendment specifically limits the receiving area to 8 lots, the landowners could come back in the future with a similar request and potentially end up with 8 lots for each RDU that they own. Hampton said that instead of using all of this landowner's RDUs at this site, some should be preserved for sale to landowners in other receiving areas. Otherwise, the Town could run out of RDUs, limiting options for future residential growth.

Next the group addressed other concerns from the March 15<sup>th</sup> Town Board meeting, including:

- The revised J-3 Future Land Use Map now shows existing residential areas shaded in yellow, future residential areas shaded in orange. This was viewed as a big improvement.
- A memo from Dane County Senior Planner Pam Andros (Exhibit C) addressed how the proposed amendment would interact with the County's TDR Ordinance. Overall, she indicated there was not much to be concerned about. The Town will need to decide whether or not to adopt the County TDR Ordinance, and if the answer is yes, she recommended that the transfer ratio be defined in the comprehensive plan itself, not by ordinance, along with some revisions to the TDR Program Procedures on page J-13. A memo from Town Attorney Connie Anderson (Exhibit D) urged the Town to opt-in to the County's TDR ordinance, and also recommended putting the transfer ratio back in the plan itself. In addition, she recommended removal of references to zoning districts

TOWN OF COTTAGE GROVE  
JOINT TOWN BOARD AND PLAN COMMISSION MINUTES  
MARCH 24, 2010

since the entire Town would be a sending area, and the addition of a paragraph confirming that the Town elects to opt-in to the County's TDR ordinance.

There was discussion about what the TDR ratio should be if it is put back into the plan where it is more difficult and expensive to change, with general agreement that 1:8 was still a good ratio.

**MOTION** by Fonger/Anders to set the TDR ratio in the comprehensive plan at 1:8. **MOTION CARRIED 4-0.**

**MOTION** by Fonger/Anders to approve the J-3 Future Land Use Map to include areas 1, 2, 3, 4, and 5 (as amended to include only 13 acres) as medium density residential TDR receiving areas. As area 8 was excluded, the board asked for input from landowners Jim and Nola Skaar. Mrs. Skaar stated that they have no intent to develop the entire farm, as has so often been alluded to at Town meetings. She said that a conceptual plan of what *could* be developed there was created at the request of the Town Board, but that was not the Skaar's idea or intent. She wondered where developers of other receiving areas will purchase development rights from if they are required to use all of theirs up rather than being allowed to develop 8 lots as a receiving area under the TDR program using the 1:8 ratio. **MOTION FAILED 1-3** (Hampton, Anders and Kindschi opposed).

**MOTION** by Kindschi/Anders to approve the J-3 Future Land Use Map to include areas 1,2,3,4, 5 (as amended to include only 13 acres), and area 8 (limited to 8 lots) as medium density residential TDR receiving areas. Robert Gake objected to the motion to exclude his property as a receiving area, stating that many landowners have gained favorable consideration, and it seemed to him that the Board is sending a message to the City of Madison rather than doing sound planning. Hampton stated that meetings with City officials have shown them to be non-committal to allowing any town development within their ETJ. Historically they have denied land divisions on Wittewood Lane and made other land divisions almost impossible due to the conditions imposed on them. The commercial areas included in the plan amendment will not require land divisions. Mr. Gake thanked Hampton for the explanation. **MOTION CARRIED 3-1** (Fonger opposed).

**MOTION** by Hampton/Kindschi to opt in to the County TDR Program, to make the necessary changes to TDR policies on pages J-13 and J-14 as recommended by Andros' memo, eliminate references to zoning as recommended by Anderson's memo, and to update Exhibit J-2 to allow single family residences in the Limited Commercial and Agribusiness / Sustainable Commercial land use districts. **MOTION CARRIED 4-0.**

VI. Town Board: Discuss/Consider adoption of an Ordinance adopting the 2010 Phase 2 Amendment to the Comprehensive Plan: **MOTION** by Hampton/ Kindschi to adopt Ordinance 2010-01 Adopting the 2010 Phase 2 Amendment to the Comprehensive Plan as Recommended by the Plan Commission, incorporating same into the current Comprehensive Plan, and Adopting the Amended Comprehensive Plan as the "Town of Cottage Grove Smart Growth Comprehensive Plan – 2030". **MOTION CARRIED 4-0.**

VII. Adjournment:

A. **MOTION** by Kindschi/Anders to adjourn the Town Board. **MOTION CARRIED 4-0.**

B. **MOTION** by Muehl/Bultman to adjourn the Plan Commission meeting. **MOTION CARRIED 7-0.**

The meeting was adjourned at 9:10 p.m.

Kim Banigan, Clerk

Approved by the Town Board on 4-05-2010

Approved by the Plan Commission on 5-26-2010

TOWN OF COTTAGE GROVE  
CLOSED SESSION MINUTES  
APRIL 5, 2010

- I. MOTION by Kindschi/Kessenich 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. Roll call vote: Fonger – aye, Anders – aye, Hampton – aye, Kindschi – aye, Kessenich, aye. Also present were Clerk Kim Banigan and Treasurer Debbie Simonson.
- II. The Board moved into closed session at 8:29 P.M.
- III. Kessenich stated that §60.10(1)(a)2m., Wis Stats, says that the Town Board is to set a level of compensation for an appointed clerk or treasurer that cannot be reduced during the term to which the person is appointed. There was some discussion over the interpretation of this statute, and further discussion over what the minimum salary for the treasurer should be. There was agreement that the 2009 budgeted treasurer’s salary of \$16,320 will be paid to Simonson for 2010, but Kessenich said a lower minimum salary should be set so that if for some reason Simonson could not perform to full capacity, the Town would not be locked into paying her full salary while also paying someone else to complete the necessary treasurer duties.
- IV. MOTION by Kessenich/Kindschi TO RECONVENE TO OPEN SESSION. MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE. The Closed session ended at 8:42 P.M.

Kim Banigan, Clerk

Approved and made an open record on 4-19-2010

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
APRIL 5, 2010

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Karen Kessenich all in attendance. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Police Chief John Gould were also present, along with those listed on the attached attendance sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Kessenich/Kindschi to approve the minutes of the March 15, 2010 Public Hearings and Town Board Meeting as printed. **MOTION CARRIED 5-0.**
  2. **MOTION** by Anders/Kindschi to approve the minutes of the March 24, 2010 Joint Town Board and Plan Commission Meeting with corrections of two typos. **MOTION CARRIED 4-0-1** (Kessenich abstained).
- D. Finance Report and Approval of Bills:
1. **MOTION** by Kessenich/Anders to approve payment of bills corresponding to checks #17438-17496 as presented. **MOTION CARRIED 5-0.**
  2. **MOTION** by Kindschi/Fonger to approve payment of March per diems as presented, and payment of \$1,622.44 to Tom Viken for March building permits. **MOTION CARRIED 5-0.**
  3. Kessenich suggested that the Treasurer include a report of deposits made since the last meeting with the finance report. She also asked that the charges from Cryspell Snyder for call(s) from Ellery Jensen be considered at the next meeting.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/Kindschi to approve a permit for Alliant Energy (Intercon Construction, subcontractor) to plow, trench and drill to replace underground electric on Gaston Circle. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider a Resolution Appointing the Town Treasurer to a three year term: Kessenich suggested (and there was a consensus of agreement) holding this discussion after the closed session noticed under item I. of the agenda.
- B. Presentation of 2009 Audit Results and Financial Statement – Baker Tilly Virchow Krause, LLP: Julie Schwingel made the presentation. Highlights included:
- The Independent Auditors' Report gave a clear and unqualified opinion that the financial statements fairly represent the financial position of the government activities and fund balances.
  - The Management's Discussion and Analysis is a good summary of the Town's financial year. There was a deficit of \$47,193, but this was a less severe deficit than the budgeted amount of over \$97,000.
  - Given that general obligation debt cannot exceed 5% of equalized value, the Town is at just 4% of its borrowing capacity. The standard for Wisconsin is 50 – 60%.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
APRIL 5, 2010

- The ratio of undesignated funds to 2010 budgeted expenses is 16%. The recommended ratio is 8-25%.
  - Income is consistent with the previous year. Expenses are down due to there not being any major capital outlay.
  - The Report on Internal Controls is typical for towns of similar size and relates to internal controls and segregation of duties.
  - GASB51, which deals with intangible assets, will be in effect for the 2010 audit.
  - GASB54 will go into effect for the 2011 audit, and will change fund balance terminology.
- C. Discuss/Consider approval of a Parade, Procession or Race Permit for the Madison-Chicago 200 Relay to use Vilas Road and cross Uphoff, Ridge and N. Jargo Roads at the bike trail on June 11, 2010: The plans for the event were much the same as in previous years. The Clerk noted that she had notified Police, Fire and EMS, and they had not expressed any concerns. **MOTION** by Kessenich/Kindschi to approve the permit as requested. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of second driveway for Richard Swalheim, 2410 Ofsthun Road: Smith indicated he had no concerns over the second driveway. **MOTION** by Anders/Fonger to approve the second driveway as requested. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of a conditional use permit for a US Cellular tower at Wisconsin Cemeteries Holdings, 3054 County Road BB, as approved by the Dane County Zoning & Land Regulation Committee on March 23, 2010: **MOTION** by Kessenich/Anders to approve the CUP as amended and approved by the Dane County ZLR committee. **MOTION CARRIED 5-0.**
- F. Discussion only on proposal from Dane County Sheriff's Office to provide police services to the Town in 2011: Captain Jeff Hook and Lieutenant Dan Bolch represented the Dane County Sheriff's Department. There were very few questions from the board about the proposal. Bolch will verify what would be needed for an internet connection, whether the current DSL connection at the Town Hall would be adequate. Ed Knapton, owner of America's Best Flowers, had some questions for Hook about patrol, ordinance enforcement and services such as unlocking cars. Board members wondered why the Village of Cottage Grove had not also responded to the RFP, and directed the Clerk to email the Village asking them to respond in time for the Annual Meeting next week.
- G. Discuss/Consider adoption of a Resolution Adopting State of Wisconsin Department of Transportation Classified Equipment Rates for Contracted Services and Ordinance Violation Assessments: **MOTION** by Kessenich/Kindschi to approve the resolution as presented. **MOTION CARRIED 5-0.** It will be Town Board Resolution 2010-04.
- H. Finalize Agenda for Annual Meeting of the Electors – April 13, 2010: No new agenda items were added, the agenda will stand as printed in the 2009 Annual Report.
- I. **MOTION** by Kindschi/Kessenich 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. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
APRIL 5, 2010

- J. The Board moved into closed session at 8:29 P.M.
- K. **MOTION** by Kessenich/Kindschi TO RECONVENE TO OPEN SESSION. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The Closed session ended at 8:42 P.M.
- L. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION:
  - 1. **MOTION** by Hampton/Kessenich to adopt Resolution 2010-05 Appointing the Town Treasurer to a three year term beginning April 10, 2010. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Hampton/Kessenich to set the minimum Treasurer salary for the 2010-2013 term at \$10,000. **MOTION CARRIED 5-0.** (Note that this is the minimum level that the Treasurer's salary can be dropped to during the term, but it is not the Board's intent to drop the 2010 salary from the budgeted amount of \$16,320.)
- M. CLERKS REPORT
  - 1. Dane County Ordinances – None.
  - 2. The clerk had a phone call from a Town of Sun Prairie resident on East Gaston Road complaining about litter in the ditches and blowing out of dumpsters at Johnson Health (in the Village's Commerce Park). The Board directed the clerk to email the Village about the litter blowing out of the dumpsters.
  - 3. The clerk had a voicemail message from a Gaston Circle resident complaining about operation of the Gaston Quarry during the night. She contacted Dennis Richardson at RG Huston Company, Inc, who told her that the Zignago Company has been hauling into the quarry at night as part of the I-94 project. Hampton will contact them tomorrow.

III. BOARD REPORTS AND COMMUNICATIONS

- A. Hampton:
  - 1. There is an opening on the Madison Area Transportation Planning Board.
  - 2. There is an Urban Towns Association meeting in Fond du Lac on April 24th.

IV. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Parks, Recreation and Forestry Committee: Kessenich reported that there is a special meeting this week to decide how funds from the Pheobe Bakken estate should be used.
- B. Deer-Grove EMS Commission: Matt Hurtienne's last day as Chief was April 3<sup>rd</sup>. Duane Erschen is Interim Chief.
- C. Joint Town/Village Landfill Monitoring Committee: Nothing new to report, just paid the bills.
- D. Law Enforcement Committee: The Chief's review was conducted at the last meeting.

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

Kim Banigan, Clerk  
Approved 4/19/2010

TOWN OF COTTAGE GROVE  
2010 ROAD INSPECTION  
APRIL 14, 2010

- I. Notice of the road inspection was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Chairman Kris Hampton, Supervisors Mike Fonger, Steve Anders, Mike Kindschi, Mike DuPlayee and Highway Superintendent Jeff Smith met at the Town Garage at 10:00 A.M. A quorum was present and Hampton called the meeting or order at 10:00 A.M..
- II. A road inspection was conducted. (list of roads attached – available in the Clerk’s office). There was a stop for lunch at Arby’s from 12:30 to 1:00 P.M.
- III. Smith was directed to solicit bids for 2010 road construction, which will be opened at 12:30 P.M. on May 14, 2010, and awarded at the Town Board Meeting on May 17, 2010.
- IV. **MOTION** by Fonger/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 2:30 P.M.

Submitted by Kris Hampton  
Approved 4-19-2010

TOWN OF COTTAGE GROVE  
CLOSED SESSION MINUTES  
APRIL 19, 2010

- A. CONSIDER/ADOPT MOTION TO MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. §19.85(1)(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems, or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations (public works/use of black dirt). **MOTION** by Anders/DuPlayee to move into closed session. **ROLL CALL VOTE - Fonger – aye, Anders – aye, Hampton – aye, DuPlayee – aye.** Clerk Kim Banigan, Attorney Connie Anderson, and Highway Superintendent Jeff Smith were also present.
- B. MOVE INTO CLOSED SESSION: The closed session began at 8:25 P.M.
- C. Smith explained that for as long as he has worked for the Town, and even before that, the practice was to allow residents who ask to take small amounts of gravel, black dirt and sand (i.e. a few buckets' worth). There has never been any advertisement of this opportunity. This practice was questioned when an employee (who is not a town resident) was observed taking about a wheelbarrow of black dirt home. The employee has since paid \$5.00 for the dirt. Smith called the situation a “give and take”, pointing out that the employee often brings in his own tools, etc. to use on town jobs, saving the cost of buying or renting them. A Board member said this was his own choice.

The question at hand was whether to allow this practice to continue, and whether any disciplinary measures were in order. It was noted that the employee had permission from Smith to take the dirt. No disciplinary measures were discussed as needed given that the employee asked and was given permission based on longstanding practices. Smith made it clear that he does not want to be put in the position of charging for the material (handling money, issuing receipts, etc.) Discussion was that it is not a fair practice if everyone in the Town is not aware of it. Smith said that if no material can be given out to residents, that would also include sand bags since they only benefit individuals, but Board members said that would constitute an emergency situation.

- D. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Fonger/Anders to reconvene to open session. **ROLL CALL VOTE – ALL AYES.** The closed session ended at 8:45 P.M.

Kim Banigan, Clerk

Approved and opened as a public record 5-3-2010

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
APRIL 19, 2010

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Steve Anders and Mike DuPlayee. Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Police Chief John Gould were also present, along with those listed on the attached attendance sheet (available in the Clerk's office). Supervisor Mike Fonger arrived at 7:15 P.M.
- B. Chairman Hampton called the meeting to order at 7:08 P.M.
- C. Minutes of previous meeting(s):
  - 1. **MOTION** by Hampton/DuPlayee to approve the minutes of the April 14, 2010 Annual Road Inspection as printed. **MOTION CARRIED 3-0.**
  - 2. **MOTION** by Anders/Hampton to approve the minutes of the April 5, 2010 Town Board Meeting as printed. **MOTION CARRIED 2-0-1** (DuPlayee abstained).
  - 3. **MOTION** by Anders/Hampton to approve the Town Board Closed Session minutes of April 5, 2010 as printed, and to make them an open record. **MOTION CARRIED 2-0-1** (DuPlayee abstained).

(Fonger arrived)

- D. Finance Report and Approval of Bills: The Finance Report included a list of deposits for the first time.
  - 1. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #17497-17552 as presented. **MOTION CARRIED 5-0.**
  - 2. Discuss/Consider billing for Crispell-Snyder, Inc. charges relating to a specific rezone request in December of 2009: **MOTION** by Fonger/Anders to charge Ellery Jensen (as a representative of Yahara Materials, Inc.) \$60.00 for phone calls and emails billed from Crispell-Snyder, Inc. related to Yahara Materials, Inc.'s rezone request. **MOTION CARRIED 4-0.**
  - 3. The Treasurer said that April per diem reports are due on May 1st.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider accepting offer of \$18,000 for the 1995 Ford L8000 Patrol Truck from the Town of Hewitt in Marathon County: **MOTION** by Fonger/DuPlayee to accept the offer and sell the truck to the Town of Hewitt for \$18,000.00. **MOTION CARRIED 4-0.**
- B. Discuss NIMS training for elected officials: Hampton said that a condition of grants received by the fire department is for all elected officials to complete NIMs level 100 and 700 training. Fonger and DuPlayee plan to attend the training session on May 22, 2010 at the Emergency Services Building. Hampton has already taken 700, plans to take 100 online. Anders thinks he is already certified in both levels, will obtain copies of the certification for the clerk's records.
- C. Discuss/Consider approval of purchasing Wisconsin Town Officer's Handbooks for board members: **MOTION** by Fonger/Anders to purchase five of the handbooks at \$35.00 each. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
APRIL 19, 2010

- D. Discuss/Consider Police Services for the Town in 2011 and forward: Hampton said that there was a good discussion of the options for police services at the Annual Town Meeting. One of the questions raised was whether not having a local police department would influence homeowners' insurance rates. Both the clerk and DuPlayee had contacted Tom Vetter with American Family Insurance, who told them it would have no influence. Hampton that the Village Board may want to hold a joint meeting on April 26<sup>th</sup> to discuss continuing the Law Enforcement Agreement, but DuPlayee and Fonger both indicated they are ready to vote on accepting the County Sheriff's proposal tonight.

**MOTION** by Fonger/DuPlayee to accept the proposal from the Dane County Sheriff dated March 26, 2010 to provide police services to the Town with 3 FTE deputies and a vehicle. Discussion: Anders said that there have been so many different messages from the Village Board, and he thought the motion was premature with a possible joint meeting coming up on April 26<sup>th</sup>. He also expressed concern over the times that no contracted deputy would be on duty, when the Town would rely only on coverage from the SE precinct. Hampton and Fonger said that the contract could be amended if additional coverage is deemed necessary in the future. There was also talk about liabilities the Town will have due to breaking the union labor contract a year early. Hampton said that during the first year, there could be unemployment taxes due, possibly a hit to shared revenue, and building rent to pay. Fonger noted that there would also be assets to divide. **MOTION CARRIED 3-1** (Anders opposed).

- E. Discuss/Consider scheduling a special joint meeting with the Village of Cottage Grove Board of Trustees on April 26, 2010 to discuss Joint Law Enforcement Agreement: **MOTION** by Hampton/Fonger to agree to meet with the Village Board on April 26<sup>th</sup> if they so wish, as long as the meeting can also take care of the business scheduled for the May 6<sup>th</sup> joint meeting. **MOTION CARRIED 4-0.**
- F. Discuss/Consider formation of a committee to explore consolidation of the Town and Village of Cottage Grove: **MOTION** by Fonger/DuPlayee to table indefinitely. **MOTION CARRIED 4-0.**

(Attorney Anderson had not arrived yet, so the board skipped down and did Clerk's, Board and Committee reports at this time. Anderson arrived at 7:56 P.M.)

- G. Discuss/Consider input from Attorney Connie Anderson regarding:
1. Vacating dead end Town roads: On their Annual Road Inspection tour, the board noted several dead end roads serving only one residence, and asked Anderson if it would be more cost effective to vacate multiple roads at the same time. Anderson suggested categorizing roads based on similar characteristics, such as bordered by just one land owner, two landowners, etc., and addressing the categories one at a time. She said her firm has generally been successful in vacating roads with only one landowner. The road to be vacated would need to be mapped or have an unmistakable description. As a first step, Smith will identify the roads with single property owners and bring the list to the board.
  2. Town's liability for trees on private property that overhang Town roads: Also on their Annual Road Inspection, board members noticed several trees rooted on private property but overhanging town roads, and wondered whether the town has authority to require landowners to trim the trees if they pose a hazard. Anderson said this is a case of "what

TOWN OF COTTAGE GROVE  
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APRIL 19, 2010

would a reasonable person do?” If there was a legitimate public safety threat, Anderson thought it would be reasonable to notify the property owner of the hazard, advise them of a possible liability, and ask them to remove the hazard. If they say “No”, the Town Board would need to evaluate what steps to take next. The plan is for Smith to photograph the trees posing a hazard to the roadways and draft a letter to the owners. The board should then approve the letters to be mailed out.

- H. CONSIDER/ADOPT MOTION TO MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. §19.85(1)(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems, or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations (public works/use of black dirt). **MOTION** by Anders/DuPlayee to move into closed session. **ROLL CALL VOTE – ALL AYES.**
- I. MOVE INTO CLOSED SESSION: The closed session began at 8:25 P.M. Smith remained for the closed session, everyone else in the audience was asked to leave.
- J. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Fonger/Anders to reconvene to open session. **ROLL CALL VOTE – ALL AYES.** The closed session ended at 8:45 P.M.
- K. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: **MOTION** by Fonger/DuPlayee to refund the \$5.00 and continue the current practices. **MOTION CARRIED 4-0.**
- L. CONSIDER/ADOPT MOTION TO MOVE INTO CLOSED SESSION AS PERMITTED BY WIS. STATS. §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to the Olson Case: **MOTION** by Anders/Fonger to move into closed session. **ROLL CALL VOTE – ALL AYES.**
- M. MOVE INTO CLOSED SESSION: The closed session began at 8:44 P.M. Smith left.
- N. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Anders/Fonger to reconvene to open session. **ROLL CALL VOTE – ALL AYES.** The closed session ended at 9:12 P.M.
- O. ACTION, IF ANY, AS A RESULT OF CLOSED SESSION: None.
- P. CLERKS REPORT
  - 1. Dane County Ordinances – None.
  - 2. The clerk showed the board the logo developed for a commemorative pot to be sold for the Flynn Hall 110<sup>th</sup> birthday celebration. The next meeting of the planning group is on May 4<sup>th</sup> at 7:00 P.M. at Flynn Hall.

III. BOARD REPORTS AND COMMUNICATIONS

A. Hampton:

- 1. Crystal Buck has left Crispell-Snyder, Inc., and the Town will now be working with Planner Rebecca Houghtaling.

IV. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
APRIL 19, 2010

- A. Emergency Government Committee: No report.
  - B. Parks, Recreation and Forestry Committee: No report.
  - C. Deer-Grove EMS Commission: The hiring committee meets next week. The commission is hoping for some names at their May meeting. Interim Chief Duane Erschen has asked to appear before the Pleasant Springs Town Board to report on first quarter contract status.
- V. Adjournment: **MOTION** by Fonger/DuPlayee to adjourn. **MOTION CARRIED 4-0**. The meeting was adjourned at 9:14 p.m.

Kim Banigan, Clerk  
Approved 5/03/2010

TOWN OF COTTAGE GROVE  
CLOSED SESSION MINUTES  
MAY 3, 2010

- A. CONSIDER/ADOPT MOTION TO MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing or public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: Proposal from Cottage Grove Police Officers Association regarding Collective Bargaining Agreement: **MOTION** by Anders/Kindschi to move into closed session. **ROLL CALL VOTE – Fonger – aye, Anders – aye, Hampton – aye, Kindschi – aye, DuPlayee – aye.** Clerk Kim Banigan was also present.
- B. MOVE INTO CLOSED SESSION: The Board moved into closed session at 8:50 P.M.
- C. Hampton asked for direction for his meeting tomorrow with the police union, Village President Mike Mikelsan, and Village Administrator Kim Manley, and Police Chief John Gould. How much of a concession would the Town Board need to see in order to reconsider negotiating a new joint Law Enforcement Agreement? Consensus was it would have to be at least \$150,000 of savings to the Town, equivalent to the anticipated savings to contract with the Dane County Sheriff's department, and that the matter needs to be concluded as soon as possible. If acceptable concessions are offered, the board would like to meet with the Village board next week or May 17<sup>th</sup> at the latest.
- D. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Anders/Kindschi to reconvene to open session. **ROLL CALL VOTE – ALL AYES.** The closed session ended at 9:04 P.M.

Kim Banigan, Clerk

Approved and made an open record 5-17-2010

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
MAY 3, 2010

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi, and Mike DuPlayee. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached attendance sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by Anders/DuPlayee to approve the minutes of the April 19, 2010 Town Board Meeting as printed. **MOTION CARRIED 4-0-1** (Kindschi abstained).
  2. **MOTION** by Fonger/DuPlayee to approve the minutes of the April 19, 2010 closed session regarding public works/use of dirt as printed, and to make them an open record. **MOTION CARRIED 4-0-1** (Kindschi abstained).
  3. **MOTION** by Anders/Fonger to approve the closed session minutes of April 19, 2010 regarding the Olson case as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 4-0-1** (Kindschi abstained).
- D. Finance Report and Approval of Bills:
1. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #17553-17587 as presented. **MOTION CARRIED 5-0.**
  2. **MOTION** by Kindschi/Fonger to approve April per diems as presented, and payment of \$785.00 to Tom Viken for April building permits. **MOTION CARRIED 5-0.**
  3. The Treasurer distributed copies of an email from the Village Administrator stating that the Village will be billing the Town for \$16,352.88 for 2007 police expenses that were missed in 2007.
  4. Discuss/Consider adoption of Budget Resolution 2010-02: Hampton read the resolution. **MOTION** by Anders/Kindschi to adopt the resolution as read. **MOTION CARRIED 5-0.**
  5. Discuss borrowing for 2010 Patrol Truck and ambulance: Karen Kessenich questioned borrowing for the ambulance, suggesting instead that the Town's credit from Deer Grove EMS' 2009 surplus be used. Board members said that the four municipalities in the district voted to invest that money until 2011. Smith suggested that the \$5,375.00 in excess of the budgeted amount received for the sale of the patrol truck be held until road bids come in, or be put towards the expense of vacating dead end Town roads. The Board directed the Chair to contact Wisconsin Community Bank, Bank of Sun Prairie, and Monona State Bank for terms to borrow \$142,650 for 5 years, to be paid back with one payment each year.
  6. Discuss Maintenance of Effort for Emergency Services: The Treasurer distributed copies of the spreadsheet she has been working on for this project, and reported that she had met with the Village Administrator to discuss how joint services should be reported. The Clerk reported that she had spoken with Stan Hook with the Wisconsin Department Revenue about how expenses for joint services should be reported, especially EMS since the Town's contribution depends on both revenues and expenses of the district, and an

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
MAY 3, 2010

reduction in the Town's contribution does not necessarily mean a reduction in services, it could be due to increased revenue from run fees. Hook said that the DOR expects to see this kind of thing with joint districts. The Clerk also provided a rough estimate of \$5,600 that Town might lose in shared revenue based on a \$160,000 reduction in police expenses if it contracts with the Sheriff's department, but cautioned that this is only a ball park figure using previous years' revenues and shared revenue amounts.

7. Discuss/Consider steps for collection of delinquent personal property taxes: The Treasurer reported that there were 11 delinquencies for 2009, 5 eventually paid, one was a bankruptcy, and 5 are repeat offenders. She outlined her usual process of collecting the delinquent taxes, but said that the repeat offenders have figured out how to work the system, and she was looking for suggestions for further collection strategies. The board directed her to find out if publication of the names of the delinquent parties is allowed.
- E. Public Concerns: Karen Kessenich said she is confused about whether the Town Board has decided to contract with the County for police services, or is still negotiating with the Village to continue the joint police department. Hampton reported that the Town and Village are now negotiating with the police union to see what concessions they are willing to make, and based on the outcome of that, there could be a reversal of the previous motion. Kessenich suggested that the Town and Village boards sit down and look at how they could save the Town \$150,000 with a new agreement. She suggested a reduction in non-represented employee expenses, and also asking the Village board if they would be willing to pay an extra 10% in exchange for having 4 members on the 6 member Law Enforcement Committee.
- F. Road Right of Way Permits: **MOTION** by Anders/Fonger to approve a permit for the Village of Cottage Grove to install sewer and water to Firemen's Park, trenching parallel to the right of way on Clark Street and Vilas Road. One lane of traffic on Vilas Road is to be kept open during the construction project. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider approval of 2010-2011 committee appointments: **MOTION** by Fonger/Kindschi to approve the 2010-11 committee appointments as recommended by the Town Chair. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of using Google Apps for Town email and intranet services: **MOTION** by Fonger/Kindschi to approve using the Standard Edition of Google Apps for Town email and intranet services, authorizing the clerk agree to the Google Apps Standard Edition Agreement. Preferred domain name for email is cgtown.net, with an alternate of towncg.net if that is not available. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of attendees for Dane County Towns Association annual meeting on May 12, 2010: Hampton, Kindschi, DuPlayee and Anders all plan to attend. Hampton asked board members to be thinking about whether the Town is getting its money's worth from DCTA.
- D. CONSIDER/ADOPT MOTION TO MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing or public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: Proposal from Cottage Grove

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
MAY 3, 2010

Police Officers Association regarding Collective Bargaining Agreement: **MOTION** by Anders/Kindschi to move into closed session. **ROLL CALL VOTE – ALL AYES.**

- E. MOVE INTO CLOSED SESSION: The Board moved into closed session at 8:50 P.M.
- F. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Anders/Kindschi to reconvene to open session. **ROLL CALL VOTE – ALL AYES.** The closed session ended at 9:04 P.M.
- G. Action as a result of closed session: None.

III. CLERKS REPORT

- A. Dane County Ordinances – None.
- B. Update on long distance fees for Town phone lines: The Clerk reported that she changed long distance plans for the office and garage phone lines that should result in a substantial savings.
- C. Discuss whether the Town wishes to accept dedication of a .15 acre parcel along the bike trail west of Ridge Road, Parcel 0711-133-8750-0: Consensus was to suggest that the parcel be sold or transferred by quit claim deed to adjoining landowners, as it is of no value to the Town or anyone else due to being land locked.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton received information on how to promote prevention of childhood obesity.

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Law Enforcement Committee: A squad car was most likely totaled in a accident this past weekend.
- B. Joint Town/Village Fire Department Committee Adjournment: Coverage for uninsured and underinsured motorists was determined.

VI. **MOTION** by Fonger/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:15 p.m.

Kim Banigan, Clerk  
Approved 5-14-2010

TOWN OF COTTAGE GROVE  
 CLOSED SESSION MINUTES  
 MAY 6, 2010

- A. CONSIDER/ADOPT MOTION TO MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing or public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: Proposal from Cottage Grove Police Officers Association regarding Collective Bargaining Agreement: **MOTION** by Anders/Kindschi to move into closed session. **ROLL CALL VOTE – Fonger – aye, Anders – aye, Hampton – aye, Kindschi – aye, DuPlayee – aye.**
- B. MOVE INTO CLOSED SESSION: The Board moved into closed session at 7:01 P.M.
- C. Hampton reported that the union had not come to the May 4<sup>th</sup> negotiation session with a proposal as expected. He presented a seven page document prepared by Village Administrator Kim Manley based on the discussion on May 4<sup>th</sup>, which showed the following scenarios for 2011 police personnel costs:

- 1. Current Contract costs
- 2. No percentage increases, no steps, no education – a savings of \$21,783.04
- 3. Same as 2. but with one layoff – a savings of \$97,782.78

Furlough days in 2010 were also estimated to save \$38,000.

Mikalsen indicated at the negotiation session that the Village will make a decision on May 17<sup>th</sup>, even if the Town has not made their decision yet.

DuPlayee said he is concerned that dissolving the joint department will drive a wedge between the Town and Village. With this, Kindschi questioned why exploration of consolidation had been tabled indefinitely, and there was a brief discussion.

DuPlayee was also concerned that the vote on April 19<sup>th</sup> to accept the Sherriff’s proposal could authorize the Chair to sign a contract with the County, but discussion was that the vote did not approve a contract, it only accepted the figures supplied by the County, and Hampton gave his assurance that he was not going to do any such thing.

Could drew a comparison chart on the white board:

2010 Town Police Cost	DCSO Proposal for 2011	1 layoff Proposal
\$477,000	\$332,000 DSCO	\$262,710 (625,500*42%)
	\$80,000 Separation Costs (200,000*40%)	\$190,000 (non union expenses)
24/7 coverage At least 1, usually 2	1 Sheriff Patrol Deputy 16 hrs Town deputy	11 sworn 1 ½ clerk 24/7?

He noted that additional savings could be realized by cutting more sworn positions. Kindschi wondered if the Village would pick up additional personnel costs if they need more coverage than the Town does. Could said they might if the additional officers only patrolled in the Village, but that such a department would be significantly different then the one we have

TOWN OF COTTAGE GROVE  
CLOSED SESSION MINUTES  
MAY 6, 2010

today. It was also noted that the union contract should include agreement not to grieve non-represented staff covering time off for union staff. Anders recalled that after taking in consideration vacation and in-service time, a FTE from the County only amounts to about 60%.

Direction for Hampton at the next negotiation, scheduled for Monday, May 10<sup>th</sup>, is to look for a reduction in Town expense of as close to \$150,000 as possible. If the union comes to the table without a proposal, Hampton was advised to walk away.

- D. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Kindschi/Anders to reconvene to open session. **ROLL CALL VOTE – ALL AYES.** The closed session ended at 8:07 P.M.

Kim Banigan, Clerk

Approved and made an open record 5-17-2010

TOWN OF COTTAGE GROVE  
SPECIAL TOWN BOARD MEETING MINUTES  
MAY 6, 2010

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi, and Mike DuPlayee. Clerk Kim Banigan, and Police Chief John Gould were also present.
- B. Chairman Hampton called the meeting to order at 7:00 P.M.
- C. CONSIDER/ADOPT MOTION TO MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing or public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: Proposal from Cottage Grove Police Officers Association regarding Collective Bargaining Agreement: **MOTION** by Anders/Kindschi to move into closed session. **ROLL CALL VOTE – all ayes.**
- D. MOVE INTO CLOSED SESSION: The Board moved into closed session at 7:01 P.M.
- E. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Kindschi/Anders to reconvene to open session. **ROLL CALL VOTE – ALL AYES.** The closed session ended at 8:07 P.M.
- F. Action as a result of closed session: **MOTION** by Fonger/Kindschi directing Hampton to meet with Village and police union representatives, and bring back the results to the Town Board for consideration. **MOTION CARRIED 5-0.**
- G. Adjournment: **MOTION** by Kindschi/Fonger to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:08 P.M.

Kim Banigan, Clerk  
Approved 5/17/2010

TOWN OF COTTAGE GROVE  
ROAD BID OPENING  
MAY 14, 2010

- I. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Mike Kindschi and Mike DuPlayee. Clerk Kim Banigan and Highway Superintendent Jeff Smith were also present.
- II. Chairman Hampton called the meeting to order at 12:30 P.M.
- III. Open and Review Road Bids:
  - A. Paving of Willmore Way from Muhall Street to Busston Road  
(note that the request for proposal included language indicating that the project is subject to prevailing wage.
    - 1.
- IV. Scott Construction, Inc.

Oil Type	Emulsion
Oil/Gallons	46,500
Oil gal./sq. yd	.35
Oil/20 ft. mile	4,200
Stone Type	Portage Bottom Ash
Stone/Tons	1,325
Stone lbs/sq. yd	20
Stone/20 ft mile	120 Tons
Cost/20 ft. mile	\$12,613.00 – Single Seal, \$19,653.00 – Double Seal
Pickup Broom Cost	\$85.00/hour
Total cost of all sealcoating projects	\$140,930.00

A breakdown per road was also provided.

  - A. Fahrner Asphalt Sealers, LLC

Oil Type	CR52
Oil/Gallons	49,767
Oil gal./sq. yd	.38
Oil/20 ft. mile	4,200
Stone Type	Bottom Ash Slag
Oil/20 ft. mile	4,460
Stone/20 ft mile	120 Tons
Cost/20 ft. mile	Not Specified
Pickup Broom Cost	\$135.00/hour
Total cost of all sealcoating projects	\$159,747.00

A breakdown per road was also provided.
- V. Hampton noted that the contract will be awarded at the Town Board Meeting on Monday, May 18, 2009. The meeting was adjourned at 12:35 P.M.

Kim Banigan, Clerk

TOWN OF COTTAGE GROVE  
ROAD BID OPENING  
MAY 14, 2010

I. Official Notice of Advertisement for Bids was published in the Wisconsin State Journal on April 30 and May 7, 2010, as well as posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. The notice and request for proposal both included language indicating that the paving project is subject to prevailing wage law. A quorum was present with Chair Kris Hampton and Supervisors Mike Kindschi and Mike DuPlayee. Clerk Kim Banigan and Highway Superintendent Jeff Smith were also present.

II. Chairman Hampton called the meeting to order at 12:30 P.M.

III. Open and Review Road Bids:

A. Paving of Willmore Way from Muhall Street to Busston Road

1. Payne & Dolan Incorporated:  
Total Cost of Project: \$28,633.50  
Mill 2 ½" at \$1.75 / sq. yd. for a total of \$5,148.50  
Paving at \$55.00 / ton for a total of \$23,485.00
2. B.R. Amon & Sons, Inc.  
Total Cost of Project: \$27,578.50  
Mill 2 ½" at \$2.48 / sq. yd. for a total of \$7,296.00  
Paving at \$47.50 / ton for a total of \$20,282.50
3. Wolf Paving & Excavating Co., Inc.  
Total Cost of Project: \$28,593.35  
Mill 2 ½" at \$2.15 / sq. yd. for a total of \$6,325.30  
Paving at \$52.15 / ton for a total of \$22,268.05

B. Sealcoating:

1. Fahrner Asphalt Sealers, LLC

Stone Type	Bottom Ash Slag
Oil/20 ft. mile	4,460
Stone/20 ft mile	130 Tons
Cost/20 ft. mile	\$16,662.00
Pickup Broom Cost	\$135.00/hour
Total cost of all sealcoating projects	\$149,519.00

A breakdown per road was also provided.
2. Scott Construction, Inc.

Stone Type	Portage Bottom Ash
Oil/20 ft. mile	4,200
Stone/20 ft mile	120 Tons
Cost/20 ft. mile	\$14,314.00
Pickup Broom Cost	\$95.00/hour
Total cost of all sealcoating projects	\$126,584.20

A breakdown per road was also provided

TOWN OF COTTAGE GROVE  
ROAD BID OPENING  
MAY 14, 2010

C. Crackfilling:

1. Crack Filling Service
  - Warranty: 4 years
  - Depth of Normal Routing:  $\frac{3}{4}$ "
  - Width of Normal Routing: 1  $\frac{1}{4}$ "
  - Cost per lb. \$1.00

D. **MOTION** by Kindschi/DuPlayee to refer the bids to Smith for review and recommendations to the board at their meeting on Monday, May 17, 2010. **MOTION CARRIED 3-0.**

E. **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 3-0.** The meeting was adjourned at 12:36 P.M.

Kim Banigan, Clerk  
Approved 5-17-2010

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
MAY 17, 2010

I. ADMINISTRATIVE

- A. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi, and Mike DuPlayee. Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith were also present, along with those listed on the attached attendance sheet (available in the Clerk's office).
- B. Chairman Hampton called the meeting to order at 7:04 P.M.
- C. Minutes of previous meeting(s):
  1. **MOTION** by DuPlayee/Kindschi to approve the minutes of the May 3, 2010 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
  2. **MOTION** by Anders/DuPlayee to approve the minutes of the May 3, 2010 closed session as printed, and to make them an open record. **MOTION CARRIED 5-0.**
  3. **MOTION** by Kindschi/Anders to approve the minutes of the May 6, 2010 Town Board meeting as printed. **MOTION CARRIED 5-0.**
  4. **MOTION** by DuPlayee/Fonger to approve the May 6, 2010 closed session minutes as printed. **MOTION CARRIED 5-0.**
  5. **MOTION** by Kindschi/DuPlayee to approve the May 14, 2010 Road Bid Opening minutes as printed. **MOTION CARRIED 3-0-2** (Fonger and Anders abstained).
- D. Finance Report and Approval of Bills:
  1. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #17588-17629 as presented. **MOTION CARRIED 5-0.**
  2. The Treasurer asked that May per diem reports be submitted by June 4<sup>th</sup>.
  3. The Treasurer reported that the required documentation for the 2010 Maintenance of Emergency Services program was mailed to the WDOR on May 12<sup>th</sup>.
  4. The Treasurer distributed a draft Request for Proposals for Professional Audit services, and asked the board to review before the next meeting. She gave a tentative timeline to publish notice and mail out the RFPs the week of June 7<sup>th</sup>, with proposals due by the end of July, and an auditing firm selected before August 1<sup>st</sup>.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss/Consider awarding of 2010 road maintenance contracts: Smith recommended low bidder B.R. Amon & Sons, Inc. for paving of Willmore Way, and low bidder Scott Construction, Inc. for sealcoating. There was only one bid for crack filling from Crack Filling Service. The total of all the low bids comes in about \$5,000 under budget. Smith intends to hire a local paving contractor to fill areas where cuts were made to repair other roads prior to sealcoating. This will save the trip charge of larger paving contractors for small jobs, and allow use of Town labor. **MOTION** by Anders/DuPlayee to award the contract for paving of Willmore Way to B.R. Amon & Sons, Inc, the contract for sealcoating to Scott Construction, Inc, and the contract for crack filling to Crack Filling Service. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
MAY 17, 2010

- B. Discuss/Consider approval of terms of financing of 2010 Patrol Truck and ambulance: The following proposals were received. All were for a term of 5 years, with 5 equal payments:
1. Wisconsin Community Bank: 4% Interest
  2. Bank of Sun Prairie: 4.45%
  3. Monona State Bank: 4.95%
- DuPlayee asked why only one payment each year was requested, wondering if there would be less interest expense if more frequent payments were made. The Treasurer said a single yearly payment has worked well in the past, the payment is due early in the year. **MOTION** by Fonger/Anders to accept the proposal from Wisconsin Community Bank to finance \$142,650 for 5 years at 4% interest, with 5 equal payments. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of Certified Survey Map for Larry Skaar – 2480 Nora Road: **MOTION** by Anders/Kindschi to approve the CSM, identified as Office Map 090373, dated April 29, 2010. **MOTION CARRIED 5-0.**
- D. Discuss/Consider identification of dead end Town roads to vacate and plans for proceeding: Smith presented a list and map showing 9 possible roads to vacate. He indicated the first 5 for the first phase. They are bordered by only one landowner. **MOTION** by Anders/DuPlayee to begin the vacation process of the following roads at the June 7<sup>th</sup> Town Board meeting: Bork Road, Hoppman Road, Brinkhoff Road, Stone Dahl Road, Wagner Road. **MOTION CARRIED 5-0.**
- E. Consider rescinding April 19, 2010 motion to accept the proposal from the Dane County Sheriff dated March 26, 2010 to provide police services to the Town: **MOTION** by Anders/Fonger to rescind the April 19, 2010 motion to accept the proposal from the Dane County Sheriff. **MOTION CARRIED 5-0.** Karen Kessenich presented a petition to keep the joint Town/Village police department, which was signed by 64 residents, along with 2 emails in support of contracting with Dane County.
- F. Discuss/Consider restricting parking to one side of the road near parks where soccer games are played: DuPlayee had requested this agenda item due to his concerns over public safety on Sandpiper Drive when soccer is in progress at Ravenwood Park. With cars parked on both sides of the road, there could be problems getting emergency vehicles through, and it is dangerous for children to be crossing the road between the parked cars. **MOTION** by DuPlayee/Kindschi directing the clerk to ask the Monona Grove Soccer Club if they can work with game attendees to park only on the west side of Sandpiper in the area of the park during soccer games. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of attendees of Capital Area Planning Conference on June 4, 2010: No one plans to attend.
- H. CLERKS REPORT
1. Dane County Ordinances – None.
  2. New @towncg.net email addresses are ready for use, and will be publicized once everyone has confirmed access.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
MAY 17, 2010

III. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton announced a Transportation Planning Board public hearing on June 2<sup>nd</sup> for the 2010-14 Transportation Improvement Program. He also reported that the insurance company totaled the squad car involved in a recent accident.

IV. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Emergency Government Committee: NIMs training is this Saturday at the Emergency Services Building.
- B. Anders attended the Village's Public Relations Committee meeting, where there was discussion about Frontier taking over Verizon, and the possibility that Frontier could offer cable TV services as well if they don't have a non-compete agreement with Charter. The Public Relations Committee is looking into community entrance signs.

- V. **MOTION** by Anders/Kindschi to adjourn. **MOTION CARRIED 5-0**. The meeting was adjourned at 8:03 p.m.

Kim Banigan, Clerk  
Approved 6-7-2010

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

- I. Notice of the public hearing was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and mailed to owners of property adjoining the non-metallic mining sites. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others listed on the attached sign-in sheet (available in the Clerk's office). Several attendees did not sign in.
- II. Hampton read the list of permit applicants and called the public hearing to order.
- III. Public Comments/Questions: Rick Smith, 4692 Gaston Circle, asked how much blasting is included in the application for the Gaston Quarry. Hampton explained that no blasting permit application has been submitted, and Dennis Richardson of R.G. Huston Co., Inc. said that while there is still some material to be crushed, the quarry is being used mostly as a recycling exchange site, and no more blasting is planned. Smith asked what the future plans for the site are, and Richardson said if the market improves, possibly the site would be developed commercially, but otherwise it will continue as a recycling site. There were no further questions or comments.
- IV. Adjournment: **MOTION** by Anders/DuPlayee to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:03 P.M.

**PUBLIC HEARING - 2010-2011 Alcohol Beverage License Applications**

- I. Notice of the public hearing was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and published in the legal section of the Wisconsin State Journal on June 3, 4 and 5, 2010. Attendance was as listed for the Non-metallic Mining public hearing above.
- II. Hampton read the list of applicants and called the public hearing to order.
- III. Public Comments/Questions: There were none.
- IV. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The public hearing ended at 7:05 P.M.

**TOWN BOARD MEETING**

- I. The meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Attendance was as stated for the public hearings above.
- II. Chairman Hampton called the meeting to order at 7:05 P.M.
- III. Minutes of previous meeting(s): **MOTION** by Fonger/Kindschi to approve the minutes of the May 17, 2010 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- IV. Finance Report and Approval of Bills:
  - A. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #17630-17686 as presented, but holding check #17682 until May building permits are approved. **MOTION CARRIED 5-0.**
  - B. **MOTION** by Fonger/Anders to approve the payment of May per diems as presented. **MOTION CARRIED 5-0.**

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- C. **MOTION** by Fonger/Kindschi to approve the release of check #17682 for payment of \$1,600.00 to Tom Viken for May building permits. **MOTION CARRIED 5-0.**
- D. Public Concerns:
  - 1. Pat Gaustad, 4569 Bonnie Avenue, raised two questions: 1) When is the Town going to finish the work started last year on the ditch in front of her house? She stated that the current state, with mud and a drop off, is a hazard, and that putting a culvert between her property and 4574 Bonnie Avenue would be a bad idea. 2) Why are owners of community wells assessed the same amount (\$3,500) as owners of private wells?
  - 2. Kirk Eilenfeldt, 3710 Ridge Road, wanted to bring to the board's attention that the person who had initiated a petition resulting in the speed limit on Ridge Road being reduced to 45 m.p.h. has since moved away, and he is not happy with being stuck with the lower speed limit.
- E. Road Right of Way Permits: **MOTION** by Kindschi/Anders to approve Alliant Energy only to bore underneath Vilas Road for gas main installation, with no road closure allowed. Any disturbed areas must be restored/reseeded. **MOTION CARRIED 5-0.**

V. BUSINESS:

- A. Consider approval of July 2010 – June 2011 Non-metallic Mining Permits:

Anders brought up concerns expressed at the 2009 Board of Review by a neighbor of the Sun Prairie Sand and Gravel quarry relating to equipment parked on top of the berm, and excessive dust. Mike Dunn, representing Sun Prairie Sand and Gravel, speculated that dust was due to a topsoil haul relating to the new Sun Prairie High School in September and October of 2009. Some of that topsoil was spread on top of the berm. Hampton advised Dunn to keep dust to a minimum and not park equipment on the berm.

**MOTION** by DuPlayee/Fonger to approve all three applications for 2010-2011 Non-metallic Mining Permits, which were:

Gaston Road Quarry – 2543 Gaston Road  
Applicant: Brad Huston, President  
R.G. Huston Company, Inc.  
2561 Coffeytown Road  
Cottage Grove, WI 53527

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

Skaar Pit – 3355 County Road N  
Applicant: Brad Huston, President  
R.G. Huston Company, Inc.  
2561 Coffeytown Road  
Cottage Grove, WI 53527

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

2272 US Highway 12 & 18  
Applicant: Steve Knaus  
495 Marshview Drive  
Sun Prairie, WI 53590

Landowner: Sun Prairie Sand & Gravel  
P.O. Box 837  
Sun Prairie, WI 53590

**MOTION CARRIED 5-0.**

- B. Consider approval of July 2010 – June 2011 Alcohol Beverage Licenses:
  - 1. Combination Class B Beer and Class B Liquor Licenses

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2. Operators and Managers Licenses

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

Operator's License Applicants:  
 Renewal Erickson Pamela J.  
 Renewal Gudel Jeffery M.  
 Renewal Kadrmas Sue M.  
 Renewal Krawczyk Michael J.  
 Renewal Nolden Connie J.  
 Renewal Philipps Meredith K.  
 New Polesl Kevin L.  
 Renewal Smith Tammy J.  
 Renewal St. Dennis Sandi  
 Renewal Winburn Kimberly A

The Clerk noted that the sellers permit number she has on file for Country Corners does not match DOR records, and she is in the process of clearing this up.

**MOTION** by DuPlayee/Anders to approve the class B beer and liquor licenses for Patrica J. Youngs d.b.a. Country Corners, for the indoor bar and dining areas and outdoor attached designated smoking area at 3737 County Highway AB, with condition that seller's permit number match DOR records, and also to approve all 10 operator's licenses. **MOTION CARRIED 5-0.**

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

Manager's License Applicants:  
 Renewal Frederickson Phillip C.  
 Renewal Purvis, Jr. Robert A.  
 Renewal Ruedy David D.  
 Renewal Schreiber Daniel C.

Operator's License Applicants:  
 New Coorough Ashlee M  
 Renewal Courchane Michael J.  
 New Johnson Justin M.  
 Renewal Showers Douglas D.  
 New Zastrow Alanna

The Clerk noted that the sellers permit number she has on file for Door Creek Golf Course does not match DOR records, and she is in the process of clearing this up.

**MOTION** by Fonger/Duplayee to approve the class B beer and liquor licenses for Door Creek Golf Course, Inc, for the clubhouse and golf course at 4321 Vilas Road, with condition that seller's permit number match DOR records. All manager's and operator's licenses were approved as well, with the exception of Alanna Zastrow, whose application is to be considered on June 21st. **MOTION CARRIED 5-0.**

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Nora's Tavern, Inc.  
 Timothy Kluever, Agent

Manager's License Applicant:  
 Renewal Kluever Sheryl L.

1843 HWY 12 & 18  
 Deerfield, WI 53531

Operator's License Applicants

Renewal	Bedward	Pamela J.
Renewal	Griffith	Lacy J.
Renewal	Heider	Dawn M.
Renewal	Heider	Gerald D.
Renewal	Hudson	Linda A.
Renewal	Kluever	Helen E.
Renewal	Mickelson	James E.
Renewal	Munz	Carrie S.
Renewal	Nelson	Kassandra L.
Renewal	Schimelpfenig	Sarah J.
Renewal	Shapiro	Michelle L.
Renewal	Sproul	Jayne T.
Renewal	Wood	Marcia L.

**MOTION** by Anders/Kindschi to approve the class B beer and liquor licenses for Nora's Tavern, Inc., for the entire building and all outside areas at 1843 US Highway 12 & 18. All manager's and operator's licenses were approved as well, with the exception of Lacy Griffith, whose application was denied based on an OWI conviction for an offense in July of 2009. **MOTION CARRIED 5-0.**

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

Manager's License Applicant:  
 Renewal Stueber Gary F.

Operator's License Applicants:

Renewal	Archer	Bernadette L.
Renewal	Banigan	Kyle F.
Renewal	Dean	Melissa C.
Renewal (2008)	Hudson	Katrina L.
Renewal	Kratochwill	Becky J.
Renewal	Moen	Nancy A.
New	Ravenscroft	Elaine E.
Renewal	Stueber	Mark A.

Mark Heine, 4573, presented a letter from himself and his wife Angela, and another from Mark and Laurie Steen, 4567 Baxter Road. Both letters expressed concern over excessive loud music and other disturbances in the neighborhood that they attributed to Doubledays, and indicated that contacting the owners of Doubledays about their concerns has been of little help. Debra Stueber said that she does everything she can to get along with neighbors, and disputed the facts of incidents mentioned in the letters. Anders suggested that rather than calling Doubledays, neighbors call the

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Police Department in the future so there would be a record for the Town Board to review.

**MOTION** by Anders/Fonger to approve the class B beer and liquor licenses for Ball of Fun, LLC, d.b.a. Doubledays, for the upstairs bar, dining room, downstairs bar, bowling alley, ball diamonds, horseshoe area, and the lower parking lot at 4586 Baxter Road. All manager's and operator's licenses were approved as well.

**MOTION CARRIED 5-0.**

d) Fahey & Wells  
 d.b.a. Crossroads Bar & Grill  
 3562 CTH AB  
 McFarland, WI 53558

Operator's License Applicants:		
Renewal	Angell	Robert G.
Renewal	Bane	Heather C.
Renewal	Blum	Ronald A.
Renewal (08)	Bronson	Shane
New (Denied 09)	Guimond	Dawn M.
Renewal	Heiman	Gina L.
Renewal	Reed	Heather N.
Renewal	Rettenmund-Berg	Michelle L.
Renewal	Woger	Emily J.
Renewal	Woodruff	Sarah E.

The clerk noted that there are delinquent property taxes for 3652 CTH AB, and Fahey stated they would be paid through first installment for 2009 plus interest and penalties before June 30<sup>th</sup>, and that second installment for 2009 will be made on a timely basis.

Other topics of discussion included:

- The need for an accurate description of the parking area so it can be excluded from the licensed area.
- Licensing the rugby field for special events only. One is planned for later this summer, and Fahey and Wells will provide details for the Board's consideration at the June 21<sup>st</sup> meeting.
- Updating of the Employee Handbook to reflect new ownership and the parking area map.
- Update on the camera system – all are up and running and seen as a big improvement by Fahey and Wells.
- Operator's license applicant Shane Bronson has a battery conviction for an incident in July of 2009. Wells said that Bronson is brought in as extra help and may not need an operator's license as other licensed operators are typically also present.
- Operator's license Heather Reed has an OWI conviction for an incident in February of 2010. She showed remorse for her mistakes, and stated that she needs the income from her bartending job. Wells stated that she does close the bar frequently, although a DJ is often present and perhaps he could be licensed instead.

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- Anders stated that he felt Dawn Guimond had paid her dues and was now deserving of an operator's license.

A motion was made and withdrawn by Kindschi/Duplayee to approve the class B beer and liquor licenses for Crossroads Bar & Grill, with conditions that property taxes be current by the end of June, a map be produced to describe the parking area, the employee handbook be updated, the basement of the building be used for liquor storage only (not sale), and that the camera system be kept in working order. The withdrawn motion included approval of all operator's licenses except Bronson and Reed.

**MOTION** by Kindschi/DuPlayee to table until June 21, 2010. **MOTION CARRIED 5-0.** Fahey and Wells were advised to provide the parking area map, updated handbook, and details for the special event to the Clerk by June 16<sup>th</sup>.

- C. Discuss/Consider beginning the process of vacating the following dead end Town Roads: Attorney Anderson described the process required to vacate the roads. The board must adopt a resolution finding that the vacation of the roads is in the public interest, then a notice of pendency must be filed with the Register of Deeds. At least 40 days after the adoption of the resolution, a public hearing must be held. If there are no objections to the vacation, a majority vote of the Town Board would be required for the vacation to occur. If there are objections, there would need to be a super-majority vote.

The clerk stated that notice of tonight's meeting had been mailed to all of the residents on the roads proposed for vacation.

1. Bork Road: Steve Bork was present, and asked whether road signs would be taken down (Smith indicated that they would).
2. Hoppman Drive: No one in attendance raised any questions or concerns.
3. Brinkhoff Road: No one in attendance raised any questions or concerns.
4. Stone Dahl Road: Harvey and Cynthia Skaar were present but did not raise any questions or concerns.
5. Wagner Road: Eugene Wagner stated that years ago when the town started having curbside pickup of trash and recyclables, the Town Board promised him that he would always have pickup at his house, and objected to this changing if the road is vacated. He stated that there is another landowner on the road, but maps indicated that the entire road is on his side of the property line.

**MOTION** by DuPlayee/Fonger to move forward with the process of vacating the 5 listed Town Roads. **MOTION CARRIED 5-0.**

- D. Plan Commission Recommendations:

1. Royal Oak Engineering/Eric Sandsnes, Applicant, Skaar Living Trust, Landowner: 2480 Nora Road, Parcel 0711-222-8500-4. Petition to rezone 4.31 acres from A-1(EX) to R-1A to create 3 single family residential lots on Uphoff Road: Sandsnes presented a revised Preliminary Certified Survey Map showing the driveway of Lot 3 restricted to the easterly most 30 feet of the lot, to keep it as far as possible from the top of the hill on Uphoff Road. He also had a Preliminary Certified Survey Map showing the 105 acres off of North Star Road to be deed restricted to provide the RDU's for the three lots, and stated that a density study is en route to the Clerk via email. **MOTION** by

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Anders/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 4.31 acres from A-1(EX) to R-1A to create 3 single family residential lots on Uphoff Road. The driveway for Lot 3 (western most lot) must be no more than 30 feet from its eastern lot line, and a "Blind Driveway Ahead" sign must be erected by or paid for by Skaars upon the first sale of one of the lots. **MOTION CARRIED 5-0.**

- E. Discuss/Consider approval of Dane County Zoning Ordinance Amendment No. 10054, Yahara Materials rezoned as amended and approved by the Dane County Board of Supervisors: **MOTION** by Hampton/DuPlayee to approve Dane County Zoning Ordinance Amendment No. 10054 with the 2 deed restrictions as approved by the Dane County Board of Supervisors. It was noted that the rezone was from A1-EX to C-2, not C2 to C-2 as stated on the approval from the County. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of Request for Proposal for Professional Audit Services: A few minor corrections were noted. **MOTION** by Kindschi/Hampton to approve the RFP for Professional Audit Services with corrections. **MOTION CARRIED 5-0.** The Treasurer will send the RFP to Baker Tilly Virchow Krause, LLP, and Johnson Block and Company, Inc., and a notice of the RFP is scheduled to be published in the Wisconsin State Journal tomorrow.
- G. Law Firm Transition: Anderson announced that she and Paul Kent will be joining Stafford Rosenbaum LLP as senior partners effective July 1, 2010. She assured the board that this change will not affect the level of service to the Town of Cottage Grove, nor will it result in a rate increase. **MOTION** by Kindschi/DuPlayee to transfer the Town's representation and files from Anderson & Kent, S.C. to Stafford Rosenbaum LLP. **MOTION CARRIED 5-0.**
- H. Discuss/Consider date for first Town Board meeting in July: **MOTION** by Anders/DuPlayee to hold the first Town Board meeting in July on Tuesday, July 6<sup>th</sup> (due to July 5<sup>th</sup> being the day of observance for Independence Day). **MOTION CARRIED 5-0.**

VI. CLERKS REPORT

- A. Dane County Ordinances – None.

VII. BOARD REPORTS AND COMMUNICATIONS: None.

VIII. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Deer-Grove EMS Commission: They are still looking for a chief, have interviewed 2 candidates, hope to interview 5 more on June 26<sup>th</sup>.
- B. Village Parks, Recreation and Forestry Committee: No discussion of the joint recreation program at the last meeting.
- C. Joint Town/Landfill Monitoring Committee: No recent detects.
- D. Law Enforcement Committee: Chief Gould will pay close attention to the amount of overtime used for the Fireman's Festival, and report back to the committee. No application will be made for a COPS grant. Insurance will replace the squad car recently involved in an accident with a new one.

- IX. Adjournment: **MOTION** by Kindschi/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:42 P.M.

Kim Banigan, Clerk  
Approved 6-21-2010

TOWN OF COTTAGE GROVE  
SPECIAL TOWN BOARD MEETING MINUTES  
JUNE 14, 2010

- I. Notice of the meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. A quorum was present with Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi, and Mike DuPlayee. Clerk Kim Banigan and Town Attorney Connie Anderson were also present, as well as Tim Fahey, Jason Wells, Joe Johnson, Dawn Guimond, Heather Reed, and Attorney Rick Petri from Crossroads Bar & Grill.
- II. Chairman Hampton called the meeting to order at 7:00 P.M.
- III. Discuss/consider approval of Provisional Class B Liquor and Class B Beer licenses for Fahey & Wells d.b.a. Crossroads Bar & Grill, 3562 CTH AB, McFarland, WI 53558: Anderson stated that the Town received a letter from the Wisconsin Department of Revenue (DOR) requesting that any licenses or permits be denied for JDJ, Inc. or anyone else at 3562 County Road AB until sellers permit issues are resolved with the DOR. She then presented a written memo advising the Town Board about their authority to issue provisional licenses and the determinations that would need to be made relating to Fahey & Wells application. She had attached "A Primer for Local Officials on Alcohol Licenses" from the June 2010 issue of the Municipality (published by the League of Wisconsin Municipalities). Anderson left the meeting at 7:10 P.M.

Fahey presented a written surrender of JDJ's Class B liquor license.

Guimond presented a copy of a cashier's check made out to and stamped as received by the Dane County Treasurer for \$3,000 and a confirmation of an online tax payment for \$3,000. Both were dated June 14, 2010 and applied to parcel 0711-303-8540-08 (the 1.34 acre parcel that the bar is on). It was determined that parcel 0711-302-9340-9 is also part of the premises described in the license application (the ball field). The Clerk had obtained the total taxes, interest and principal due on the two parcels earlier in the day from the Dane County Treasurer. These amounts were:  
0711-303-8540-8: \$17,001.27 (including taxes due for 2007, 2008 and 2009).  
0711-302-9340-9: \$ 2,036.84 (including taxes due for 2008 and 2009).

Petri suggested that there are two issues to consider: 1) Dawn's history and 2) the Tax liability, and that if the provisional licenses are approved, Dawn would be out of the picture, and allowing the bar to be open would provide cash flow to pay taxes with.

**MOTION** by Anders/Kindschi to do nothing until the June 21<sup>st</sup> Town Board meeting, at which time both the provisional and 2010-11 licenses will be considered. The applicants must provide a copy of the lease for the premises and receipt showing that property taxes are current, along with meeting all of the conditions stated at the June 7<sup>th</sup> meeting. **MOTION CARRIED 5-0.**

There was brief discussion that if the applicants can meet the requirements sooner, board members are available for another special meeting on June 17<sup>th</sup>. The applicants would need to produce the necessary documents and pay for a special meeting by noon on June 16<sup>th</sup>.

- IV. Adjournment: **MOTION** by Anders/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:33 P.M.

Kim Banigan, Clerk  
Approved 6-21-2010

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JUNE 21, 2010

- I. Notice of the meeting was properly posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, as well as Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. Also present were those listed on the attached sign-in sheet (available in the Clerk's office, although several attendees did not sign in).
- II. Chairman Hampton called the meeting to order at 7:00 P.M.
- III. Minutes of previous meeting(s):
  - A. **MOTION** by Anders/Fonger to approve the minutes of the June 7, 2010 Public Hearings and Town Board Meeting as printed. **MOTION CARRIED 5-0.**
  - B. **MOTION** by DuPlayee/Anders to approve the minutes of the June 14, 2010 Special Town Board Meeting, with the addition of Joe Johnson to the list of attendees. **MOTION CARRIED 5-0.**
- IV. Finance Report and Approval of Bills:
  - A. **MOTION** by Anders/Kindschi to approve payment of bills corresponding to checks #17687-17738 as presented, including voided check #17702. **MOTION CARRIED 5-0.**
  - B. The Treasurer asked for June per diem reports by July 2<sup>nd</sup>, and reported that she is working on restructuring of the Quickbooks accounts to more closely match required state reports, as well as answering questions from accounting firms who are responding to the Town's RFP for auditing services.
  - C. Public Concerns: None.
  - D. Road Right of Way Permits: **MOTION** by Fonger/DuPlayee to approve a permit for Alliant to replace the single phase overhead lines on Nora Road. **MOTION CARRIED 5-0.**
- V. BUSINESS:
  - A. Discuss/Consider beginning the process of vacating the north end of Earlwyn Road: Troy Eickhoff, 3632 Earlwyn Road, stated that he was also representing Carl Dahl, 3637 Earlwyn Road, who was not available tonight. He questioned the reasons behind the proposed road vacation, and suggested that Dahl would be willing to build a cul-de-sac to Town specifications rather than have the road vacated. He also questioned how owning the paved road would affect Dahl's property taxes, but board members said driveway surfaces are not a factor in assessed value. Eickhoff also noted that an easement may be needed for utility poles on the road segment proposed for vacation. **MOTION** by Anders/Kindschi to add the end of Earlwyn Road to the list of roads for vacation. **MOTION CARRIED 5-0.** There was also agreement to discuss options for a cul-de-sac with Mr. Dahl at the July 6<sup>th</sup> Town Board meeting.
  - B. Discuss/consider approval of Provisional Class B Liquor and Class B Beer licenses for Fahey & Wells d.b.a. Crossroads Bar & Grill, 3562 CTH AB, McFarland, WI 53558: Dawn Guimond presented the Clerk with proof that property taxes are current (through first installment of 2009) for parcels 0711-303-8540-8 (Bar 1.34 acres), 0711-302-9340-9 (16.09 acres recreational), and 0711-302-9200-8 (4.68 acres Parking Lot/Garage). Guimond also gave the Clerk a copy of the Alcohol Beverage Stock Transfer from JDJ, Inc. to Fahey & Wells. Tim Fahey provided the Clerk with a copy of the lease for real and personal property from JDJ, Inc. to Fahey & Wells. Jason Wells provided a map of the facility and a sample of

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TOWN BOARD MINUTES  
JUNE 21, 2010

a “No Alcohol Beyond This Point” sign. After much discussion, the map was shaded to indicate the areas to be licensed. **MOTION** by Fonger/Kindschi to grant provisional Class B Beer and Liquor licenses to Fahey & Wells, d.b.a. Crossroads Bar and Grill, for 60 days or until the regular licenses are issued, whichever comes first. The licensed area is limited to the first floor of the building, basement for storage only, outdoor patio adjacent to the building, horseshoe pits, volleyball courts, softball fields and adjacent shed, open area and walkway between parking lot, volleyball courts and softball fields, as depicted by shaded area of the map. No parking is allowed in any of the licensed areas. **MOTION CARRIED 5-0.**

C. Discuss/consider approval of July 2010 – June 2011 Alcohol Beverage Licenses for Fahey & Wells d.b.a. Crossroads Bar & Grill, 3562 CTH AB, McFarland, WI 53558:

1. Combination Class B Beer and Class B Liquor Licenses: **MOTION** by DuPlayee/Fonger to grant Class B Beer and Liquor licenses to Fahey & Wells, d.b.a. Crossroads Bar and Grill, effective August 10, 2010 thru June 30, 2010, provided that all 2009 property taxes for the premises are paid prior to that date. **MOTION CARRIED 5-0.**

2. Operators and Managers Licenses: **MOTION** by Fonger/DuPlayee to approve July 1, 2010 thru June 30, 2011 operators licenses to:

Dawn Guimond	Michelle Rettenmund-Berg
Robert Angell	Emily Woger
Heather Bane	Sarah Woodruff
Ronald Blum	
Gina Heiman	

Operators license applications were denied for Shane Bronson (based on his conviction for a battery charge in July of 2009) and Heather Reed (based on her convictions for OWI and hit and run in February of 2010). **MOTION CARRIED 5-0.**

D. Discussion only on special event at Crossroads Bar & Grill: Tabled until July 6<sup>th</sup> meeting for lack of details at this time.

E. Consider approval of 2010-11 operators license for Alanna Zastrow: Ms. Zastrow had drafted letters to each board member explaining the steps she has taken to turn her life around in recent years, and why she is deserving of an operator’s license. **MOTION** by Hampton/DuPlayee to grant an operator’s license from July 1, 2010 thru June 30, 2011 to Alanna Zastrow. **MOTION CARRIED 4-1** (Fonger opposed).

F. Consider appeal of denial of 2010-11 operators license for Lacy Griffith: Ms. Griffith explained the circumstances of her OWI conviction in July of 2009, and stated that she has since completed an MATC class about laws of alcohol abuse. Tim Kluever, owner of Nora’s Tavern, spoke on her behalf, stating that she is one of his most responsible employees. **MOTION** by Kindschi/Hampton to grant an operator’s license from July 1, 2010 thru June 30, 2011 to Lacy Griffith. **MOTION CARRIED 4-1** (Anders opposed).

G. Consider approval of 2010-11 operators licenses for applicants since June 7<sup>th</sup>: A memo from the Clerk informed board members that the three applicants had no issues of concern on their background checks. **MOTION** by Anders/Hampton to grant operator’s licenses from July 1, 2010 thru June 30, 2011 to Michael Aders and Anthony Norin for Country Corners, and Nicole Zauner for Noras Tavern. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
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- H. Discuss/Consider whether to require a Parade, Procession or Race Permit for the BikeMS: Toyota Best Dam Bike Ride on August 7-8, 2010: **MOTION** by Hampton/Anders to waive the application fee and deposit, but require a letter to notify Town residents along the route what to expect. **MOTION CARRIED 5-0.** The letter will be reviewed by the Board on July 6<sup>th</sup>.
- I. Discuss/Consider Resolution Approving Decision To File Notice Of Pendency For Vacation of Selected Town Roads and Introduction of the Vacation Resolution (table pending legal description of roads to be vacated). **MOTION** by Hampton/Kindschi to table until the July 6<sup>th</sup> meeting. **MOTION CARRIED 5-0.**

VI. CLERKS REPORT

- A. Dane County Ordinances – None.

VII. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported receipt of a review of Hydrite Chemical's air pollution permit, and notice to Richard Quale of plans to erect a 449 foot high wind turbine on County owned land to the west of his air strip, just north of the Town of Pleasant Springs line.
- B. Smith asked about amending the budget to use Liberty Prairie Cemetery funds to pay for cleanup of three trees. A budget amendment will be included on the July 6<sup>th</sup> agenda.

VIII. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Deer-Grove EMS Commission: No report.
- B. Emergency Government Committee: No report.

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

Kim Banigan, Clerk  
Approved 7-6-2010

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
JULY 6, 2010

- I. Notice of the meeting was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, as well as Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. Also present were those listed on the attached sign-in sheet (available in the Clerk's office.)
- II. Chairman Hampton called the meeting to order at 7:00 P.M.
- III. Minutes of previous meeting(s):
  - A. **MOTION** by Fonger/DuPlayee to approve the minutes of the June 21, 2010 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- IV. Finance Report and Approval of Bills:
  - A. **MOTION** by Anders/Kindschi to approve payment of bills corresponding to checks #17739-17778 as presented. **MOTION CARRIED 5-0.**
  - B. **MOTION** by Anders/Fonger to approve payment of June Town Board and committee per diems as presented. **MOTION CARRIED 5-0.**
  - C. **MOTION** by Fonger/DuPlayee to approve payment of \$760.00 to Tom Viken for June building permits. **MOTION CARRIED 5-0.**
  - D. Public Concerns: Craig and Rachel Buss, 4517 Bonnie Ave., asked if a ditch could be put in front of their house to allow water to drain rather than pooling in their front yard. Smith said ditches were not installed there as part of a previous project because homeowners did not want them at the time. Two homeowners would need to install culverts in order for a ditch to be put in. Merton Gunnelson, 4511 Bonnie Avenue, was also present, and both he and Mr. & Mrs. Buss agreed to put in the culverts. Smith said there is no money in the budget to hire a backhoe for ditch work this year, which he roughly estimated at \$1,000. Initial discussion was to budget for the work in 2011, but after further discussion, it was decided to review the 2010 budget at the next meeting, to look for funds to finance the ditching this year.
  - E. Road Right of Way Permits: None.
- V. BUSINESS:
  - A. Plan Commission Recommendations
    1. Discuss plans for an outdoor amphitheater/free performance sound stage on KLM Grove Holdings, LLC property adjacent to The Gaston School Gallery at 4691 County Road N: No one was present to present for this topic. Hampton explained that there is no zone change or conditional use permit required since the performances will have an agricultural emphasis.
    2. Discuss/Consider approval of removal of a 33' reservation for future road on R-1 zoned lot at 2620 Gaston Road, Jerry and Patti Helgeland, owners: It was noted that the adjoining parcel owned by Alliant Energy does not have a reservation for a future road, so there would be no where for a road to go beyond the Helgeland property. The Village of Cottage Grove's future transportation map does show a road running through both Helgeland's and Alliant's property, however. **MOTION** by Anders/Kindschi indicating that the Town is OK with removing the 33' reservation for future road on the property at 2620 Gaston Road. **MOTION CARRIED 5-0.** Helgelands will need to pursue removal of the road reservation by the Village as well.
    3. Discuss/Consider proceeding with update to the 2010 Phase 2 Amendment to the Town of Cottage Grove Comprehensive Plan to allow for expansion of existing commercial properties in non-commercial land use districts: Hampton explained that this has come up

due to a request to expand an existing commercial property that is in an area designated to remain as agriculture. The cost to proceed is estimated at about \$1,100, which is not budgeted for this year. **MOTION** by Kindschi/Anders to table until other changes to the comprehensive plan are needed. **MOTION CARRIED 5-0.**

B. Discuss/Consider approval of a Sports Tournament and Music Event at Crossroads Bar & Grill on July 24, 2010: Jason Wells and Joe Johnson represented Crossroads Bar & Grill. They had provided a written description and map of the proposed event, which they estimated could be attended by up to 1000 people over the course of the entire event. Both softball and volleyball tournaments are planned, as well as music and a beer tent from 4 p.m. to 12 a.m. The board also reviewed written comments from the Police Chief. **MOTION** by Kindschi/DuPlayee to approve the event with the following provisions:

- Music will be only between the hours of 4 P.M. and 12 A.M. Noise level must stay below the Permissible Noise Exposures in TCG Appendix 11-F, Table G-16.
- There must be a double fence around the beer garden area, with at least 8 feet between the two fences.
- Parking will be allowed in the Rugby fields, but no alcohol is to be consumed in this area.
- Off duty Sheriff Deputies will be hired to patrol the event, with one deputy on duty from the beginning of the event until 12:00 P.M., 2 on duty from 12:00 P.M. until 4:00 P.M., and 3 on duty from 4:00 P.M. until the beer tent is empty. (If the Sheriff is not able to provide off duty deputies, a private security company may be used instead.) One deputy (or officer) will patrol the parking area in the rugby fields, one will be stationed at the entrance to the beer tent, the third will patrol as needed. Arm bands will be used to identify those who are 21 years of age and older.
- There must be a two-way, 24-foot emergency lane from Luds Lane to the building.
- Two parking attendants must be present for the entire event, charged with keeping the emergency lane open and enforcing no parking on Luds Lane, County AB, and US Highway 12 & 18.
- There must be at least six port-a-potties (including the one always on site), with another 5 on reserve.
- An agreed upon map will be used as reference.
- A letter of agreement is to be signed between the parties.

**MOTION CARRIED 5-0.**

C. Discuss/Consider Proposals for Audit Services for 2010-2012 from Johnson Block and Company, Inc. and Baker Tilly Virchow Krause, LLC: The Treasurer presented highlights from the two proposals. She had several concerns about the Johnson Block and Company, Inc. proposal related to the audit time table, timeliness of responses to questions, charges for extras such as phone calls, and accounting principles used (no mention of GASB34 in the proposal). The board advised her to contact Johnson Block and Company, Inc. with her questions and concerns, and to check references with other municipalities they serve. **MOTION** by Hampton/Fonger to table until the next meeting. **MOTION CARRIED 5-0.** It was noted that a decision must be reached no later than August 2, 2010.

D. Discuss/Consider adoption of a Resolution Amending the 2010 Budget for the Town of Cottage Grove: The proposed resolution would use Liberty Prairie Cemetery Funds to pay for clean up of trees in the cemetery that were damaged by recent storms. Kevin Shelley, the appointed Cemetery Manager, stated that he supports the use of the funds for this purpose, but also has

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other projects in mind, and while he understands how tight the budget is this year, he has concerns over the allocation of \$800 for cemetery maintenance on an ongoing basis. Projects he mentioned included surveying/ digital platting of the cemetery, replanting of trees and shrubs, a visitor registration kiosk. He also noted that some of the old stones are in disrepair, and the possibility of vandalism.

**MOTION** by Hampton/Kindschi to adopt Budget Resolution No. 2010-03 as presented.

**MOTION CARRIED 5-0.** The funds will be transferred when the CD matures in August.

- E. Discuss/Consider approval of letter to residents on route of the BikeMS: Toyota Best Dam Bike Ride on August 7-8, 2010: **MOTION** by Kindschi/DuPlayee to approve the letter as presented. **MOTION CARRIED 5-0.**
- F. Discuss/Consider adoption of a Resolution Approving Decision to File Notice of Pendency for Vacation of Selected Town Roads and Introduction of the Vacation Resolution: The clerk stated that she has not yet received approval from Town Attorney Connie Anderson of Exhibit A of the resolution, which is the description of the roads to be vacated. **MOTION** by Kindschi/Hampton to adopt the resolution as presented, pending approval by the Town Attorney of the road descriptions in Exhibit A. This will be Town Board Resolution 2010-06. **MOTION CARRIED 5-0.**
- G. Discuss 2011 personnel costs: Hampton said that at the recent Law Enforcement Committee meeting, Village officials indicated they are already working on their budget, and want to know what the Town intends to do with personnel costs in 2011. Hampton noted that Town employees saw a 0% increase in 2010, which extended to EMS employees. Police union employees received a 3% wage increase, but furlough days were used to hold the budget increase to 0%. In 2011, union employees will have a 0% increase, but wages will increase due to no furlough days. Consensus was that the Town Board is not ready to make any decisions on 2011 personnel costs at this time.

VI. CLERKS REPORT

- A. Dane County Ordinances – None.
- B. The Clerk reported receipt of the Deer-Grove EMS Public Records Policy, which lays out a procedure for requesting public records from the EMS district.

(Anders left for an EMS call at 9:26 p.m.)

VII. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that plans are under way for a new transfer station and year-around household waste collection site at the Rodefild Landfill site. He expressed concern over the requested Limited Service Area increase, which not only encompasses the expansion site on the west end of the landfill property, but extends east along US Highway 12 & 18 then north along County AB. Smith said there are also plans to build a new county garage on the site.
- B. Smith reported that the County will pay 50% of the cost to replace the culvert on Ridge Road in 2011. If the County does the work, there is no charge for engineering or permits.

VIII. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE): None.

- IX. Adjournment: **MOTION** by Hampton/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:31 P.M.

Kim Banigan, Clerk  
Approved 7/19/2010

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JULY 19, 2010

- I. Notice of the meeting was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, as well as Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Police Chief John Gould, and Attorneys Connie Anderson and Chad Koplien. Also present were those listed on the attached sign-in sheet (available in the Clerk's office.)
- II. Chairman Hampton called the meeting to order at 7:00 P.M.
- III. Minutes of previous meeting(s): **MOTION** by Kindschi/Fonger to approve the minutes of the July 6, 2010 Town Board Meeting with corrections to two typos. **MOTION CARRIED 5-0.**
- IV. Finance Report and Approval of Bills:
  - A. **MOTION** by Anders/Kindschi to approve payment of bills corresponding to checks #17779-17818 as presented. **MOTION CARRIED 5-0.**
  - B. The Treasurer asked that July per diem reports be submitted by July 31<sup>st</sup>.
- V. Public Concerns: Steve Anders requested an agenda item for the next meeting to consider permitting a second driveway on his property. He listed several other properties on Vilas Road that already have second driveways, and noted that the location he is proposing is already built up but grassed over. He encouraged board members to stop by and look at it before the next meeting.
- VI. Road Right of Way Permits: None.
- VII. BUSINESS:
  - A. Discuss/Consider approval of 2010-2011 operator's license for Toby R. Berg: **MOTION** by DuPlayee/Anders to approve an operator's license for Toby R. Berg for the license term ending June 30, 2011. **MOTION CARRIED 5-0.**
  - B. Discuss/Consider approval of parking plan for Sports Tournament and Music Event at Crossroads Bar & Grill on July 24, 2010: Jason Wells and Joe Johnson represented Crossroads Bar & Grill. Johnson asked for clarification on the location of the fire lane and explained where cars would be parked to accommodate it. He stated that the softball tournament will not be as big as originally thought, with fewer games, a later start time (10:00 A.M.) and estimated attendance of 100, not 300. He also stated that the Dane County Sheriff's Department will not be providing security, so they have contracted with Per Mar Security Services instead. He asked if the security coverage could be reduced during the softball tournament due to the reduction in hours and attendance. **MOTION** by Fonger/DuPlayee to approve the parking plan, and a change to security plans, including the use of Per Mar Security Systems, with one officer on duty from 12:00 P.M. to 4:00 P.M., and three on duty from 4:00 P.M. until the beer tent is empty. **MOTION CARRIED 5-0.**
  - C. Discuss/Consider Use of Cedar Knolls Park for Pee Wee Football Practices during September and October, 2010: The Board reviewed the written request from Coach Brad Bliss. It was noted that adjoining property owners had been notified of the agenda item, although none were present, and that there have not been complaints related to this use of the park in previous years. **MOTION** by Kindschi/DuPlayee to approve the use of Cedar Knolls Park for Pee Wee Football practices during September and October, 2010. **MOTION CARRIED 5-0.**

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- D. Introduce Town Prosecutor and discuss legal representation for Town Court: Attorney Connie Anderson introduced Attorney Chad W. Koplien, who will be taking over the duties of Prosecutor for Town Court. Town Board members welcomed him on board.
- Skip to K: Review 2010 Budget, looking for funds to finance ditch work on Bonnie Avenue: Smith stated that his staff evaluated the Bonnie Avenue area and determined that the other side of the road is getting filled in as well, and several homeowners are constantly pumping water from their basements to the ditch. He suggested that to do things right, ditches on both sides of the road all the way to Vilas Road should be dug out, either all at once or phased. Dan Weisensel, 4505 Bonnie Ave., asked to be notified before the ditch in front of his house is dug so he can roll up the sod first. **MOTION** by Hampton/Anders directing Smith to contact Engineer Warren Myers to inspect and prepare a recommendation for the Board on August 2<sup>nd</sup>, including two scenarios: the best way and the cheapest way. The effect of all of the pumping should also be considered. **MOTION CARRIED 5-0.**
- E. CONSIDER/ADOPT MOTION TO MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 19.85(1)(f) considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations. Police Personnel: **MOTION** by Anders/DuPlayee to move into closed session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- F. MOVE INTO CLOSED SESSION: The Board moved into closed session at 7:35 P.M. The room was cleared with only board members, attorneys, the Police Chief and the Clerk remaining.
- G. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Anders/DuPlayee to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 8:25 P.M.
- H. Action as a result of closed session: No action, consensus for the Police Chief to take the Town's position to the Village President. The attorneys and Police Chief left after the closed session.
- I. Motion to Reconsider Resolution 2010-06 Approving Decision to File Notice of Pendency for vacation of selected Town Roads and Introduction of the Vacation Resolution (remove Earlwyn Road from the list per Town Attorney recommendation): The Clerk explained that upon review of the vacation maps, Attorney Connie Anderson recommended that Earlwyn Road be excluded from this group of vacations since it would leave a parcel with less than the required 66 feet of road frontage. **MOTION** by Kindschi/DuPlayee to reconsider Resolution 2010-06. **MOTION CARRIED 5-0.**
- J. Consider/Adopt Resolution 2010-06 Approving Decision to File Notice of Pendency for vacation of selected Town Roads and Introduction of the Vacation Resolution: The clerk noted that she had removed all references to Earlwyn Road from the resolution, notice of pendency, and vacation maps, and that Attorney Anderson has reviewed and approved the maps. **MOTION** by Kindschi/DuPlayee to adopt Resolution 2010-06 as amended to exclude Earlwyn Road. **MOTION CARRIED 5-0.**

(Anders left for an EMS call at 8:30 P.M.)

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- K. (discussed above)
- L. Discuss/Consider Proposals for Audit Services for 2010-2012 from Johnson Block and Company, Inc. and Baker Tilly Virchow Krause, LLC: The Treasurer presented the results of her reference checks for Johnson Block and Company, Inc., which were all very favorable. Her discussion with Jan Froenich, Partner with Johnson Block and Company, had increased her confidence in their ability to meet the Town's needs and timetable, although she was disappointed in the lack of a prompt response to her questions to Case Manager Carrie Leonard. The Treasurer noted that the Village of Cottage Grove is also taking proposals for audit services, and recommended that the Town and Village have the same auditor due to the shared services. **MOTION** by DuPlayee/Fonger to accept the proposal from Johnson Block and Company, LLC to provide audit services to the Town of Cottage Grove for fiscal years 2010-2012. **MOTION CARRIED 4-0.** Board members commended Simonson for a good job with her research. She stated that she does have a project in progress with Baker Tilly Virchow Krause, LLC related to financial statement reporting of delinquent property taxes from prior years.

VIII. CLERKS REPORT

- A. Dane County Ordinances – None.
- B. The Clerk reported that she received a copy of the Village's ordinance annexing territory in the Town of Sun Prairie, and had contacted the Village Administrator to confirm that the area will be served by CGPD, CGFD, and DGEMS.

IX. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton attended the DCTA meeting on July 14<sup>th</sup>, and that there is still much disagreement among the parties regarding the issue of updates to Dane County emergency radios.

X. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Emergency Government Committee: The committee has been busy putting NIMs polices in place.
- B. Parks, Recreation and Forestry Committee: Meeting was cancelled due to a posting error.
- C. Deer Grove EMS Commission: Duane Erschen has been selected as the new Chief. He will work from 8 a.m. to 5 p.m. Sunday thru Thursday.

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

Kim Banigan, Clerk  
Approved 8-2-2010

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
AUGUST 2, 2010

- I. Notice of the meeting was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, as well as Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. Attorney Connie Anderson and Engineer Warren Myers arrived later, just before the stormwater discussion. Also present were those listed on the attached sign-in sheet (available in the Clerk's office.)
- II. Chairman Hampton called the meeting to order at 7:27 P.M.
- III. Minutes of previous meeting(s):
  - A. **MOTION** by DuPlayee/Anders to approve the minutes of the July 19, 2010 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
  - B. **MOTION** by Hampton/Kindschi to approve the closed session minutes from July 19, 2010 as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**  
(Since the meeting started late, agenda items were taken out of order to accommodate those who had been waiting, but minutes are recorded by agenda order).
- IV. Finance Report and Approval of Bills:
  - A. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #17819-17857 as presented. **MOTION CARRIED 5-0.**
  - B. **MOTION** by DuPlayee/Anders to approve payment of July Town Board and Committee per diems as presented, and payment of \$1,220.00 to Tom Viken for July building permits. **MOTION CARRIED 5-0.**
- V. Public Concerns: None.
- VI. Road Right of Way Permits:
  - A. Discuss/Consider request by Village of Cottage Grove to close one lane of traffic during installation of sewer and water along Vilas Road: Dwight and Dale Huston explained that the R.G. Huston Company, Inc., contractor for the project, actually made the request, which is to close the lane of traffic that was required to remain open according to the Village's permit. They asked for permission to close Vilas Road between Coffeytown Road and Clark Street on work days from mid August to mid September, stating that it is necessary for safety reasons as well as to speed up the progress of the project. Local traffic, emergency vehicles, and garbage trucks will be allowed to get through as needed. The Village Engineer was present and indicated he is in support of the road closure. **MOTION** by Kindschi/DuPlayee to approve the closure of Vilas Road between Coffeytown Road and Clark Street from 6:30 a.m. to 5:00 p.m. on week days from mid August to mid September. **MOTION CARRIED 5-0.**
- VII. BUSINESS:
  - A. Plan Commission recommendations: Kevin Shelley & Sandra Whitney, 1764 Hwy 12 & 18: Petition to rezone approx. .62 acres from A-1(EX) to R-1 or R-3 to separate 1 existing farm house from the farm: **MOTION** by Anders/DuPlayee to accept the Plan Commission's recommendation to rezone approximately .62 acres from A-1(EX) to either R-1 or R-3, depending on the eventual setbacks, with shared well and driveway agreements required. The RDU being utilized is the non-transferrable RDU based on continued farm ownership

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since 1981. It was noted that this meets the residential density for the agricultural district.  
**MOTION CARRIED 5-0.**

- B. Discuss/Consider Town Engineer's report and recommendations regarding stormwater management on Bonnie Avenue: Town Engineer Warren Myers said that the water issues on the west side of Bonnie Avenue can be remedied by digging ditches and installing culverts under three driveways. He noted that a county erosion permit will be required for this project, which would require the area to be restored (re-seeded) within 2 weeks. This could prove difficult due to how wet the ditches are. **MOTION** by Hampton/Kindschi to authorize spending up to \$2500.00 this year to dig the ditch, hire Town & Country Engineering to set the grade, and install culverts in two driveways (driveway owners will be billed for the cost of the culvert, gravel and labor to install). **MOTION CARRIED 5-0.** Craig Buss, 4517 Bonnie Avenue, Merton Gunnelson, 4511 Bonnie Avenue, and Daniel Weisensel all indicated that they were willing to pay for their culverts and understood they would need to resurface their driveways over the culvert. They were told to direct their sump pump discharge to their rear yards to give the ditch a chance to dry out.
- C. Discuss/Consider formation of a Stormwater Utility: Myers stated that there are several issues involved with stormwater management in the Town, and outlined three levels of concern: 1) Storm drainage without property damage, 2) water quality, and 3) groundwater. In addition, the Town must also be concerned about where the stormwater goes when it leaves the Town. He said that addressing these issues will require money and possibly land, along with a funding mechanism and ordinances regulating the effects of stormwater and ground water, especially for new construction. Attorney Connie Anderson said with the newly adopted chapter NR 151, Wis. Adm. Code, stormwater planning is essential and there will be costs involved. Towns can't create utilities, but they can create stormwater districts. This would involve identifying and prioritizing the areas in need of improvement, establishing the cost and allocating it fairly among the affected residents. Further discussion was postponed to a later date.
- D. Recap of July 24, 2010 event at Crossroads Bar and Grill, and Discuss/Consider approval of a similar event to be held over Labor Day weekend: Jason Wells and Joe Johnson represented Crossroads Bar and Grill. Johnson said that the July 24<sup>th</sup> event had gone well, with the only incident being a domestic disturbance in the bar that resulted in a police call. They are not planning another event for Labor Day weekend, but asked what constitutes an event that they would need to seek board approval of in the future. Consensus was any outdoor events (other than softball or volleyball tournaments) would require board approval. Johnson said they plan to leave the fence between the walkway and patio up after the July 24<sup>th</sup> event, and would like to have that area included in their licensed premises description. They were advised to come back with a formal request for this.
- E. Discuss/Consider having a local referendum on the November 2, 2010 ballot regarding funding of commuter rail by a half-cent increase in County sales tax: **MOTION** by Kindschi/Anders to put a resolution calling for the referendum on the September 7, 2010 agenda. **MOTION CARRIED 5-0.**
- F. Discuss/Provide direction to department heads regarding 2011 budget requests: **MOTION** by DuPlayee/Fonger to direct department heads to keep their 2011 budget requests to a zero increase. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
AUGUST 2, 2010

- G. Discuss/Consider approval of second driveway for 4274 Vilas Road (Anders recused himself as this is his address): Hampton asked Anders if he could settle for a single 35' wide driveway, but Anders said that would not allow him to sufficiently maneuver his trailer. The proposed driveway would allow him to drive straight into/through his garage, then he could turn around behind the garage and drive straight out onto the road. **MOTION** by Fonger/DuPlayee to approve the second driveway at 4274 Vilas Road. **MOTION CARRIED 4-0-1** (Anders abstained).
- H. Discuss/Consider funding for community entrance signs: Kindschi and Ellery Jensen, representing the Chamber of Commerce, presented a graphic and cost proposal for four entrance signs. The three cost options ranged from \$5,885.00 to \$8,155.00 per sign, plus any additional costs for landscaping. Hopes are that civic organizations will pay for their own small signs on the structure, and that organizations will adopt the signs for maintenance purposes. **MOTION** by Anders/DuPlayee to approve the concept of the community entrance signs as presented. **MOTION CARRIED 5-0.** Any Town contribution toward the signs will need to be addressed with development of the 2011 budget.
- I. Update on Flynn Hall 110th Birthday Celebration on August 28, 2010: Hampton reported that the next planning meeting for the celebration is Wednesday, August 4<sup>th</sup>, and urged board members to come and sign up to work at the event.
- J. Discuss/Consider cancelling the August 16, 2010 Town Board meeting, or electing a Chair pro tem for the meeting. **MOTION** by Kindschi/Fonger to elect Anders as Chair pro tem during Hampton's upcoming vacation, including the August 16, 2010 meeting. **MOTION CARRIED 5-0.**
- K. CLERKS REPORT

1. Dane County Ordinances – None.

VIII. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that the Dane County ZLR committee approved the Phase 2 amendment to the Town's comprehensive plan, although the Village planner spoke against it. The County Board will consider its approval on August 19<sup>th</sup>.

IX. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Joint Town/Village Landfill Monitoring Committee: All test results showed no detects.
- B. Law Enforcement Committee: This was discussed at a joint Town/Village Board meeting earlier this evening.

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

Kim Banigan, Clerk  
Approved 08-16-2010  
Reconsidered and approved 09/07/2010

TOWN OF COTTAGE GROVE

TOWN BOARD MINUTES

August 16, 2010

- I. Notice of the meeting was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Supervisors Mike Fonger, Steve Anders (chair pro tem), Mike Kindschi and Mike DuPlayee were all in attendance, as well as Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. Attorney Connie Anderson and Engineer Warren Myers arrived later, just before the stormwater discussion. Also present were those listed on the attached sign-in sheet (available in the Clerk's office.)
- II. Anders called the meeting to order at 7:00 P.M.
- III. Minutes of previous meeting(s): **MOTION** by Fonger/DuPlayee to approve the minutes of the August 2, 2010 Town Board Meeting as printed. **MOTION CARRIED 4-0.**
- IV. Finance Report and Approval of Bills:
  - A. **MOTION** by Fonger/DuPlayee to approve payment of bills corresponding to checks #17858-17899 as presented. **MOTION CARRIED 4-0.**
- V. Public Concerns: Craig Slager, co-owner of Paul Davis Restoration, informed the board that his company has purchased the commercial property previously occupied by Floorworks and Silverstone construction. They plan to inhabit the former Floorworks building and rent out the former Silverstone building. They are doing some internal remodeling, but do not plan any exterior changes. They are considering adding some parking, and will come back to the September 7<sup>th</sup> meeting with a parking plan. Board members indicated there may be screening requirements imposed.
- VI. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve a permit for Alliant to trench underground for gas service relocation at 4541 Baxter Road. **MOTION CARRIED 4-0.**
- VII. BUSINESS:
  - A. Discuss/Consider approval of closing Alydar Way from Damascus Trl. To Citation Ct. on September 11, 2010 for a block party: Jon and Julie Lindskoog, 2870 Alydar Way, explained that the block party will be similar to the ones in recent years. They have invited all of the Meadow Grove sub-division, last year there were 30-40 attendees. They do not require any assistance in blocking off the road, and there will not be any amplified music. **MOTION** by Fonger/Kindschi to approve closure of Alydar Way on September 11, 2010 from 4:00 p.m. to midnight. **MOTION CARRIED 4-0.**
  - B. Update/Consider options regarding trees on private property that overhang town roads: A resident recently contacted board members regarding trees between 3437 and 3505 Vilas Road. Anders had taken photos of the worst of the trees, but stated that there are several trees, dead and alive, that appear to be on the verge of falling. Smith stated that his crew regularly picks up fallen branches after storms. These are the same trees that were the subject of a similar board discussion on April 19, 2010. **MOTION** by Kindschi/DuPlayee directing the Clerk to send a registered letter to the property owners advising them of their liability should the trees fall on a passerby, and requesting that they mitigate the hazard by removing the trees. The Clerk is also to advise the complainant of the board's action. **MOTION CARRIED 4-0.**
  - C. Discuss/Consider submitting a letter of commitment to partner with the Capital Region Consortium in submitting an application for a HUD Sustainable Communities Grant: **MOTION** by Kindschi/DuPlayee to take no action on a letter of commitment at this time. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE

TOWN BOARD MINUTES

August 16, 2010

- D. Discuss/Consider approval of repairs to monitoring well #3 at the former Natvig Landfill site: Anders reported that Tina Seybold of Strand and Associates contacted him regarding difficulty obtaining a water sample from MW3 due to damage to the pipe. Anders distributed a handout prepared by Seybold advising that repairs are needed before the next sampling event in January, and while Town staff can perform the repairs under her direction, a survey of the casing elevation would be required by DNR. She recommended that all wells be surveyed at the same time, and said that it can be accomplished with no extra charges beyond the 2010 agreement fee. **MOTION** by Anders/DuPlayee to table until 9/7 for an update. **MOTION CARRIED 4-0.**
- E. Discuss/consider service call for Town Hall water heater resulting from gas service issue: Smith explained that the Cottage Grove Baptist Church recently reported that they have not had hot water at the Town Hall for a month. After being unable to light the water heater himself, a service call was placed and the service technician replaced the gas valve, but was still unable to light the heater. It was then discovered that there was no gas service, and determined that Alliant had not turned the gas back on after installing a new gas service line. Alliant will cover the cost of the service call. No action was at needed.
- F. CLERKS REPORT
  - 1. Dane County Ordinances: The Clerk distributed OA#10, 2010 Regarding Changes to the Limited Commercial Zoning District and Establishing Conditional Use Permit Application Procedures. Town Board action is requested by September 23<sup>rd</sup>.
  - 2. The Clerk also distributed:
    - a) Draft RFP for insurance. This will be on the September 7<sup>th</sup> agenda for approval.
    - b) Information on local enforcement of the statewide smoking ban, as provided by Attorney Connie Anderson.

VIII. BOARD REPORTS AND COMMUNICATIONS:

- A. Anders reported that he will attend the Village Parks, Recreation and Forestry committee meeting later this week, and the 2011 recreation budget is on the agenda.
- B. Board members directed the Clerk to contact the Village to find out if there has been any communication from the labor attorney related to the recent joint closed session.

IX. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Emergency Government Committee: No Report.

- X. Adjournment: **MOTION** by Fonger/Kindschi to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:16 P.M.

Kim Banigan, Clerk  
Approved 9/07/2010

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
SEPTEMBER 07, 2010

**PUBLIC HEARING:** Proposed discontinuance and vacation of Bork Road, Brinkhoff Road, Hoppman Drive, Stone Dahl Road and Wagner Road.

- I. Notice of the public hearing was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Notice was also published in the Wisconsin State Journal on August 17, 24 and 31, 2010, and personally served on the owners of all property surrounding the roads proposed for vacation. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, as well as Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. Also present were those listed on the attached sign-in sheet (available in the Clerk's office.)
- II. Hampton called the public hearing to order at 7:00 P.M. and asked for public questions or concerns:
  - Kim Huston (address of 2621 Coffeytown Road but lives on Brinkhoff Road) asked if taxes will go up as a result, and was told they would not because she is already being taxed for the land under the road. She also asked about trash pickup, and was told she would need to take waste receptacles to Coffeytown Road once the vacation is complete. Finally she asked if the road name sign has to come down, and board consensus was to leave that up to the landowner. Stop signs and dead end signs will be removed.
  - Kay Wagner (address 1585 County Road BB, but lives on Wagner Road) asked if the landowner to the east of Wagner Road has been notified (this property is in the Town of Deerfield, and there is no driveway on Wagner road, has access from County BB). The Clerk responded that she had not notified the landowner.
- III. **MOTION** by DuPlayee/Anders to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:17 P.M.

**TOWN BOARD MEETING**

- I. ADMINISTRATIVE
  - A. Notice of the meeting was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Attendance was as listed above for the public hearing.
  - B. Hampton called the meeting to order at 7:17 P.M.
  - C. Minutes of previous meeting(s):
    1. August 16, 2010: **MOTION** by DuPlayee/Kindschi to approve the minutes of the August 16, 2010 Town Board Meeting with one correction to the reference of the date of the next meeting in item VII. B. **MOTION CARRIED 4-0-1** (Hampton abstained).
    2. Correction to August 2, 2010: **MOTION** by Kindschi/Duplayee to reconsider the minutes of the August 2, 2010 Town Board Meeting. **MOTION CARRIED 5-0.**  
**MOTION** by Kindschi/Duplayee to approve the minutes of the August 2, 2010 Town Board Minutes, correcting the vote on item VII. G. to 4-0-1. **MOTION CARRIED 5-0.**
- II. Finance Report and Approval of Bills:
  - A. **MOTION** by Anders/Fonger to approve payment of bills corresponding to checks #17900-17949 as presented. **MOTION CARRIED 5-0.**
  - B. **MOTION** by Anders/Fonger to approve the payment of August Town Board and committee per diems as presented, and the payment of \$1,090.00 to Tom Viken for August building permits. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
SEPTEMBER 07, 2010

- C. The Treasurer reported that the January thru August Budget vs. Actual report she will be running soon will reflect the recent reorganization of accounts to more closely match state reporting requirements.

III. Public Concerns: None.

IV. Road Right of Way Permits: None.

V. BUSINESS:

- A. Discuss/Consider adoption of a Resolution to vacate Bork Road, Brinkhoff Road, Hoppman Drive, Stone Dahl Road and Wagner Road: Hampton read the resolution. Steve Bork (address 4318 Vilas Road, but lives on Bork Road) asked if the Bork Road sign can be left up. Smith said it should be moved to the post that the dead end sign is now on to get it out of the road right-of-way. **MOTION** by DuPlayee/Fonger to adopt Resolution 2010-07 Vacating Town Roads (Bork Road, Brinkhoff Road, Hoppman Drive, Stone Dahl Road and Wagner Road) in the Town of Cottage Grove. **MOTION CARRIED 5-0.**

- B. Discuss/Consider approval of Certified Survey Maps for Skaar Living Trust (zone changes approved February 2, 2010):

1. 3287 Field View Lane (Office Map 090372 dated April 26, 2010)
2. 3680 County Road N (Office Map 090374 dated August 12, 2010)
3. 3098 Hope Hollow Trail (Office Map 090375 dated May 26, 2010)

**MOTION** by DuPlayee/Anders to approve the three CSMs (office map numbers and dates as noted above) as presented. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of the use of the Town Hall basement for Girl Scout Cookie distribution during the week of November 8-13, 2010: **MOTION** by Hampton/Kindschi to allow the Girl Scouts to use the Town Hall basement for cookie distribution during the week of November 8 – 13, 2010. **MOTION CARRIED 5-0.** Smith noted that the Fire Department will need to get their old tires out before then.

- D. Discuss/Consider approval of Eagle Scout project to build benches for soccer fields at Town Hall and Bass Park and/or build replacement posting boxes for Town notices: Eagle Scout candidate Harry Allen presented his plans for team benches, and stated that he is also willing to build posting boxes for the Town. Smith said he prefers the benches to be permanently mounted with lime rock around the base. **MOTION** by DuPlayee/Kindschi to accept the team benches at the Town Hall and Bass Park soccer fields (2 benches at each park, permanently mounted and surrounded by lime rock provided by the Town), and to fund the materials for two posting boxes. **MOTION CARRIED 5-0.**

- E. Presentation by architect for Cleary Building Corporation on expansion plans for Dairyland Beef building at 2532 Peiper Road: Dick Acker of Cleary Building Corp. presented plans for two additions to the slaughter house. To the south he proposed to enclose an area to house the semi trailers for the offal in an effort to control odor and files. It would be vented to the roof at 35', and have floor drains. The plans also showed a cattle holding area to the south of the existing building. To the south the plans showed a cooler for meat products and an employee break room. Acker stated the addition would create 5 – 8 new jobs, and provide for better air quality. He stated that the additions are in compliance with Dane County set back and lot coverage requirements. Construction would start yet this year.

Hampton was concerned that the odor would still be substantial, and suggested that power ventilation and/or refrigeration of the offal area would be better.

TOWN OF COTTAGE GROVE  
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DuPlayee stated that he is experienced in food safety regulation, and felt the plans are a logical step toward resolving the odor problem, although upkeep will be needed.

Maureen Casey, who owns Construction Fabrics and Materials across Peiper Road from the slaughter house, said the slaughter house is a nuisance. She has frequently complained about odor and flies from the operation. She said that more capacity will make matters worse, and that a slaughter house should be out in the middle of nowhere.

Attorney Megan Phillips, who represents the new owners of the slaughter house, said she understood that the Board is not waiving any legal rights by informally approving the expansion plans. She offered to draft a formal letter to accompany the minutes of tonight's meeting, stating the plans to mitigate the odor problems.

F. Plan Commission Recommendations

1. Royal Oak Engineering/Eric Sandsnes applicant, Schlueter Living Trust/Mel Schlueter, owner – Parcel 0711-192-8000-6, 3897 Vilas Hope Road:

- a) Zone Change from A-1EX to RH-1 to create a single family residence site using RDU from old farm house, which will be torn down.
- b) Zone Change from A-1EX to R-1 to increase lot size for parcel 0711-192-8270-0 at 3893 Vilas Hope Road.
- c) Zone Change from A-1EX to A-4 for zoning compliance.

The new owner was present and stated his agreement to blacktop the driveway for the new home site (to mitigate washing). **MOTION** by DuPlayee/Anders to accept the Plan Commission recommendations for the three zone changes, which were:

- To approve the rezone of a 2.0 acre portion of Lot 1 from A-1EX to RH-1 as a replacement home site. The old farm house must be demolished within 3 months of occupancy of a new home. This rezone is only for lending assurances, but not creating a new lot.
- To approve the rezone of areas surrounding parcel 0711-192-8270-0 at 3893 Vilas Hope Road as shown on the map from A-1EX to R1, increasing the lot size to 2.0 acres and satisfying current occupancy lines. It was noted that this is consistent with maximum residential lot size of 2 acres in the Agricultural district. Current owner is the son of the family farm owner.
- To approve the rezone of Lot 3, 18.073 acres, from A-1EX to A-4 for zoning compliance. The easement to the north will be 33' wide, and property owner must obtain a culvert permit from the town, and install the culvert upon use of this easement.

**MOTION CARRIED 5-0.**

G. Discuss/Consider approval of a Resolution to Authorize a Referendum on the Levying of a Sales Tax to Fund Commuter Rail: County Board Supervisor David Wiganowski said that 21 Dane County municipalities have voted to put the referendum on their ballots so far. **MOTION** by Kinsdchi/Anders to adopt Resolution 2010-07 to Authorize a Referendum on the Levying of a Sales Tax to fund Commuter Rail. **MOTION CARRIED 5-0.** The referendum will be on the November 2, 2010 ballot.

H. Discuss/Consider approval of RFP for Insurance Coverage for the Town of Cottage Grove: **MOTION** by Hampton/Anders to approve the RFP as presented, and to send it to all insurance companies who have previously expressed interest, along with any advertised in the WTA newsletter. Responses will be due by October 15, 2010. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
SEPTEMBER 07, 2010

- I. Update on repairs to monitoring well #3 at the former Natvig Landfill site: Smith reported that he has been in contact with Tina Seybold from Strand and Associates, but is waiting for the mosquitoes to subside before completing the work.
- J. Discuss/Consider approval of attendees for Wisconsin Towns Association Convention on October 3-5, 2010: **MOTION** by Hampton/Anders to send Kindschi and DuPlayee to the convention. **MOTION CARRIED 5-0.**
- K. Discuss/Consider changing date of first Town Board meeting in October: **MOTION** by Hampton/DuPlayee to change the date of the first meeting in October to Wednesday, October 7<sup>th</sup> at 7:00 P.M. **MOTION CARRIED 5-0.**

VI. CLERKS REPORT

- A. Dane County Ordinances: **MOTION** by DuPlayee/Hampton to approve OA#10, 2010 Regarding Changes to the Limited Commercial Zoning District and Establishing Conditional Use Permit Application Procedures as presented. **MOTION CARRIED 5-0.**

VII. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that:
  - 1. Humane Officer training is available.
  - 2. There is a hearing on the Olson case scheduled for 10:00 a.m. on September 10<sup>th</sup>.
  - 3. Alliant has proposed a rate increase.
  - 4. The State has approved the license for Hydrite Chemical's hazardous waste and storage facility in the Village.
  - 5. The 2009 CARPC annual report and the 2011-15 Transportation Program for the Madison Metropolitan Area and Dane County are available at the Town Hall.

VIII. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Village Park, Recreation and Forestry Committee: The committee has indicated their acceptance of the same budget contribution from the Town for 2011 as the 2010 amount.
- B. Joint Town/Village Fire Department Committee: New committee officers will be elected at the next meeting. The Fire Chief has proposed a 2011 budget within 0.5% of the 2010 budget. One of the Town owned trucks needs to have the tires replaced (they are over 8 years old).
- C. Law Enforcement Committee: Sergeant Kinney has tendered his resignation.
- D. Parks Committee: The committee proposed the same budget amount for 2011 as the 2010 amount, and suggested that remaining 2010 funds be used to fertilize and overseed some of the playing fields.
- E. Flynn Hall Committee: The 110<sup>th</sup> birthday celebration on August 29<sup>th</sup> raised over \$20,000 and donations are still coming in. The committee set the 2011 budget at \$6,000 (same as 2010). The restroom vent and light switch still need repairs.
- F. Emergency Government: The 2011 budget will be the same as 2010. The committee is working on plans to present their emergency plan.

- IX. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:04 P.M.

Kim Banigan, Clerk

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
SEPTEMBER 20, 2010

I. ADMINISTRATIVE

- A. Notice of the meeting was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office. Fire Chief Bruce Boxrucker was present for the discussion on Landmark's expansion plans under II. A.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/DuPlayee to approve the minutes of the September 7, 2010 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Kindschi to approve payment of bills corresponding to checks #17954-18002 as presented, and voided checks #17950-17953. **MOTION CARRIED 5-0.**
  - 2. The Treasurer asked that September per diem reports be submitted by October 1<sup>st</sup>.

II. Public Concerns: None.

- III. Road Right of Way Permits: **MOTION** by Anders/Fonger to permit Charter Communications to trench and drill parallel to the right-of-way at 4552 Baxter Road to replace and repair the cable. **MOTION CARRIED 5-0.**

IV. BUSINESS:

- A. Discuss Traffic Pattern for new Landmark Services Cooperative scale house at County Road N and Coffeytown Road: Randy Kyle presented a map showing plans including a new scale on the south side of the Landmark property, modified traffic patterns, relocation of the Pump 24 pumps outside the fenced area, and a new area within the fence to park tanks and equipment. Village planners have reviewed the plans within the Village limits. Dale and Dwight Huston expressed concern over stormwater runoff from the site, and provided photos showing water over Coffeytown and onto their property after a heavy rain in August. Chris and Andrew Homburg explained that the planned improvements will reduce the amount of water leaving the site by diverting the western portion to the existing retention pond, but will not completely eliminate the problem since much of the runoff comes from the grain bunker area. Landmark plans to clean out the pipe that runs under County N and to the east along Nora Road, but discussion was that the culvert under County N is undersized. Board consensus was to ask Pam Dunphy of the Dane County Highway Department to come to the next meeting to discuss the possibility of increasing the capacity of the culvert.
- B. Discuss/Consider approval of soccer field maintenance in cooperation with the Monona Grove Soccer Club: Tom Engle said that the best way to improve the playing field is to fertilize since reseeding is best done in the spring and fall, when the soccer fields are in use. He asked for permission to fertilize the fields at Town Hall and Bass Park, and also asked if the Town would contribute towards the cost. He suggested using the services of TruGreen, as the Village and the City of Monona do. **MOTION** by DuPlayee/Fonger to split the cost 50:50 with the Monona Grove Soccer Club for two applications to the fields at the Town Hall and Bass Park, weed & feed now followed by a winter granulizer. The Town will contract for

TOWN OF COTTAGE GROVE  
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the service and bill the soccer club for half. **MOTION CARRIED 5-0.** Engle will be invited back to a 2011 budget workshop to discuss 2011 field maintenance. He also asked about trimming an apple tree limb that extends onto the soccer field at Bass Park. The Town will take care of trimming it.

- C. Update/Consider options regarding trees on private property that overhang the road between 3437 and 3505 Vilas Road: The clerk confirmed that a letter was sent to the owner of the trees, and a return receipt received, but there has been no other response. Hampton reported that Attorney Connie Anderson advised that without going through a long process to get permission to enter private property, the Town can only trim the portion that overhangs the road right-of-way. Smith estimated it would cost ~\$2,000 to trim the overhanging portions. Board consensus directed the clerk to ask Anderson for the steps required to gain access to the property, and a cost estimate. **MOTION** by Hampton/Anders to table until the October 6, 2010 meeting. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of an Operator's License for Rebecca Knutson: Ms. Knutson stated that she has held an operator's license in Wisconsin for 13 years without any closing violations, service to underage, etc. She explained the details of her 2009 OWI conviction. Fonger said his observations as a customer were that she was a good and conscientious bartender at Outpost, where she said she left due to downsizing. **MOTION** by Fonger/DuPlayee to approve an Operator's License for Rebecca Knutson. **MOTION CARRIED 4-1** (Anders opposed).
- E. Discuss/Consider sweeping of sealed Town Roads: Hampton explained that complaints have been received about the quality of sweeping off excess material after seal coating Gaston Road, Bluebird Lane, Meadowlark Street, and Raven Way. Kindschi said that the sealing is fine, but the roads without high traffic volume have an excessive amount of loose stone. He understood that Village staff had agreed to do the sweeping at no cost, but since seal coating bids included sweeping, he felt the Town should have the money to do it again if necessary. He presented an email from Jo Ann and Marlyn Klongland stating that when they saw the sweeper go down Meadowlark Street, it was not sweeping anything. Smith said that two dump ruck loads had been swept from Meadowlark, Bluebird and Raven Way.

Tom Van Maren, 4642 Meadowlark St., said that previous seal coating jobs have been done very well, but this time he feels the amount of loose stone presents an accident hazard as vehicles cannot stop quickly.

Ron Daggett, 4620 Meadowlark St., brought in a bag of stone that he had collected from a 3' x 3' area.

**MOTION** by Kindschi/Anders to have Meadowlark Street, Bluebird Lane and Raven Way re-swept in the next two weeks. After discussion this was amended to include only Meadowlark Street and Bluebird Lane. Smith is to negotiate this with the Village to avoid paying mileage for a sweeper to travel from the Milwaukee area. **MOTION CARRIED 4-1** (Hampton opposed).

- F. Discuss/Consider whether amendments are in order for TCG Ordinance Chapter 08 Public Works, especially in regards to long driveway specifications: Smith explained that it looks like there will be several long driveways built in the near future, and the current ordinance only requires that they be built to statutory town road standards, which are much less than

TOWN OF COTTAGE GROVE  
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what we would build a town road at. The Clerk noted that several statute and ordinance references are out of date in this section. **MOTION** by Anders/DuPlayee for Smith to work with the Town Engineer to rework the the driveway specifications in the ordinance and bring it back to the Town Board. **MOTION CARRIED 5-0.**

V. CLERKS REPORT

A. Dane County Ordinances: None.

VI. BOARD REPORTS AND COMMUNICATIONS:

A. Hampton reported that:

1. The ground breaking ceremony for the Nelson Bus Service will be at 9:00 A.M. on Friday, September 24<sup>th</sup>.
2. The Madison Area Transportation Planning Board's 2011 Unified Planning Work Program Draft is available in the Town Office.

VII. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

A. Deer-Grove EMS Commission: Working on the 2011 budget.

B. Village Parks, Recreation and Forestry Committee: The Village Parks and Recreation 2011 budget looks like a 1% increase over 2010, but there is no increase in the Town's contribution.

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

Kim Banigan, Clerk  
Approved 10/06/2010

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
OCTOBER 06, 2010

I. ADMINISTRATIVE

- A. Notice of the meeting was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Fonger to approve the minutes of the September 20, 2010 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #18003-18052. **MOTION CARRIED 5-0.**
  - 2. **MOTION** by Fonger/DuPlayee to approve payment of September per diems as presented, and payment of \$13,476.80 to Tom Viken for September building permits.
  - 3. The Treasurer reported that she is talking to Wisconsin Community Bank about a lockbox service agreement for processing of 2010 taxes, at a slightly greater cost than last year. The Board will consider approval of the agreement at the October 18<sup>th</sup> meeting.

II. Public Concerns:

- A. Karen Kessenich, 4075 Vilas Road, brought to the board's attention the fact that three vacant residential lots on Skarstinden Road have been assessed at ag use value since their creation in 2006. She said that since they are required by a developer's agreement to be kept mowed at 8 inches or less, they are not being farmed, and she wanted to know how this could have been missed, especially with the 2009 total revaluation of the Town, and given that State law requires all ag use to be verified on a yearly basis. The Clerk will request the property cards from the assessor.
- B. Art Voit, 2974 County BB and Willard Peterson, 4603 Lotus Lane, brought photos of the ditch on Valley Street that was cleaned out and re-seeded in 2009, and stated that the job was unsatisfactory as the ditch still does not drain. Voit objected to the fact that the same landscape contractor, who is not a Town resident, recently worked on a ditch project on Bonnie Avenue without the work being put out for bid. He felt that taxpayer businesses should be allowed to bid such jobs. There was discussion about when jobs are bid vs. shopped for by the Highway Superintendent. There was also discussion about further work in the Valley Street and Lotus Lane area to mitigate stormwater problems. This will need to be considered with the 2011 budget.

III. Road Right of Way Permits:

- A. **MOTION** by Anders/DuPlayee to permit Frontier Communications to plow parallel to the road on Baxter Road to improve/repair existing communications services. **MOTION CARRIED 5-0.**
- B. **MOTION** by DuPlayee/Anders to permit Charter Communications to plow parallel to the right-of-way and drill under Brown Thrush, Raven Way, and Meadowlark to install fiber optic cable. **MOTION CARRIED 5-0.**

IV. BUSINESS:

- A. Select dates for 2011 Budget Workshops: Budget workshops were scheduled for October 19<sup>th</sup>, 20<sup>th</sup>, and 28<sup>th</sup>, all beginning at 6:30 P.M.
- B. Plan Commission Recommendations:

TOWN OF COTTAGE GROVE  
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OCTOBER 06, 2010

1. Patrick W. and Peggy J. Coffey, Landowners – 4452 Ridge Road, 30 +/- acres of Parcel 0711-122-8500-5 (west side of Ridge Road): Zone change from A-1EX to RH-1 to create two residential lots with remaining acres rezoned to A-4 for zoning compliance: Builder/Developer Chris Miller and Peggy Coffey presented a map of the latest proposal, which Miller described as a compromise after extensive discussion with the Plan Commission. It showed two 2-acre lots at the south end of the parcel, with a shared driveway.

There was discussion about the use of prime farm land to cluster the lots vs. keeping them on opposite ends of the parcel as originally proposed. The Coffey's prefer the original proposal but are willing to compromise. An easement at the south west corner of the parcel was noted. The compromise proposal showed a small square of woods to the west of the proposed lots that would be left with the farm land in order for the lots to not exceed 2 acres. There was discussion about possibly allowing for a slightly larger lot to avoid the dead corner.

Wayne and Pat Wollin, 4489 Ridge Road, spoke against having a lot on the north end of the property, stating that they sited their home where it is to avoid neighbors and traffic on Meadowview, and they do not want neighbors adjacent to their south lot line either. They were OK with clustering the two lots on the south end of the parcel, but would prefer the lots to be on the east side of Ridge Road, south of the Coffey farmstead.

Mark Olejnick, 1796 Strawberry Road, would prefer that the lots be closer to Ridge Road rather than flag shaped, to keep them further from the marsh land to the west.

**MOTION** by Fonger/DuPlayee to approve the rezone of two lots as shown on the “modified Proposal #1”, with two 2-acre flag shaped lots, one on the north end of the parcel, and one on the south end. **MOTION FAILED 2-3** (Anders, Hampton and Kindschi opposed).

**MOTION** by Kindschi/Hampton to ask the petitioners to come back with a plan for two lots on the east side of Ridge Road, either to the north or south of the Coffey farmstead. **MOTION FAILED 2-3** (Fonger, Anders and DuPlayee opposed).

**MOTION** by Anders/Fonger to approve the Plan Commission's recommendation as shown on the compromise map presented at this meeting, with two 2-acre lots on the south end of the parcel, with a shared driveway. **MOTION FAILED 2-3** (Hampton, Fonger and Kindschi opposed).

**MOTION** by Hampton (with no second) to send the matter back to the Plan Commission.

**MOTION** by DuPlayee (with no second) to approve one lot along the south end of the parcel on the west side of Ridge Road, and ask the petitioners to come back with a plan for a second lot on the east side of the road.

**MOTION** by Anders/Fonger to approve the Plan Commission's recommendation as shown on the compromise map presented at this meeting, with two 2-acre lots on the south end of the parcel, with a shared driveway. It was noted that the RDU and density requirements in the Ag District on page J-17 of the land use plan are met by this proposal. **MOTION**

**CARRIED 3-2** (Kindschi and DuPlayee opposed).

There was discussion about how the extra RDU based on continuous ownership since 1981 can be used, and determined that it must be used to split off the original farm house and buildings, not to create a new building site. **MOTION** by Anders/DuPlayee to recognize that the petitioner's intent was to utilize the extra RDU based on continuous ownership since 1981, and allow them to come back with a plan to utilize it under the same application fee. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of amended Cottage Grove Law Enforcement Agreement: **MOTION** by DuPlayee/Hampton to approve the agreement as shown on the tracked changes by Connie Anderson 2010-10-01. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of Agreement with Strand Associates, Inc. for 2011 Services for the Natvig Road Landfill: DuPlayee questioned the two-week notice of termination on page 4, wondering if 14 days would be better. **MOTION** by Anders/DuPlayee to approve the agreement as presented, with Anders agreeing to ask Strand about the termination period. **MOTION CARRIED 5-0.**
- E. Update on DaneCom: Dane County Sub. 2 to Res. 88, 10-11, Endorsing an Alternative Emergency Radio System Proposal: A letter from Dane County Board Chair Scott McDonnell described the proposal and asked for local governments to respond by October 15<sup>th</sup> indicating whether they agree to share operating and maintenance costs. No guidance from the DCTA has been provided at this time. **MOTION** by Anders/DuPlayee to table until October 18<sup>th</sup>, and directing the clerk to draft a letter to McDonnell indicating that the Town of Cottage Grove cannot meet the October 15<sup>th</sup> deadline to respond. **MOTION CARRIED 5-0.**

V. CLERKS REPORT

- A. Dane County Ordinances: None.

VI. BOARD REPORTS AND COMMUNICATIONS:

- A. Wisconsin Towns Association Convention report: Kindschi said his handouts from the convention would be available in the Town office. Both Kindschi and DuPlayee said the workshops were impressive. The workshop on stormwater utilities drew a big crowd. Kindschi was impressed by a municipal web site provider exhibit and suggested that the Town look into switching providers.

VII. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Joint Town/Village Landfill Monitoring Committee: The committee reviewed the 2011 service agreement, along with recent bills and monitoring results.
- B. Joint Town/Village Fire Department Committee: The Fire Chief presented a revised 2011 budget that was less than the original proposal, and reviewed 2010 expenditures. The committee approved a new stove to replace the broken one, and a TV for EMS as payment for cleaning services. The clothes dryer is also having issues, and a replacement will be considered at the next meeting.
- C. Law Enforcement Committee: The 2011 budget will have the same bottom line as 2010, although line item amounts are still being ironed out. The Village intends to fund an additional officer, but wants to be sure he/she only works within the Village limits.

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OCTOBER 06, 2010

- D. Emergency Government Committee: The committee worked on Standard Operating Procedures. They are looking for a Town Board member to volunteer for a table top exercise. Fonger said he will do it.

VIII. Adjournment: **MOTION** by DuPlayee/Fonger to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:42 P.M.

Kim Banigan, Clerk  
Approved 10-18-2010

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
OCTOBER 18, 2010

I. ADMINISTRATIVE

- A. Notice of the meeting was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Kindschi/DuPlayee to approve the minutes of the October 06, 2010 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
  - 1. **MOTION** by Anders/Fonger to approve payment of bills corresponding to checks #18053-18106. **MOTION CARRIED 5-0.**
  - 2. The Treasurer asked that October per diem reports be turned in by October 30<sup>th</sup>.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Hampton/DuPlayee to permit Alliant to bore underground for gas line installation at 4374 Vilas Road. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Bid Opening for Insurance Proposals for the Town of Cottage Grove:
  - 1. Dave Mosher & Associates, Tom Calley, Agent, underwritten by Community Insurance Corp: Quotation Worksheet does not directly coincide with Premium Summary page provided with the RFP. Total premium for options offered ranged from \$38,767 to \$39,554.
  - 2. LJ Mac, Inc., Dale Freund, Agent, underwritten by EMC Insurance: Total premium of \$27,784. A list of specifications in the RFP not met by the proposal was also included.
  - 3. The Horton Group, Inc., Michelle Strauss, Agent, underwritten by Glatfelter Underwriting Services, Inc. Total premium of \$25,838.
  - 4. Rural Mutual Insurance Company, Matthew Kripschack, Agent: Total premium of \$30,165.

Michelle Strauss, Independent Insurance agent for the Town of Cottage Grove, will present a comparison of the bids to the Board at 6:30 P.M. on October 28<sup>th</sup>. Bidders will be invited to each make a 15 minute presentation beginning at 7:00 P.M. on October 28<sup>th</sup>.

- B. Discuss/Consider approval of a sign for Paul Davis Restoration at 3432 County Road N: **MOTION** by Fonger/DuPlayee to approve the sign as presented. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of allowing Plan College to hold free college planning seminars at either Flynn Hall or Town Hall without paying a user fee: **MOTION** by Kindschi/DuPlayee to deny the request. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of 2011 Deer-Grove EMS District Budget: **MOTION** by Fonger/Anders to approve the 2011 Deer-Grove EMS District Budget as presented. **MOTION CARRIED 5-0.** There was some concern over the format of the spreadsheet, and

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
OCTOBER 18, 2010

Kindschi asked to see an updated document as well as a quote for Office 2010 rather than Office 2007.

- E. Discuss/Consider approval of sharing operating and maintenance costs for DaneCom: Dane County Sub. 2 to Res. 88, 10-11, Endorsing an Alternative Emergency Radio System Proposal: Hampton reported that Village President Mike Mikalsen suggested a joint meeting between the Town and Village boards at 6:00 P.M. on October 21st to hold a joint vote on the issue. There was general agreement among board members that it should be the County's responsibility to tax for and fund the operating and maintenance expenses, but also agreement that the radio upgrade is necessary. **MOTION** by Anders/DuPlayee to meet jointly with the Village Board on October 21<sup>st</sup> to vote on the question. **MOTION CARRIED 5-0.** Towards the end of the meeting, Village President Mikalsen arrived and reported that since some Village Board members have conflicts for October 21<sup>st</sup>, the Village Board voted unanimously tonight to oppose the County resolution. **MOTION** by Fonger/Kindschi to reject the cost sharing proposal in Dane County Sub. 2 to Res. 88, 10-11. There is no need to meet with the Village Board on October 21<sup>st</sup>. **MOTION CARRIED 5-0.**
- F. Discuss/Consider attendees for October 20, 2010 DCTA meeting: **MOTION** by Hampton/DuPlayee to allow Town Board members to attend the meeting. **MOTION CARRIED 5-0.**
- G. Discuss/Consider 2011 Budget Workshop dates: There is a conflict with October 20<sup>th</sup>. A budget workshop was tentatively scheduled for 9:00 A.M. on Saturday, October 30<sup>th</sup>.
- H. Discuss/Consider amending fees defined by TCG Chapter 07 – Fees and Bonds: **MOTION** by DuPlayee/Anders to accept the fees as stated by Town Board Resolution 2010-03. **MOTION CARRIED 5-0.**
- I. Discuss/Consider Town of Cottage Grove Budget for Fiscal Year 2011: Areas discussed included:
- Revenue estimates
  - Treasurer expenses
  - Office Expenses: Two bids for a new multi-function copiers were reviewed:
    1. Gordon Flesch Company, Inc:
      - a. Color unit – Sharp MX 2600  
Purchase Price: \$7,545.00  
60 month Lease : \$163.00/month  
Service & Toner: \$360/year for 30,000 pages, overages at \$.009/page, color pages at \$.04879  
Color network scanning included  
Optional Fax Board: \$830.00 or \$18.00/month
      - b. B&W unit – Canon IR 2525  
Purchase Price: \$4,400.00  
60 month Lease : \$95.00/month  
Service & Toner: \$480/year for 48,000 pages, overages at \$.009/page.  
Optional color network printing/scanning, \$550.00 or \$12.00/month  
Optional Fax Board: \$830.00 or \$18.00/month
    2. Corporate Business Systems

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- a. Color unit - Savin C9020SPF  
Purchase Price: \$4,427.00  
60 month Lease : \$97.79/month  
Service & Toner: \$300/year for 30,000 pages, overages at \$.009/page,  
color pages at \$.06  
Fax and network printing/scanning included
- b. B&W unit – Canon IR 2525  
Purchase Price: \$3,505.00  
60 month Lease : \$77.43/month  
Service & Toner: \$300/year for 30,000 pages, overages at \$.009/page.  
Fax and network printing/scanning included

Consensus was to go with the Savin color unit from Corporate Business systems, but no decision was made at this time whether to purchase outright or lease.

- Building Maintenance: The clerk had obtained a proposal from Pro One Janitorial, Inc. to provide cleaning services at the Town Hall for \$200.00/month and at Flynn Hall for \$105.00/month, but board consensus was to give Jani-King one more year.

III. CLERKS REPORT

- A. Dane County Ordinances: The clerk distributed copies of 1. Ord. Amdt. 16, 10-11 Amending Chapter 10 of the DCCO, regarding definitions of agricultural uses and revisions to the A-4 Small Lot Agricultural District, and Ord. Amdt. 17, 10-11 Amending Chapter 10 of the DCCO, regarding the Adult Entertainment Overlay District. These will be considered at the next meeting.

IV. BOARD REPORTS AND COMMUNICATIONS:

- A. None

V. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- A. Deer-Grove EMS Commission: No report.

- VI. Adjournment: **MOTION** by Anders/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:38 P.M.

Kim Banigan, Clerk  
Approved 11-01-2010

TOWN OF COTTAGE GROVE  
CLOSED SESSION MINUTES  
OCTOBER 28, 2010

- I. CONSIDER/ADOPT MOTION TO MOVE TO CLOSED SESSION AS PERMITTED BY WIS. STATS. 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: Presentations from insurance bidders: **MOTION** by DuPlayee/Kindschi to move into closed session for the reason stated above. **ROLL CALL VOTE: FONGER –aye, ANDERS – aye, HAMPTON – aye, KINDSCHI – aye, DuPLAYEE – aye.**
- II. MOVE INTO CLOSED SESSION: The closed session began at 6:31 P.M. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, and insurance bidders during their own presentation only.
- III. Michelle Strauss, with The Horton Group, and current agent for the Town, had prepared a spreadsheet comparing the four bids. She highlighted the following:
  - Two of the bidders offer medical payments, two do not. This is a difference in philosophy, with some seeing it as a target for easy money, and others seeing it as a mechanism to ward off law suits.
  - Injunctive relief coverage has been important to the Town in the past, and it is important to notice not only the level of coverage, but also the deductible and whether prior acts are included.
  - Two of the bidders have auto liability included in the same policy as general liability. This means there is only one aggregate for both. One bidder has a 80% co-insurance penalty.
  - Two of the bidders do not have coverage for flood or earth quake.
  - One of the bidders would utilize the Local Government Property Fund, which Strauss said is often a good choice for larger municipalities but not usually viable for smaller ones.
  - Strauss recommended that the board ask bidders how many towns they (themselves) service, and what the insurance rating of the underwriter is. She stated that she is in her 20<sup>th</sup> year, and services only municipalities. American Alternative Insurance Corporation has an A+ rating.
- IV. Tom Calley, Independent Insurance Agent with Dave Mosher & Associates, presented his bid with Community Insurance Corporation and the Local Government Property Fund. He stressed the following points:
  - Community Insurance is specifically written for municipalities, and has a single liability policy for simplicity. They have their own staff to handle claims, and encourage use of their resources for claims avoidance. Premiums are stable because they fight claims rather than just paying them out.
  - Calley personally serves 5 to 7 municipalities, and he did not know the insurance rating.
  - Injunctive coverage has a \$4,000,000 upper limit per claim, but no aggregate upper limit.
- V. Dale Freund with LJ Mac, Inc, presented his proposal with EMS Insurance Companies. He had a handout showing current coverages vs. what his proposal offers. Freund does not currently service any municipalities, but has done so previously during his 26 years in the insurance industry. He stated that EMC has a A- rating. Main points of his presentation:
  - There is blanket coverage for buildings and personal property.
  - His proposal showed lower coverage rates for some perils he felt the Town of Cottage Grove is not particularly susceptible to, such as flood and earth quake, commandeered property, fire

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CLOSED SESSION MINUTES  
OCTOBER 28, 2010

damage legal liability; and higher coverage rates for things like building ordinance, debris removal and pollution cleanup.

- Medical payments are not included – Freund stated they open things up for people to take advantage. Payment is only made if the Town is found negligent.

VI. Matthew Kripschack, Rural Mutual Insurance Co. presented his proposal. He stated that Rural is the #1 insurer of Towns and Villages in the State. They are A rated and in Ward's top 50. The Town of Cottage Grove would be his first municipality, but an agent in his office has 23 years of experience. He presented a brochure on Rural Insurance Company and a handout on their worker's compensation dividend plan, which offers up to a 26% dividend. Coverages he emphasized included:

- Blanket coverage of property.
- Business income coverage (i.e. for rental property).
- Agreed value property floater should be indicated on the proposal.
- Public official coverage is higher than requested: \$5 million with a \$10 million aggregate.
- There is a zero deductible for vehicle glass and rental expense reimbursement.

VII. Michelle Strauss returned but there were no further questions for her.

VIII. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by DuPlayee/Kindschi to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 8:07 P.M.

Kim Banigan, Clerk

Approved and opened on 11-15-2010

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
NOVEMBER 1, 2010

I. ADMINISTRATIVE

- A. Notice of the meeting was properly posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan and Treasurer Debbie Simonson. A list of others present is available in the Clerk's office.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
1. **MOTION** by DuPlayee/Kindschi to approve the minutes of the October 19, 2010 Budget Workshop closed session, and keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
  2. **MOTION** by Duplayee/Anders to approve the minutes of the October 28, 2010 closed session as printed, and to make them an open record. **MOTION CARRIED 5-0.** *(note that open session minutes from the October 28<sup>th</sup> Budget Workshop were not provided for approval at this meeting).*
  3. **MOTION** by Anders/DuPlayee to approve the minutes of the October 18, 2010 Regular Town Board meeting, changing *criticism of* to *concern over* in item II. D. **MOTION CARRIED 5-0.**
  4. **MOTION** by Anders/DuPlayee to approve the minutes of the October 19, 2010 Budget Workshop open session minutes as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #18107-18147. **MOTION CARRIED 5-0.**
  2. **MOTION** by Kindschi/Anders to approve payment of October per diems as presented, and payment of \$1,075.00 to Tom Viken for October building permits. **MOTION CARRIED 5-0.**
- E. Public Concerns:
1. Ellery Jensen, 2852 Gaston Road, asked for clarification regarding the extra RDU's for continuous land ownership since 1981. Anders referred to these as "Homestead Splits". He explained that per the Town's comprehensive plan, there is no requirement that the landowner lives on the property, meaning that a landowner could be eligible for such splits on multiple farms. The split must be applied for by December 31, 2010 and can only be used to separate the farm house and buildings from the rest of the farm, not to create new building parcel. Ag conversion fees would apply.
  2. Ed Gaudet, 4546 Sundance Ct., inquired about renaming American Heritage Park for former Town Resident Dan Johnson, who was recently killed on military duty. Board members were generally open to the suggestion, and advised Gaudet to come back on November 15<sup>th</sup> or December 6<sup>th</sup> with a formal request and his ideas for how he would like to commemorate Johnson.
- F. Road Right of Way Permits: **MOTION** by Anders/Fonger to permit Frontier Communications to plow parallel to the right of way for new cable installation on Sigglekow Road at County Road AB. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider approval of Agreement to provide lockbox service for processing of first installment of 2010 property tax payments: The Treasurer explained that under the proposed agreement, Wisconsin Community Bank would provide the lockbox service from December 15, 2011 to February 03, 2011, for a flat fee of \$725.00. This is at a slightly higher price than previous years' agreements, but well below the \$1250.00 that Dane County charged for tax processing a few years ago. (The County no longer offers this service.) **MOTION** by DuPlayee/Kindschi to approve the lockbox service agreement as presented. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of letter confirming understanding of auditor services to be provided by Johnson Block and Company, Inc. for the years ending December 31, 2010, 2011, 2012: **MOTION** by DuPlayee/Fonger to approve the letter of understanding as presented. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of letter of consent to allow Johnson Block and Company, Inc. to access Baker Tilly Virchow Krause, LLP workpapers for December 31, 2009 audit of the Town: The Treasurer noted that there may be some minor costs associated with this (copying fees, etc.) **MOTION** by DuPlayee/Kindschi to approve the letter of consent as presented. **MOTION CARRIED 5-0.**
- D. Plan Commission Recommendations:
1. Kevin S. Uphoff, Applicant, Kendal & Donna Uphoff, Landowners – Parcels 0711-141-9000-5 and 0711-141-9500-0 at 4142 Ridge Road – Requesting rezone from A1-EX to RH-1 to create three 2-acre lots: **MOTION** by Hampton/Anders to approve the plan commission's recommendation to approve the rezone of three 2 acre lots from A1-EX to RH-1, with a shared driveway for the three lots. This meets the clustering and residential density for a two acre maximum lot size on page J-17 of the comprehensive plan. The Plan Commission's motion stated that the RDU for one of the new lots was to utilize the extra one for continuous land ownership since 1981, but discussion was that this RDU could only be used to split off the farm house and buildings, not to create a new building site. Hampton amended his motion and Anders seconded the amendment such that all three RDU's would be the "regular" ones resulting from deed restricting 35 acres. **MOTION CARRIED 4-1** (Anders opposed).
  2. Discuss/Consider concerns regarding Skarstinden Road TDR Receiving Area: **MOTION** by Fonger/DuPlayee to follow the Plan Commission recommendation to accept the County's recommendation to remove the Skarstinden Road property from the list of medium density residential receiving areas in the Town's comprehensive Plan. **MOTION CARRIED 4-1** (Hampton opposed).
- E. Discuss/Consider approval of Stormwater Plan as recommended by Nahn and Associates, LLP: Chuck Nahn made a powerpoint presentation outlining the Town's Stormwater Plan and permit. He explained that the Stormwater Plan is how we meet the requirements of the Stormwater Permit. The permit is required due to the urbanized area as identified by the 2000 census. The Town of Cottage Grove is one of four townships in a consortium that received a WDNR 65% cost share grant to help pay for development of the plan.

Nahn identified five components of the plan

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1. Public Education and Input
2. Illicit Discharge Detention and Elimination
3. Ordinance Review and Update
4. Pollution Prevention Plan
5. Stormwater Quality Modeling.

He went on to say that the Town has taken steps to meet the education, illicit discharge elimination and ordinance review/update components. Some pollution control measures are also in place. Further pollution control steps he recommended were to reduce the use of salt on town roads, possibly by applying salt based on road temperature, the addition of rock check dams in steeper grass swales, and erosion protection for material storage piles. He also suggested the development of a regional wet detention basin at Valley St/Lotus Lane, which could be at least partially funded by grants.

Nahn provided the final Stormwater Management Plan, and said once approved by the Town Board, it will be submitted, along with plans from the other four municipalities in the consortium, to the DNR for review and approval. **MOTION** by Fonger/Kindschi to approve the Stormwater Plan as presented. **MOTION CARRIED 5-0.**

- F. Discuss/Consider approval of Agreement (with Crispell-Snyder, Inc.) for Professional Consulting Services for 2011 Planning Services: **MOTION** by Anders/Fonger to approve the agreement as presented, and direct the Chair to sign it. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of purchase of a flag pole for Flynn Hall, cost to be shared equally between the Town, the Lions Club and the American Legion Post: Fonger stated that the Lions Club and American Legion Post have already approved their share of the cost, which he said would be about \$750. **MOTION** by Hampton/Fonger to approve the Town's contribution of 1/3 the cost of the flag pole, funds to come from account 50750 Flynn Hall Expenses. **MOTION CARRIED 5-0.**
- H. Discuss/Consider approval of amended Cottage Grove Joint Law Enforcement Agreement: The agreement was amended slightly since the version approved by the Town Board on October 6, 2011. Hampton explained that the Village Board did not agree with the phrase added by Attorney Anderson to Section 7.2.1 "using a cash accounting basis, rather than an accrual accounting basis". **MOTION** by Hampton/DuPlayee to approve the Cottage Grove Joint Law Enforcement Agreement as submitted tonight. **MOTION CARRIED 5-0.**
- I. Discuss/Consider approval of Town of Cottage Grove Budget for Fiscal Year 2011: The board reviewed the budget worksheet that resulted from the final budget workshop on October 28<sup>th</sup>. Since that meeting, Police Chief John Gould communicated that \$28,000 in personnel costs had been left out of the police budget. His plan was to leave the bottom line the same, but eliminate the capital expenditure to purchase a squad car, and reduce some other expense accounts to make up the difference. This change was made to the worksheet with no resulting change to the net income of zero. **MOTION** by Kindschi/DuPlayee to approve the 2011 Budget as reflected in the updated worksheet, and schedule the 2011 Budget Public Hearing and Special Meeting of the Electors for Monday, December 6, 2010 at 7:00 P.M. **MOTION CARRIED 5-0.**
- J. Set Date for 2011 Budget Public Hearing and Special Meeting of the Electors: See above.

TOWN OF COTTAGE GROVE  
TOWN BOARD MINUTES  
NOVEMBER 1, 2010

III. CLERKS REPORT

A. Dane County Ordinances:

1. Ord. Amdt. 16, 10-11 Amending Chapter 10 of the DCCO, regarding definitions of agricultural uses and revisions to the A-4 Small Lot Agricultural District: **MOTION** by Hampton/Anders to approve the amendment as presented. **MOTION CARRIED 5-0.**
2. Ord. Amdt. 17, 10-11 Amending Chapter 10 of the DCCO, regarding the Adult Entertainment Overlay District. **MOTION** by Fonger/Anders to approve the amendment as presented. **MOTION CARRIED 5-0.**

B. BOARD REPORTS AND COMMUNICATIONS: None

C. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

1. Village Parks, Recreation and Forestry Committee: Anders reported that the Village is considering a skate park. Town recreation participation figures are coming.
2. Deer-Grove EMS Commission: No Report.
3. Joint Town/Village Fire Department Committee: The committee approved the Emergency Services Building budget for 2011. The generator and some potholes have been repaired, and a rock wall will also be repaired soon.
4. Law Enforcement Committee: The process for hiring a sergeant has begun. The Village has postponed the hiring of their extra officer.

IV. Adjournment: **MOTION** by Kindschi/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:43 P.M.

Kim Banigan, Clerk  
Approved 11-15-2010

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
NOVEMBER 15, 2010

**PUBLIC HEARING - Combination Class B Beer and Class B Liquor License for Timothy L. Fahey, d.b.a. Crossroads Bar.**

- I. Notice of the Public Hearing was posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- II. Hampton called the public hearing to order at 7:00 P.M., and asked if there was any public comment.
- III. Fahey requested to amend the establishment name on the license application to Buster's Bar and Restaurant. The Clerk stated she received an email from the WDOR confirming that Fahey's seller's permit number has been associated with this new business name. There were no public questions or comments.
- IV. **MOTION** by Anders/Fonger to close the public hearing. **MOTION CARRIED 5-0.**

**TOWN BOARD MEETING**

- I. ADMINISTRATIVE
  - A. Notice of the meeting attendance were as stated above for the public hearing.
  - B. Hampton called the meeting to order at 7:03 P.M.
  - C. Minutes of previous meeting(s):
    1. **MOTION** by Kindschi/Anders to approve the minutes of the October 28, 2010 Budget Workshop open session, adding the due date of December 6<sup>th</sup> for revised roofing bids under item VII. **MOTION CARRIED 5-0.**
    2. **MOTION** by Duplayee/Kindschi to approve the minutes of the November 1, 2010 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
  - D. Finance Report and Approval of Bills:
    1. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #18148-18202 as presented. **MOTION CARRIED 5-0.**
    2. The Treasurer asked that November per diem reports be submitted by December 4<sup>th</sup>.
  - E. Public Concerns: None.
  - F. Road Right of Way Permits: **MOTION** by Hampton/DuPlayee to permit Alliant Energy to trench and drill in the right of way of Vilas Road for new gas line installation for Nelson Bus Service. **MOTION CARRIED 5-0.**
- II. BUSINESS:
  - A. Consider acceptance of surrender of current Class B Beer and Class B Liquor Licenses from Fahey & Wells, d.b.a. Crossroads Tavern: The Clerk stated that she has a copy of a document dissolving the Fahey & Wells partnership as of today's date, which in effect voids the licenses. She also has a copy of an Alcohol Beverage Stock Transfer from the partnership to Fahey. Fahey confirmed that the partnership is no longer in need of the licenses. **MOTION** by Fonger/DuPlayee to accept the surrender of the current Class B Beer and Class B Liquor Licenses from Fahey & Wells, d.b.a. Crossroads Tavern. **MOTION CARRIED 5-0.**
  - B. Consider approval of Class B Beer and Class B Liquor Licenses for Timothy L. Fahey, d.b.a. Crossroads Bar, for the license period ending June 30, 2011: Fahey's request to amend the

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
NOVEMBER 15, 2010

establishment name to Buster's Bar and Restaurant was reiterated. He said that Ron Blum is coming back out of retirement to work with Gina Heiman in management of the establishment, and they are talking to another party who may come on board as an activities manager. Fahey acknowledged that he is not present for day to day operations of the establishment, but keeps close tabs on the goings on, and is fully aware of his responsibilities as the license holder. He pointed out that the bar has had a good track record since he has been named on the license. The Clerk noted that she has a copy of a lease agreement between Dawn Guimond and JDJ, Inc. and Fahey, giving him control of the premises. **MOTION** by Fonger/Kindschi to approve Class B Beer and Class B Liquor Licenses for Timothy L. Fahey, d.b.a. Buster's Bar and Restaurant, for the license period ending June 30, 2011. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of an amendment to the 2010 Budget for the Town of Cottage Grove: The Treasurer explained that the first part of the amendment will allow for more principal to be paid with the upcoming payment on the fire truck loan since Fire Department expenses to service the Town of Pleasant Springs are below budget. The second part of the amendment provides funds for ditch work done on Bonnie Avenue. **MOTION** by Anders/DuPlayee to transfer \$2,000 from account #51230 Pleasant Springs Expense to account #52770 Pleasant Springs Fire Truck Principal, and to transfer \$1,991 from account #51890 Fuel and Oil to account #51770 Contractor Expense. **MOTION CARRIED 5-0.** This is Budget Resolution No. 2010-04.
- D. Discuss/Consider approval for Nahn and Associates to apply to the Hazard Mitigation Grant Program for funding of a stormwater basin at Lotus Lane: Smith said that Town Engineer Warren Myers has cautioned that a stormwater basin will not alleviate flooding problems for residents in the immediate area, and in fact may add to the problem by keeping the ground water level high. There was discussion about dry vs. wet stormwater basins. Board members preferred a dry basin, but it was noted that while a dry basin would slow the flow of stormwater during heavy rains, future stormwater permit requirements may require a wet one. **MOTION** by Kindschi/Anders directing Nahn to submit the grant application for a dry basin, with input from Smith, and with a cost not to exceed \$740.00. **MOTION CARRIED 5-0.**
- E. Update on sharing operating and maintenance costs for DaneCom: Dane County Sub. 2 to Res. 88, 10-11, Endorsing an Alternative Emergency Radio System Proposal: Hampton reported that the County Board adopted the resolution, and he expects that a participation agreement will be sent to all Dane County municipalities.
- F. Discuss/Consider options for disposal of 2007 Police squad car: A memo from the police chief gave two options: a sure \$2,700 from a used squad business in Wausau, or an unknown return by auction. **MOTION** by Fonger/DuPlayee to accept \$2,700 for the 2007 squad car from a used squad business in Wausau. **MOTION CARRIED 5-0.**
- G. Discuss/Consider changing to Town Web Design, Inc. as web site provider for the Town: The potential savings to the Town would be \$500 annually. Discussion was that features available did not appear to be significantly different than those of the current provider, and it was noted that Town Web Design, Inc. is owned and managed by one individual, leading to questions regarding the stability of the company. **MOTION** by Kindschi/Hampton to keep the Town's web site with the current provider (Wisconsin Department of Administration – Department of Enterprise Technologies). **MOTION CARRIED 5-0.**
- H. Discuss/Consider approval of Labor Negotiation Agreement for 2011: As the 2011 budget includes no changes to employee compensation, the document is identical to the 2010 agreement, except for the year. **MOTION** by DuPlayee/Kindschi to approve the Labor Negotiation Agreement for 2011 as presented. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MINUTES  
NOVEMBER 15, 2010

- I. Discuss/Consider agenda items for the December 6, 2010 Special Meeting of the Electors, including 2011 highway expenditures on the agenda for the December 6, 2010 Special Meeting of the Electors: **MOTION** by Anders/Kindschi to include an agenda item for the Electors to consider approval of the 2011 highway expenditures on December 6<sup>th</sup>. **MOTION CARRIED 5-0.**
- J. Discuss/Consider approval of sending Plan Commission and/or Town Board members to the Wisconsin Towns Association December seminars: **MOTION** by Hampton/Fonger to allow up to four Plan Commission or Town Board members to attend the seminars. **MOTION CARRIED 5-0.**
- K. Discuss/Consider holiday season office hours: **MOTION** by Hampton/Anders to close the office on December 23<sup>rd</sup> and 24<sup>th</sup>, and January 3<sup>rd</sup>. The office will remain open on December 31<sup>st</sup>, but the Clerk should take a comp day during December when the Replacement Secretary is working. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

A. Dane County Ordinances:

- 1. Ord. Amdt. 10, 10-11 Amending Chapter 10 of the DCCO, regarding changes to the Limited Commercial Zoning District and establishing conditional use permit application procedures (as amended and approved by the Dane County ZLR committee): **MOTION** by Fonger/Hampton to approve as presented. **MOTION CARRIED 5-0.**

B. BOARD REPORTS AND COMMUNICATIONS:

- 1. Anders reported that the subject of community entrance signs had come up at the recent Village Parks, Recreation and Forestry Committee meeting. Kindschi said the Chamber of Commerce is working on raising funds for the signs with a goal of installing them in the Spring of 2011.
- 2. Hampton reported that the 2011 Unified Planning Work Program for the Madison Area Transportation Planning Board, and the 2011- 2015 Transportation Improvement Program for the Madison Metropolitan Area and Dane County are available in the Town Office. Hampton also mentioned that Paul Davis Restoration is having an open house at their new location on December 2<sup>nd</sup>.
- 3. Smith reported that Charter Communications has given notice that cable TV service for the Town Garage will cost \$4.99/month beginning on December 20<sup>th</sup> (the service was previously provided at no cost as part the franchise agreement).

C. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

- 1. Emergency Government Committee: DuPlayee reported that the committee toured Glacial Drumlin School in November. Committee Chair Jon Russell is leaving.

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

Kim Banigan, Clerk  
Approved 12-06-2010

TOWN OF COTTAGE GROVE  
PUBLIC HEARING  
SPECIAL TOWN MEETING OF THE ELECTORS  
TOWN BOARD MEETING  
DECEMBER 6, 2010

**PUBLIC HEARING – 2011 BUDGET**

- I. Notice of the Public Hearing was published in the Wisconsin State Journal on November 20, 2010, and posted, along with the proposed budget, at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike Kindschi and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debbie Simonson and Highway Superintendent Jeff Smith. A list of others present is available in the Clerk's office.
- II. Hampton called the public hearing to order at 7:00 P.M., and asked if there were any questions or comments. There were none. Board members stated their satisfaction with being able to keep the mill rate the same as 2009.
- III. **MOTION** by Kindschi/Fonger to close the public hearing. **MOTION CARRIED 5-0.**

**SPECIAL TOWN MEETING OF THE ELECTORS**

- I. Notice of the Special Town Meeting of the Electors was published in the Wisconsin State Journal on November 20, 2010, and posted at the Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN. Attendance was as listed for the public hearing above. In addition to the Town Board and staff, there were three other electors present: Ellery Jensen, Joe Starr, and Cliff Miller.
- II. Hampton called the meeting to order at 7:04 P.M.
- III. **MOTION** by DuPlayee/Kindschi to approve the 2010 Town Tax Levy at \$1,441,566.00, and to allow 2011 highway expenditures to exceed \$5,000 per mile. **MOTION CARRIED 11-0.**  
*(Note that the Special Town Meeting was never adjourned!)*

**TOWN BOARD MEETING**

- I. ADMINISTRATIVE
  - A. Notice of the meeting and attendance were as stated above for the public hearing.
  - B. Hampton called the meeting to order at 7:08 P.M.
  - C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Fonger to approve the minutes of the November 15, 2010 Public Hearing and Board Meeting as printed. **MOTION CARRIED 5-0.**
  - D. Finance Report and Approval of Bills:
    1. **MOTION** by Anders/DuPlayee to approve payment of bills corresponding to checks #18203-18263 as presented. **MOTION CARRIED 5-0.**
    2. **MOTION** by Kindschi/Fonger to approve payment of November 2010 per diems as presented, and payment of \$315.00 to Tom Viken for November building permits. **MOTION CARRIED 5-0.**
    3. There was discussion about not holding a meeting on December 20<sup>th</sup> if there is no business other than approval of bills. Routine bills (utilities, etc.) due before the January 3<sup>rd</sup> meeting can be paid without prior board approval, all others will be held for January 3<sup>rd</sup>. The Chair will have the final call on this.

TOWN OF COTTAGE GROVE  
 PUBLIC HEARING  
 SPECIAL TOWN MEETING OF THE ELECTORS  
 TOWN BOARD MEETING  
 DECEMBER 6, 2010

4. The Treasurer asked that December per diem reports be submitted by December 31<sup>st</sup>.

- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Consider accepting donation from the Cottage Grove Volunteer Fire Department, Inc. to put towards principal on loan for CGFD Engine 4: **MOTION** by Kindschi/Anders to accept the donation of \$1,710.00. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of an amendment to the 2010 Budget for the Town of Cottage Grove: **MOTION** by Hampton/DuPlayee to adopt Budget Resolution 2010-05, amending the 2010 budget to add \$1,710.00 to revenue account 40230 - Fire Dept. Grants/Donations, and adding \$1,710.00 to expense account 52770 – Fire Truck Principal. **MOTION CARRIED 5-0.**
- C. Discuss/Consider approval of Certified Survey Map for Schlueter Living Trust at 3897 Vilas Hope Road: Eric Sandsness of Royal Oak Engineering provided a revised 4-lot CSM, but noted that he is still negotiating with Dane County regarding the easement to the north of lot 4. The Town had approved only a 33 foot easement, while the County is asking for 66 feet. There was discussion that the easement could even be eliminated entirely, using an ingress/egress agreement instead. **MOTION** by Hampton/Anders to approve the 4-lot CSM, with the condition that the 66 foot easement to the north of lot 4 be reduced to 33 feet, or eliminated. **MOTION CARRIED 5-0.**
- D. Discuss/Consider awarding of bid for HVAC maintenance service for Town facilities: The following bids were received:

	Landmark	Wohlers	McCutchin
Town Hall	\$250.00	\$180.00	-
ESOB	\$1,200.00	\$875.00	\$713.50
Flynn Hall	\$170.00	\$150.00	-
Garage	\$400.00	\$240.00	-
Town Hall/Flynn Hall/Garage	-	-	\$1,200.00
<b>TOTAL</b>	<b>\$2,020.00</b>	<b>\$1,445.00</b>	<b>\$1,913.50</b>

**MOTION** by Anders/Kindschi to award maintenance contracts for the Town Hall, Flynn Hall and Town Garage to Wohlers Heating and Air Conditioning, and recommend to the Joint Town/Village Fire Department that they award a maintenance contract for the Emergency Services Building to McCutchin Heating and Air Conditioning. **MOTION CARRIED 5-0.**

- E. Review new quotes for soffit and fascia for Flynn Hall: Smith presented the quotes as follows:

	Roof	Gutters	Facia/Soffit	Total
Masterpiece Exteriors	\$23,375	\$3,550	\$5,075	\$32,000
Manstrong Construction	\$19,275	\$975	\$4,800	\$25,050
Cardinal Roofing	\$29,700	\$2,385	\$10,280	\$42,365
Sims Roofing	\$22,250	\$1,995	\$6,495	\$30,740

TOWN OF COTTAGE GROVE  
PUBLIC HEARING  
SPECIAL TOWN MEETING OF THE ELECTORS  
TOWN BOARD MEETING  
DECEMBER 6, 2010

It was noted that the quotes were not exactly apples to apples. Consensus to table until January 3<sup>rd</sup> so Smith can get more information from Manstrong Construction and Sims Roofing.

- F. Discuss/Consider approval of continuing cable TV service to the Town Hall and Town Garage at a cost of \$4.99/month each, plus applicable fees and taxes: **MOTION** by Hampton/DuPlayee to continue paid cable TV service at the Town Garage only. **MOTION CARRIED 5-0.**

III. CLERKS REPORT

A. Dane County Ordinances: None.

B. The Clerk distributed copies of the 2008 participation summary for the Joint Recreation programs.

C. BOARD REPORTS AND COMMUNICATIONS:

1. Hampton reported that Meriter Labs has given notice that their drug testing fees will increase by 3% in 2011.
2. Smith reported that the owner of the trees causing concern along Vilas Road has started taking them down.

D. COMMITTEE REPORTS AND COMMUNICATIONS (AS APPLICABLE):

1. Plan Commission: Two members will attend the upcoming WTA land use seminar.
2. Deer-Grove EMS Commission: No report
3. Village Parks, Recreation and Forestry Committee: Online registration for recreation programs will be available in 2011.
4. Joint Town/Village Landfill Monitoring Committee: Gas monitoring results continue to show zero detects. Repairs to the damaged well have been completed.
5. Law Enforcement Committee: Pending Police Commission action, part time officers will be filling in for absences due to injuries. A \$4,000 grant will be used to purchase a speed board.

- IV. Adjournment: **MOTION** by DuPlayee/Kindschi to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:27 P.M.

Kim Banigan, Clerk  
Approved 1/3/2011