

TOWN OF COTTAGE GROVE  
PUBLIC HEARING AND TOWN BOARD MEETING  
JANUARY 5, 2015

**PUBLIC HEARING REGARDING POSSIBLE ADOPTION OF AN ORDINANCE  
REGULATING AGRICULTURAL COMMERCIAL VEHICLES AND IMPLEMENTS OF  
HUSBANDRY**

- I. Notice of the public hearing was posted at Town Hall, the park at 4539 American Way, Gaston Road at Brown Thrush and US Hwy 12 & 18 at County Road BN, and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Mike DuPlayee and Kristi Williams were present, along with Clerk Kim Banigan, Treasurer Debra Abel and Highway Superintendent Jeff Smith. A list of other attendees is available at 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. Dwight Huston asked what it is all about, and Hampton explained that the State recently increased weight and length limits for agricultural commercial vehicles and implements of husbandry. The proposed ordinance, drafted by the Dane County Towns Association, allows Towns to require a permit to exceed the former limits. There were no further questions or comments.
- III. **MOTION** by Fonger/DuPlayee to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:03 P.M.

**TOWN BOARD MEETING**

- I. ADMINISTRATIVE
  - A. Notice of the meeting and attendance were as described for the public hearing above. Deputy Jennifer Grafton arrived near the end of the meeting.
  - B. Hampton called the meeting to order at 7:03 P.M.
  - C. Minutes of previous meeting(s):
    1. **MOTION** by DuPlayee/Williams to approve the open session minutes of the December 15, 2014 Town Board meeting as printed. **MOTION CARRIED 5-0.**
    2. **MOTION** by Fonger/DuPlayee to approve the minutes of the December 15, 2014 closed session as presented, and to make them an open record. **MOTION CARRIED 5-0.**
  - D. Finance Report and Approval of Bills:
    1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #22997-23047, including voided check numbers 22979 and 23046, and hold check #23012 until the work is complete. **MOTION CARRIED 5-0.**
    2. **MOTION** by Anders/DuPlayee to approve payment of December 2014 per diems as presented. **MOTION CARRIED 5-0.**
    3. **MOTION** by Anders/DuPlayee to approve payment of \$1,110.00 to Tom Viken for December 2014 building permits. **MOTION CARRIED 5-0.**
  - E. Public Concerns: None.
  - F. Road Right of Way Permits: None.
- II. BUSINESS:
  - A. Plan Commission Recommendations:
    1. Brett & Laura Dollar, 3111 Siggelkow Road – seeking rezone of 1.864 acres from R-1A to A-2 with a conditional use permit for a limited family business to allow for indoor storage of snow removal and construction equipment: **MOTION** by DuPlayee/Fonger

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JANUARY 5, 2015

to accept the Plan Commission's recommendation to approve a rezone of 1.864 acres from R-1A to A-2 and to approve a conditional use permit for a limited family business for snowplowing and contractor activities, as allowed under DCCO sections 10.126(3) (m) Limited Family Business and (r) seasonal storage of recreational vehicles. All equipment must be stored inside the new building which is planned to be 36' x 63' x 12' at truss bottom. All six findings of fact under DCCO section 10.255(2)(b) were considered to be satisfied. **MOTION CARRIED 5-0.**

2. Dennis Richardson, Agent/Applicant, Huston Living Trust, owner – seeking 10-year extension of Conditional Use Permit for existing mineral extraction site at 3355 County Road N (a.k.a. the “Skaar Pit”): Carolyn Dahl, 3663 T-Bird Way, asked why the CUP was for 10 years vs. annually as has been the case. She was advised that what is being considered tonight is a recommendation to Dane County regarding the conditional use permit, not the Town's non-metallic mining permit, which will continue to be considered annually. Dale and Dwight Huston were in attendance, along with Dennis Richardson. They indicated there are no operational changes planned. The current CUP condition (#15) prohibiting water from leaving the site was briefly discussed, with thoughts that the reason it was imposed was to prevent a high-capacity well from being drilled on the property. Since water is pumped from the retention pond and used to water the driveway, it was requested to remove that condition so they will not be deemed in violation if any left over water is taken to water other locations. It was suggested that a condition be added to prohibit high capacity wells directly. **MOTION** by Anders/Williams to approve a 10 year extension of CUP 2136, with condition #15 regarding no water leaving the site changed to state that no high-capacity wells are allowed on the property. All findings of fact under DCCO section 10.255(2)(b) were considered to be satisfied. **MOTION CARRIED 5-0.**
- B. Discuss/Consider adoption of TCG Ordinance section 08.09 Regulations Applicable to Agricultural Commercial Vehicles and Implements of Husbandry: Discussion was that the Town Board should serve as the agent for administering the permit. There was confusion over language in on section (2) referring to 348.15(3)(g), with thoughts that it should refer instead to 348.15(3)(c). It seemed that the ordinance as drafted by the DCTA only allows the town to restrict weights per axle, but this restriction alone was still deemed as important enough to warrant enactment of the ordinance. **MOTION** by Fonger/DuPlayee to adopt the ordinance with all references to the 'Agent' changed to the Town Board. **MOTION CARRIED 5-0.**
- C. Discuss/Consider priorities for policing of the Town: Discussion was that priority should be placed on policing speeding on Damascus, Baxter, Vilas, Sandpiper, and Vilas Hope roads, although we do not want the Town go get a reputation as a speed trap. Deputies should make an effort to meet business owners and acquaint themselves with neighborhoods. There needs to be a deputy at court each month. There should be enforcement of the new ordinance regarding agricultural commercial vehicles and implements of husbandry. Dumping in road ditches has been a problem, especially on Siggelkow Road. It is hoped that the deputies will make recommendations to the board based on what they observe. **MOTION** by Hampton/DuPlayee directing the clerk to provide these priorities to Lt. Hayes. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE  
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JANUARY 5, 2015

- D. Discuss/Consider approval of expense to de-stripe and re-letter the 2011 Crown Victoria: The Sheriff's Department had provided a quote of \$155 to de-stripe and to \$420 to re-letter. **MOTION** by Anders/Fonger to approve the quote. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval for the Deer-Grove EMS District to create a capital expense fund: DuPlayee said there is movement on the DGEMS Commission to show commitment to the district by setting aside funds toward capital expenses. Hampton said he opposes the idea because of the changing contribution levels of the municipalities due to changes in equalized value, which could mean the Town will pay more for capital expenses if our contribution level goes down between the time the money is set aside and the expense occurs. He noted that the Town has never refused to fund a capital purchase when the need has been demonstrated. **MOTION** by Fonger/Hampton to recommend that Deer-Grove EMS NOT create a capital expense fund. **MOTION CARRIED 3-2.** (Anders and DuPlayee opposed).
- F. Discuss/Consider approval for the Destination Imagination group to use Flynn Hall: There was discussion that this use on weekends could cut into revenue possibilities if it means turning away potential renters. **MOTION** by Williams/Anders to allow the group to use Flynn Hall as long as they remain flexible to move to the Town Hall in the event that an opportunity to rent Flynn Hall arises. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of attendees for 2015 WTA District Meetings: **MOTION** by Hampton/Anders to allow 3 attendees to the February 28<sup>th</sup> meeting in Whitewater. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: None.

IV. BOARD REPORTS AND COMMUNICATIONS:

V. Hampton reported that:

- A. The old police station sign has been taken down and he is getting a price to re-letter it. Consensus was to go ahead as long as the cost does not exceed \$750.00. He said Greyhound did an initial cleaning of the police station on January 2<sup>nd</sup>. DCSO is asking for changes to a fenced area in the garage to allow parking of both vehicles.
- B. Miller Bradford plans to build on Capital Underground's business condo property on Hwy 12 & 18. Hampton and Smith met with them recently to discuss their plans.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: see above.
- B. Joint Town/Village Fire Department Committee: The committee viewed the hose tower repairs and approved \$14,000 to be set aside in the parking lot improvement fund (\$7,000 from the Town and \$7,000 from the Village).

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

Kim Banigan, Clerk  
Approved 01-19-2015