

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
DECEMBER 21, 2015

PUBLIC HEARING FOR PROPOSED CREATION OF ORDINANCE SECTION 22.08 LEGAL POSTING AND PUBLICATION, DESIGNATION OF OFFICIAL NEWSPAPER.

- 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, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debra Abel, Highway Superintendent Jeff Smith, Engineer Warren Meyers, Attorney Connie Anderson and Deputy Jennifer Grafton. Others present are listed on the sign-in sheet available in the Clerk's office.
- II. Hampton read the notice and asked if there were any questions or comments. There were none.
- III. MOTION by DuPlayee/Anders to close the public hearing. MOTION CARRIED 5-0. The public hearing ended at 7:04 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice and attendance was as described for the public hearing above.
 - B. Hampton called the meeting to order at 7:04 P.M.
 - C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the Public Hearing, Special Meeting of the Electors and Town Board meeting, all held on December 7, 2015, 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 #25250-24291, including voided checks #24201 and #24231, as presented. **MOTION CARRIED 5-0.**
 2. The Treasurer asked that December per diem reports be submitted by December 31st.
 - E. Public Concerns: None.
 - F. Road Right of Way Permits: None
- II. BUSINESS:
 - A. Discuss/Consider approval of permitting the Village of Cottage Grove to install and maintain a water main extension in the right-of-way along the north side of Gaston Road: Engineer Travis McDermott represented the Village of Cottage Grove Water Utility. Attorney Anderson began by suggesting it may be useful to have a joint meeting with the utility commission and the Town Board. She then questioned whether the project could be delayed until 2017 since it was brought to the Town Board after they had already finalized the Town's 2016 budget. McDermott did not think a year delay would be possible. Then Atty. Anderson, with assistance from Engineer Warren Meyers, described the permit conditions the Town Board discussed in closed session earlier this evening, which are detailed in a resolution she drafted for the Board's consideration and is attached to these minutes as Exhibit A. In addition to standard conditions regarding authority and oversight of the project, there is a requirement that the Village go beyond their original proposal to pave just the north side of the road and also mill and pave the south side at the same time, to prevent differential heaving of the two traffic lanes. Meyers specified that the native fill be used on the north side as much as possible for the same reason.

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Discussion:

- Romayn Rote, 2964 Gaston Road, felt that a new base should be installed under both sides of the road before it is repaved. Myers said that while everybody would probably agree with him technically, it would be cost prohibitive to do that.
- Beth Blazer, 2590 Gaston Road, said that the road is already in bad shape due to truck traffic from the quarry. She does not want a hydrant in front of her house and also complained about the noise from the overhead power lines, wondering if they could be buried in the process.
- Jerry Helgeland, 2620 Gaston Road, said there are a lot of big trucks other than dump trucks that use Gaston Road.

McDermott answered questions but had little comment about the conditions imposed by the Town, other than that he would take them back to the Water Utility Commission. **MOTION** by DuPlayee/Anders to adopt Resolution 2015-07 Approval for right-of-way permit to Village of Cottage Grove Water Utility for installation of water main in Gaston Road ROW (Terms and Conditions of ROW permit). **MOTION CARRIED 5-0.** Anderson stated that Smith will assemble the permit with attachments along with a request for payment of the application fee.

- B. Review November police activities: Deputy Jennifer Grafton presented the November summary report, which showed 181 calls for service and 108 citations issued, both predominately traffic related as usual. She noted that citations for criminal offenses, including second and later offense OWI's, go to the County so there are more tickets being issued than are shown on the report. She said that there have been several break-ins to unlocked cars and garages recently. When asked if she had been spending any time on Ridge Road, she said yes, and she has seen little traffic when she has driven it but there are not really any good places for her to sit.
- C. Consider adoption of TCG Ord. Section 22.08 Legal Posting and Publication, Designation of Official Newspaper: **MOTION** by Fonger/Williams to adopt the ordinance section as presented. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of official posting locations for Town Notices: **MOTION** by Anders/Williams to post notices on the Town's internet site and on the Town Hall bulletin board. **MOTION CARRIED 5-0.**
- E. Discuss/Consider amending the 2015 Town Budget: **MOTION** by Anders/DuPlayee to adopt Budget Resolution 2015-02 as presented. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: A renter of Flynn Hall suggested that there should be a first aid kit there. Consensus was to get an assortment of band aids for both Flynn and Town Halls.

IV. BOARD REPORTS AND COMMUNICATIONS:

A. Hampton reported that:

1. He had a 45 minute conversation with Craig Pringle regarding the DOT alternative for Hwy 12 & 18, and learned that identification of an alternative is a Federal requirement but the DOT has no intention to complete any plans east of County AB.
2. He will attend the County ZLR meeting tomorrow when they will consider approving the Town's Comprehensive Plan amendment.

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3. He attended the MMSD Adaptive Management meeting and learned that they intend to monitor the flow of Door Creek at County MN and at Hope Road. Everyone seemed happy with the latest draft of the agreement, although they still have the Town in for \$31K. Hampton contacted Chuck Nahn to make sure he is working with them to get that reduced.

V. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: DuPlayee reported that things are going smoothly with the EMS service thanks to good strides made over the past 4-5 years and a good chief. A committee is working on recommendations for a new ambulance, and has settled on a 2016 Dodge 5500 chassis. They are considering whether it may be cost effective to purchase two ambulances and trade the 2012 ambulance in while it still has significant value.

VI. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:15 P.M.

Kim Banigan, Clerk
Approved 01-04-2016

TOWN OF COTTAGE GROVE
Resolution 2015- 07

**APPROVAL OF RIGHT-OF-WAY PERMIT TO VILLAGE OF COTTAGE GROVE WATER UTILITY
FOR INSTALLATION OF WATER MAIN IN GASTON ROAD ROW
(Terms and Conditions of ROW Permit)**

WHEREAS, the Village of Cottage Grove Water Utility ("Village" or "Applicant"), by its engineers, Mike Maloney and Travis McDermott of MSA Professionals ("Village Engineer"), has submitted to the Town of Cottage Grove ("Town") a request for a Right-of-Way ("ROW") permit for the installation of a water main extension (the "Facility") in the public right-of-way of Gaston Road; and

WHEREAS, the Village, through the application and memorandum dated November 30, 2015 (together, the "Application") has indicated that the Facility will be installed with an open cut and that construction will occur between June 2016 and August 2016 (the "Project"); and

WHEREAS, the Town is willing to issue the permit, subject to certain terms and conditions that are deemed by the Town Board to be necessary for the public health, safety and welfare of Town residents and others using Gaston Road, all as set forth herein.

NOW, THEREFORE, the Town Board does hereby resolve as follows:

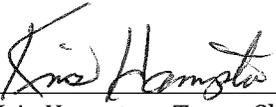
1. The Permit to Construct a Facility within the Gaston Road Right-of-Way (the "ROW Permit") shall be issued to the Village of Cottage Grove Water Utility ("Village" or "Applicant") subject to all standard requirements as well as the following special terms and conditions:
 - a. The Village shall submit the required review fee.
 - b. The representations set forth in the Application (including the Petition to Install and Maintain Water Utilities prepared by the Village Engineer on November 30, 2015) are hereby incorporated as terms and conditions of the ROW Permit, except as expressly amended in writing herein or by change order presented and approved by the parties hereto, in writing. Email consenting to the change order shall be a sufficient writing for these purposes.
 - c. Authorized Representatives for the purposes of binding the Town as to this Project are the Town Engineer, Warren Myers and Town & Country Engineering, Inc., and the Town Chairperson, Kris Hampton.
 - d. Authorized Representatives for the purposes of binding the Village as to this Project are the Village Engineer, the Chairperson of the Village Water Utility Commission and the Village President.
 - e. A performance bond shall be issued to the Town of Cottage Grove as required by law and in an amount reasonably determined by the Town Engineer following consideration of the Village Engineer's opinion as to probable cost.
 - f. The portion of the Gaston Road where construction will occur shall be televised at the Village's expense and copies of the televised areas shall be provided to the Town prior to commencement of construction.
 - g. The Town's Superintendent of Public Works and/or the Town Engineer and/or the Town Chairperson shall be notified of and allowed to attend the preconstruction meeting and the ongoing construction meetings by and between the Village and the Village's contractors as those meeting relate to this Project.

- h. Commencement, construction and completion of the Project shall be scheduled and coordinated with the Town's Superintendent of Public Works, Jeff Smith, following consultation with the Town Engineer.
- i. Specifications for the Project as to trench backfill and pavement restoration shall require approval by the Town Engineer and the Town Superintendent of Public Works.
- j. The water main burial shall be adjusted to allow future roadway improvements to bring the stopping sight distances and passing sight distances into conformance with currently accepted standards while still maintaining the desired cover over the water main. Specifications for the Project as to water main burial shall require approval by the Town Engineer and the Town Superintendent of Public Works.
- k. The Village shall take all reasonable precautions and do everything reasonably possible to avoid differential frost heave between the north half where the trench will be and the water main laid, and the undisturbed south half of Gaston Road.
- l. If Gaston Road is later found to be damaged because of frost heave or other consequences related to the Village's decision to construct only half of the road for this Project, the Village shall be responsible for prompt repair of the damage to standards and specifications approved by the Town Engineer. This provision shall survive completion of the Project and shall remain binding on the Village.
- m. The Village, at its sole cost, shall mill 2 ½" of asphalt from the southern half of Gaston Road so that the asphalt for the northern half and southern half can be, and are, laid at the same time. Costs associated with the milling and paving of the south side of Gaston Road shall be paid by the Village.
- n. Ditches along the north side of Gaston Road shall be cleaned and restored in a manner that facilitates proper drainage and stormwater conveyance. All work and restoration shall be consistent with the Town's MS-4 Permit Requirements and such other drainage and stormwater requirements imposed by law. Costs of restoration shall be paid by the Village.
- o. Notwithstanding the above, cost allocations determined by the Town Engineer and Village Engineer shall be subject to approval by the Town Board and Village Board prior to payment, but only where costs exceed that which the respective Board deems to be the limit of its engineer's authority.
- p. Flushing of hydrants shall be completed by the Village in a manner that does not adversely impact the property adjacent to the hydrants. Any damages and associated costs for repair and restoration caused by flushing of hydrants shall be the Village's responsibility. This provision shall survive completion of the Project and shall remain binding on the Village.
- q. The Village shall pay all costs incurred by the Town for professional services related to the Project, including legal and engineering fees.
- r. The Town and Village shall enter an agreement regarding connection of public water to Town residents that is consistent with the terms of the agreement presented to the Town Board on December 21, 2015, and the agreement shall be fully executed prior to commencement of construction.
- s. The Village shall re-stripe the road following completion of the project, at Village's sole cost.
- t. All work shall be completed in accordance with the law, and industry construction standards, including necessary and prudent erosion and stormwater controls.

2. The Village shall acknowledge and agree to the terms and conditions set forth above in writing prior to commencement of construction. If acknowledgment is by the Village Engineer, then the Village Engineer warrants and represents that it is acting as the authorized representative of the Village and is therefore authorized to bind the Village on the Application and as to the Village's compliance with the terms and conditions of the ROW Permit.
3. Time is of the essence as to performance of the terms and conditions set forth of this ROW Permit.
4. The Town Superintendent of Public Works is hereby authorized to issue the ROW Permit, provided that each and every term and condition set forth above is incorporated in the ROW Permit.

Approved by the Town Board of the Town of Cottage Grove at a duly noticed meeting held on December 21, 2015.

TOWN OF COTTAGE GROVE



Kris Hampton, Town Chairperson

Attested by:


Kim Banigan, Town Clerk

Incorporated by Reference:

1. Application signed by Village Engineer and dated November 30, 2015
2. Petition to Install and Maintain Water Utilities prepared by the Village Engineer on November 30, 2015
3. Proposed Agreement Regarding Connections and Related Documents provided by Village Engineer to Town Clerk via email dated December 17, 2015

TOWN OF COTTAGE GROVE

4058 County Road N

Cottage Grove, WI 53527

BUDGET RESOLUTION 2015-02

A resolution allocating unassigned funds and amending the 2015 budget of the Town of Cottage Grove, Wisconsin, adopted by a two-thirds majority vote of the entire membership of the TOWN BOARD.

BE IT RESOLVED by the TOWN BOARD of the Town of Cottage Grove that the following adjustments be made to the 2015 Town budget:

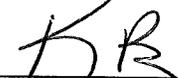
Revenue			Expense			Explanation
43060	Unassigned General Fund	2,000.00	52300	Park Expense	2,000.00	2014 Funds For Removal Of Cottonwoods At Park
43060	Unassigned General Fund	10,381.00	51870	Garage Maintenance & Repairs	10,381.00	2014 Funds For Garage Doors
43060	Unassigned General Fund	2,900.00	50750	Flynn Hall Expense	2,900.00	2014 Funds For Flynn Hall Furnace
			52300	Park Expense	28,369.00	Park Equipment For Cedar Knoll
			51010	Sheriffs Contract	(28,369.00)	Park Equipment For Cedar Knoll
Total Change In Revenue		15,281.00	Total Change In Expense		15,281.00	
			Net Change		0.00	

This resolution was duly considered and adopted by the Cottage Grove Town Board pursuant to a vote of 5 for and 0 against and 0 abstentions on this 21st day of Dec, 2015.

TOWN OF COTTAGE GROVE


Kris Hampton, Town Chair

ATTEST:


Kim Banigan, Town Clerk