

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JANUARY 2, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Hampton called the meeting to order at 7:00 P.M. at the Town Hall. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich, and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith.
- II. Minutes of previous meeting(s): **MOTION** by Anders/Morrow to approve the minutes of the December 4, 2006 Regular Board Meeting as printed. **MOTION CARRIED 5-0.**
- III. Finance Report and Approval of Bills:
 - A. Morrow requested that a discussion of policy regarding the Fire Department doing business with businesses owned by volunteers be included on a future agenda.
 - B. **MOTION** by Kessenich/Klinger to approve the payment of bills corresponding to checks #13557 through #13638. **MOTION CARRIED 5-0.**
 - C. **MOTION** by Anders/Klinger to approve the net worth at \$2,961,019.47. **MOTION CARRIED 5-0.**
 - D. The Treasurer suggested that Ordinance Committee per diems should be \$25 to be equal to other committee per diems. The Board agreed. **MOTION** by Anders/Klinger to approve payment of 4th quarter 2006 per diems as presented. **MOTION CARRIED 5-0.**
 - E. The Treasurer stated that Virchow/Krause will perform the 2006 audit on January 24th and 25th. She further stated that property tax collection is going very well, and that year-end figures look favorable for the projected carryover.
- IV. Public Concerns: Kathy Shook of the Cottage Grove Girl Scouts requested storage space for their 2007 cookie sale. Board consensus granted permission to store cookies in the Town Hall basement as in the past. They will arrive the week of February 26th.
- V. Road Right of Way Permits: None.
- VI. Discuss/Consider/Approve Resolution for Creation of Police Commission: Hampton stated that the resolution will be considered at the Joint Town/Village Board meeting on January 4th, and wanted to make sure that the Town Board is in agreement that the agreement be approved and signed, but that no commission appointments be made until after the new officer is hired in the summer of 2007. Board consensus confirmed agreement.
- VII. Discuss changes to the Deer-Grove EMS Agreement: Hampton was looking for board suggestions for the new agreement, stating that the commission meets tomorrow night to discuss it. Suggestions were made for each municipality to pay 25% of the district expenses, especially for equipment since all are required to have it. Other discussion suggested equal contributions to a baseline amount, with the remainder calculated based on call volume, but it was acknowledged that it would be difficult to budget for this.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JANUARY 2, 2007

- VIII. Clerk's Report: The Clerk verified that board members had received notice of the January 20, 2007 Dane County Town's association meeting. She also stated that comprehensive plans for the Town of Dunkirk and the Town of Albion have recently been received and are available in the Town Office.
- IX. Board Reports:
- A. Hampton: The DNR sent notice of purchase by the State of 1.7 acres to the west of Vilas Road for expansion of the Glacial Drumlin Trail, and mentioned that the DNR has a meeting scheduled for January 19th to discuss connecting the trail with Madison.
 - B. Kessenich stated that she will be able to attend the Emergency Management meeting on January 23rd.
- X. Committee Reports: None.
- XI. **MOTION** by Klinger/Morrow to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 7:53 P.M.

Kim Banigan
Clerk

Approved 1/15/2007

TOWN OF COTTAGE GROVE
BOARD MEETING
JANUARY 15, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. at the Town Hall. Other board members present were Dave Morrow, Karen Kessenich, and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, and Attorney Connie Anderson.
- II. Minutes of previous meeting(s):
- A. **MOTION** by Morrow/Kessenich to approve the minutes of the January 2, 2007 Regular Board Meeting as printed. **MOTION CARRIED 4-0.**
- B. **MOTION** by Klinger/Morrow to approve the minutes of the closed session on January 2, 2007 as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 4-0.**
- III. Finance Report and Approval of Bills:
- A. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #13639 through #13721, holding check #13713 for more information. **MOTION CARRIED 4-0.**
- B. **MOTION** by Klinger/Morrow to approve the net worth at \$1,591,002.03. **MOTION CARRIED 4-0.**
- C. The Treasurer reminded the board that the annual audit will be conducted on January 24th and 25th.
- IV. Public Concerns:
- A. Truman Nienstedt, 3789 Sky High Road, posed three questions to the board/clerk:
1. What is the position of the Cottage Grove Police Department regarding the enforcement of restraining orders issued by Dane County Courts – i.e. where does this fall in their priority list? Hampton responded that this would need to be asked of the Police Chief.
 2. Who are the Town's election inspectors, how are they qualified? The Clerk explained that election inspectors are appointed by the board from a list of those who have indicated their interest, either by checking the box on their voter registration application, or talking to existing inspectors or the clerk. The political parties have not submitted any potential election inspectors in this clerk's time here, and political party is not considered in their appointments. Election Inspectors are required to attend training as indicated by current statute.
 3. What determines the Police Disciplinary Committee's policies and guidelines? Hampton responded that these come from the agreement establishing the joint police department with the Village of Cottage Grove, and that the committee has never actually met.
- B. Jim Bradt approached the board, and Doug Bradt moved to the front row. Referring to a draft map used in negotiations for a boundary agreement between the Town of Cottage Grove, the Village of Cottage Grove, and the City of Madison, Jim Bradt asked why the negotiations are such a secret, and when will the public have a chance to give their input. Hampton responded that once the map has been more fully discussed [by the individual representatives of the Town, Village and City], which has not happened as of this time, there will be at least two public hearings in the Town, one with the Plan Commission and one with the Town Board. At that time, if the public does not like the plan, it dies. If they generally like it but want some changes, another hearing would be held after the changes have been incorporated. Doug Bradt stated it would make more sense to get public input earlier in the process. Jim Bradt expressed frustration about losing future rights for his property.
- Art Voit Jr. asked how long of an agreement is being negotiated? Hampton stated that he is trying to get a 20 year agreement, and also trying to maintain current uses of Town land, which would

TOWN OF COTTAGE GROVE
BOARD MEETING
JANUARY 15, 2007

mean that landowners with “splits” could still use them even in the designated green space.

Kyle Matthews asked what happens if the parties cannot come to an agreement, and said he feels there should be input from landowners. Attorney Connie Anderson stated that Hampton is fighting hard to maintain Town landowners’ rights.

Kessenich stated that she has not been personally involved in the negotiations, and since her election to the board last spring, has repeatedly brought up her firm belief that the public needs to know what is going on.

John Smart asked what is the idea behind the proposed green space? Hampton responded that it is a Smart Growth issue, that residents said they want the Town to work with the City and the Village. Smart asked who benefits, who has their economic rights limited? Hampton replied that Town of Cottage Grove residents benefit.

Nienstedt asked why doesn’t the Town Board invite two residents who represent their interests to attend the negotiations as non-voting participants?

V. Road Right of Way Permits: None.

VI. Discuss/Consider/Approve use of Sky High Park by Cottage Grove Soccer Club: Carl Pulvermacher described his plan to hold U-11 and U-12 soccer games at Bass Park since Arrowwood Park in the Village is no longer available to them. Soccer has two approximately 8 week seasons, spring (April, May, first week in June) and fall (September and October). There would be 6 teams each playing 4 home games in each season, mostly on Saturday mornings, some Sundays and possibly makeup games on weeknights. Pulvermacher stressed that this is more of a compromise than an ideal situation, and would only be a short term solution until fields are ready at the new Middle School. Portable goals would be used, and there is room to rotate them so as to not wear out the grass in any one spot.

Joshua Crow, 3804 Sky High Road, stated that he and his wife Lori surveyed 33 Sky High homes, and presented a Petition to Deny CGSC Bass Park Proposal with 28 signatures and comments relating to parking, traffic and safety. He stated there had only been 5 refusals to sign, and no one had expressed support for the proposal. He feels the proposal would benefit only a private club and not the Town as a whole. He calculated up to 40 cars could be present for each game, which would require parking on both sides of the street.

Pulvermacher said that a full roster is 14 players per team, but teams actually have 10-12 kids, and that away teams often carpool, so 40 cars is unrealistic. The Cottage Grove Soccer Club serves 380-400 children from the Town and the Village, which he feels serves the community in a huge way.

Truman Nienstedt stated that parking in Sky High is not adequate, and while he is not particularly in favor of the proposal, he is not opposed, but would hope that if approved, parking would not be allowed on the residential sides of the streets.

Lori Crow asked if Fireman’s park had been considered. Mike Vavrus, Village resident and field coordinator, stated that Fireman’s Park is not level enough. Josh Crow asked about practices, and Vavrus replied that kids have been practicing there for years. Pulvermacher said that coaches generally avoid practicing on their playing field to avoid wearing it out.

Jeff Remy, 3813 Bass Lane, worried that the park would not be available for local residents to use. He uses the park for baseball practice. Vavrus responded that he would ensure that a game schedule was

TOWN OF COTTAGE GROVE
BOARD MEETING
JANUARY 15, 2007

provided to the Town and available for Sky High residents.

Kim Stanfill-McMillan, 3783 Bohnsack, stated her support for the proposal, and offered that Bohnsack Park is under-utilized, and has a baseball backstop. Jim McMillan suggested that scheduling issues could be resolved rationally.

Joshua Crow stated that the Soccer Club sounds accommodating, but reminded the board that 85% of the residents had signed the petition against the proposal. He noted that the proposal as discussed tonight is scaled back from the 80 games described in Pulvermacher's written proposal, and asked for assurance that if the scaled back proposal is approved, controls would be put into place to ensure that a higher level of use does not actually occur.

Hampton read an email from Jay and Maria Huston, 3829 Warren Street, in support of the proposal, and Kessenich suggested Pulvermacher contact them regarding parking on their farm driveway.

Gary Brendemuehl, 3819 Bass Lane, stated he did not have a problem with use of the park, felt it is an important opportunity for children, but was concerned with traffic.

Pulvermacher suggested approval only for the Spring 2007 season at this time, with a meeting in June to address any concerns and consider future use. He said that home team parents could be instructed not to park on the residential side of the street, and that park directions for away teams could include this instruction as well. Tim Karls, age group commissioner for the club, gave his assurance that the club will make sure it works for the neighborhood.

MOTION by Hampton/Morrow to allow the Cottage Grove Soccer Club to use Bass Bark for 24 U-11 and U-12 games in April, May and the first week of June in 2007, then report back to the board and residents on June 18, 2007 for consideration of the fall season. **MOTION CARRIED 4-0.**

- VII. Chuck Nahn – Presentation on steps required for compliance with Phase 2 Municipal Separate Storm Sewer System Permit: Nahn stepped through a handout explaining what the permit is, why it is required, and what is needed for compliance. He explained that he had submitted a petition asking for exemption from the permit requirement on the Town's behalf, but it was denied. He then successfully applied for a grant from the DNR on behalf of the Towns of Bristol, Cottage Grove, Pleasant Springs and Dunn which will cover 70% of the costs associated with mandated activities for the permit. He described these activities, and suggested that they would be best completed by a consultant. Chairs of the four towns will meet on January 23rd to discuss whether to hire a consultant together or individually. Hampton will report back to the board at the first meeting in February. Nahn assured the board that mandated activities are on track at this point.
- VIII. Attendees for Municipal Storm Water Program Workshop series – Jan. 18th, March 7th and April 25th: Nahn stated that he will attend the workshops, saw no need for anyone from the town to attend.
- IX. Discuss/Consider/Approve Second Addendum to Flynn Hall Agreement: **MOTION** by Klinger/Kessenich to approve the Second Addendum as printed. **MOTION CARRIED 4-0.**
- X. Attendees for Wisconsin Town's Association District Meeting – February 16, 2007: **MOTION** by Morrow/Klinger to approve the chair to attend. **MOTION CARRIED 4-0.**
- XI. Attendees for Wisconsin Town's Association Capitol Day – March 14, 2007: Hampton intends to go.

TOWN OF COTTAGE GROVE
BOARD MEETING
JANUARY 15, 2007

- XII. Attendees for Growing Wisconsin: A Workshop on How to Sustain Our Working Lands – February 28, 2007: Anderson is planning to attend.
- XIII. Approve Appointment to Plan Commission – Sharon Fredenberg: **MOTION** by Klinger/Morrow to appoint Sharon Fredenberg to serve the remainder of Kevin Shelley’s term on the Plan Commission. **MOTION CARRIED 4-0.**
- XIV. **MOTION** by Klinger/Morrow 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 advice concerning strategy to be adopted with respect to recent court decision on the Olson case. **Roll Call Vote – ALL AYES.** The board went into closed session at 8:57 P.M.
- XV. **MOTION** by Hampton/Klinger to reconvene to open session. **Roll Call Vote – ALL AYES.** The board reconvened to open session at 9:30 P.M.
- XVI. Action as a result of closed session: **MOTION** by Morrow/Klinger to direct Anderson to petition with the Supreme Court to review the Court of Appeals decision on the Olson case. **MOTION CARRIED 4-0.**
- XVII. Clerk’s Report:
- A. Dane County Ordinances: **MOTION** by Morrow/Klinger to approve Ordinance Amendment 9, 06-07 Amending Chapter 10 of the Dane County Code of Ordinances, providing for Bio-Diesel Manufacturing in the Agricultural Business Zoning District, as amended by the Dane County Board of Supervisors on January 4, 2007. **MOTION CARRIED 3-1** (Kessenich opposed).
 - B. Consider/Approve Clerk’s attendance at Dane County Clerk’s meeting on January 16th: **MOTION** by Hampton/Kessenich to approve payment of mileage and a per diem for the clerk to attend the meeting. **MOTION CARRIED 4-0.**
- XVIII. Board Reports:
- A. Hampton: Gary Hebl called to say that the railroad now has funding for lights at the tracks on Vilas Road.
- XIX. Committee Reports:
- A. Deer-Grove EMS Commission’s next meeting is January 18th.
 - B. Emergency Government Committee tabletop exercise went well, the committee will work on estimating populations in various areas of the town.
- XX. **MOTION** by Kessenich/Morrow to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:47 P.M.

Kim Banigan
Clerk

Approved 2-05-2007

TOWN OF COTTAGE GROVE

BOARD MEETING

February 5, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. at the Town Hall. Other board members present were Dave Morrow, Steve Anders, and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, and Attorney Greg Murray.
- II. Minutes of previous meeting(s):
 - A. **MOTION** by Morrow/Hampton to approve the minutes of the January 15, 2007 Regular Board Meeting as printed. **MOTION CARRIED 3-0-1** (Anders abstained).
 - B. **MOTION** by Klinger/Hampton to approve the minutes of the closed session on January 15, 2007 as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 3-0-1** (Anders abstained).

Karen Kessenich arrived at 7:04 P.M.

- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Klinger/Morrow to approve the payment of bills corresponding to checks #13722 through #13779, continuing to hold check #13713 for more information. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Klinger to approve the net worth at \$2,741,190.67. **MOTION CARRIED 5-0.**
 - C. The Treasurer reported that settlement checks to Dane County and the school districts are due on February 20th.
- IV. Public Concerns: None.
- V. Road Right of Way Permits: None.
- VI. Discuss Developers Agreement for Skaar Road: Jim and Nola Skaar, their Attorney Lan Waddell, and Michelle Schmidt were in attendance. Attorney Murray stated that the parties have been working in earnest but have been unable to reach a satisfactory solution for vacation of the west end of Skaar Road. Murray presented a letter from Schmidt's attorney Mark Scheffer stating that while Schmidt has made good faith attempts at resolving the problem, the Skaars have been unresponsive. Scheffer suggested that unless the Skaars present the Town with a solution that is satisfactory to all parties involved, the only fair position for the Town Board to take is to require the Skaars to bear the full cost of any improvements required by the Town.

Waddell presented a proposed resolution that would have Skaars take over the winter maintenance of Skaar Road in exchange for not having to build the road to Town standards until new development occurs to the west. The agreement would be perpetual and run with the land. When development does occur, Skaars or their successors would bear responsibility for developing the road, Schmidt or her successors would bear no responsibility.

TOWN OF COTTAGE GROVE
BOARD MEETING
February 5, 2007

Kessenich suggested that rather than having Skaars plow the road, the Town do the plowing and bill the Skaars for it. Her concern was over timeliness of the road being cleared, and she was looking for more specific language. Smith stated that this did not address the Town's desire to eliminate the difficulty of turning around at the end of Skaar Road. Waddell pointed out that the proposed resolution provides for the Town to plow the road at the Skaar's expense in an emergency, and allows the Town to give the Skaars notice of eminent default triggering the Skaar's obligation to build out Skaar Road to Town Road Standards should the Town Board feel Skaars are failing to fulfill their obligation. It was suggested that Smith be the judge of reasonableness.

Hampton asked Murray if the Town would bear any liability should the Skaars be injured while plowing Skaar Road. Murray suggested including a standard indemnification clause in the agreement.

MOTION by Morrow/Anders to accept the proposed resolution subject to 1) the addition of language empowering the Town Highway Superintendent to assess reasonableness/timeliness of snow removal, sanding and salting, 2) recording of a deed notice removing any responsibility for future road development from Schmidt's property and 3) the addition of indemnification language. **MOTION CARRIED 4-1** (Kessenich opposed).

VII. Plan Commission Recommendations:

A. Sean O'Brien – 3915 Vilas Road – Zone Change for 9.572 acres, RH-3 to RH-1 for 2.5 – 3.0 acres. Intended land use to rezone home and leave remainder to conservancy. Plan Commission action approved land division with no rezone. Sean, Ed and Nora O'Brien were in attendance. Hampton suggested that lot 2 should be restricted for no residential development. **MOTION** by Anders/Kessenich to approve the Plan Commission's recommendation for the land division with no rezone, and to approve the CSM contingent upon Murray's approval of recorded document to accompany the deed showing no residential development for lot 2. **MOTION CARRIED 5-0.**

B. David & Susan Mauel, 2832 Riva Ridge Circle – Seeking variance for in ground swimming pool installed too close to the front lot line. The Mauels presented a written Statement in Support of Application for Variance (Exhibit A), and further explained that they thought they had done everything possible to ensure compliance for their swimming pool site, but a communication breakdown between the Dane County Zoning Department and the Dane County Public Health Department had led to the pool being positioned where it is. There is no other location on the property where a pool could be installed. **MOTION** by Morrow/Anders to allow the area variance for the pool setback, and maintain the Mauels' written Statement as part of the permanent record to document the reasons of approval which supports the fact that the proposed variance is not against the public interest, and that the property and circumstances pose unique conditions creating an unnecessary hardship which was not self-created. **MOTION CARRIED 5-0.**

VIII. Discuss availability and cost of additional use of Town Hall by Cottage Grove Baptist Church: Pastor Michael Brill inquired about using the Town Hall for about 2 hours on either Tuesday or Thursday nights for a bible study group, and for a vacation bible school from 9:00 A.M. to

TOWN OF COTTAGE GROVE
BOARD MEETING
February 5, 2007

noon on a Monday thru Thursday in August. It was suggested that Thursdays nights are more likely to be available than Tuesday nights are. It was also noted that the Town's existing policy on using the Town Hall allows all non-profits to use the hall free of charge. These proposed limited uses are consistent with that policy and are different from the Church's general lease and rental charge for every Sunday of the month. **MOTION** by Morrow/Kessenich to allow the Cottage Grove Baptist Church to use the Town Hall for Thursday evening bible study and for vacation bible school on a Monday thru Thursday in August of 2007 at no charge. The church must complete the usual hall reservation and release forms for the dates of use. **MOTION CARRIED 5-0.**

- IX. Review Flood Insurance Rate Map: Hampton stated that an update to FEMA Flood Insurance Rate Maps is proposed, and once the new maps are approved, landowners in flood plains could face expensive insurance implications. The proposed maps are available on Dane County's Planning and Development web page, and the public has until May 9, 2007 to file appeals, protests or comments.
- X. Appoint Chuck Nahn to perform activities mandated by Phase 2 Stormwater Permit: **MOTION** by Anders/Klinger to appoint Chuck Nahn to perform activities mandated by Phase 2 Stormwater Permit. **MOTION CARRIED 5-0.**
- XI. Board member comments on Extraterritorial Zoning Ordinance: Hampton stated that the ETZ committee is considering the ordinance tomorrow night. Board members had no comment.
- XII. **MOTION** by Morrow/Klinger to MOVE INTO 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 bargaining reasons require a closed session: EMS. **Roll Call Vote – ALL AYES.** The board went into closed session at 8:50 P.M.
- XIII. **MOTION** by Morrow/Anders to reconvene to open session. **Roll Call Vote – ALL AYES.** The board reconvened to open session at 9:38 P.M.
- XIV. Action as a result of closed session: None.
- XV. Clerk's Report:
- A. The Clerk will put a copy of insurance coverage limitations/exclusions as compiled to agent Rob Krohlow in each board member's mailbox for review.
 - B. The Clerk distributed copies of Intergovernmental Agreement Points from Village President Ken Dahl to each board member.
- XVI. Board Reports: None.
- XVII. Committee Reports:
- A. Emergency Government Committee: Kessenich reported that she had attended a Dane County Emergency Management meeting, was disappointed in the county's level of commitment to assisting municipalities with emergency management planning.

TOWN OF COTTAGE GROVE
BOARD MEETING
February 5, 2007

XVIII. **MOTION** by Hampton/Morrow to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:47 P.M.

Kim Banigan
Clerk

Approved 2-19-2007

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
FEBRUARY 19, 2007

Public Hearing – Revisions to TCG Ordinance 10.01(2) Offenses to State Laws Subject to Forfeiture

- I. Chairman Kris Hampton called the public hearing to order at 7:00 P.M. Other board members present were Dave Morrow, Karen Kessenich and Mike Klinger. Also present was Clerk Kim Banigan, Highway Superintendent Jeff Smith, and Treasurer Debbie Simonson, Roger Korfmacher, 2846 Femrite Drive, Mark Halverson, Town of Deerfield resident, and Danica Deprey, city of Madison resident were in the audience.
- II. Hampton read the proposed revisions to the ordinance, explaining that it matches the Village of Cottage Grove's corresponding ordinance, which makes enforcement easier for the Police Department. There were no questions or comments from the public.
- III. **MOTION** by Kessenich/Klinger to close the public hearing. **MOTION CARRIED 4-0.** The public hearing was closed at 7:04 P.M.

Town Board Meeting

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:04 P.M. at the Town Hall. Other board members present were Dave Morrow, Steve Anders, and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith.
- II. Minutes of previous meeting(s):
 - A. **MOTION** by Klinger/Kessenich to approve the minutes of the February 5, 2007 Regular Board Meeting as printed. **MOTION CARRIED 4-0.** Hampton noted that check #13713, held at the last two meetings, has since been voided.
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Klinger/Kessenich to approve the payment of bills corresponding to checks #13780 through #13838, holding check #13818 until the Treasurer contacts the Dane County Treasurer for more information. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Klinger/Kessenich to approve the net worth at \$1,699,779.12. **MOTION CARRIED 4-0.**
- IV. Public Concerns: Kevin Hoey, Village Trustee and Deer-Grove EMS Commission member, urged the board to put differences and emotions aside and work toward keeping the Deer-Grove EMS District together in the long run, possibly to eventually include other municipalities for improved efficiency. He reported that Paul Blount was introduced at last week's EMS Commission meeting as the new EMS Director. State and County representatives at the Commission meeting had lots of good ideas to make the district work, the new Deerfield facility will open in the next couple of weeks, and Hoey thinks Deerfield officials are willing to look at different funding options. Hoey stated that we owe it to the new director to try to keep the district together.

Randy Margenau, Village Trustee, likened the Deer-Grove EMS District to the Monona Grove School District, where investigation of a split revealed the positive aspects of the district as a

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
FEBRUARY 19, 2007

whole. Margenau suggested that the Deer-Grove EMS District is on the same road, and that we should step back, allow cool heads to prevail.

- V. Road Right of Way Permits: None.
- VI. Discuss Need for Credit Card Policy: The Treasurer reported that during the audit, the question of a credit card policy was raised. She provided guidelines and a sample policy from Virchow-Krause. The board directed the Clerk and Treasurer to prepare a proposed policy for approval at a later meeting.
- VII. Accept USDA reduction in Direct and Counter-Cyclical Program Base Acres for Town-owned farm land on Natvig Road: Mark Halverson, who rents the farmland from the Town, explained that when he went to sign up for government programs for the land, he was informed that the Town must accept the reduction in cropland acres first. The Town's parcel is 5.002 acres, and the USDA proposes reducing the cropland from 4.1 acres to 3.9 acres. It was felt that the reduction was probably due to road right-of way. **MOTION** by Morrow/Klinger to accept the reduction of .2 acres of cropland. **MOTION CARRIED 4-0.** Hampton signed the acceptance form, and Halverson took it for submission when he applies for government programs.

Anders arrived at 7:47 P.M.

- VIII. Penny Andrews – 2274 Uphoff Road – seeking approval to convert existing outbuilding to a residence, then tear down existing residence. Andrews explained that she has been in contact with Dane County Department of Environmental Health, and has plans underway with an architect. Hampton explained that the parcel is a non-conforming A1-EX parcel formed before 1981, so the County cannot require a rezone. The Board suggested that she might consider offering to rezone if the County would waive their fees, and Hampton said that he would be willing to waive Town rezoning fees if that were the case. Morrow stated that he didn't think Andrews could be forced to remove the old house as long as it is disconnected from water and sewer. Hampton added that if it remained, it would still be taxed as an outbuilding. Andrews stated her intention is to remove the old house, and she hopes that the Volunteer Fire Department will be interested in burning it down. **MOTION** by Morrow/Klinger to allow conversion of the outbuilding to a residence, with the old house removed within 180 days from the date of the occupancy for the new residence. **MOTION CARRIED 5-0.**
- IX. CSM – F.H. Witte & Sons Inc. – 2963 Hope Road: In reviewing the proposed CSM, the board determined that a triangular, land-locked parcel would be left to the east of Door Creek. **MOTION** by Hampton/Anders to deny the CSM until it shows the leftover parcel combined with adjacent parcel 0711-301-8000-3. **MOTION CARRIED 5-0.**
- X. Consider Operator's License for Danica Deprey, Crossroads Tavern: The Board reviewed Ms. Deprey's background check.

MOTION by Anders/Morrow to deny the application for operator's license based on the pattern of alcohol-related violations. **MOTION FAILED 2-2-1** (Hampton and Kessenich opposed, Klinger abstained).

MOTION by Hampton/Kessenich to grant a temporary operator's license until June 20, 2007. **MOTION FAILED 2-2-1** (Anders and Morrow opposed, Klinger abstained).

MOTION by Morrow/Klinger to table the discussion until the March 5th Board Meeting, with

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
FEBRUARY 19, 2007

Attorney Greg Murray present to advise the Board of its responsibilities. **MOTION CARRIED 4-1** (Kessenich opposed).

- XI. Discuss/Consider/Adopt amendment to Ordinance 10.01(2) Offenses to State Laws Subject to Forfeiture: **MOTION** by Hampton/Morrow to adopt the ordinance amendment as presented. **MOTION CARRIED 5-0.**
- XII. Board comments regarding Insurance Coverage Limitations/Exclusions: The discussion was tabled until the insurance agent can be present, hopefully at either the March 5th or March 19th Board Meetings.
- XIII. **MOTION** by Morrow/Kessenich to MOVE INTO 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 bargaining reasons require a closed session: EMS. **Roll Call Vote – ALL AYES.** The board went into closed session at 8:47 P.M.

Anders left for an EMS Call at 8:48 P.M.

- XIV. **MOTION** by Morrow/Klinger to reconvene to open session. **Roll Call Vote – ALL AYES.** The board reconvened to open session at 8:58 P.M.
- XV. Action as a result of closed session: None.
- XVI. Clerk's Report:
- A. Dane County Ordinances – None.
 - B. The Clerk mentioned receipt of the following:
 - 1. Notice of BUILD grants application procedures.
 - 2. Acknowledgement from OJA of Hampton's request for additional grant funds for fencing of Landmark Services Co-op ("Corn Palace"). No additional funds were awarded.
 - 3. Notice of a Public Meeting on Neighborhood Planning for the Northeast of Madison.
 - 4. Annexation Review Questionnaire for the Kramer petition, 4201 Vilas Road.

- XVII. Board Reports:
- A. Hampton reported receipt of the following:
 - 1. Regional Transportation Plan 2030 for the Madison Metropolitan Area and Dane County.
 - 2. Verizon response to the question of when DSL service will be extended to the entire Town.
 - 3. 2006 Bridge Inspection Report from Dane County Dept. of Public Works, Highway and Transportation, calling for the following repairs:
 - a) Ridge Road bridge, south of BB, over Koskonong Creek: spalling along side edge beam should be repaired.
 - b) Vilas Road bridge over Little Door Creek: approaches need asphalt wedge.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
FEBRUARY 19, 2007

- c) Ridge Road bridge, west (north?) of BB, over Koshkonong Creek: repair spalling along edges of deck.
- d) Baxter Road bridge over Koskonong Creek: Seal cracking in asphalt, fill in settlement between pipes over roadway.

Anders Returned.

XVIII. Committee Reports:

- A. Extraterritorial Zoning Committee: The final draft of the ordinance and maps are ready for review by the Plan Commission, Town Board, Town Attorney, and Gary Peterson (Town Planner).
- B. Emergency Government Committee: Kessenich stated she is frustrated with lack of assistance from Dane County.

XIX. **MOTION** by Morrow/Klinger to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:15 P.M.

Kim Banigan
Clerk

Approved 03/05/2007

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MARCH 5, 2007

Public Hearing – Amendment of the Town Transfer of Development Rights “TDR” Ordinance, TCGO Section 15.15

- I. Chairman Kris Hampton called the public hearing to order at 7:00 P.M. Other board members present were Dave Morrow, Karen Kessenich and Mike Klinger. Also present was Clerk Kim Banigan, Highway Superintendent Jeff Smith, and Treasurer Debbie Simonson, Attorney Greg Murray, Police Chief John Gould, and others listed on attached attendance sheet.
- II. Hampton stated that the amendment moves the TDR ratio from the Smart Growth Comprehensive Plan to an ordinance so that the Plan Commission and Town Board can monitor and modify it as needed to reflect the current market. The initial ratio is changed from 3 to 8 RDU’s in the receiving area per development right transferred from the sending area.

Virgil Schroeder asked what happens if a buyer only uses one of the 8 RDU’s. Hampton read from the proposed ordinance that transferred development rights run with land, and concluded that unused RDU’s could not be resold, but could be used at a later time on the same parcel.
- III. Hampton asked if there were any other questions – there were not. **MOTION** by Morrow/Klinger to close the public hearing. **MOTION CARRIED 4-0.** The public hearing was closed at 7:08 P.M.

Town Board Meeting

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:08 P.M. at the Town Hall. Other board members present were Dave Morrow, Karen Kessenich, and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Attorney Greg Murray, Police Chief John Gould and those listed on the attached attendance sheet.
- II. Minutes of previous meeting(s):
 - A. **MOTION** by Klinger/Kessenich to approve the minutes of the February 19, 2007 Public Hearing and Regular Board Meeting, with a correction to the item numbering, and the word “cooperation” changed to “assistance” under Emergency Government Committee Report. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Klinger/Morrow to approve the minutes of closed sessions held on February 5, 2007 and February 19, 2007, with the roll call votes on the February 5, 2007 to include names of attendees rather than just “all ayes”. The minutes are to remain closed until the matter is resolved. **MOTION CARRIED 4-0.**
- III. Finance Report and Approval of Bills:
 - A. It was noted that check #13818 was released after the Dane County Treasurer informed the Town Treasurer that the Town could not retain it.
 - B. **MOTION** by Klinger/Kessenich to approve the payment of bills corresponding to checks #13839 through #13878. **MOTION CARRIED 4-0.**
 - C. **MOTION** by Klinger/Kessenich to approve the net worth at \$1,649,935.10. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MARCH 5, 2007

D. The Treasurer reported that the predicted 2006 carryover of \$40,000 had been achieved, along with an additional approximately \$40,000. She has been working hard on a Management Report to go along with the audit.

IV. Public Concerns: None.

V. Road Right of Way Permits: None.

Attorney Connie Anderson arrived at 7:71 P.M.

VI. Consider Operator's License for Danica Deprey, Crossroads Tavern: Tabled from last meeting. Murray explained the Town Board's duty in considering alcohol license applications, stating that the standard is to look at a background check for any convictions substantially relating to the circumstances of the license. Convictions related to alcohol or any controlled substance could be grounds to deny an alcohol license. Cigarette offenses call for more judgment. The Board must look at the applicant's record, and determine whether it indicates he/she will be able to comply with the requirements of the license.

Kessenich asked whether convictions have to occur at work. Murray replied that there is no line between the applicant's personal life and work life.

Morrow asked if it is true that the initial application is the Board's greatest level of scrutiny, and it is much more difficult to remove a license once it has been granted. Murray replied that applicants do not have a right to a license at the point of initial application. Once they have been granted the license, however, the standard rises, including at renewal time, and the burden of proof is on the Town's shoulders. There would actually have to be a conviction, and a due process hearing would be required to remove the license or deny renewal.

Morrow asked what liability the Town would have for a death or injury resulting from negligence of a licensed individual. Murray stated that Wisconsin's alcohol statute exempts municipalities from liability.

Morrow stated he did not have the fullness of time to see that the applicant has broken her pattern of alcohol offenses for him to have any level of comfort to grant the license.

Klinger stated he would like to come up with guidelines that could be used in future decisions.

Hampton stated that Anders had asked that the matter be tabled until he could be present at the next meeting. **MOTION** by Morrow/Hampton to table until the March 19, 2007 Town Board meeting. **MOTION CARRIED 2-1-0.** (Kessenich opposed, Klinger abstained)

VII. Newly elected Dane County Sheriff Dave Mahoney made an unscheduled appearance, and offered to answer questions.

VIII. Discussion with attorneys on legalities of meetings with City and Village: Anderson handed out a memo addressing the board on the propriety of the discussions among the City of Madison, Village of Cottage Grove and/or Town of Cottage Grove (Attached as Appendix A). She walked through the memo, which was broken into the areas of Public Input Required, Practical Concerns, and Open Meetings Law. She recommended that the Town Board adopt a resolution to require that any proposed boundary agreements arising from these discussions

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MARCH 5, 2007

require at least 3 votes of the Town Board. A proposed resolution was included in her handout. Comprehensive Plan changes already require a super majority by Wisconsin State Statute.

Kessenich stated that this would address her concerns about only 2 members being able to pass a land use or boundary agreement change. She cautioned that the word “decision” should not be used in any discussions regarding the negotiations between the City, Village and Town, as it gives wrong impression of what is going on.

Jim Bradt asked why the Town would even enter into such an agreement. Hampton replied that it is to gain knowledge as to where development in the Town may be permitted. J. Bradt asked who decides where development could occur, Anderson replied that it is the planners. Doug Bradt stated that they do not want their land included in a boundary agreement.

The Resolution Regarding Voting Requirements for Approval to Comprehensive Plan and/or Boundary Agreements Arising from Recent Discussions Among City of Madison, Village of Cottage Grove and Town of Cottage Grove will be on the March 19th agenda for approval.

IX. Plan Commission Recommendations:

A. Duane Swalheim – 2298 USH 12 & 18 – Zone Change – A-1EX to R1-A for 2 acres, relocating RDU from farm house to be torn down, rezoned from R-1 to A1-EX: Swalheim explained that the proposed building site is poor farm land, and after putting a grove of trees back into crop production, there will only be a 1.65 acre loss in ag land. The driveway will be 900 feet long, and Swalheim acknowledged that he will need to build it to Town Road standards. Dan Allen, 2337 Schadel Road, spoke in favor of the proposal, saying he prefers the isolated building site with long driveway to more congregated houses. Kathy Allen also spoke in favor, stating that she liked the fact that it does not use prime farmland or give the appearance of a rural subdivision.

MOTION by Morrow/Klinger to accept the Plan Commission’s recommendation to rezone 2.0 acres to R1-A, relocating a RDU from the farm house at 2298 US Highway 12 & 18, and returning the farm house location to A1-EX. **MOTION CARRIED 3-1** (Kessenich opposed).

B. Discussion/action on the Phase I changes to the Town of Cottage Grove Comprehensive Plan as recommended by the Plan Commission: Anderson summarized a handout she had emailed to the board regarding the TDR Ordinance and Phase I of Land Element of Comprehensive Plan (Appendix B), explaining that the Plan Commission has recommended dividing proposed changes to the Comprehensive Plan into two phases given the fact that negotiations with the City and Village haven’t moved forward very fast. Phase I, which relates to the TDR program and other issues, is ready to approve now. Phase II could be approved once discussions lead to something more. Anderson passed out a calendar of the steps required to approve a comprehensive plan change. She then recommended moving on to the next agenda item before making a decision about this one.

C. Discuss/consider/approve First Reading Resolution 2007-03 for amending the Town TDR ordinance Section 15.15. Anderson stated that the current TDR ordinance does not reflect what the Town has learned from experts and residents. The Plan Commission has struggled with setting up a viable market, and the changes to the Comprehensive Plan and Ordinance

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MARCH 5, 2007

make it more understandable and functional. Since the Comprehensive Plan is incorporated into the ordinance, Phase I of the Land Use Element would need to be approved before the ordinance is adopted. Hampton read Resolution 2007-03 Providing for the Publication, Filing, Inspection and Adoption of a General Ordinance. **MOTION** by Hampton/Klinger to approve the resolution as read. **MOTION CARRIED 4-0.**

D. Discussion returned to item VIII. B. **MOTION** by Hampton/Klinger to recommend that the Plan Commission proceed with Phase I of a two-part update to the Comprehensive Plan. **MOTION CARRIED 4-0.**

X. Skip to Agenda Item III. E. Consider Approval of Amendment #1 to the Intergovernmental Agreement Among the City of Madison and sixteen Dane County Municipalities for a Consolidated Police Records Management System. **MOTION** by Klinger/Kessenich to approve the agreement as presented. **MOTION CARRIED 4-0.**

XI. Consider Approval of a Municipal Deputization Agreement with the Dane County Sheriff's Office. Sheriff Mahoney explained that the agreement allows the Dane County Sheriff to deputize on-duty officers to conduct police business outside their municipality, with the municipality to accepting liability for their officers. **MOTION** by Hampton/Kessenich to accept the agreement. **MOTION CARRIED 4-0.**

MOTION by Hampton/Klinger to authorize the Cottage Grove Police chief to sign the agreement for the Town. **MOTION CARRIED 4-0.**

XII. Return to Agenda item III. C. Consider Petition for reducing speed limit to 45 m.p.h. on Nora Road from the Jargo Road intersection to Highway 12 & 18. Jim Franke, 1677 Nora Road, presented the petition, explaining that West Jargo and Nora roads between County Road BB and USH 12 & 18 are becoming a race track in the morning and evening. All adults on the stretch of Nora Road between the intersection with South and West Jargo Roads and USH 12 & 18 had signed the petition (Appendix C), which also requests blind driveway signs on that stretch of road.

Smith stated that changing the speed limit to 45 m.p.h. is not a problem, but he did not know that the criteria for blind driveway signs would be met.

MOTION by Klinger/Kessenich to reduce the speed limit to 45 m.p.h. on the remainder of Nora Road south of the intersection with South and West Jargo Roads, and to have Smith look into possibilities for signage for driveways and report to the board at a later date. **MOTION CARRIED 4-0.**

XIII. Review of Insurance Coverage for Town – Robin Krohlow – The Horton Group: Mr. Krohlow presented a handout he had prepared describing the Town's insurance coverage. It was noticed that building addresses for the Town Hall, Garage and Salt Shed and Pole Shed needed to be separated. The Clerk will work with Smith to determine the new breakdown. Krohlow will provide a quotation of premium savings for a \$500 vs. the current \$250 deductible.

**TOWN OF COTTAGE GROVE
RESOLUTION NO. R-2007-03**

**RESOLUTION PROVIDING FOR THE PUBLICATION, FILING,
INSPECTION AND ADOPTION OF A GENERAL ORDINANCE**

WHEREAS, an ordinance entitled "TCG 15.15 Transfer of Development Rights ("TDR") Program" has been reviewed and recommended by the Plan Commission provided that recommended changes are made to Phase 1 of the Land Use Element of the Town's Comprehensive Plan, and has been further considered and tentatively recommended by the Town Board on the same basis;

NOW, THEREFORE, the Town Board of the Town of Cottage Grove resolves as follows:

1. That this ordinance entitled "TCG 15.15 Transfer of Development Rights ("TDR") Program" shall be presented for public hearing and adoption by the Town Board at the board meeting scheduled for May 7, 2007, and
2. That the Town Clerk, in accordance with the requirements of Wis. Stats. '66.0103, file a copy of the proposed ordinances in her office for public inspection no less than two (2) weeks prior to the board meeting and cause a copy of the following notice to be published as required by Wis. Stats. '60.80:

NOTICE

PLEASE TAKE NOTICE that the Cottage Grove Town Board will hold a public hearing and consider the adoption of an ordinance entitled "TCG 15.15 Transfer of Development Rights ("TDR") Program" at the Town Board meeting held on or after 7 p.m. on May 7, 2007 in the Town Hall. In accordance with Wis. Stats. '66.0103, a copy of the proposed ordinance is on file and open for public inspection in the Town Clerk's office commencing on March 6, 2007.

This resolution was duly considered and adopted by the Town Board of the Town of Cottage Grove pursuant to a vote of 4 for and 0 against on this 5th day of March, 2007.

(Signed Copy Available in the Clerk's Office)

TOWN OF COTTAGE GROVE

By: Kris Hampton, Town Chair

ATTEST:

Kim Banigan, Town Clerk

Approved as to form this
5th day of March, 2007.

ANDERSON & KENT, S.C.

By: Constance L. Anderson, Esq.
Cottage Grove Town Attorney

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
MARCH 5, 2007

- XIV. Consider recognizing 2007 Girl Scout Week Proclamation: Hampton read the proclamation. **MOTION** by Klinger/Kessenich to approve the proclamation as read. **MOTION CARRIED 4-0.**

Klinger left at 9:55 P.M.

- XV. Attendees for Dane County Town's Association Meeting on March 14, 2007. Hampton will attend.

- XVI. Clerk's Report:

A. Dane County Ordinances – None.

B. The Clerk handed out a proposed credit card policy which will be discussed at the next meeting, and a draft of the 2006 Annual Report and Newsletter, which she intends to go take to the printers this week.

- XVII. Board Reports:

A. Hampton reported receipt of the following:

1. Tom Clauder, Safety Officer for the railroad, advised Village Administrator Kim Manley that the signals on Vilas Road are old and should be replaced (there aren't any there!). He has a set of used signals that would be no cost to the Village. Manley asked him if crossing arms would be beneficial, and he indicated that gates could cost around \$22,000 with a 50/50 cost sharing with the Office of the Commissioner of Railroads.
2. Monona Grove is holding the groundbreaking for their new middle school on March 10th.
3. The Dane County Parks & Open Space Plan 2006-2011 is available in the Town Office.

- XVIII. Committee Reports:

A. Joint Town/Village Recreation Committee: Kessenich asked about filling in swails in a couple of the Town parks to make better soccer fields. She was not sure which parks were discussed. Smith stated the swails might be for drainage purposes.

B. Law Enforcement Committee: None

- XIX. **MOTION** by Morrow/Kessenich to adjourn. **MOTION CARRIED 3-0.** The meeting was adjourned at 10:15 P.M.

Kim Banigan
Clerk

Approved 3/19/2007

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 19, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. at the Town Hall. Other board members present were Dave Morrow, and Mike Klinger. Steve Anders arrived at 7:15 P.M., and Karen Kessenich was ill. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and those listed on the attached attendance sheet (available in the clerk's office).
- II. Minutes of previous meeting(s):
 - A. **MOTION** by Klinger/Morrow to approve the minutes of the March 5, 2007 Public Hearing and Regular Board Meeting. **MOTION CARRIED 3-0.**
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Klinger/Morrow to approve the payment of bills corresponding to checks #13879 through #13918, with check #13917 voided. **MOTION CARRIED 3-0.**
 - B. **MOTION** by Klinger/Morrow to approve the net worth at \$1,273,841.79. **MOTION CARRIED 3-0.**
 - C. The Treasurer handed out a memo to let board members know that she will need invoices for the April 2nd board meeting by March 28th, and first quarter per diems by March 29th.
- IV. Public Concerns: None.
- V. Road Right of Way Permits: **MOTION** by Morrow/Klinger to approve two right-of way permits for Geo Trans, Inc. to install test wells in the road right-of way, one on Laudon Road, and one on Ridge Road. Geo Trans, Inc. to consult with Jeff Smith regarding actual placement of the wells. **MOTION CARRIED 3-0.**
- VI. Consider Operator's License for Danica Deprey, Crossroads Tavern: **MOTION** by Klinger/Morrow to table until April 2, 2007. **MOTION CARRIED 3-0**

Anders arrived.

- VII. CSM – F.H. Witte & Sons Inc. – 2963 Hope Road: Hampton reported that Attorney Greg Murray has advised that the extra triangle of land in question left outside the CSM should not be a problem, and he agrees with the surveyor that the Dane County Property Tax Lister will either merge or assign a new tax parcel identification number to the triangle. **MOTION** by Anders/Klinger to approve the CSM identified as Office Map No. 3556. **MOTION CARRIED 4-0.**
- VIII. 2006 Audit Report – Virchow Krause & Company: John Rader presented the results of the 2006 audit. Highlights included:
 - A. Financial Statements: Virchow Krause & Company gave a clean, unqualified opinion that the accounting principles of the Town of Cottage Grove conform to generally accepted accounting principles. This is the highest level of reporting possible. He said, "Hat's off" to Treasurer Debbie Simonson for her hard work in developing the Management's Discussion and Analysis, which is new this year. The Statement of Net Assets and Balance Sheet are consistent with the previous year. Cash on hand is up due to proceeds of bonds issued in November that were not spent yet, as well as a net profit in the General Fund. The ratio of the fund balance to 2007 budget expenditures, a measure of how long the Town could continue to pay bills "if the faucet is turned off", is at 17.5%, which Rader stated is a comfortable level. No deposits or investments are subject to custodial credit risk. Debt load is well below the limit.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 19, 2007

B. Report on Internal Controls: It is recommended that bank reconciliations and journal entries be reviewed by a second person. A credit card policy is suggested (to be considered later in this meeting), and permit controls could still use strengthening to ensure that all revenues are turned in to the Town. A new auditing standard defines a weakness if any journal entries are required as a result of the audit, which Rader acknowledged is rare for most of Virchow Krause & Company's government clients. Next year's major task for the Treasurer will be to document accounting procedures.

IX. Preliminary CSM – Wisconsin DNR proposed purchase from John Oosterwyk for the Glacial Drumlin State Trail: Mary Zickermann from the Wisconsin DNR presented the preliminary CSM. Surveyor Joe Gruber and John Oosterwyk were also in attendance. **MOTION** by Anders/Klinger to approve Preliminary CSM dated February 2, 2007 and identified as project #1614. **MOTION CARRIED 4-0.**

Morrow was excused to attend another meeting at 7:54 P.M.

X. Discuss/Consider/Approve Town of Cottage Grove Credit Card Policy: **MOTION** to approve the Town of Cottage Grove Credit Card Policy as revised by Attorney Greg Murray, striking "More than \$500: Two price quotes, approved by Town Board". **MOTION CARRIED 3-0.** Approval of existing credit cards under the new policy to be included on the next Town Board agenda.

XI. Discuss/Consider/Approve Sale of old meeting chairs to Chase Lumber: The chairs have previously been posted for sale with no response. Chase lumber is willing to take them for \$1.00. **MOTION** by Klinger/Morrow to sell the chairs to Chase Lumber for a total price of \$1.00. **MOTION CARRIED 3-0.**

XII. Discuss/Consider/Approve First Reading Resolution 2007-04 for TCGO Chapter 06 Emergency Government Operations: Hampton explained that he asked Attorney Greg Murray to revise the Emergency Government ordinance to correspond to current Wisconsin statutes, and follow a similar format to the Village of Cottage Grove's Emergency Government ordinance. A new Appendix A gives the Town Chair authority to declare a state of emergency in the event that the Town Board is unable to promptly convene a quorum, so that the Town Emergency Plan can be put into action. Hampton read the first reading resolution. **MOTION** by Hampton/Klinger to adopt the resolution as read as Resolution 2007-04. **MOTION CARRIED 3-0.** The ordinance will be available for inspection in the clerk's office beginning on March 20, 2007, and will be presented for public hearing and adoption on April 16, 2007.

XIII. Discuss/Consider/Approve Resolution 2007-05 Regarding Voting Requirements for Approval of Changes to Town Comprehensive Plan and/or Boundary Agreements Arising from Recent Discussions Among City of Madison, Village of Cottage Grove, and Town of Cottage Grove. Attorney Connie Anderson recommended this resolution at the last board meeting. **MOTION** by Anders/Klinger to approve Resolution 2007-05 as presented. **MOTION CARRIED 3-0.**

XIV. Discuss/Consider/Approve Town contribution to the Collaboration Council and Regional Economic Development Entity: No Action taken.

XV. Determine Board's position regarding Vilas Road Railroad Signals/Gate: **MOTION** by Hampton/Anders stating the Town Board's opinion that railroad signals at Vilas Road should be limited to lights, no gates or arms. **MOTION CARRIED 3-0.**

XVI. Discussion on Village of Cottage Grove's proposal for Ash tree eradication on public property: Smith and Morrow will conduct an inventory of ash trees on Town property before the next Joint Town/Village Board meeting.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 19, 2007

- XVII. Discuss items for Annual Meeting Agenda: No items were identified.
- XVIII. Set 2007 Road Inspection Date/Time: Road inspection is set for Friday, April 13th beginning at 1:00 P.M. at the Town Garage.
- XIX. Clerk's Report:
- A. Julie Gau from the Dane County Town's Association would like to come to the April 16th Town Board Meeting.
- XX. Board Reports:
- A. Anders will attend a meeting of the Village's Public Relations Committee, which oversees Cable TV.
- B. Hampton reported receipt of the following:
1. He attended Capitol day, but no representatives were available.
 2. A proposal for assistance with storm water permit compliance from Graef, Ahnalt, Schloemer & Associates, Inc. submitted in response to a request from the Town of Pleasant Springs quoted a price of \$48,000 for one Township, or \$71,000 for all four involved in the WDNR grant.
 3. He attended the Dane County Town's Association meeting on March 14th. Dr. Thomas Schlenker, director of the new combined health department for Dane County and the City of plans to send out brochures for well testing services. New Dane County Clerk of Courts Carlo Esqueda was also introduced.
- C. Jeff Smith addressed the board regarding his search for a replacement for the one-ton truck. He has located one that meets desired specifications and is priced at a savings of \$9000 compared to the budgeted amount. Approvals of the purchase of the truck and a check for payment will be included on the April 2nd Town Board Agenda.
- XXI. Committee Reports:
- A. Emergency Government Committee: The office was rearranged, and Chief Gould will call Precision Communications to find out why phone jacks are dead.
- B. Deer-Grove EMS Commission: Construction of the new Deerfield Fire Station is pretty well complete, although they do not have occupancy yet. Progress was made on the intergovernmental agreement. Hampton suggested to the commission that a \$22,000 excess from 2006 be refunded to the municipalities.

Morrow returned at 8:54, and was briefly advised of some of the discussion he missed

- XXII. **MOTION** by Klinger/Morrow to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:01 P.M.

Kim Banigan
Clerk

**TOWN OF COTTAGE GROVE
RESOLUTION NO. R- 2007-04**

**RESOLUTION PROVIDING FOR THE PUBLICATION, FILING,
INSPECTION AND ADOPTION OF A GENERAL ORDINANCE**

WHEREAS, an ordinance entitled "Chapter 06 Emergency Government Operations" has been reviewed, considered and tentatively approved by the Town Board;

NOW, THEREFORE, the Town Board of the Town of Cottage Grove resolves as follows:

1. That this ordinance entitled "Chapter 06 Emergency Government Operations" shall be presented for public hearing and adoption by the Town Board at the board meeting scheduled for April 16, 2007, and
2. That the Town Clerk, in accordance with the requirements of Wis. Stats. '66.0103, file a copy of the proposed ordinances in her office for public inspection no less than two (2) weeks prior to the board meeting and cause a copy of the following notice to be published as required by Wis. Stats. '60.80:

NOTICE

PLEASE TAKE NOTICE that the Cottage Grove Town Board will hold a public hearing and consider the adoption of an ordinance entitled "Chapter 6 Emergency Government Operations" at the Town Board meeting held on or after 7 p.m. on April 16, 2007 in the Town Hall. In accordance with Wis. Stats. '66.0103, a copy of the proposed ordinance changes is on file and open for public inspection in the Town Clerk's office commencing on March 20, 2007.

This resolution was duly considered and adopted by the Town Board of the Town of Cottage Grove pursuant to a vote of 3 for and 0 against on this 19th day of March, 2007.

(Signed Copy Available in the Clerk's Office)

Kris Hampton, Town Chair

ATTEST:

Kim Banigan, Town Clerk

**TOWN OF COTTAGE GROVE
RESOLUTION NO. 2007-05**

**RESOLUTION REGARDING VOTING REQUIREMENTS FOR APPROVAL OF
CHANGES TO TOWN COMPREHENSIVE PLAN AND/OR BOUNDARY
AGREEMENTS ARISING FROM RECENT DISCUSSIONS AMONG CITY OF
MADISON, VILLAGE OF COTTAGE GROVE AND TOWN OF COTTAGE GROVE**

RECITALS

WHEREAS, the Town of Cottage Grove (“Town”), Village of Cottage Grove (“Village”) and City of Madison (“City”) have had discussions over the past year or so regarding land use planning issues related to property east of the City and within the City’s extraterritorial jurisdiction (“ETJ”) and property west, east and south of the Village and within the Village’s ETJ (referred to herein as “recent discussions”);

WHEREAS, the Town is hopeful that recommendations and proposals will arise from these recent discussions, and recognizes that such recommendations and proposals may impact the Town’s Comprehensive Plan and/or result in a boundary agreement by and among the Town, Village and City;

WHEREAS, the Town recognizes the significance of any such recommendations and proposals, and wishes to have full participation from Town residents, the Town Plan Commission and the Town Board before any decisions are made with respect to any such recommendations and proposals regarding the Town’s Comprehensive Plan and/or boundary agreements;

WHEREAS, to assure such participation prior to changes being made to the Town Comprehensive Plan, the Wisconsin Statutes require a public hearing and a “greater than a simple majority vote” for approval of such changes (see Wis. Stats. §66.1001(4)(c));

WHEREAS, the Town wishes to require a similar “greater than a simple majority vote” for approval of any boundary agreements arising from said recent discussions; and,

WHEREAS, the Town wishes to adopt a resolution to provide such assurance to the Town and its residents.

RESOLUTION

NOW, THEREFORE, in consideration of the above recitals, which are incorporated by reference, the Town Board hereby resolves as follows:

1. As required by Wis. Stats. §66.1001(4)(d), any and all changes to the Town Comprehensive Plan shall require at least one public hearing to be held following a class 1 notice that is published at least 30 days before the public hearing is held.

2. As required by Wis. Stats. §66.1001(4)(c), any and all changes to the Town Comprehensive Plan may be enacted only by a majority vote of the members-elect. This means that at least 3 of the members of the Town Board must approve any changes to the Town Comprehensive Plan in order for such changes to be legally effective.
3. With respect to any boundary agreements by and among the City of Madison, Village of Cottage Grove and Town of Cottage Grove arising from the recent discussions among the City, Village and Town (see Recitals above), any and all such boundary agreements may be approved only by a majority vote of the members-elect. This means that at least 3 of the members of the Town Board must approve any such boundary agreements in order for such boundary agreements to be legally effective.

Approved by the Town Board of the Town of Cottage Grove by a vote of 3 for and 0 against at a duly noticed meeting of the Town Board held on March 29, 2007.

(Signed Copy Available in the Clerk's Office)

TOWN OF COTTAGE GROVE

By: Kris Hampton, Town Chair

Attested By:

Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 2, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Supervisor Steve Anders called the meeting to order at 7:00 P.M. Other board members present were Dave Morrow, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan and Highway Superintendent Jeff Smith.
- II. Election of Chair for the meetings: **MOTION** by Morrow/Klinger to elect Steve Anders as acting chair for this meeting, and for the Joint Town/Village Boards meeting on April 5, 2007. **MOTION CARRIED 4-0.**
- III. Minutes of previous meeting(s):
 - A. **MOTION** by Klinger/Morrow to approve the minutes of the March 19, 2007 Regular Board Meeting as printed. **MOTION CARRIED 3-0-1** (Kessenich abstained).
- IV. Finance Report and Approval of Bills:
 - A. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #13919 through #13951, holding check #13940 for approval later in the meeting. (See item IX. below). **MOTION CARRIED 4-0.**
 - B. **MOTION** by Klinger/Kessenich to approve the net worth at \$1,397,781.32. **MOTION CARRIED 4-0.**
 - C. **MOTION** by Klinger/Kessenich to approve payment of first quarter per diems as presented. **MOTION CARRIED 4-0.**
- V. Public Concerns: Carl Pulvermacher, 2925 Lane Street, appeared representing the Cottage Grove Soccer Club to report on emails that he has received from Joshua Crow from the Sky High subdivision where Pulvermacher has been practicing his soccer team at Bass Park. These emails had been forwarded to the Board, so they were already familiar with the issue. Pulvermacher stated that he felt he had been given the go-ahead to practice at Bass Park from Town representatives at Joint Recreation Committee meetings. He feels that Crow is not complaining about anything specific that he can address, but just does not like the fact that the practice is taking place in the park. Kessenich stated in Crow's defense that at the meeting he attended, approval was given for games only, but that the Joint Recreation Committee is now trying to make use of Town parks. Pulvermacher provided soccer game and practice schedules for Town parks, which he stated had also been provided to the Village Recreation Director with the expectation that they would be published on a web page for all to see.
- VI. Road Right of Way Permits: None.
- VII. Consider Operator's License for Danica Deprey, Crossroads Tavern: Ms. Duprey was unable to attend. The matter was tabled until the April 16, 2007 Town Board Meeting.
- VIII. Discuss/Consider/Approve Proclamation of National Library Week: Margaret Jensen represented the Cottage Grove Community Library in requesting that the Town Board to support the proclamation. **MOTION** by Klinger/Kessenich to proclaim the week of April 15-21, 2007 as National Library Week. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 2, 2007

- IX. Discuss/Consider/Approve purchase of 2007 GMC one-ton cab and chassis from Don Miller GMC: Smith explained that the truck is available for 25% off list price due to fact that it is the last remaining 2007 model before a body style change. The Board reviewed the specifications of the truck.
- A. **MOTION** by Klinger/Anders to approve purchase of the 2007 GMC one-ton truck from Don Miller GMC for the purchase price of \$22,808, which includes license and title. **MOTION CARRIED 4-0.**
- B. **MOTION** by Klinger/Kessenich to release check #13940 to Don Miller GMC in the amount of \$22,808. **MOTION CARRIED 4-0.**
- X. Discuss/Consider/Approve purchase of Heil Dump Body from Madison Truck Equipment, Inc. The specifications for the dump body, to be put on the truck approved in item IX. above, were reviewed by the Board. **MOTION** by Klinger/Kessenich to approve purchase of the Heil dump Body at a price not to exceed \$8500. **MOTION CARRIED 4-0.**
- XI. Discuss/Consider/Approve Credit Card Agreements for:
- A. Bank Card – Cardholder Highway Superintendent Jeff Smith: **MOTION** by Anders/Klinger to approve the credit card agreement for a bank issued Visa card held by Jeff Smith, with a credit line of \$1000, single purchase limit of \$500, and the Treasurer appointed as the approving supervisor as defined by the Town of Cottage Grove Credit Card Policy. **MOTION CARRIED 4-0.**
- B. Bank Card – Cardholder Treasurer Debbie Simonson. Authorized signatures also to include Clerk Kim Banigan and Office Secretary Ruth Gjermo: **MOTION** by Kessenich/Klinger to approve the credit card agreements for Debbie Simonson, Kim Banigan, and Ruth Gjermo as authorized users of a bank issued Visa card with a credit line of \$1000, single purchase limit of \$500, and the Town Chairman appointed as the approving supervisor as defined by the Town of Cottage Grove Credit Card Policy. **MOTION CARRIED 4-0.**
- C. Office Depot Card – Card issued to the Town of Cottage Grove, authorized users Office Secretary Ruth Gjermo and Clerk Kim Banigan: **MOTION** by Kessenich/Klinger to approve the credit card agreements for Ruth Gjermo and Kim Banigan as authorized users of an Office Depot card, with a credit line of \$1000, single purchase limit of \$500, and the Treasurer appointed as the approving supervisor as defined by the Town of Cottage Grove Credit Card Policy. **MOTION CARRIED 4-0.**
- XII. Discuss use of baseball fields at Ravenwood and Meadow Grove parks for Joint Recreation Program Tee Ball or younger games and practice. Kessenich explained that the Joint Recreation Committee estimated a cost of \$2000 to add fencing and benches to the backstops at the two parks, \$1500 coming from the Town’s portion of the Joint Recreation budget, with another \$500 contribution requested of the Town due to the fact that it would be a permanent improvement to Town property.

Carl Pulvermacher thanked the Board for being responsive to Cottage Grove Soccer requests, but went on to state that he did not feel the Village has been as accommodating, and he would

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 2, 2007

like to see more equity as far as availability of green space for soccer and baseball. He described the shortage of soccer fields, not only in Cottage Grove, but also for the Monona Grove School District, and urged the Town Board to use their influence under the new Joint Recreation Committee to encourage the Village and Monona Grove School District to put soccer fields at the new Middle School rather baseball or football fields. He also offered to assist with aeration of fields using equipment that MAYSA is planning to purchase and make available for clubs to use.

Jeff Smith stated that he is opposed to using Ravenwood Park for baseball since it is already so heavily utilized for soccer, and suggested that Cedar Knolls park has fewer residences in close proximity.

Kessenich will take information from this discussion back to the Joint Recreation Committee.

- XIII. Discuss Village Billing for Facilities Study: The Clerk read an excerpt from the Joint Town/Village Board Meeting on March 2, 2006 when the study was projected to cost \$15,000 - \$18,000, 20% of which would be the Town's Cost. The Board reviewed the Village's billing, including copies of invoices from Plunkett Rayisch Architects which included contract fees totaling \$17,750, and reimbursable expenses of \$656.44. 20% of the contracted price is \$3550, but the Village billing is for \$5000. Board consensus was that more documentation would be needed from the Village to show why the Town's portion is \$5000.
- XIV. Approve Attendees for WTA Urban Town's Committee Meeting on April 28, 2007: None of the board members in attendance are available to go.
- XV. 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: Set minimum selling price for 1998 GMC one-ton truck with dump box. **MOTION** by Morrow/Klinger to move to closed session. **Roll call vote – all ayes.** The board moved into closed session at 8:38 P.M.
- XVI. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION. **MOTION** by Morrow/Klinger to reconvene to open session. **Roll call vote – all ayes.** The board reconvened to open session at 8:39 P.M.
- XVII. Action as a result of closed session – None.
- XVIII. Clerk's Report:
- A. A copy of the proposed amendments to the Village of Cottage Grove's Comprehensive Land Use Plan is available in the Town office. Comments are due by May 5th, and the Village Plan Commission will review the amendments on June 13th.
- B. Notice of Adoption of Amendment to the City of Madison, City of Fitchburg and Town of Madison Cooperative Plan under Wis. Stat. §66.0307 is available in the Town Office.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 2, 2007

XIX. Board Reports: NONE.

XX. Committee Reports:

- A. The Clerk reported that the Plan Commission adopted a resolution recommending that the Town Board Adopt the 2007 Phase 1 Amendment to the Comprehensive Plan, she has mailed copies of the proposed amendment to adjoining municipalities and others as required by statute, and notice of the public hearing on May 7th will be published in the Wisconsin State Journal on April 4th.
- B. Law Enforcement Committee: Anders reported that the Police Department received \$43,000 from the Federal Government for their work in property and money seizures from a drug bust in 2005. All except about \$10,000 of the money has been allocated for:
 - 1. A secure fax/high speed printer that will allow the PD to file reports electronically with the District Attorney.
 - 2. A laptop computer.
 - 3. Furniture to create workstations for the new supervisor to share office space with the detectives.
 - 4. To begin the hiring process for a new supervisor, and replacement if the supervisor is chosen from the ranks, with both positions in place by September.
- C. Joint Town/Village Landfill Committee: Anders reported that they are continuing to look into the possibility of using the former Natvig landfill as a dog park. The sign identifying the site as a former landfill is showing its age, and Anders will contact the DNR to see if it is still necessary. If a replacement is needed, the Town and Village will budget to split the cost 50/50 in 2008.

XXI. **MOTION** by Klinger/Morrow to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:49 P.M.

Kim Banigan
Clerk

Approved 4/16/2007

TOWN OF COTTAGE GROVE
2006 ROAD INSPECTION
APRIL 13, 2007

- I. Chairman Kris Hampton, Supervisor Mike Klinger, and Highway Superintendent Jeff Smith met at the Town Garage at 1:15 P.M. There was not a quorum present.
- II. A road inspection was conducted. (list of roads attached – available in the Clerk's office).
- III. Smith was directed to solicit for bids to be opened on Monday, May 7, 2007.
- IV. Road inspection was complete by 3:15 P.M.

Submitted by Kris Hampton

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
APRIL 16, 2007

PUBLIC HEARING – Revisions to TCG Ordinance Chapter 06 Emergency Government Operations

- I. Town Chair Kris Hampton called the public hearing to order at 7:00 P.M.. Also present were Supervisors Dave Morrow, Steve Anders, and Karen Kessenich, Clerk Kim Banigan, Treasurer Debbie Simonson, and others listed on sign-in sheet available in the Clerk's office. The public hearing was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush.
- II. Hampton asked if there were any questions or comments regarding the proposed revisions to the ordinance – there were none.
- III. **MOTION** by Anders/Kessenich to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 7:02 P.M.

TOWN BOARD MEETING

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:03 P.M. Other attendees were the same as listed in I. above for the public hearing.
- II. Minutes of previous meeting(s):
 - A. **MOTION** by Kessenich/Morrow to approve the minutes of the April 2, 2007 Regular Board Meeting as printed. **MOTION CARRIED 3-0-1** (Hampton abstained).
 - B. **MOTION** by Morrow/Anders to approve the minutes of the closed session on April 2, 2007, and to keep the minutes closed until the matter is resolved. **MOTION CARRIED 3-0-1** (Hampton abstained).

Klinger arrived at 7:07 P.M.

- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Kessenich/Anders to approve the payment of bills corresponding to checks #13952 through #14014. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Kessenich to approve the net worth at \$1,243,647.19. **MOTION CARRIED 5-0.**
 - C. The Treasurer asked for permission to issue a loan payment for the loader to Wisconsin Community Bank before the next meeting as it is due by the end of April. **MOTION** by Morrow/Anders to approve the loan payment to Wisconsin Community Bank in the amount of \$22,026.00.
- IV. Public Concerns: None
- V. Road Right of Way Permits: None.
- VI. Consider Operator's License for Danica Deprey, Crossroads Tavern: **MOTION** by Morrow/Anders to deny the application in light of advice from the Town attorney and insurance representative regarding the Town's potential for liability. **MOTION FAILED 2-2-1.** (Klinger abstained). A discussion followed when Klinger asked how long after the last OWI

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
APRIL 16, 2007

offense before an applicant should be advised to reapply. There was determined to be a need for a policy stating the amount of time after an OWI offense before a license could be granted. Kessenich suggested checking with the Department of Transportation to find out how long a license is revoked for an OWI offense, and maybe adopting a corresponding period. A policy will be discussed at the next meeting.

- VII. Meet Julie Gau – Dane County Town’s Association Secretary: Ms. Gau introduced herself and described some of the things the DCTA is involved in, including the Annual Member meeting on May 9th, and quarterly meetings. She offered DCTA newsletter space for articles or advertisements.
- VIII. Discuss/Consider legal and surveying expenses for vacation/dedication of Hubred Lane: Kyle Klawitter, 1939 Hubred Lane, appeared to protest a bill from the Town to cover legal and surveying expenses incurred in the process of vacating a portion of Hubred Lane to provide enough setback for him to rebuild his burned-down house in the same spot. A dedication of the right-of-way of Hubred Lane was part of the deal. Klawitter stated that he was never informed that he would be responsible for expenses, that it had not reduced his building expenses, and that he did not expect insurance to cover these expenses. Anders stated that the building cost would have been higher if he would have had to relocate the building, including well and septic system. **MOTION** by Klinger/Morrow to split the bill of \$2458.08 50:50 between the Town and Klawitter, with Klawitter having until December 31, 2007 to pay his share with no interest. **MOTION CARRIED 5-0.** Klawitter stated he didn’t like it, but saw no option but to accept.
- IX. Discuss/Consider Manager’s License for Kevin Clauer – Crossroads Tavern. The board reviewed Clauer’s application and background check. **MOTION** by Morrow/Anders to deny the application. **MOTION CARRIED 3-1-1** (Hampton opposed, Klinger abstained). There was discussion about when he should reapply, and whether it would make a difference to the board if he was able to obtain a license from another municipality. He was advised to check with the Clerk after the policy discussion on May 7th.
- X. Discuss/Consider/Adopt amendments to Ordinance Chapter 06 – Emergency Government Operations: **MOTION** by Anders/Kessenich to adopt the ordinance as revised. **MOTION CARRIED 5-0.**
- XI. Discuss conducting a survey of town residents to determine level of support for consolidation with the Village of Cottage Grove: Kessenich opened the discussion saying that it was too soon to conduct a survey – there are questions to be answered first, such as how will taxes be affected, etc. She reiterated her statements from earlier meetings that she would like to see a second option on the table.

Morrow stated for the record that he does not think consolidation is a good idea, but investigating the pros and cons is not a bad idea. He had requested that a discussion of a survey be put on tonight’s agenda because it would provide a real answer from the residents, and suggested that involving landowners who have protested the Town’s involvement in boundary discussions with Madison in the development of a survey so they could not dispute its results. He questioned whether continuing negotiations with Madison can be productive, what would happen if the Town withdrew from future discussions. Hampton stated that the Town would

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
APRIL 16, 2007

lose whatever little bone the City might throw out.

Anders stated that more information about Verona's consolidation would be useful, as they have been at it for about a year. Kessenich suggested that discussions should be at Joint Town/Village Boards level to gauge the interest and intentions of Village Board members.

XII. Clerk's Report: None.

XIII. Board Reports:

- A. Hampton: Road inspection was completed by Hampton, Klinger and Smith on April 13th. Bids to be awarded on May 7th.
- B. Hampton received a letter from the Commissioner of Railroads confirming that lights and signal arms will be installed at the Vilas Road crossing by December 31, 2007. The Town and Village of Cottage Grove shall each contribute \$5500 towards the cost of the project, 50% in 2007 and 50% in 2008.
- C. The MPO is looking for 2008-2012 projects for TRIP requests.
- D. The Cottage Grove Fire Department is looking for Town Government representatives to ride in the parade.

Klinger left at 9:00 P.M.

XIV. Committee Reports:

- A. Emergency Government: Kessenich reported that the assessment went well, with the following in need of attention:
 - 1. Telephone line requires service – Precision Communications coming to next meeting.
 - 2. Fax requires service: Kessenich directed to purchase an all-in-one Print/Fax/Copy/Scan machine.
 - 3. Computer: Don't know password.
 - 4. Maps: Need new Fly Dane and County Maps
 - 5. Room Security: Electronic Keypad to be installed.

The committee completed a calling tree, and the Fire Department will provide pagers to 6 committee members.

XV. **MOTION** by Hampton/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:10 P.M.

Kim Banigan
Clerk

Approved 5/7/2007

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 7, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:56 P.M. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan, Attorney Connie Anderson, Planner Gary Peterson, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and 12 audience members. A list of those who signed in is available in the Clerk's office.
- II. Minutes of previous meeting(s):
Morrow left the table
A. **MOTION** by Anders/Kessenich to approve the minutes of the April 16, 2007 Regular Board Meeting as printed. **MOTION CARRIED 4-0.**
Morrow returned
- III. Finance Report and Approval of Bills:
A. **MOTION** by Morrow/Anders to approve the payment of bills corresponding to checks #14015 through #14063. **MOTION CARRIED 5-0.**
B. **MOTION** by Anders/Kessenich to approve the net worth at \$1,090,344.99. **MOTION CARRIED 5-0.**
- IV. Public Concerns: None
- V. Road Right of Way Permits: None.
- VI. Discuss/Consider amended Skaar Development Agreement: Hampton stated that Attorney Greg Murray has not received everything he needs from Skaar's attorney yet, but expects to have everything by the May 21st Town Board meeting. The matter was tabled until May 21st.
- VII. Discuss/Consider/Adopt amendments to Ordinance Chapter 15.15 – Transfer of Development Rights (“TDR”) Program: **MOTION** by Anders/Kessenich to adopt the amended TCG Ordinance Chapter 15.15 – Transfer of Development Rights (“TDR”) Program as presented. **MOTION CARRIED 5-0.**
- VIII. Discuss/Consider/Approve Ordinance No.2007-01, An Ordinance Of The Town Of Cottage Grove Adopting The 2007 Phase 1 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 “Town Of Cottage Grove Smart Growth Comprehensive Plan – 2028”: **MOTION** by Hampton/Anders to adopt Ordinance No. 2007-01, incorporating the following three changes to the proposed Land Use Element as discussed earlier at the public hearing, and making some clerical corrections:
1. Page J-12, under Designation of Sending and Receiving Areas, add “..to the extent agreed upon by the City of Madison and the Village of Cottage Grove” to the end of the first sentence.
 2. Page J-13, under Agricultural District, Use of Residential Development Units, 4) Sold to a developer for use in Madison or the Village of Cottage Grove, add “..if allowed”
 3. Page J-13, under Open Space/Community Separation, add “The Town recommends ..” to Any Land within the district that is annexed into either the City or Village can not be used for any additional residential units or any urban use.
 4. Correct any clerical errors.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 7, 2007

Kessenich stated that written comments from the City and Village indicated to her that they did not want the Town to adopt the proposed amendment, and she feared its adoption will jeopardize negotiations for Intergovernmental Agreements. Anderson stated that it is legally dangerous NOT to adopt the changes, that the Town needs to move forward with recommendations that the Plan Commission has been making for years, and that updates are needed to make the TDR program viable. These Phase 1 changes are not intended to jeopardize or negatively affect discussions with the City and Village, but rather are needed so that the Comp Plan reflects the Town's current planning. Anders stated his hope that the Town's action on this will spur the Village and City to work with the Town on areas under their Extraterritorial Jurisdictions so that the Town is not forced to look to the East side of the Town in order to use TDRs outside of the areas controlled by others. **MOTION CARRIED 4-1** (Kessenich opposed).

IX. Plan Commission Recommendations:

A. Jim Hirsch/John Ofsthun et al., owner: NE Corner of County Road N and US Highway 12 & 18 – zone Change from A-1EX to C-1 A thru P for 4 acres, intended use for Limited Commercial Building for General Contractor, lot to be next to Floor Works and Silverstone Building, building to be built 'GREEN', any additional rezones of this property will be done with the complete parcel being planned out. Anders asked what the intended use is, Hampton stated that Paul Davis Restoration would occupy the new building. **MOTION** by Anders/Klinger to accept the Plan Commission's recommendation to approve the rezone and conditions. **MOTION CARRIED 5-0.**

B. Hector F. DeLuca (Hector DeLuca/Margaret Clagett Dame, Owners - Ridge Road – Zone Change – A-1 EX to RH-1 (2 acres) and A-2 for remainder of +/- 33.6 acres, per map from Birrenkott Surveying. Intended land use for a single family home. Kessenich asked where the new house would be located, Margaret Clagett Dame explained that it would be south of the old school house on ridge road, situated so as to not block the south view from the schoolhouse but keeping the driveway under 200 feet. **MOTION** by Kessenich/Anders to accept the Plan Commission's recommendation to approve the rezone. **MOTION CARRIED 5-0.**

C. Phillip W. Meinholz (Kirk & Suzanne Gillespie, Owner) 1643 County Road BB – CUP for 57.729 acres for boarding horses in A-1EX under 10.123(3)(b)(g) in the Dane County Code of Ordinances. Anders asked if parking and driveway plans had been submitted, as the County usually required them in this situation. Hampton stated no such plans had been submitted. Mr. Gillespie stated that the County representative he spoke with did not ask for parking or driveway plans. **MOTION** by Anders/Kessenich to accept the Plan Commission Recommendation to approve the CUP. **MOTION CARRIED 5-0.**

X. Open/Grant 2007 Road Maintenance Bids: Smith presented one bid from Scott Construction, Inc. for seal coating. They are the only contractor who can obtain the Bottom Ash material specified by the Town. The Bid consisted of:
Stone: 1300 tons Bottom Ash at 20 lbs./sq. yd., 120 tons/20 foot mile
Oil: 46,500 gallons Emulsion Oil, .35 gal./sq. yd., 4200 gal./20 foot mile
Cost of 20 foot mile: \$10,775.00
Total cost of all projects: \$121,779.10
Pickup Broom Cost: \$110.00/hour

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 7, 2007

MOTION by Hampton/Klinger to accept the bid from Scott Construction, Inc. to complete all 2007 seal coating projects at a cost of \$121,779.10 plus \$110/hour for pickup broom. **MOTION CARRIED 5-0.** Smith expects the seal coating to occur at the end of June.

Smith reported that Payne and Dolan has agreed to honor last year's price on blacktopping for Rathert Road when they are in Town to finish up Skaar Road this summer.

- XI. Discuss/Consider/Approve Town's portion of the cost for fencing and benches in the backstop area of Meadow Grove Park: Kessenich stated that \$250 is requested. **MOTION** by Anders/Morrow to approve expenditure of \$250 for fencing and benches, to come out of account #52300. **MOTION CARRIED 5-0.**
- XII. Discuss/Consider/Approve Dane County Law Enforcement Training Center User Agreement: **MOTION** by Hampton/Anders to allow the Police Chief to sign the agreement on behalf of the Town. **MOTION CARRIED 5-0.**
- XIII. Discuss Town's involvement with CTH BB / Damascus Trail / Recreational fields at new Monona Grove middle school site: The Board determined that the Town has no involvement, nor would it see any benefit from involvement, in this project.
- XIV. Discuss/Consider/Approve Alcohol Beverage Licensing Policy: Anderson presented a draft policy for discussion. Morrow asked if a requirement for roll call voting could be included, and asked who determines if the Town Board has made reasonable effort in determining eligibility for a liquor license. Anderson stated that the Board is obligated to review the materials presented to them (application, background check, etc), and use their best judgment. Ultimately, the decisions are left to the discretion of the Board. Having a policy in place would help to indicate that the Board takes its responsibility seriously. **MOTION** by Anders/Klinger to adopt the policy as presented, however Anderson cautioned that it had been intended as a draft only for discussion, and probably needed more work before it should be adopted. **MOTION WITHDRAWN** by Anders/Klinger. The Clerk asked for clarification as to whether she would still be authorized to approve applicants with clean background checks, and the Board indicated that provision should be included.

MOTION by Morrow/Klinger to refer the policy back to the attorneys for insertion of commentary from tonight's discussion. **MOTION CARRIED 5-0.**

- XV. Discuss Consolidation of the Town and Village of Cottage Grove: Kessenich asked about setting up listening sessions. Hampton stated his opinion that the Village now has no need to discuss a boundary agreement because consolidation would make it irrelevant. Kessenich wants to explore all possibilities to provide more options to landowners in the proposed community separation area. She discussed two options for consolidation – one through a Cooperative Boundary Agreement and one through the Consolidation statute, stating a preference for using a Cooperative Boundary Agreement since all annexations would be frozen during negotiations. Anderson agreed that a Cooperative Boundary Agreement would be the way to go, but unfortunately the City will not consider one with the Town of Cottage Grove. Peterson stated that the City is opposed to a Cooperative Boundary Agreement because not all of the Town is in their ETJ. A Cooperative Boundary Agreement with the Village of Cottage Grove would not work for the same reason. Peterson noted that all of Blooming Grove was within the City's ETJ and that is part of the reason that the Cooperative Boundary Agreement statute was used.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 7, 2007

The Consolidation statute requires boundary agreements with all surrounding municipalities, and Peterson stated that to get one with the City of Madison, the Town would have to give them part of the Town. He further stated that consolidation can only hurt the Town, and recommended proceeding with negotiations for a 3-way boundary agreement with the City and Village to hopefully get cooperation for some infill and commercial development in the Town.

- XVI. Approve attendees for Dane County Town's Association Meeting on May 9, 2007: Hampton will attend.
- XVII. Appoint two ad hoc members to Joint Town/Village Cable TV Venture: Anders volunteered to serve on the committee, and the Board directed the Clerk to post a notice on the web site looking for a second representative.
- XVIII. Clerk's Report:
- A. Dane County Ordinances – None
 - B. Consider/Approve Clerk's attendance at Dane County Clerk's Emergency Preparedness workshop – May 22nd: Board consensus was for the Clerk to attend.
 - C. The Clerk distributed copies of a letter from Victor and Janice Horstmeyer and Joe and Jeff Bowers to the Town and Village, requesting that Paulson be required to place a fence in compliance with Statute 90.03 at the survey line between his property and theirs. The Clerk also distributed a fax from Mike Slavney, representing the Village, saying that in his opinion the Village has no say in the fence, and should not be involved unless Village-issued permits are required to construct a new fence.
- XIX. Board Reports:
- A. Hampton reported that landfill test results from 4/30/07 show zero percent methane from both gas probes 8 and 9.
- XX. Committee Reports: NONE
- XXI. **MOTION** by Morrow/Klinger to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:36 P.M.

Kim Banigan
Clerk

Approved 5-21-2007

TOWN OF COTTAGE GROVE
PUBLIC HEARING – PROPOSED REVISIONS TO TCG CHAPTER 15.15 TDR ORDINANCE
PUBLIC HEARING – PROPOSED PHASE 1 COMPREHENSIVE PLAN AMENDMENT
MAY 7, 2007

- I. It was determined that the public hearing had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Town Chair Kris Hampton called the public hearing to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan, Attorney Connie Anderson, Planner Gary Peterson, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and 12 audience members. A list of those who signed in is available in the Clerk's office.
- II. Hampton asked if there were any questions from the audience:
- A. Jim Bradt, 4321 Vilas Road, questioned why Map J3, mentioned in the proposed amendment, was not included with the distributed materials. Peterson explained that no maps had been revised as part of the 2007 Phase 1 Amendment, and so references were to the existing maps. That is why they were not in the distributed materials. The maps that were distributed with the 2007 Phase 1 Amendment were only included because of their placement in the document within the revised pages. The Town expects to revise the maps as part of the 2007 Phase 2 Amendment, which is expected to occur following completion of negotiations with the Village and City. The changes in the 2007 Phase 1 Amendment reflect discussions and recommendations from the Plan Commission over the last several years, particularly with respect to TDRs and districts. Bradt had further questions regarding page J-12 describing TDR receiving areas, stating that there did not appear to be enough area to absorb all of the TDRs available. He wondered if priority could somehow be given to landowners in the proposed community separation zone should a boundary agreement be reached between the City of Madison and the Village and Town of Cottage Grove. Anderson noted that neither the City nor Village had agreed to participate in the TDR program at this point, and suggested adding "...to the extent agreed upon by the City of Madison and Village of Cottage Grove" to sub-item 4) in the description of receiving areas.
- B. Wayne Wollin asked if receiving areas on the eastern side of the Town have been considered. Anders replied that the Town has identified to the Village infill areas that the Town would like to develop, but the Village has not responded to requests to set a meeting date. Anders indicated that if agreement cannot be reached with the Village and City to allow use of TDRs within their Extraterritorial Jurisdiction (ETJ), the Town will need to find areas outside of Village and City control to use TDRs, which would mean looking to the East. Peterson stated that this has been discussed in draft at the Plan Commission level.
- III. Written comments regarding the proposed Phase 1 Comprehensive Plan Amendment from:
- A. Received May 7, 2007, 5:10 P.M. via fax: Michael Waidelich, representing the City of Madison.
Discussion:
Anderson stated that the first two pages refer to confusion in reviewing the 2007 Phase 1 Amendment because the City wants to see the revised maps to better understand the meaning of the revised text. Peterson explained that the Phase 1 amendment better describes districts, but no maps have been changed. The City will have the opportunity to comment on these impacts when the maps are revised during the 2007 Phase 2 Amendment.
- Agricultural District: The City states that references to selling RDUs from an Agricultural District to a developer for use in Madison are inappropriate since the City has not agreed to use Town TDRs. Anderson suggested adding "... if allowed", which would allow for future agreements with the City and Village without requiring another Comprehensive Plan amendment.
- Open Space/Community Separation: The City questioned why duplexes would be allowed in an open space area. Anderson stated that if a landowner had 2 splits, there is nothing to prevent them from building a duplex. The Town has always taken the position that residents should be able to use

TOWN OF COTTAGE GROVE
PUBLIC HEARING – PROPOSED REVISIONS TO TCG CHAPTER 15.15 TDR ORDINANCE
PUBLIC HEARING – PROPOSED PHASE 1 COMPREHENSIVE PLAN AMENDMENT
MAY 7, 2007

their splits.

The City commented that a Comprehensive Plan cannot prevent development of open space once annexation occurs. Anderson acknowledged that this is true, and suggested adding, “The Town recommends that any land within the district that is annexed...”

Agribusiness and Commercial District: The City wants to see additional criteria regarding the use of sustainable technology. The Town is working on this.

- B. Received May 7, 2007, 2:51 P.M. via email: Mike Slavney, representing the Village of Cottage Grove.

Discussion: The Village suggests focusing on:

1. Infill residential development in cooperation with the Village and City: Peterson stated that the Town wants this too, is waiting for Village approval, but the Village has not been responsive to requests to set up a meeting.
2. Allowing development of the remaining 1/35 acre splits – this is consistent with the proposed amendment.
3. Encouraging compact development for the greater Cottage Grove area in the Village, with the exception of Agri-Business uses at N and 12 in the Town, and the infill residential noted above. Anderson stated this is consistent with the proposed amendment, but Anders cautioned that he reads it as saying that the Village intends for most development to take place in the Village. This will require further discussion among the Town, Village and City.
4. Preservation of farmland, open space and rural character through continuation of the 1/35 acre zoning and an Intergovernmental Agreement with the City and Village. Anderson and Peterson stated that it is necessary to move forward with this amendment in order for the Town to help itself in light of the slow progress toward an Intergovernmental Agreement. The amendment incorporates several suggestions that the Plan Commission has been recommending for years, and is also necessary to make the TDR program viable. Phase 2 will more directly address many of the issues being raised by these comments from the Village planner.

- C. Received May 2, 2007 via email and USPS: John Stockham, representing Dale and Dwight Huston, including a long-term land use plan for property owned by the Huston’s.

Discussion: The Phase 1 amendment does not include any map changes. The Huston’s request will be kept in mind for Phase 2.

- IV. Hampton asked if there were any audience questions regarding the proposed revisions to TCG Chapter 15.15 Transfer of Development Rights (TDR) Ordinance. There were no questions, but Hampton and Anderson explained that that the TDR ratio/multiplier would be moved from the Comprehensive Plan to the Ordinance so it can be adjusted more easily to meet market demands.

- V. **MOTION** by Anders/Klinger to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:55 P.M.

Kim Banigan
Clerk

Approved 5/21/2007

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 21, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. Other board members present were Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, Attorney Greg Murray, as well as those listed on the sign-in sheet (available in the Clerk's office).
- II. Minutes of previous meeting(s): **MOTION** by Kessenich/Anders to approve the minutes of the May 7, 2007 Public Hearing and the May 7, 2007 Town Board Minutes as printed. **MOTION CARRIED 4-0.**
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Klinger/Anders to approve the payment of bills corresponding to checks #14064 through #14097. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Anders/Kessenich to approve the net worth at \$1,032,044.89. **MOTION CARRIED 4-0.**
- IV. Public Concerns:
 - A. Don Klongland, 3108 Gaston Road, questioned whether the designation of green space for his farm and two others as shown on the Town's future land use map are set in stone, or can be changed. Hampton explained that the land use map was not changed by the recent revision of the Town's Comprehensive Plan, and the Town would like to see development rights from Klongland's property used in designated receiving areas. Murray advised Klongland of where in the Comprehensive Plan he could find more information about the Transfer of Development Rights program.
 - B. Kevin Neperud and Sean Murphy asked the if the Board would support a sports bar/restaurant on a commercial property along County Road BB between Vilas and Vilas Hope Roads. Hampton stated he would need to hear from the neighbors before he could answer. He advised them to check with the Dane County regarding any restrictions on the commercial zoning and road access, and that they would need to apply for a zone change for the portion of the property that is not already zoned commercial. Kessenich expressed concern about traffic in an already congested area.
- V. Road Right of Way Permits: None.
- VI. Discuss/Consider/Approve First Amendment to the Development Agreement for James N. and Nola J. Skaar Certified Survey Map and Public Right of Way Dedication for Lot 1: Murray explained that an amendment to the development agreement is in order to eliminate the vacation of Skaar Road originally agreed upon, and incorporate the winter road maintenance agreement, as well as dedication of road right-of way along both sides of the curve connecting Skaar and Skarstinden Roads. In addition, ownership of the lots has been transferred from the Skaars to Screamin' Norwegian Farms, LLC since the execution of the agreement.

Hampton relayed concerns from Michelle Schmidt, 1884 Skaar Road, who was unable to attend the meeting: 1) What is the status of the erosion permit – The Skaars indicated they had obtained a new permit, 2) Mowing of vacant lots – the developers agreement requires regular mowing of the lots so that grass does not exceed 8 inches, 3) Construction debris blowing onto Schmidt's property, and 4) A letter Schmidt sent to the Town expressing her concerns that snow plowing since approval of the winter maintenance agreement has not been to the level and quality that the Town provided in the past. Smith stated that the Town had ended up plowing Skaar Road in April. Murray stated that a standard of reasonableness applies, and that Schmidt should expect the same level of service as the rest of the Town receives. He stressed that adding stricter timing standards to the agreement is not reasonable since the rest of the township has no such guarantees, and each snowfall is different.

MOTION by Anders/Klinger to approve Public Right of Way Dedication for Lot 1. **MOTION CARRIED 4-0.**

MOTION by Anders/Klinger to approve the First Amendment to the Development Agreement for James N. and Nola J. Skaar Certified Survey Map in the Town of Cottage Grove, Dane County, Wisconsin. **MOTION CARRIED 4-0.**

- VII. Discuss/Consider/Approve Alcohol Beverage Licenses and Arrest / Convictions Records Summary: **MOTION** by Kessenich/Anders to approve the Town of Cottage Grove Alcohol Beverage Licenses and Arrest / Convictions Records Guidelines, striking the second sentence of item 2. on page 1 (The background check is traditionally completed by the Cottage Grove Police Department and provided directly to the Town Clerk.) **MOTION CARRIED 4-0.**
- VIII. Discuss/Consider/Approve collection options for damage to Hope Road by Olson Logging: Smith explained that logging vehicles damaged the pavement and ditch of Hope Road in 2006, and Olson Logging has resisted requests to either repair or pay for repairs. **MOTION** by Klinger/Kessenich to direct Murray to send a letter informing Olson Logging that the Town intends to file in small claims court unless repair of the pavement and ditch of Hope Road is completed by a contractor approved by Highway Superintendent Jeff Smith by June 10, 2007. **MOTION CARRIED 4-0.**
- IX. Discuss/Consider/Approve response to dumping of dog waste on West Jargo Road: Smith explained that a West Jargo Road resident reported dumping of dog waste in the road right-of-way in front of their house by a neighbor. The two parties have a history of disputes. Murray presented a draft revision to TCG Ordinance Chapter 20.01 that would require persons in control of a dog or cat who defecates on public property, or private property other than their own, to immediately collect and remove the waste. The Board directed Murray to redraft the revision to include dumping of animal waste by a person.
- X. Consider/Approve Agreement for Professional Services for Nahn and Associates, L.L.C. to provide Town Stormwater Permitting Services: **MOTION** by Klinger/Hampton to approve the agreement as drafted. **MOTION CARRIED 4-0.**

(Attorney Greg Murray was excused from and left the meeting)

- XI. Consider/Approve Memorandum of Understanding Between the Town of Bristol (Lead Municipality); the Towns of Cottage Grove, Dunn and Pleasant Springs (Sub recipients); of the Runoff Management CY 2007-2008 Urban Nonpoint Source Pollution & Storm Water Planning Grant: **MOTION** by Anders/Kessenich to approve the Memorandum of Understanding as presented. **MOTION CARRIED 4-0.**
- XII. Discuss/Consider/Approve increasing of Cable Franchise Fee from 3% to 5%: Anders explained that pending legislation may limit the amount of money municipalities can collect from cable TV companies. The Town's current contract allows the Town to increase the franchise fee from 3% to 5% upon written notice. **MOTION** by Kessenich/Anders to send written notice to Charter Communications that the Town of Cottage Grove is increasing the cable franchise fee to 5%. **MOTION CARRIED 4-0.** Under the terms of the contract, Charter is not liable for the increase until 90 days after receipt of the written request.
- XIII. Determine account to charge against for cost of railroad arms for Vilas Road Crossing: **MOTION** by Hampton/Klinger to charge the 2007 portion of \$2750 for the railroad arms at Vilas Road against account 51770 Contractor Expense. **MOTION CARRIED 4-0.**
- XIV. Consider/Approve payment of Town of CG portion of Deerfield's EMS withdrawal cost: The invoice from the Village of Deerfield lists \$1747.03 for wages and fringes for Terry Thompson. **MOTION** by Anders/Klinger to deny payment and ask the Village of Deerfield whether wages were for W-2 or 1099 employment. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 21, 2007

- XV. Consider/Approve First Amendment to Deer-Grove EMS Agreement: **MOTION** by Anders/Kessenich to deny approval, and send the agreement back to the commission to redraft with exclusion of capital equipment from 5-year straight line depreciation for purposes of determining value in the event of withdrawal from the district, requesting that the value of capital equipment, possibly anything with initial cost over \$500 - \$1000, be determined by a third-party appraiser. **MOTION CARRIED 4-0.**
- XVI. Consider/Approve 2007-08 Committee Appointments: **MOTION** by Klinger/Anders to approve 2007-08 Committee Appointments as printed. **MOTION CARRIED 4-0.**
- XVII. Consider/Approve Notice of Records Access: **MOTION** by Klinger/Kessenich to approve the Notice of Records Access as printed. **MOTION CARRIED 4-0.**
- XVIII. Clerk's Report:
A. Dane County Ordinances – None
- XIX. Board Reports:
A. Hampton:
1. Crispell/Snyder, Inc. is holding an open house on May 30th.
2. An anonymous letter was received reporting an unlicensed dog kennel at 1751 S. Jargo Road. The County will investigate.
- XX. Committee Reports:
A. Cable TV: Anders reported that Brian Winge, the Village's cable TV operator, hooked up the Town's cable equipment, and it does still work. The board should plan to include some money for upgrading of cable equipment in the 2008 budget, including a DVD recorder and possibly wireless microphones.
- Anders left at 8:50 P.M.
- B. Emergency Government: Kessenich reported that the next meeting will be July 12th.
- C. Deer-Grove EMS: Hampton reported that Deer-Grove EMS intends to use FAT funds received from the State to purchase a former State Patrol car for running back and forth between Cottage Grove and Deerfield, for the Director to respond to accidents, and possibly for future paramedic responses. The cost is around \$3000.
- XXI. **MOTION** by Klinger/Kessenich to adjourn. **MOTION CARRIED 3-0.** The meeting was adjourned at 9:04 P.M.

Kim Banigan
Clerk

Approved 6-04-2007

TOWN OF COTTAGE GROVE
PUBLIC HEARING – 2007-2008 ALCOHOL BEVERAGE LICENSES
JUNE 4, 2007

- I. The public hearing was called to order by Chairman Hampton at 7:00 P.M. Other Board Members present were Steve Anders, Karen Kessenich and Mike Klinger. Also present were 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)
- II. Chairman Hampton read the list of applicants, all for combination Class B Liquor and Class B Beer licenses:

Ball of Fun, LLC d.b.a. Doubledays

Debra Stueber, Agent
4586 Baxter Road
Cottage Grove, WI 53527

Bradt Farms, Inc. d.b.a. The Farm at Door Creek

James Bradt, Agent
4226 Vilas Road
Cottage Grove, WI 53527

Door Creek Golf Course, Inc.

James Bradt, Agent
4321 Vilas Road
Cottage Grove, WI 53527

JDJ Inc. d.b.a. Crossroads Tavern

Dawn Guimond, Agent
3562 CTH "AB"
McFarland, WI 53558

Patricia J. Youngs d.b.a Country Corners

Patricia J. Youngs, Agent
3737 CTH AB
McFarland, WI 53558

Nora's Tavern, Inc.

Timothy Kluever, Agent
1843 HWY 12 & 18
Deerfield, WI 53531

- III. Chairman Hampton asked if there were any public comments. Lezlie Chicker asked to speak about her operator's license, and Hampton informed her that the board would consider operator's licenses later in their regular meeting.
- IV. **MOTION** by Anders/Klinger to close the public hearing. **MOTION CARRIED 4-0.** The public hearing was closed at 7:04 P.M.

Kim Banigan, Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 4, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:13 P.M. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and others shown on the attached sign-in sheet (available in the Clerk's office).
- II. Minutes of previous meeting(s): **MOTION** by Klinger/Kessenich to approve the minutes of the May 21, 2007 Town Board meeting as printed. **MOTION CARRIED 4-0-1** (Morrow abstained).
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Klinger/Kessenich to approve the payment of bills corresponding to checks #14098 through #14137. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Klinger to approve the net worth at \$1,030,726.87. **MOTION CARRIED 5-0.**
 - C. The Treasurer stated that Klinger is working on getting more information regarding a bill from Wohler Heating and Air Conditioning.
- IV. Public Concerns: None.
- V. Road Right of Way Permits: None.
- VI. Discuss/Consider payment of Town of CG's portion of Deerfield's EMS withdrawal cost: **MOTION** by Anders/Kessenich to take no action. **MOTION CARRIED 5-0.**
- VII. Plan Commission Recommendations:
 - A. Joseph Gruber, RLS, C/O Moore Surveying, LLC., (John Oosterwyk, Landowner) – Vilas Road at Railroad Crossing – Zone Change – A-1EX to CO for a. 1.521. The rezone is needed to connect DNR bike trails. Plan Commission recommended approval of the rezone of 1.521 acres from A-1EX to CO: Dana White Quam from the DNR explained that the DNR has been trying connect the Glacial Drumlin Trail with Madison, and in addition to purchasing this 1.521 acres from Oosterwyck, has obtained easements from Widens and Oosterwyck as steps to accomplish their goal. **MOTION** by Anders/Morrow to accept the Plan Commission recommendation to approve the rezone of 1.521 acres from A-1EX to CO. **MOTION CARRIED 5-0.**
 - B. Nickolas Berard – 2987 Jahnke Road – Zone Change - RH-1 to A-2(2) with CUP (m) for ½ acres. Intended use for workshop/photo/painting studio: Plan Commission recommended approval of the rezone from RH-1 to A-2(2) with CUP (m) for limited family business on ½ acre: **MOTION** by Anders/Klinger to accept the Plan Commission recommendation to approve the rezone from RH-1 to A-2(2) with CUP (m) only for a limited family business on ½ acre. **MOTION CARRIED 5-0.**
- VIII. Consider/Approve 2007-2008 Alcohol Beverage License Applications: Class B Beer/Liquor, Operators, Managers:
 - A. Manager's Licenses: **MOTION** by Anders/Kessenich to approve Manager's Licenses for July 1, 2007 through June 30, 2008 for the following individuals/establishments: Vicki L. Wegner/Country Corners, Phillip C. Frederickson/Door Creek Golf Course, David D. Ruedey/Door Creek Golf Course, Gary F. Stueber/Doubledays, Sheryl Kleuver/Nora's Tavern Inc. **MOTION CARRIED 5-0.**

B. Operators Licenses:

1. Applicant Lezlie Chicker, Country Corners: Patricia Youngs, owner of Country Corners, stated that she wished she had received the Alcohol Beverage Licenses and Arrest/Conviction Records Guidelines in advance of the renewal applications so her operators would know that an OWI would jeopardize their license renewal.

Anders explained that off-cycle applications in the past 3-4 months by individuals with multiple alcohol related offenses led the board to seek the assistance of the Town's attorney to develop the guidelines to base their decisions upon.

Kessenich stated that with or without the written guidelines, applicants with an OWI offense within the past year have typically been denied.

Chicker stated that her OWI has sharpened her awareness of the danger of drinking and driving.

MOTION by Anders/Morrow to deny Lezlie Chicker's application for an Operator's License due to her OWI on April 27, 2007, based on items 3. A and B of the TCG Alcohol Beverage Licenses and Arrest/Conviction Records Guidelines. **MOTION CARRIED 5-0.**

2. Remainder of Operator's License Applications from Country Corners: **MOTION** by Anders/Kessenich to approve Operator's Licenses for July 1, 2007 through June 30, 2008 for the following applicants: Dennis R. Hisel, Lisa M. Kramer, Michael J. Krawczyk, Meredith K. Phillips, Sandi St. Dennis and Kimberly A. Winburn. **MOTION CARRIED 5-0.**
3. Operator's License Applicants for Crossroads Tavern: **MOTION** by Kessenich/Anders to approve the Operator's Licenses for July 1, 2007 through June 30, 2008 for the following applicants: Anne L. Bitton, Ronald A. Blum, Tammy L. Campbell, Christina S. Cole, Jerome A. Eith, Gina L. Heiman, Michael D. Klinger, Chris L. Kussow, Colin J. Reese, Tamara K. Thies, Emily J. Woger. **MOTION CARRIED 4-0-1** (Klinger abstained).
4. Operator's License Applicants for Door Creek Golf Course: **MOTION** by Anders/Kessenich to approve Operator's Licenses for July 1, 2007 through June 30, 2008 for the following applicants: Ron O. Calaway, Timothy F. Corcoran, Michael J. Courchane, Gail S. Heringer, Erica L. Minor, Lisa A. Mueller, Lynn M. Oldenburg, Robert A. Purvis, Jr., Samantha D. Schmitz, Douglas D. Showers, Mandy J. Stampfl, Jay W. Van Matre. **MOTION CARRIED 5-0.**
5. Applicant Jeff A. Edges – Doubledays: The board reviewed his three OWI offenses, the most recent of which was in 1999. **MOTION** by Kessenich/Klinger to approve the Operators License for July 1, 2007 through June 30, 2008 based on the last paragraph of item 3 of the TCG Alcohol Beverage Licenses and Arrest/Conviction Records Guidelines. **MOTION CARRIED 4-1** (Morrow opposed).

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 4, 2007

6. Remainder of Operator's License Applications from Doubledays: **MOTION** by Anders/Morrow to approve Operator's Licenses for July 1, 2007 through June 30, 2008 for the following applicants: Hazel M. Austin, Debra A. Buss, Melissa C. Dean, Bernadette L. Eckstein, Thomas J. Fischer, G. Michael Fuss, Tracy L. Hall, Nancy A. Moen, Susan K. Wuchterl, Michael L. Ziegler. **MOTION CARRIED 5-0.**
 7. Applicant Melody Gulseth, Nora's Tavern Inc.: **MOTION** by Kessenich/Morrow to deny the Operator's license due to an OWI on November 27, 2006, based on item 3. A of the TCG Alcohol Beverage Licenses and Arrest/Conviction Records Guidelines. **MOTION CARRIED 5-0.**
 8. Remainder of Operator's License Applications from Nora's Tavern Inc.: **MOTION** by Anders/Morrow to approve Operator's Licenses for July 1, 2007 through June 30, 2008 for the following applicants: Lacy J. Griffith, Dawn M. Heier, Jerry D. Heider, Helen E. Kluever, James E. Mickelson, Rebecka A. Selmer, Michelle L. Shapiro, Susan K. Starczynski. **MOTION CARRIED 5-0.**
- C. Combination Class B Beer and Class B Liquor Licenses: **MOTION** by Klinger/Morrow to approve Combination Class B Beer and Class B Liquor Licenses for July 1, 2007 through June 30, 2008 for the following establishments:

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

JDJ Inc. d.b.a. Crossroads Tavern
Dawn Guimond, Agent
3562 CTH "AB"
McFarland, WI 53558

Bradt Farms, Inc. d.b.a. The Farm at
Door Creek
James Bradt, Agent
4226 Vilas Road
Cottage Grove, WI 53527

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

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

Nora's Tavern, Inc.
Timothy Kluever, Agent
1843 HWY 12 & 18
Deerfield, WI 53531

Anders referred the board to Police Chief Gould's report of police activity at the establishments during the current licensing year, stating that overall things have been pretty low key.

MOTION CARRIED 5-0.

(On June 18, 2007 this item was reconsidered to allow Klinger to abstain from the Vote.

MOTION by Hampton/Anders to approve Combination Class B Beer and Class B Liquor Licenses for July 1, 2007 through June 30, 2008 **CARRIED 3-0-1** (Klinger abstained, Kessenich was absent.)

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 4, 2007

- IX. Consider/Approve 2007-2008 Cigarette License Applications: **MOTION** by Hampton/Anders to approve Cigarette Licenses for July 1, 2007 through June 30, 2008 for the following establishments:

Machine Sales
Ball of Fun, LLC d.b.a. Doubledays
4586 Baxter Road
Cottage Grove, WI 53527

Over the Counter Sales
Patricia J. Youngs d.b.a Country Corners
3737 CTH AB
McFarland, WI 53558

Over the Counter Sales
Door Creek Golf Course, Inc.
4321 Vilas Road
Cottage Grove, WI 53527

Over the Counter Sales
Nora's Tavern, Inc.
1843 HWY 12 & 18
Deerfield, WI 53531

Over the Counter and Machine Sales
JDJ Inc. d.b.a. Crossroads Tavern
3562 CTH "AB"
McFarland, WI 53558

MOTION CARRIED 5-0.

(On June 18, 2007 this item was reconsidered to allow Klinger to abstain from the Vote.

MOTION by Hampton/Anders to approve Cigarette Licenses for July 1, 2007 through June 30, 2008 **CARRIED 3-0-1** (Klinger abstained, Kessenich was absent.)

- X. Consider/Approve 2007-2008 Non-metallic Mining applications:

- A. Jason Knaus provided the Clerk with a receipt showing that property taxes were paid on the non-metallic mining site on June 1, 2007. **MOTION** by Anders/Klinger to approve a Non-Metallic Mining Permit for July 1, 2007 through June 30, 2008 for Steve Knaus, Member of Sun Prairie Sand and Gravel, LLC, for the former Hellickson Pit at 2272 US Highway 12 & 18. **MOTION CARRIED 5-0.**

Smith asked Jason Knaus to verify that an address sign is present at the entrance to the pit. Dennis Richardson verified that the Gaston and Nora pits do have address signs, but the Skaar pit address sign is on County Road N, not at the entrance to the pit on Natvig road. Hampton directed Smith to check with the county about an address sign for the pit entrance.

- B. **MOTION** by Klinger/Anders to approve a Non-Metallic Mining Permit for July 1, 2007 through June 30, 2008 for Bradley Huston, President, R.G. Huston, Inc., for the "Gaston Road Quarry" at 2543 Gaston Road, owned by Huston Holdings, LLC. **MOTION CARRIED 5-0.**
- C. **MOTION** by Kessenich/Anders to approve a Non-Metallic Mining Permit for July 1, 2007 through June 30, 2008 for Bradley Huston, President, R.G. Huston, Inc., for the "Skaar Pit" at 3355 County Road N Gaston Road, owned by Huston Holdings, LLC. **MOTION CARRIED 5-0.**
- D. **MOTION** by Klinger/Anders to approve a Non-Metallic Mining Permit for July 1, 2007 through June 30, 2008 for Bradley Huston, President, R.G. Huston, Inc., for the "Nora Road Pit" at 2494 Gaston Road, owned by Huston Holdings, LLC, requiring pit operators to address problems of trucks not stopping at the stop sign, dust on the entrance road and non-metallic

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 4, 2007

mining site, and to minimize use of truck vibrators. **MOTION CARRIED 4-1** (Kessenich opposed).

Discussion: Betty Devine stated that she feels that the purpose of the Nora Road Pit has changed from its original purpose of creation of the retention pond, which is long since done, into a profit center for the owners.

Dwight Huston stated that the situation has changed over the lifetime of the pit, and with the elimination of the drainage district, there has been a need for the pond to accept additional drainage. He also said that just because the pond is finished does not mean it is paid for, stating that substantial costs were incurred consulting with the DNR, environmentalists, etc. Dennis Richardson stated that the DNR generally wants resources exhausted at existing sites before another is opened.

Richardson said that he will look into limiting vibrations by asking truck drivers to only use them when necessary. Hampton and Kessenich suggested that trucks dump at either the Skaar pit or Gaston Quarry rather than the Nora Road pit, since they would most likely pass by one of them on the way anyway. Huston stated that the additional time to dump at a different pit would add up to substantial additional expense for the contractors who hire the trucks. He did indicate that they would do whatever they could to address Ms. Devine's complaints.

Hampton suggested that the matter be discussed again at the July 16, 2007 Town Board Meeting, and it was left that Ms. Devine will contact the Town if further discussion is needed at that time.

- XI. Consider/Approve placement of donated park benches: Joseph Zinkel, 2747 Mourning Dove Drive, donated two park benches to the Town. The Board directed Smith to place the park benches at the Lane Street park.
- XII. Clerks Report:
 - A. Dane County Ordinances – None
- XIII. Board Reports: None.
- XIV. Committee Reports:
 - A. Law Enforcement Committee: Kris Hampton is the new Chair, Ken Dahl is Vice-Chair, and Randy Margenau is Secretary.
 - B. Joint Town/Village Landfill Monitoring Committee: The sign should come down per the DNR.
 - C. Joint Town/Village Fire Department Committee: Larry Schoenemann is the new Chair, Kris Hampton is Vice Chair, Karen Kessenich is Secretary.
- XV. **MOTION** by Morrow/Kessenich to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:17 P.M.

Kim Banigan
Clerk

Approved 6/18/2007

TOWN OF COTTAGE GROVE
PUBLIC HEARING – 2007-2008 NONMETALLIC MINING PERMITS
JUNE 4, 2007

- I. The public hearing was called to order by Chairman Hampton at 7:04 P.M. Other Board Members present: Steve Anders, Karen Kessenich and Mike Klinger. Dave Morrow arrived at 7:12 P.M. Also present was 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).

- II. Hampton read the list of permit applicants:
 - A. R.G. Huston Company, Inc.
 1. Gaston Road Quarry – 2543 Gaston Road
 2. Nora Road Pit – 2494 Nora Road
 3. Skaar Pit – 3355 County Road N

 - B. Sun Prairie Sand and Gravel, LLC – 2272 US Highway 12 & 18

- III. Hampton asked if there were any public comments:
 - A. Betty Devine, 2342 Uphoff Road, spoke against the permit for R.G. Huston Company, Inc.'s Nora Road Pit. She stated that there is considerably more activity there since the Conditional Use Permit was renewed in 2005, including stockpiles of material, and trucks going in and out non-stop. She also complained that trucks rarely stop for the stop sign, overlays to the edges of Nora Road have created holding ponds in the center of the road that lead to hydroplaning in the summer and icy patches in the winter, and dust abatement is not being performed as required by the conditional use permit. Her primary complaint was of the vibrations she feels at her home from the truck vibrators, stating that she works nights and cannot get the sleep she needs during the day. She questioned why material is being brought in to the pit, and read the following findings from Conditional Use Permit 1951:
 1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.
 2. That the uses, values and enjoyment of the other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance and operation of the proposed conditional use.Devine then stated that she feels the presence of the Nora pit has diminished the use of her property, and that they often have to run their air conditioning because of the dust and noise from the pit, when they would prefer to open the windows.

- IV. **MOTION** by Klinger/Anders to close the public hearing. **MOTION CARRIED 5-0.**
The public hearing was closed at 7:13 P.M.

Kim Banigan, Clerk

D R A F T

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith.
- II. Minutes of previous meeting(s):
 - A. June 4, 2007 Regular Town Board Meeting:
 1. The Clerk noted that the vote on item VIII. B. 3. should read 4-0-1 with Klinger abstaining.
 2. **MOTION** by Hampton/Anders to reconsider item VIII. C. to allow Klinger to abstain from the vote. **MOTION CARRIED 3-0-1** (Klinger abstained). **MOTION** by Hampton/Anders to approve Combination Class B Beer and Class B Liquor Licenses for July 1, 2007 through June 30, 2008 for all establishments as listed in the June 4, 2007 minutes. **MOTION CARRIED 3-0-1** (Klinger abstained).
 3. **MOTION** by Hampton/Anders to reconsider item IX. to allow Klinger to abstain from the vote. **MOTION CARRIED 3-0-1** (Klinger abstained). **MOTION** by Hampton/Anders to **MOTION** by Hampton/Anders to approve Cigarette Licenses for July 1, 2007 through June 30, 2008 for the establishments as listed in the June 4, 2007 minutes. **MOTION CARRIED 3-0-1** (Klinger abstained).
 4. **MOTION** by Hampton/Anders to approve the June 4, 2007 minutes subject to correcting item VIII. B. 3. to read **MOTION CARRIED 4-0-1 (Klinger abstained)**, correcting VII C. to read **MOTION CARRIED 3-0-1 (Klinger abstained)**, and correcting item IX. to read **MOTION CARRIED 3-0-1 (Klinger abstained)**. **MOTION CARRIED 3-0-1** (Klinger abstained).
 - B. **MOTION** by Anders/Klinger to approve the minutes of the Non-metallic Mining Public Hearing on June 4, 2007. **MOTION CARRIED 3-0-1** (Morrow abstained).
 - C. **MOTION** by Anders/Klinger to approve the minutes of the 2007-08 Alcohol Beverage Public Hearing on June 4, 2007. **MOTION CARRIED 3-0-1** (Morrow abstained).
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Hampton/Klinger to approve the payment of bills corresponding to checks #14138 through #14173. **MOTION CARRIED 4-0**. Klinger will look into reason for plumbing service call paid by check number 14155.
 - B. **MOTION** by Anders/Klinger to approve the net worth at \$944,941.30. **MOTION CARRIED 4-0**.
 - C. The Treasurer stated that \$9000 can be added to the net worth due to the sale of the old one-ton truck today.
 - D. The Treasurer asked for second quarter per diems by the end of June.
- IV. Public Concerns: None.
- V. Road Right of Way Permits: None.
- VI. Update on Cottage Grove Soccer Club's use of Bass Park:

Robert Evans, 3825 Sky High Road, stated that the Soccer Club's use has turned the neighborhood park into an athletic facility, with more cars in a week than are usually seen in a year. He stated that no one had been inconsiderate, he was mainly complaining about the traffic and frequency of the games and

practices. He said he did not come to run the soccer club out of the park, but felt the board was not being creative enough, that there are other open spaces where games and practices could be held.

Donna Evans complained that neighborhood kids cannot use the park when it is occupied by soccer, and even when it is not, the goals are pushed to the center of the park. Hampton asked the soccer club to push the goals to the edge of the field.

Hampton read an email from Patricia and Lee Halverson in support of the Soccer Club's continued use of the park.

Jeff Remy, 3813 Bass Road, stated he had no problem with the traffic, but the park had been used more than he expected, practically every day.

Josh Crow, 3804 Sky High Road, stated that in January, Carl Pulvermacher said that coaches do not like to practice where they play, which Crow felt was a disingenuous response to the board if he intended to use it for practice, and left those present at the January meeting with the wrong impression. Overall he didn't think the spring soccer season went as bad as he expected, but he asked the board to place limits on how much use would be allowed, or some system of checks and balances to ensure that the approval is not abused.

Carl Pulvermacher of the Cottage Grove Soccer Club stated that he thought the spring soccer season went well. He did practice his team at the park, but the majority of the teams playing at Bass Park (3 of 4) practiced elsewhere. There may also have been a coach who lives in that area who held practice for his younger team at Bass Park. Pulvermacher stated that he took care to pick up after the games. He said there was not much he could do about the traffic, but that Jay Huston had been very generous in allowing parking on his turn-around. He expects that use of the park for the fall soccer season will be much the same as spring, but indicated that he would seek further approval if additional use was anticipated. The fall season runs from the week of Labor Day through the end of October. He hopes to use Bass Park only until fields are ready at the new middle school, which he thinks would be the spring of 2009 at the earliest.

Morrow stated that he also came away from the January meeting with the impression that the park would be used primarily for games, and that practice would be strongly discouraged.

Anders and Hampton both stated that it would be difficult to set a limit on the number of games or days the park could be used. Who would keep track? Would there be enough flexibility to allow for rain dates, etc.? Jeff Smith stated that if restrictions were put on one park, they would need to also be put on the other Town parks used for Soccer.

MOTION by Anders/Klinger to allow the Cottage Grove Soccer Club to use Bass Park for the Fall 2007 season. **MOTION CARRIED 4-0.** The Soccer Club will need to come back to the board at the second meeting in February of 2008 to seek approval for the spring 2008 season.

- VII. Consider/Approve Amendment #1 of the Deer-Grove EMS Agreement Between Villages of Cottage Grove and Deerfield and the Towns of Cottage Grove and Deerfield: Hampton stated that the other three municipalities have all approved the amendment, and asked what the Town will do about EMS if they cannot agree to approve it as well.

Discussion centered on cost sharing of capital items, Klinger stating that he still believes it should be split equally by the four municipalities rather than by equalized value.

MOTION by Hampton/Morrow to adopt Amendment #1 of the Deer-Grove EMS Agreement Between the Villages of Cottage Grove and Deerfield and the Towns of Cottage Grove and Deerfield. **ROLL CALL VOTE: Morrow – aye, Anders – nay, Hampton – aye, Klinger – aye. MOTION CARRIED 3-1.**

- VIII. Consider/Approve payment of Town of CG’s portion of Deerfield’s EMS withdrawal cost: Discussion was that the Town received no benefit from the cost, and it was thought that this was being dropped per the discussion at the joint meeting with Deerfield in December of 2006, although the minutes do not reflect this. **MOTION** by Anders/Klinger to deny payment. **MOTION CARRIED 4-0.**
- IX. Discuss/Consider/Adopt revisions to TCG Ordinance 20.01 Restrictions on Keeping Dogs and Cats – Animal Waste, 20.01 (2)(h) & (j) and (2a): Hampton asked if the ordinance should be sent to the ordinance committee – the board did not feel this was necessary. **MOTION** by Morrow/Anders to adopt the revisions to TCG Ordinance 20.01 Restrictions on Keeping Dogs and Cats – Animal Waste, 20.01 (2)(h) & (j) and (2a) as presented by the Town Attorney. **MOTION CARRIED 4-0.**
- X. Consider Appeal of Denial of 2007-2008 Operator’s License Renewal – Melody Gulseth: Gulseth presented a letter from Nora Tavern Inc. Manager, Sheryl Kluever, which Hampton read, asking the board to reinstate Gulseth’s license.

Hampton asked Gulseth why someone who has been convicted of Operating While Intoxicating should be allowed to determine when someone else has had enough to drink?

Gulseth acknowledged that she had made a mistake, but said that in 30 years of bartending, she has not served anyone who is under age, and often cuts people off and even gives them rides home if necessary.

MOTION by Anders/Morrow to deny the appeal for renewal of Operator’s License for Melody Gulseth. **MOTION CARRIED 4-0.**

- XI. Set meeting date for first meeting in July: The board agreed to meet on July 2nd as scheduled. Hampton said that he intends to keep the agenda short so that the Plan Commission can come afterward for a joint meeting for Gary Peterson to talk about building “green” at Hwy N and 12 & 18.
- XII. Clerks Report:
A. Dane County Ordinances – None
- XIII. Board Reports:
A. Hampton reported that the Dane County Town’s Association will hold its member meeting at the Town Hall on July 11th.
- XIV. Committee Reports: None.
- XV. **MOTION** by Morrow/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:37 P.M.

Kim Banigan
Clerk

TOWN OF COTTAGE GROVE
JOINT MEETING OF THE TOWN BOARD AND PLAN COMMISSION
JULY 2, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush.
- II. Call to Order:
 - A. Town Board Chair Kris Hampton called the Town Board meeting to order at 8:00 P.M. Other board members present were Steve Anders, Karen Kessenich and Mike Klinger.
 - B. Plan Commission Chair Silvin Kurt called the Plan Commission meeting to order. Other members present were Kris Hampton, Steve Anders, Dave Meuhl, and Virgil Schroeder.
- III. Gary Peterson – Crispell-Synder, Inc. – Presentation on Sustainable Development utilizing the Natural Step at the north east corner of Hwy 12 & 18 and County Road N:
 - A. Current situation and benefits of Sustainable Development: Peterson presented slides showing elements and examples of sustainable development he observed on a trip to Sweden in 2006. He explained sustainable development as being ecologically, economically and socially healthy over the long term, but cautioned that since it involves change, there will likely be resistance to overcome. He also presented a handout of Development Standards for CTH N and Highways 12-18 utilizing ‘The Natural Step System’ conditions and practices.

Klinger left at 8:45 P.M.

- B. (skip to agenda item 4.) Jim Hirsch of Paul Davis Restoration – Proposed development plans for the north east corner of Hwy 12 & 18 and County Road N: Hirsch described how he has become a believer of sustainable development over the past year or so, and would like to construct a “Green” building to kick off a “Green” development where forward thinking business could share resources. He indicated that he feels the Town has a terrific opportunity to create a new model of commercial development that would draw interest both locally and possibly nationally.

Anders asked about how to overcome resistance from the County and City of Madison, since both have authority over the area. Peterson and Hirsch both felt that eventually the County and City would get behind the idea because of growing interest by planners and builders in the area. Currently landowners of 40 acres are willing to undertake a condo project, which would eliminate the need to sub-divide, and circumvent the City’s authority. Peterson suggested that the Town may need to get involved financially by purchasing land and creating a TIF district. Anders expressed concern over Town ownership of a condo project, wondering how the Board would differentiate between development concepts that are feasible vs. those that are “over the top”. Hirsch stated that the market would have to determine this.

- C. Determine whether the Town Board will support Sustainable Development only at this location: Hampton first asked the Plan Commission members if they are in favor of sustainable development for the 40 acre parcel. Plan Commission members indicated that they had already demonstrated their support by approving the rezone for commercial development, including a “green” building. Schroeder stressed the importance of the Town

TOWN OF COTTAGE GROVE
JOINT MEETING OF THE TOWN BOARD AND PLAN COMMISSION
JULY 2, 2007

Board making a commitment to the concept. Peterson said that Hirsch needed to know that the board is behind this, and will allow only sustainable development in the area so his efforts toward shared resources will not be in vain.

Hampton asked will the Town Board support sustainable development in this area?
MOTION by Hampton/Anders to support only sustainable development on the north east corner of Highway 12 & 18 and County Road N. **MOTION CARRIED 3-0.**

- D. Preparation of a plan for the entire 400+ acres of the area: Peterson stated that the next logical step is to lay out a plan for the entire area. There was general agreement to start with the initial 40 acres, and see how that will affect the remainder of the 400 acres.
- E. Discuss possibility of Town financial support and creation of a TIF. Anders questioned whether a TIF could work with a condo project.
- F. Develop a vision of what the Town will be like in 20 – 30 years: Peterson stated that in 2001 when the comprehensive plan was developed, future growth was projected based on what had happened in the past. He suggested that instead, projections should be based on a vision of what the Town should look like in the future. There was general agreement to proceed in this manner.

IV. Jim Hirsch – Paul Davis Restoration – See III. B. above.

V. Review of Town Growth Rate Proposal vs. Backcasting: See III. F. above.

VI. Adjournment:

A. **MOTION** by Kessenich/Anders to adjourn the Town Board Meeting. **MOTION CARRIED 3-0.**

B. **MOTION** by Meuhl/Schroeder to adjourn the Plan Commission Meeting. **MOTION CARRIED 4-0.**

The meetings were adjourned at 10:04 P.M.

Kim Banigan
Clerk

Approved by the Town Board 7/16/2007

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 2, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. Other board members present were Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan and Treasurer Debbie Simonson, and those listed on the attached sign-in sheet.
- II. Minutes of previous meeting(s): **MOTION** by Hampton/Klinger to approve the minutes of the June 18, 2007 regular Town Board meeting as presented. **MOTION CARRIED 2-0-1** (Kessenich abstained).
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Hampton/Klinger to approve the payment of bills corresponding to checks #14174 through #14206. **MOTION CARRIED 3-0.**

Steve Anders arrived at 7:08 P.M.

- B. The Treasurer noted that the Fire Dues payment of \$10,746.68 has been received, which is under the budgeted amount of \$11,200.
 - C. **MOTION** by Anders/Klinger to approve payment of second quarter per diems for the Town Board and Building Inspector as presented. **MOTION CARRIED 4-0.**
 - D. The Treasurer said that Virchow/Krause is offering a webcast training for new internal controls that will be required for the 2007 audit, and asked the board if it was OK for her to participate at a cost of \$49 – Board consensus was that it was OK.
 - E. **MOTION** by Anders/Klinger to approve the net worth at \$949,222.12. **MOTION CARRIED 4-0.**
 - F. Greg Frutiger from the Village of Deerfield and Mike Scholbohm from the Town of Deerfield were in attendance asking the board to approve payment of an invoice for \$1747.03 for the Town of Cottage Grove's portion of Terry Thompson's wages, stating that the cost was due to the Town and Village of Cottage Grove's withdrawal letter from Deer-Grove EMS. Frutiger stated that overall things are now going well for Deer-Grove EMS, and this is one of the only remaining issues. Anders argued that Cottage Grove received no benefit from Thompson's employment. Frutiger said that the results of her recruitment efforts benefited Deer-Grove EMS. **MOTION** by Kessenich/Hampton to approve payment of invoice 26656-2 for \$1747.03. **MOTION FAILED 2-2.** (Anders and Klinger opposed).
- IV. Public Concerns: None.
- V. Road Right of Way Permits: None.
- VI. Consider granting of Operator's License for Nichole Mell – Door Creek Golf Course: **MOTION** by Kessenich/Anders to deny the Operator's License based on item 3. A. of the Town of Cottage Grove Alcohol Beverage Licenses and Arrest/Convictions Records Guidelines. **MOTION CARRIED 4-0.**
- VII. Consider/Approve Preliminary CSM to move lot line between 3315 North Star Road and 2394 Ofsthun Road: Paul Spetz of Isthums Surveying, LLC, appeared representing owner Skaar Living Tr. **MOTION** by Kessenich/Anders to approve the preliminary survey replacing CSM #3718, with the addition of language for driveway easement for the entire driveway loop through both lots. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 2, 2007

- VIII. Clerks Report:
- A. Dane County Ordinances – None.
 - B. Town Board input for Annexation Review Questionnaire for Simon-Rosenberg Annexation petition: The clerk presented the questionnaire as submitted for a previous petition for the same parcel, which included a letter from engineer Warren Meyers. Board consensus was that the situation has not changed, and it was still important to include the letter from Myers.
- IX. Board Reports: NONE.
- X. Committee Reports:
- A. Deer-Grove EMS Commission: Hampton reported that the commission is working on getting dollar figures for replacing an ambulance or chassis in 2008.
 - B. Joint Town/Village Recreation Committee: Kessenich reported that the Village installed fences and benches at Meadow Grove park for T-ball, and that neighborhood volunteers installed the new playground equipment and are very happy with it, but would like to have a bench. Hampton stated that a donated bench is still available.

Kessenich asked about leveling off and seeding Cedar Knolls park for soccer, but Pee Wee football will be using it until the end of October. The Village has fill available, and would like to get the park seeded down this fall so it could possibly be used for soccer by the fall of 2008. Hampton asked if engineering would be required, and if so, who would pay for it? Kessenich will follow up on this question.
 - C. Law Enforcement Committee: Anders reported that Police Chief Gould raised concerns about the festival, especially parking on Clark Street.
- XI. **MOTION** by Anders/Klinger to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 7:54 P.M.

Kim Banigan
Clerk

Approved 7/16/2007

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 16, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan and Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith.
- II. Minutes of previous meeting(s):
 - A. **MOTION** by Klinger/Anders to approve the minutes of the July 2, 2007 regular Town Board meeting, changing *complained* to *raised concerns* under item X. C. **MOTION CARRIED 3-0-1.** (Morrow abstained.)
 - B. **MOTION** by Anders/Hampton to approve the minutes of the July 2, 2007 joint meeting with the Town Board and Plan Commission, correcting the time Klinger left to 8:45 P.M. **MOTION CARRIED 4-0-1.** (Morrow abstained.)
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Klinger/Morrow to approve the payment of bills corresponding to checks #14207 through #14257. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Klinger to approve the net worth at \$801,563.35. **MOTION CARRIED 5-0.**
- IV. Public Concerns: Jim Bradt asked whether there has been any progress in Town-Village boundary agreement negotiations. Hampton reported that there have been no meetings; the Town is waiting for a date when the Village can meet.
- V. Road Right of Way Permits: **MOTION** by Anders/Morrow to approve Charter Communications to drill at the corner of Gaston Road and Simpson Drive for cable TV service. **MOTION CARRIED 5-0.**
- VI. Hector DeLuca/Margaret Clagett Dame - Ridge Road - Zone change for A-1EX to RH-1 (2 acres) and A-2 for remainder of +/- 33.6 previously approved. Consider amending approval to include a deed restriction for no residential developmental on the A-2 parcel: **MOTION** by Anders/Klinger to amend approval of the rezone to include no residential development on the newly created A-2 parcel. **MOTION CARRIED 5-0.**
- VII. Update of concerns by neighbors of the Nora Road Pit operated by Huston Holdings, LLC: The Board reviewed a letter from Betty Devine, 2342 Uphoff Road, which indicated that steps taken by Huston Holdings, LLC since the June 4, 2007 board meeting have minimized the impact of the pit on the neighborhood.
- VIII. Discuss/Consider/Approve application for temporary Class "B" Beer Retailer's License for Wisconsin Rugby Club on August 11, 2007 at Crossroads Tavern Rugby Field: Paul Strouede of the Wisconsin Rugby Club stated that the tournament will run from 8:00 A.M. to 8:00 P.M. on August 11th only. Staff will monitor parking and divert cars from parking on Lud's lane, with overflow parking directed to the City of Madison's field to the north on County AB. Four porti-a-potties will be available. The area where beer will be served will be cordoned off, and a staff member has applied for an operator's license in the Town. A clean-up crew will come in on the next day.

Mary Jean Hlavac, 3087 Luds Lane, and Mike Niebuhr, 3124 Luds Lane, were both in attendance and indicated their questions had been answered. The Clerk stated that the application for the Temporary Class "B" license is in order.

MOTION by Anders/Morrow to approve the Temporary Class "B" license for the Wisconsin Rugby Club at the Crossroads Tavern Rugby field from 8:00 A.M. to 8:00 P.M. on August 11, 2007. **MOTION CARRIED 4-0-1** (Klinger abstained).

- IX. Discuss/Consider purchase of new lawn mowers: Highway Superintendent Jeff Smith described the problems he has experienced over the past 6 weeks with the Town's two 8 year old Ransom lawn mowers, stating that he's been lucky to keep one running at a time. He suggested purchasing two new mowers using proceeds from the 2006 bond designated for public works equipment, and had obtained the following bids for new mowers:
- A. Wisconsin Turf – Jacobson mowers - \$16,800 each.
 - B. Mt. Horeb Implement – John Deere mowers - \$13,287 each, if we place our order along with the Town of Pleasant Springs.
 - C. Midstate equipment – John Deere mowers - \$13,321 each.
 - D. Midstate equipment – Kabota mowers - \$12,277 (no specifications for these mowers were available).

Kessenich asked whether the Town had ever looked into contracting out the mowing, but after discussion it did not seem to pencil out.

MOTION by Hampton/Klinger to approve the purchase of two John Deere mowers from Mt. Horeb Implement along with the Town of Pleasant Springs in order to get the better price, and to sell the two Ransom mowers outright. **MOTION CARRIED 5-0.**

- X. Discuss Regional Transportation Authority: Hampton reported that there was a full house when the Dane County Towns Association met here last week, and there did not seem to be any support for a RTA. There is no firm concept of how a RTA would work. While a portion of the proposed .5% sales tax increase would theoretically go back to the municipalities for road aides, no formula has been proposed, and there is no guarantee that those funds would not be raided to support the commuter rail system. The City of Sun Prairie and Town of Cross Plains have expressed opposition. The Dane County Towns Association would like to hold a joint meeting with the cities, towns and villages. Consensus was that the Town Board does not see a need for a RTA at this point.
- XI. Discuss possible changes to the Law Enforcement Agreement with the Village of Cottage Grove: Hampton stated that the current agreement expires on December 31, 2007, and the Law Enforcement Committee will discuss a new agreement at their meeting this week. Discussion centered on the funding formula, which is based on equalized value and population, and the ratio of 1.2 officers per 1000 capita. Consensus of the board was to maintain the status quo for another 3-year term.
- XII. Draft response to Deerfield regarding invoice for EMS wages for Thompson: Mike Schlobohm from the Deerfield Town Board stated that the Town of Deerfield has paid the Village of Deerfield for their share of Thompson's wages, and Ken Dahl told him that the

Village of Cottage Grove is sending their share. He further stated that the work done by Thompson was mainly recruitment and classes for new volunteers, who are now working for Deer-Grove EMS. He understood that the four municipalities had agreed that if this expense is shared, the time spent by Deer-Grove EMS employees working on Cottage Grove EMS would be considered a wash. Anders objected, stating that the products of the work of Deer-Grove EMS employees for Cottage Grove EMS are available and can be of benefit to Deer-Grove EMS.

MOTION by Kessenich/Hampton to approve payment of \$1747.03 to the Village of Deerfield for Terry Thompson's wages. **MOTION CARRIED 3-2** (Anders and Klinger opposed).

XIII. Clerks Report:

A. Dane County Ordinances – None.

XIV. Board Reports:

A. Hampton read the agenda for the Wisconsin Towns Association July seminars. It didn't sound like anyone from the Town Board plans to attend.

XV. Committee Reports: NONE.

XVI. **MOTION** by Kessenich/Morrow to adjourn. **MOTION CARRIED 5-0**. The meeting was adjourned at 8:30 P.M.

Kim Banigan
Clerk

Approved 8/6/2007

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 6, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan and Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and a reporter from the Herald-Independent.
- I. Minutes of previous meeting(s): **MOTION** by Klinger/Anders to approve the minutes of the July 16, 2007 regular Town Board meeting as printed. **MOTION CARRIED 5-0.**
- II. Finance Report and Approval of Bills:
 - A. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #14258 through #14315. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Klinger to approve the net worth at \$761,129.40. **MOTION CARRIED 5-0.**
- III. Public Concerns: None.
- IV. Road Right of Way Permits: **MOTION** by Anders/Klinger to approve Alliant Energy to jack & bore for new underground service at 2043 Uphoff Road. **MOTION CARRIED 5-0.**
- V. Discuss/Consider proceeding with Small Claims action against Olson Logging for expenses to repair damage to Hope Road due to logging operation: Mr. Olson phoned Jeff Smith asking him to send an invoice for road and ditch repair, which he said he would pay right away. The Clerk sent the invoice on July 9, 2007, followed by a letter on July 30, 2007 informing Mr. Olson that the board would take action at tonight's meeting to proceed with small claims action if payment was not received. The clerk reported that payment has not been received. **MOTION** by Klinger/Morrow to postpone action until the August 20, 2007 Town Board Meeting. **MOTION CARRIED 5-0.**
- VI. Discuss Wisconsin Southern Railroad Co. repairs of the crossing on Vilas Hope Road: Smith reported that the repairs are scheduled to begin at 8:00 A.M. on August 20th, and will take 3 days. The railroad agreed to perform all blacktopping, and Smith will provide road closure signage as well as notify Fire and EMS.
- VII. Discuss Department of Transportation project at Gaston Road and I-94: Hampton reported that he and Smith attended a meeting with the DOT regarding reconstruction of I-94 from the Badger Interchange to 1 mile east of County Road N. The work is scheduled for 2010-2011, and will include the addition of another lane in each direction from the Badger Interchange to County Road N, and replacement of all bridges. The Town must decide if the bridge over Gaston Road needs to be wider than 2 lanes plus room for a bike trail. If a wider bridge is needed, the Town would need to pay 25% of the cost. Board Consensus was that there would be no benefit to the Town to build a wider bridge. Hampton will let the DOT know. Plans also include roundabouts at both ramps on County Road N, as well as at County Roads N & TT. The DOT is planning to hold public information meetings about the projects later in the summer.
- VIII. Discuss/Consider/Approve hiring Gary Peterson of Crispell-Snyder to apply for a 2008 Wisconsin Comprehensive Planning Grant for the Town: The matter was tabled until August 20th to give Peterson time to submit a cost estimate.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 6, 2007

- IX. Consider/Approve attendee(s) for Dane County Towns Association Meeting on Aug. 8, 2007: The meeting topic is a Regional Transit Authority, and will be held with Dane County Cities and Villages. Hampton plans to attend.
- X. Consider/Approve attendee(s) for WTA Urban Towns Committee meeting in August: Anders plans to attend the August 16th meeting in Lake Delton.
- XI. Consider/Approve attendee(s) for Wisconsin Towns Association Convention in October: **MOTION** by Anders/Klinger to approve Kessenich, Klinger, Hampton, Morrow and Anders to attend. **MOTION CARRIED 5-0.** Board members were directed to let the clerk know as soon as possible if they could attend so reservations can be made.
- XII. Set date for first Town Board meeting in September: **MOTION** by Anders/Morrow to set the date for the first meeting in September for Tuesday, September 4, 2007. **MOTION CARRIED 5-0.**
- XIII. **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: Set minimum selling price for Ransom mowers: **MOTION** by Anders/Klinger to move into closed session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- XIV. **MOVE INTO CLOSED SESSION:** The Board moved into closed session at 7:46 P.M.
- XV. **CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION:** **MOTION** by Morrow/Anders to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**
- XVI. Action as a result of closed session: None.
- XVII. Clerks Report:
- A. Dane County Ordinances – None.
- B. Gather Board input for Waste Management Customer Satisfaction Survey: The Clerk recorded board responses to the survey questions. Overall it was felt that Waste Management does an outstanding job, although too much trash has been seen blowing out of the back of trucks.
- XVIII. Board Reports:
- A. Hampton:
1. Hampton shared information regarding humane officer training offered by the Wisconsin Dept. of Ag, Trade and Consumer Protection and the Law Enforcement Training Institute.
 2. Associated Appraisal Consultants, Inc. submitted a proposal for revaluation assessing services in 2009. There was discussion about Assessor John Holton's suggestion at Board of Review that maybe a complete walk-through of all properties may not be necessary. The clerk will request that someone from Associated Appraisal Consultants, Inc. come to the August 20th meeting to discuss the proposal and options.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 6, 2007

3. Hampton asked if the board felt the need to provide any comments regarding ATC's proposed routes for new power lines. The board felt that the proposed routes have very little impact on the Town, and decided not to comment.
4. MPO's 2008-2012 Transportation Improvement Program will be available in the Town Office.
5. Representatives of Veridian Homes met with Hampton and Smith regarding plans to connect their proposed development on the 40 acres north of the new middle school site to town roads in the Ravenwood subdivision. Hampton suggested they have a meeting with Town residents on the affected roads to show them their intentions, and that it will not cost Town residents anything.

XIX. Committee Reports:

- A. Law Enforcement Committee: The next meeting will be on August 21st, when they will begin union contract negotiations, looking for a three-year contract. Anders stated that the Village is asking for another additional officer, and to increase the ratio of 1.2 officers per 1000 population.
- B. Deer-Grove EMS Commission: The next meeting will be August 16th. The commission is gathering information about whether to put a new chassis on unit 78, or purchase an entire new ambulance.
- C. Jt. Town/Village Recreation Committee: Kessenich will talk to Randy Margenau regarding fill needs for a soccer field at Cedar Knolls park.
- D. Jt. Town/Village Landfill Monitoring Committee: Neighbors of the former Natvig Landfill do not want it used for a dog park.

XX. **MOTION** by Morrow/Kessenich to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:36 P.M.

Kim Banigan
Clerk

Approved 8-20-07

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 20, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan and Treasurer Debbie Simonson, a reporter from the Herald-Independent and those listed on the sign-in attendance sheet (available in the Clerk's Office).
- II. Minutes of previous meeting(s):
 - A. **MOTION** by Morrow/Anders to approve the minutes of the August 6, 2007 regular Town Board meeting as printed. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Morrow to approve the minutes of the closed session on August 6, 2007 as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #14316 through #14350. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Klinger to approve the net worth at \$1,025,800.52. **MOTION CARRIED 5-0.**
 - C. The treasurer reported that income account #40800 Law and Ordinance Violations, which has come in under budget for the past 3 – 4 years, has nearly reached the budgeted amount for 2007.
- IV. Public Concerns: Liza Lightfoot, owner of Avant Gardening and Landscaping, Inc., presented a flyer describing a fundraiser for Kidlinks World, Inc. planned for October 6, 2007. They would like to open the event up to the public to increase fundraising potential, and she was asking the Board for their concerns. The event will be included for action on the September 4, 2007 agenda, and neighbors will be notified. The board advised Lightfoot that adequate parking, porti-potties, and fencing of areas where alcohol is served would be required.
- V. Road Right of Way Permits: **MOTION** by Anders/Klinger to approve Verizon North Inc. to plow parallel to the right of way for new buried phone service at 2043 Uphoff Road. **MOTION CARRIED 5-0.**
- VI. Consider/Approve CSM – Ridge Road – Hector Deluca/Margaret Clagett Dame, Owners: **MOTION** by Anders/Morrow to approve the CSM represented as office map 070226. **MOTION CARRIED 5-0.** The Clerk signed the CSM for the Town.
- VII. Associated Appraisal Consultants, Inc. – Presentation of proposal for revaluation assessing services in 2009: Bernie Laird represented Associated Appraisal Consultants, Inc. He explained that revaluation is required by state law when the assessed value falls below 90% of equalized value for three years. The last revaluation for the Town was

performed in 2003, and Laird predicted that the Town's equalized value will double its 2003 value by 2009. The current assessment ratio is around 82%. Laird stated that the proposed revaluation would begin in the fall of 2008, and be complete by September of 2009. Assessors would arrange to view properties by appointment. New software available includes a viewer that would make detailed assessment data available for the Clerk. Kessenich asked if there are any alternatives to a full walk-through revaluation, but Laird did not recommend anything less than a full revaluation. For one thing, he said, a partial revaluation is harder to defend. Hampton asked about splitting payment over budget years 2008 and 2009, which Laird stated he would be willing to work with the Town on. The revaluation proposal will be included for action on the September 4, 2007 agenda.

- VIII. Discuss/Consider revising the practice of paying Town Board Per Diems and Building Inspector Wages from a quarterly to a monthly basis: The legal opinion column in the Wisconsin Towns Association August newsletter draws attention to state law requiring payment to employees no later than 31 days after the date on which the wages are earned. **MOTION** by Morrow/Anders to revise the payment procedure for Town Board Per Diems and Building Inspector wages to monthly payments, beginning on October 1, 2007. **MOTION CARRIED 5-0.** The question was raised as to why Virchow/Krause has not brought this issue up during the annual audits. The treasurer will contact them for their opinion.
- IX. Consider/Approve appointments and guidelines for Ad Hoc Committee for exploration of using trust fund/grant money to purchase the property formerly known as "The Farm Golf Course" for open space. The Board reviewed the draft guidelines for the committee, which were prepared by the Village. There was some concern over the direction to the committee to research a special assessment district for a zone around the farm. Kessenich questioned whether there was any commitment from the Bradts to sell their land for open space. Jim Bradt said he told Village officials to go ahead and look into the concept, but would like to have some answers by the end of the year. The Clerk stated that two residents, Mary Salvi, 4363 Damascus Trail, Joe Byrne, 2835 Riva Ridge Circle, have expressed interested in serving on the committee. Kessenich stated that she would be willing to sit on the committee as well. **MOTION** by Hampton/Anders to appoint Karen Kessenich, Mary Salvi, and Joe Byrne to the Ad Hoc Land Conservancy Committee, and giving temporary approval to the draft guidelines for the committee, with the understanding that any recommendations of the committee would need approval of both the Town and Village Boards. **MOTION CARRIED 5-0.**
- X. Discuss/Direct phone system problems at Emergency Services Building: Hampton reported that the elevator phone does not work again. Kessenich said that jacks exist in the Emergency Operations Center to share with all Town, Fire Department and EMS lines in the event of an emergency, but only the one for the Emergency Government line is active. There was discussion of dissatisfaction with the service provided by Precision Communications, and Klinger was directed to find information about the phone system so an alternative vendor can be located if necessary. Hampton and Klinger will contact Precision Communications to schedule a time to activate the elevator and EOC jacks when they can be present to verify that everything is working properly.

- XI. Discuss recommendations for RTA resolution: Hampton presented sample resolutions provided by the Dane County Towns Association, one in favor and one opposed to the formation of a Regional Transit Authority. DCTA attorney Hazelbaker also prepared an analysis of the potential financial impact of a RTA on Dane County Municipalities. Resolutions to either support or oppose a RTA will be on the September 4, 2007 agenda for action.
- XII. Set Budget Workshop Dates: Budget Workshops are scheduled for October 2, 3, 9, 10, and 16, all beginning at 6:30 P.M.
- XIII. Clerks Report:
 - A. Dane County Ordinances – None.
 - B. The Clerk reported that the Phase 1 amendment to the Comprehensive Plan has been distributed by Dane County for its 60-day review period. The public hearing at the County will be October 23rd. Plan amendments for Dane County, the Town of Verona and Town of Deerfield are also in their 60-day review periods, CD's are available at the Town hall.
- XIV. Board Reports
 - A. Hampton: American Transmission Company information meetings are this week.
- XV. Committee Reports:
 - A. Emergency Government Committee: The room is now equipped except for phone problems as discussed above. There is also an issue with the computer network password being changed every 30 days, which is more frequently than it is typically used, leading to some confusion and frustration.
 - B. Flynn Hall Committee: 2008 budget set at the same amount as 2007.
 - C. Deer-Grove EMS Commission: A 2008 budget workshop is scheduled for October 19th.
 - D. Jt. Town/Village Recreation Committee: Kessenich reported that the committee will request fill for Cedar Knolls park. MSA engineering is working on a plan for soccer fields, which will be paid out of the Town's portion of the recreation budget. The Town will need to pay for trees for screening along Gaston Road. Once the plan is complete, a public hearing will be held to show neighbors what changes are planned. Anders suggested that no parking signs should be installed along Gaston Road.
- XVI. **MOTION** by Anders/Klinger to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:49 P.M.

Kim Banigan
Clerk

Approved 9/04/2007

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 4, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:08 P.M. Other board members present were Steve Anders, and Karen Kessenich. Mike Klinger arrived at 7:17 P.M. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith.
- II. Minutes of previous meeting(s): **MOTION** by Kessenich/Anders to approve the minutes of the August 20, 2007 regular Town Board meeting as printed. **MOTION CARRIED 3-0.**
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Hampton/Anders to approve the payment of bills corresponding to checks #14351 through #14383. **MOTION CARRIED 3-0.**
 - B. **MOTION** by Anders/Kessenich to approve the net worth at \$1,010,599.63. **MOTION CARRIED 5-0.**
 - C. The treasurer reported back on her contact with Virchow Krause regarding timing of payment of per diems and building inspector wages. Virchow Krause indicated that they do not look at this as it is a legal rather than a financial issue. Consensus was to proceed with monthly payments beginning October 1, 2007, as approved on August 20, 2007.
- IV. Public Concerns: None.
- V. Road Right of Way Permits: None.

Klinger arrived.

- VI. Discuss/Consider/Approve Temporary Class B liquor license for Kidlinks World Inc. fundraiser at Avant Gardening and Landscaping, Inc. on October 6, 2007. Event will be by invitation only – Not open to the public: Joseph Bartol appeared representing Kidlinks World, Inc. Paul Krueger, 3027 Siggelkow Road, questioned where on the property the alcohol would be served and cars would be parked. Bartol explained that it would be primarily an outdoor event, much like the one held in 2005 when they had 30-40 attendees. The application is for both fermented malt beverages and wine, although they were still undecided which will be served. Parking would be entirely on Avant Gardening property, not on the shared driveway. Live music is planned inside a building. Hayrides would be entirely on Avant Gardening property, but Hampton advised that if they did use Town Roads, they would need to notify the Police Department, and be lighted if after dark.

Doug Jones, 3005 Siggelkow Road, and Tom Payne, 3063 Siggelkow Road, asked about liability, security and trespassers. Bartol stated that both Kidlinks World, Inc. and Avant Gardening carry insurance, and the Clerk stated that Kidlinks World, Inc., as the licensee, would be liable for the service of alcohol. Bartol stated that Avant Gardening would handle any security issues. Hampton stated that trespassing is covered by state law.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 4, 2007

Patricia Kruger asked why the event was by invitation only. Bartol explained that Kidlinks World, Inc. wants to have more control over who attends, to ensure that it remains a family oriented fund raiser and does not get out of hand.

MOTION by Anders/Klinger to approve the Temporary Class “B”/Class B” Retailer’s License for Kidlinks World, Inc., on the grounds of Avant Gardening at 3055 Siggelkow Road, from 2:00 P.M. to 10:00 P.M. on October 6, 2007. Enough public restroom facilities (porti-potties) must be supplied for the number of people in attendance, a Town of Cottage Grove Licensed Operator must be on site at all times, and no parking will be allowed on the private shared driveway. **MOTION CARRIED 4-0.**

- VII. Consider/Approve Operator’s License for Sarah Schimelpfenig – Nora Tavern Inc.: The board reviewed Ms. Schimelpfenig’s application and background check information as provided by the Clerk. **MOTION** by Kessenich/Hampton to approve an operator’s license for Sarah Schimelpfenig through June 30, 2007. **MOTION CARRIED 4-0.**
- VIII. Consider/Accept resignation of a member of the Ad Hoc Land Conservancy Committee for “The Farm Golf Course” and Consider/Approve appointment of replacement member: The Clerk explained that Mary Salvi has submitted her resignation from the committee and suggested Lisa Klein as her replacement. Klein has indicated her interest in serving, but could not attend tonight’s meeting. Kessenich vouched for Klein based on previous experience working with her as a girl scout leader. **MOTION** by Hampton/Kessenich to accept Mary Salvi’s resignation from the Ad Hoc Land Conservancy Committee, and to appoint Lisa Klein as her replacement. **MOTION CARRIED 4-0.**
- IX. Discuss/Consider/Approve Police Commissioner appointments and pay scale: Hampton stated that Mike Kindschi and David Pappas have submitted letters of interest in serving on the commission. Kindschi was in attendance. Hampton suggested appointing one member to a one year term and the other to a two year term, and paying a \$25 per diem for meeting attendance. **MOTION** by Hampton/Kessenich to appoint Mike Kindschi for a two year term and David Pappas to a one year term on the police commission, with payment of a \$25 per diem for meeting attendance. **MOTION CARRIED 4-0.**
- X. Discuss/Consider/Approve 2009 Agreement for Revaluation Assessing Services from Associated Appraisals, Inc.: **MOTION** by Anders/Klinger to approve the proposed Agreement for Revaluation Assessing Services for the assessment year of 2009. Revaluation to begin in the fall of 2008 and be completed by September 30, 2009. Payment of \$79,400 to be spread over the 2008 and 2009 budget years. **MOTION CARRIED 4-0.**
- XI. Discuss/Consider/Approve Resolution either Supporting or Opposing Legislation Creating a Dane County Regional Transportation Authority and Implementation of Commuter Rail: Hampton read the resolution opposing the RTA. **MOTION** by Anders/Kessenich to approve Resolution 2007-08 Opposing Legislation creating a Dane

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 4, 2007

County Regional Transportation Authority and Implementation of Commuter Rail.
MOTION CARRIED 4-0.

- XII. Discuss/Consider/Approve Resolution Urging the County to Respect Town Comprehensive Plans: Discussion was of how the proposed Dane County Comprehensive Plan picks and chooses the parts of town comprehensive plans to incorporate, while it incorporates city and village comprehensive plans verbatim. **MOTION** by Kessenich/Hampton to approve Resolution 2007-09 Urging the County to Respect Town Comprehensive Plans. **MOTION CARRIED 4-0.**
- XIII. Discuss/Consider/Approve Resolution Opposing Increase in County Subdivision Review: Dane County Ordinance Amendment 17, 07-08 proposes to require a CSM for any land division creating a lot of 160 acres or less. The current ordinance does not require a CSM unless the land division results in a parcel less than 35 acres. **MOTION** by Anders/Klinger to approve Resolution 2007-10 Opposing Increase in County Subdivision Review. **MOTION CARRIED 4-0.**
- XIV. Discuss/Consider/Approve improving driveway behind salt shed: Smith explained that R.G. Huston, Inc. has offered a used 30" cement culvert at no charge that could be used to improve the driveway below the salt shed. The current culvert has not adequately handled the heavy rains of late. The greatest expense would be to purchase end walls for the culvert. R.G. Huston Company, Inc. has submitted a quote of \$2,896.00 that includes:
1. Remove and dispose of old culvert
 2. Install the used 30" RCP culvert
 3. Install New 30" RCP Apron Endwalls
 4. Backfill with Town supplied Gravel
 5. Reditch existing ditch downstream of new culvert
- MOTION** by Kessenich/Klinger to approve expenditure of \$2,896.00 to R.G. Huston Company, Inc. to remove the old culvert, install used culvert and end walls, backfill and reditch as per the quote. **MOTION CARRIED 4-0.**
- XV. Clerks Report:
- A. Dane County Ordinances – None.
 - B. Gather Board input for DOA Annexation Review Questionnaire for Bradt Holdings, LLC annexation petition: The Clerk asked for board input regarding the survey question of "Other relevant information and comments bearing upon the public interest in the annexation". Kessenich expressed concern that if the annexation took only half of Vilas Road, would there be different speed limits on the two sides of the road, i.e. 25 mph in the Village and 45 mph in the Town? Hampton asked Jim and Doug Bradt how many roads would come out of the proposed development onto Vilas Road. They said one or possibly two. Hampton stated that the potential increase in traffic on Vilas road in both directions would cause an unsafe roadway.
- XVI. Board Reports

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 4, 2007

- A. Hampton: Rita Odegaard has submitted her resignation from the Emergency Government Committee, Gary Peper has indicated he would be interested in serving in her place. Appointment will be include on the next Town Board Agenda.

During a recent power outage, the generator at the Emergency Services Building threw a breaker when it tried to start. Service representatives say that water got through the vents intended to cool the generator and into the breaker box. Hampton directed the Fire Chief to have this situation remedied as soon as possible.

- B. Kessenich asked about any damage to Ridge Road where it has been flooded. Smith stated that the road was just opened yesterday, and the shoulders are soft with some washing, but there is minimal damage. Vandals drove over the road closure signs, but have been apprehended.
- C. Anders reported that he has been in contact with Charter Communications and found out about recent legislation that gives the Town authority to charge a special assessment for public access channels, the proceeds of which may be used to purchase equipment necessary to broadcast, record, etc. It does require a change to the franchise agreement, however.

XVII. Committee Reports:

- A. Law Enforcement Committee: meeting tomorrow to work on 2008 Budget.
- B. Plan Commission: No Report

XVIII. **MOTION** by Anders/Klinger to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 8:53 P.M.

Kim Banigan
Clerk

Approved 9/17/2007

RESOLUTION 2007-08
OPPOSING LEGISLATION CREATING A
DANE COUNTY REGIONAL TRANSPORTATION AUTHORITY AND
IMPLEMENTATION OF COMMUTER RAIL

WHEREAS, proposals are being advanced in the State Legislature to create a Regional Transportation Authority for all of Dane County;

WHEREAS, these proposals are being advanced to facilitate construction of a commuter rail system which would be located initially from Sun Prairie to Middleton, and would be funded by adoption of a one half percent county sales tax;

WHEREAS, this recommendation was worked out by the Dane County Executive and the Mayor of the City of Madison, and includes some additional revenues which would be provided to local governments to pay for road work;

WHEREAS, the studies which were performed of the various transportation alternatives by the Transport 2020 Committee appeared to indicate that bus transportation expansion would actually provide equivalent or greater increases in mass transit use at a much lower cost;

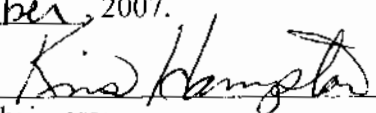
WHEREAS, national experience with commuter rail systems indicates that none of them have been constructed without significant cost overruns and operating subsidies are almost invariably greater than anticipated;

NOW, THEREFORE, BE IT RESOLVED by the undersigned Town Board that:

1. The Town believes that commuter rail is not the most economical way to meet the County's need for mass transportation and believes that bus transportation should be expanded instead;
2. If commuter rail is not going to be constructed, the amount of funding associated with the Regional Transportation Authority proposal is unnecessary and, therefore, the Regional Transportation Authority is unnecessary;
3. Expansions to bus transit can be funded more appropriately by the communities which actually benefit from them.

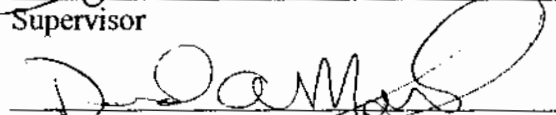
WHEREFORE, the undersigned Town opposes legislation creating a Regional Transportation Authority and construction of a commuter rail system.. A copy of this Resolution shall be sent to the Dane County Clerk, the Speaker of the Wisconsin Assembly, the President of the Wisconsin Senate, the Governor and the Federal Transit Administration.

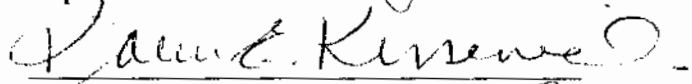
Dated this 4th day of September, 2007.

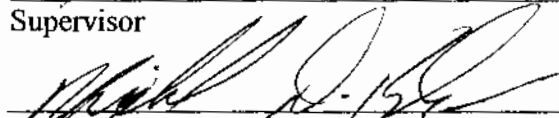

Chairperson

SIGNATURES CONTINUED ON NEXT PAGE FOLLOWING)


Supervisor

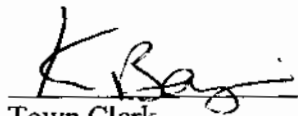

Supervisor


Supervisor


Supervisor

CERTIFICATION

I, Kim Banigan, the Town Clerk of the Town of Cottage Grove, do hereby certify that the above Resolution was duly adopted by a majority of the Town Board assembled at a lawful meeting thereof on the 4th day of September, 2007.


Town Clerk

Addresses:

Dane County Clerk, 210 Martin Luther King, Jr., Blvd., Madison, WI 53703

Rep. Michael Huebsch, Speaker, Wisconsin Assembly, P.O. Box 8952, Madison, WI 53708-8952

Sen. Fred Risser, P.O. Box 7882, Madison, WI 53707-7882

Governor James E. Doyle, P.O. Box 7863, Madison, WI 53707-7863

Federal Transit Administration, Region V, 200 West Adams Street, Suite 320 Chicago, IL 60606

Resolution 2007-09

**RESOLUTION URGING THE COUNTY TO RESPECT
TOWN COMPREHENSIVE PLANS**

WHEREAS, the Dane County Board will be considering Ordinance Amendment 16, 07-08, which proposes to adopt the Dane County Comprehensive Plan by ordinance; and

WHEREAS, such an ordinance is an appropriate action because the Comprehensive Plan needs to be adopted by ordinance; and

WHEREAS, the ordinance, however, further proposes to incorporate city and village Comprehensive Plans "without change to said plan . . ." but proposes to "include all or portions of a town plan that are determined to be consistent with the County Comprehensive Plan;" and

WHEREAS, the comprehensive planning law, section 66.1001, Wis. Stats., makes no distinction between town, city and village plans, and places all of them on the same level as master plans under section 62.23, Wis. Stats.; and

WHEREAS, town Comprehensive Plans are the product of hundreds, if not thousands, of hours of work by dedicated citizens and volunteers, and represent a significant expense and investment of resources aimed at determining the wishes and concerns of each local community, as is provided for the comprehensive planning law; and

WHEREAS, the County has not conducted a public participation process within each Town by which the County is in a position to evaluate what each Town's residents feel concerning their own land use and planning needs; and

WHEREAS, neither state law nor good policy allow the County to arbitrarily override the wishes of the people who will be affected by comprehensive plans;

NOW, THEREFORE, BE IT RESOLVED, that the undersigned Town Board does hereby go on record as opposing the provisions of Ordinance Amendment 16 which would have the County place itself in the role of deciding what parts of Town plans to approve or not approve. The undersigned Town board further notes that if the County takes the position that the County will decide what parts of Town plans will be implemented, it makes little sense for Towns to spend scarce Town funds to do all the work and undertake all the costs involved in preparing a plan.

This Resolution shall be sent to the Dane County Clerk and to the Chair of the Dane County Zoning Committee, Supervisor Richard Pertzborn, at the City-County Building, 210

(Signatures Continued on Next Page)

Martin Luther King, Jr. Blvd., and to Supervisor Richard Pertzborn at 1825 Oakview Dr.,
Stoughton, WI 53589.

Dated this 4th day of September, 2007.

TOWN BOARD

[Signature]
[Signature]
[Signature]
[Signature]

CERTIFICATION

I, Kim Banigan, the Town Clerk of the Town of
Cottage Grove, do hereby certify that the above Resolution was duly
adopted by a majority of the Town Board assembled at a lawful meeting thereof on the 4th
day of September, 20 07.

[Signature]
Town Clerk

RESOLUTION 2007-10
OPPOSING INCREASE IN COUNTY SUBDIVISION REVIEW

WHEREAS, Ordinance Amendment 17 proposes to increase the scope of review of land divisions by Dane County by 35 to 160 acres; and

WHEREAS, Towns have the authority to increase the threshold of review in the event that they believe it is necessary to review the sale of larger blocks of land in order to protect the public interest; and

WHEREAS, the result of increasing the acreage threshold for land division review will be to require many transactions that are now handled by warranty deed to be done with a certified survey map, which will add a substantial expense and provide an opportunity for the County to impose conditions on the transfers which are unnecessarily restrictive of the rights of the property owner;

NOW, THEREFORE, BE IT RESOLVED that the undersigned Town Board does hereby go on record as opposing Ordinance Amendment 17 and urging the County Board to reject it.

Dated this 4th day of September, 2007.

TOWN BOARD

[Signature]
[Signature]
[Signature]
[Signature]

CERTIFICATION

I, Kim Bangan, the Town Clerk of the Town of Cottage Grove, do hereby certify that the above Resolution was duly adopted by a majority of the Town Board assembled at a lawful meeting thereof on the 4th day of September, 2007.

[Signature]
Town Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 17, 2007

- I. It was determined that a quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, and Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith, along with those listed on the attached sign-in sheet (available in the Clerk's office).
- II. Minutes of previous meeting(s): **MOTION** by Kessenich/Anders to approve the minutes of the September 4, 2007 regular Town Board meeting with the numbering sequence corrected. **MOTION CARRIED 3-0-2** (Morrow and Klinger abstained).
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #14384 through #14426, voiding check #14410 and holding check #14415. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Klinger to approve the net worth at \$921,425.04. **MOTION CARRIED 5-0.**
 - C. The treasurer asked for third quarter per diem reports by September 28th, and reminded them that payment of per diems will be monthly starting in October.
- IV. Public Concerns: Kessenich stated that she is concerned about increasing vandalism and property damage that has occurred over recent years during the week before Monona Grove's homecoming, which is on October 5th this year. She asked the police department to step up patrol during the first week of October, and hope word gets out to residents to be watchful for suspicious behavior during that week.
- V. Road Right of Way Permits: **MOTION** by Anders/Klinger to approve Verizon North to jack & bore parallel to the right of way on Vilas Road south of Coffeytown Road. **MOTION CARRIED 5-0.**
- VI. Waste Management Representative to present update and answer questions on garbage and recycling issues: John Fox informed the board of some recent developments, including:
 - A. Waste Management will open a new recycling center in Germantown, WI sometime this fall.
 - B. Waste Management has entered into a partnership with Sony to recycle Sony brand electronic products for a fee of 35 cents per pound. The electronics must be dropped off at Waste Management's Fish Hatchery Road location.
 - C. Other drop sites and dates are in the works to take in larger items, hard plastics, electronic.

Hampton asked if there is a new list of recyclable items, since the one the Town has is several years old. Fox said the list has not been updated, but in general plastics numbered from 1 through 8 are acceptable, along with glass bottles, tin and aluminum cans, newspapers and magazines. Hampton said that the biggest complaint the Town hears from residents is that they think they see drivers dump garbage and recyclables in the same hopper of the truck. Fox explained that the front hopper actually has 3 compartments, one for recyclable containers, one for paper, and one for garbage. If drivers find non-recyclables mixed with recyclables, they are instructed to tag it and leave it. They also have

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 17, 2007

camera phones to document their findings. Fox said that if residents have a concern about anything their driver does, they should call Waste Management.

The Clerk stated that she was disappointed that Waste Management had recently gone to an automated phone system that requires more wait time to reach a representative. Fox stated that all calls now go to the Germantown location, and he is aware of extended wait time, but that once the new system is perfected, calls should be routed to the correct division more efficiently.

Hampton asked if the Town would be forced to go with automated pickup in future contracts. Fox said he did not expect that to be the case, and that the automated system has its pros, including increased volumes of recyclables, savings in time and money, and reduced injury rates in workers, but on the down side is more expensive, at least initially, due to the need to purchase the carts.

Smith stated that while it is better than it used to be with the separate truck for recyclables, he still sees garbage blowing out of trucks. Fox advised that the best thing residents can do to prevent this is to bag their garbage and also put their recyclables in a clear plastic bag.

- VII. Consider/Approve CSM for Gerald Davidson, 4569 Lotus Lane – more lot line by 3 feet to comply with setback requirements. Davidson owns both lots involved: **MOTION** by Anders/Klinger to approve the CSM as presented, dated August 27, 2007 and identified as JN.3G-22CS. **MOTION CARRIED 5-0.**
- VIII. Discuss/Consider/Approve Parade/Procession/Race Permit for Tyranena Oktoberfest Bike Ride to use Ridge, Uphoff, Nora, Coffeytown and Vilas Roads on October 6, 2007: The permit application, fee payment, and a sample letter to residents along the route had been provided to the Clerk, and were reviewed by the Board. Stacey McGinnis appeared in representation of Tyranena, and explained that the route including the Town of Cottage Grove is the longest of three routes available to riders. There are no rest stops planned in the Town of Cottage Grove, and she expects that riders will be dispersed since they do not start all at once. **MOTION** by Hampton/Morrow to approve the Parade/Procession/Race Permit for the Tyranena Oktoberfest Bike Ride over the mapped route through the Town of Cottage Grove on October 6, 2007, and to approve the letter to be sent to residents along the route. **MOTION CARRIED 5-0.**
- IX. Consider/Accept Rita Odegaard's resignation from the Emergency Government Committee, and Consider/Approve appointment of Gary Peper as the replacement member: **MOTION** by Klinger/Anders to accept Rita Odegaard's resignation from the Emergency Government Committee, and to appoint Gary Peper in her place. **MOTION CARRIED 5-0.**
- X. Discuss/Consider/Approve guidelines for Ad Hoc Land Conservancy Committee as amended and approved by the Village of Cottage Grove board of trustees. **MOTION** by Kessenich/Hampton to approve the amendment to the Ad Hoc Land Conservancy Committee covering grants. **MOTION CARRIED 5-0.**
- XI. Discuss/Consider/Approve Resolution Approving Adoption of a Mutual Aid Box Alarm System Agreement with other participating local governments: **MOTION** by Anders/Klinger to approve the resolution to adopt the Mutual Aid Box Alarm System Agreement as Resolution 2007-11. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 17, 2007

- XII. Discuss/Consider DNR's reissue of a Wisconsin Pollutant Discharge Elimination System Permit for Landmark Services Coop on Nora Road: The wastewater, which is treated with activated carbon to remove pesticide residues, is discharged into a storm drain pipe buried in the ditch on the north side of Nora Road, which empties into a ditch/tributary leading to the Koshkonong Creek. No problems or complaints have been reported regarding the system. **MOTION** by Anders/Klinger not to oppose the DNR's reissuance of the Wisconsin Pollutant Discharge Elimination System Permit for Landmark Services Coop on Nora Road. **MOTION CARRIED 5-0.**
- XIII. Discuss/Consider Comments for IH 94 Reconstruction Public Informational Meeting on September 19, 2007. Anders and Kessenich intend to attend the meeting, and it was decided to discuss the comments at the October 1st board meeting since they will be accepted until October 5th.
- XIV. Discuss/Consider/Approve sale of excess highway equipment: **MOTION** by Morrow/Klinger to authorize Smith to sell a gas-powered pole trimmer for \$65.00. **MOTION CARRIED 5-0.**
- XV. Clerks Report:
A. Dane County Ordinances – None.
- XVI. Board Reports
A. Hampton:
1. Dane County Local Road Improvement Grant applications are due by November 1, 2007, but the Town does not expect to apply for anything this year.
2. The Dane County Town's Association is having a meeting on October 10, 2007 from 8:00 – 10:00 P.M. at the Town of Oregon.
- XVII. Committee Reports:
A. Law Enforcement Committee: No Report.
B. Parks Committee: No Report
C. Emergency Government Committee: No Report
D. Deer-Grove EMS Commission: Hampton reported that two EMT positions are vacant as of last Friday, and replacements would be hired soon.
- XVIII. **MOTION** by Morrow/Klinger to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:36 P.M.

Kim Banigan
Clerk

Approved 10-01-2007

TOWN OF COTTAGE GROVE
RESOLUTION NO. 2007-11

WHEREAS, the Wisconsin Statute 66.0301(2) authorizes any municipality to contract with other municipalities and with federally recognized Indian tribes and bands in this state for the receipt or furnishing of services, such as fire protection and emergency medical services. Such a contract may be with municipalities of another state, as provided in Wisconsin Statute 66.0303(3)(b); and

WHEREAS, the Wisconsin Statute, 166.03(2)(a)3, provides that the standards for fire, rescue, and emergency medical services shall include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System (MABAS) as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response throughout Wisconsin and neighboring states; and

WHEREAS, the Attorney General of the State of Wisconsin must approve any agreement between a Wisconsin municipality and a municipality of another state, and said agreement was approved by the Attorney General of the State of Wisconsin on December 22, 2000; and

WHEREAS, said agreement was submitted to the governor of the State of Wisconsin for his concurrence, which was obtained and later adopted under Wisconsin Statute 66.0303(3) (a) and (b); and

WHEREAS, the Dane County Fire Chiefs' Association adopted a resolution on May 11, 2005 supporting formation of a MABAS division for Dane County; and

WHEREAS, the Dane County EMS Association adopted a resolution on July 27, 2005 supporting formation of a MABAS division for Dane County; and

WHEREAS, the Dane County Public Safety Communications Center Board adopted a resolution on July 18, 2007 supporting formation of a MABAS division for Dane County; and

WHEREAS, the Town Board of the Town of Cottage Grove believes that intergovernmental cooperation for purposes of public safety and protection should be encouraged and that the Mutual Aid Box Alarm (MABAS) Agreement would afford these benefits to county residents by coordinating fire protection and emergency medical services.

WHEREAS, it is in the best interest of the Town of Cottage Grove to enter into the proposed Mutual Aid Box Alarm System (MABAS) Agreement to provide for the coordination of fire protection and emergency medical services in the event of a large scale emergency, natural disaster, or man-made catastrophe.

NOW, THEREFORE, BE IT RESOLVED, that the Mutual Aid Box Alarm System (MABAS) Agreement, a copy of which is attached hereto and incorporated herein by reference, is hereby approved and the Clerk of the Town of Cottage Grove be authorized to execute the same on behalf of the Town of Cottage Grove.

Dated this 17th day of September, 2007

TOWN OF COTTAGE GROVE

(Signed copy available in the Clerk's Office)

By: _____
Kris Hampton, Town Chair

Attest: _____

MUTUAL AID BOX ALARM SYSTEM AGREEMENT

This Agreement made and entered into the date set forth next to the signature of the respective parties, by and between the units of local government subscribed hereto (hereafter “Unit(s)”) that have approved this Agreement and adopted same in manner as provided by law and are hereafter listed at the end of this Agreement.

WHEREAS, the parties hereto have determined because of geographical considerations it is important for Illinois units and Wisconsin units to coordinate mutual aid through the Mutual Aid Box Alarm System for the effective and efficient provision of Mutual aid; and

WHEREAS, it is recognized and acknowledged that emergencies, natural disasters, and man-made catastrophes do not conform to designated territorial limits and state boundaries; and

WHEREAS, the Wisconsin Statute 66.30(2) authorizes any municipality to contract with other municipalities for the receipt or furnishing of services, such as fire protection and emergency medical services. Such a contract may be with municipalities of another state. (Wis.Stats. 66.30(5).

WHEREAS, the State of Illinois has provided similar provisions under the “Intergovernmental Cooperation Act” of 5 ILCS 220/1 et seq.

WHEREAS, the parties hereto have determined that it is in their best interests to enter into this Agreement to secure to each the benefits of mutual aid in fire protection, firefighting and the protection of life and property from an emergency or disaster; and,

WHEREAS, the parties hereto have determined that it is in their best interests to form an association to provide for communications procedures, training and other necessary functions to further the provision of said protection of life and property from an emergency or disaster.

NOW, THEREFORE, in consideration of the foregoing recitals, the Unit’s membership in the Mutual Aid Box Alarm System (hereinafter ‘MABAS’) and the covenants contained herein.

THE PARTIES HERETO AGREE AS FOLLOWS:

SECTION ONE

Purpose

It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an individual Member Unit's personnel and equipment to perform functions outside the territorial limits of the Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other Member Unit's personnel and equipment to perform functions within the territorial limits of a Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is desirable for the effective and efficient provision of mutual aid.

SECTION TWO

Definitions

For the purpose of this Agreement, the following terms as used in this agreement shall be defined as follows:

- A. "Mutual Aid Box Alarm System" (hereinafter referred to as "MABAS"): A definite and prearranged plan whereby response and assistance is provided to a Stricken Unit by the Aiding Unit(s) in accordance with the system established and maintained by the MABAS Member Units and amended from time to time;
- B. "Member Unit": A unit of local government including but not limited to a city, village or fire protection district having a fire department recognized by the State of Illinois, or the State of Wisconsin, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the MABAS Agreement and

has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of MABAS;

- C. “Stricken Unit”: A Member Unit which requests aid in the event of an emergency;
- D. “Aiding Unit”: A Member Unit furnishing equipment, personnel, and/or services to a Stricken Unit;
- E. “Emergency”: An occurrence or condition in a Member Unit’s territorial jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be adequately handled by the Stricken Unit and such that a Member Unit determines the necessity and advisability of requesting aid.
- F. “Division”: The geographically associated Member Units or unit which have been grouped for operational efficiency and representation of those Member Units.
- G. “Training”: The regular scheduled practice of emergency procedures during non-emergency drills to implement the necessary joint operations of MABAS.
- H. “Executive Board”: The governing body of MABAS comprised of Division representatives.

SECTION THREE

Authority and Action to Effect Mutual Aid

- A. The Member Units hereby authorize and direct their respective Fire Chief or his designee to take necessary and proper action to render and/or request mutual aid from the other Member Units in accordance with the policies and procedures established and maintained by the MABAS Member Units. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the Aiding Unit. The judgment of the Fire Chief, or his designee, of the Aiding Unit shall be final as to the personnel and equipment available to render aid.
- B. Whenever an emergency occurs and conditions are such that the Fire Chief, or his designee, of the Stricken Unit determines it advisable to request aid pursuant to this

Agreement he shall notify the Aiding Unit of the nature and location of the emergency and the type and amount of equipment and personnel and/or services requested from the Aiding Unit.

- C. The Fire Chief, or his designee, of the Aiding Unit shall take the following action immediately upon being requested for aid:
1. Determine what equipment, personnel and/or services is requested according to the system maintained by **MABAS**.
 2. Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the Stricken Unit;
 3. Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the Stricken Unit in accordance with the procedures of **MABAS**;
 4. Notify the Stricken Unit if any or all of the requested equipment, personnel and/or services cannot be provided.

SECTION FOUR

Jurisdiction Over Personnel and Equipment

Personnel dispatched to aid a party pursuant to this Agreement shall remain employees of the Aiding Unit. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the Fire Chief or Senior Officer of the Stricken Unit. The party rendering aid shall at all times have the right to withdraw any and all aid upon the order of its Fire Chief or his designee; provided, however, that the party withdrawing such aid shall notify the Fire Chief or Senior Officer of the party requesting aid of the withdrawal of such aid and the extent of such withdrawal.

SECTION FIVE

Compensation for Aid

Equipment, personnel, and/or services provided pursuant to this Agreement shall be at no charge to the party requesting aid; however, any expenses recoverable from third parties shall be equitably distributed among responding parties. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statutes.

SECTION SIX

Insurance

Each party hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: comprehensive liability, personal injury, property damage, worker's compensation, and, if applicable, emergency medical service professional liability, with minimum limits of \$1,000.00 auto and \$1,000.00 combined single limit general liability and professional liability. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The obligations of the Section may be satisfied by a party's membership in a self-insurance pool, a self-insurance plan or arrangement with an insurance provider approved by the state of jurisdiction. The MABAS may require that copies or other evidence of compliance with the provisions of this Section be provided to the MABAS. Upon request, Member Units shall provide such evidence as herein provided to the MABAS members.

SECTION SEVEN

Indemnification

Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful

misconduct by a party hereto or its personnel. Each party requesting or providing aid pursuant to this Agreement hereby expressly agrees to hold harmless, indemnify and defend the party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this Agreement. Provided, however, that all employee benefits, wage and disability payments, pensions, worker's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the party rendering aid shall be the sole and exclusive responsibility of the respective party for its employees, provided, however, that such claims made by a third party are not the result of gross negligence or willful misconduct on the part of the party rendering aid.

SECTION EIGHT

Non-Liability for Failure to Render Aid

The rendering of assistance under the terms of this Agreement shall not be mandatory if local conditions of the Aiding Unit prohibit response. It is the responsibility of the Aiding Unit to immediately notify the Stricken Unit of the Aiding Unit's inability to respond, however, failure to immediately notify the Stricken Unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.

SECTION NINE

Term

This Agreement shall be in effect for a term of one year from the date of signature hereof and shall automatically renew for successive one year terms unless terminated in accordance with this Section.

Any party hereto may terminate its participation in this Agreement at any time, provided that the party wishing to terminate its participation in this Agreement shall give written notice to the Board of their Division and to the Executive Board specifying the date of termination, such notice to be given at least 90 calendar days prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail.

SECTION TEN

Effectiveness

This Agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof.

SECTION ELEVEN

Binding Effect

This Agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this Agreement may not be assigned by a Member Unit without prior written consent of the parties hereto; and this Agreement shall not be assigned by MABAS without prior written consent of the parties hereto.

SECTION TWELVE

Validity

The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a court of

competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this Agreement may be enforced with that provision severed or modified by court order.

SECTION THIRTEEN

Notices

All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the MABAS mailing lists or, to other such addresses as shall be agreed upon.

SECTION FOURTEEN

Governing Law

This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Wisconsin.

SECTION FIFTEEN

Execution in Counterparts

This Agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document.

SECTION SIXTEEN

Executive Board of MABAS

An Executive Board is hereby established to consider, adopt and amend from time to time as needed rules, procedures, by-laws and any other matters deemed necessary by the Member Units. The Executive Board shall consist of a member elected from each Division within MABAS who shall serve as the voting representative of said Division on MABAS matters, and may appoint a designee to serve temporarily in his stead. Such designee shall be

from within the respective division and shall have all rights and privileges attendant to a representative of that Member Unit.

A President and Vice President shall be elected from the representatives of the Member Units and shall serve without compensation. The President and such other officers as are provided for in the by laws shall coordinate the activities of the MABAS.

SECTION SEVENTEEN

Duties of the Executive Board

The Executive Board shall meet regularly to conduct business and to consider and publish the rules, procedures and by laws of the MABAS, which shall govern the Executive Board meetings and such other relevant matters as the Executive Board shall deem necessary.

SECTION EIGHTEEN

Rules and Procedure

Rules, procedures and by laws of the MABAS shall be established by the Member Units via the Executive Board as deemed necessary from time to time for the purpose of administrative functions, the exchange of information and the common welfare of the MABAS.

SECTION NINETEEN

Amendments

This Agreement may only be amended by written consent of all the parties hereto. This shall not preclude the amendment of rules, procedures and by laws of the MABAS as established by the Executive Board to this Agreement. The undersigned unit of local government or public agency hereby has adopted, and subscribes to and approves this MUTUAL AID BOX ALARM SYSTEM Agreement to which this signature page will be attached, and agrees to be a party thereto and be bound by the terms thereof.

This Signatory certifies that this Mutual Aid Box Alarm System Agreement has been adopted and approved by ordinance, resolution, or other manner approved by law, a copy of which document is attached hereto.

(Signed copy available in the Clerk's Office)

Town of Cottage Grove

Political Entry

Chairman Kris Hampton

9/17/2007

Date

ATTEST:

Clerk Kim Banigan

9/17/2007

Date

Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 1, 2007

- I. A quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:30 P.M. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, and Highway Superintendent Jeff Smith, along with those listed on the attached sign-in sheet (available in the clerk's office).
- II. Minutes of previous meeting(s): **MOTION** by Klinger/Morrow to approve the minutes of the September 17, 2007 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #14427 through #14458. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Klinger to approve the net worth at \$905,808.08. **MOTION CARRIED 5-0.**
 - C. **MOTION** by Kessenich/Anders to approve payment of third quarter 2007 per diems as presented. **MOTION CARRIED 5-0.** The Treasurer reminded the board that per diems will be paid monthly beginning this month. She will need reports by the last day of October.
- IV. Public Concerns: Linda Fonger appeared representing the Library Board to announce that an offer has been made to purchase a site for the library. The five-acre site is behind Blair Dental on County Road BB. She stressed that it is not a done deal yet, but if all goes well, they hope to close by the end of 2007. She provided a media kit for the Town's reference.
- V. Road Right of Way Permits: None.
- VI. Discuss/Consider comments for IH 94 Reconstruction: Anders and Kessenich both attended the Public Informational meeting held by Ayres Associates and the DOT on September 19, 2007 at the Village Hall. Kessenich was disappointed in the format of the meeting, which began at 6:30 P.M. but had no formal presentation until 7:30 P.M. Anders spoke with two Town of Sun Prairie residents from the south side of IH 94 who are concerned about setback requirements since the new ramps will come very close to their homes. Ayres Associates representatives assured them that they will be compensated fairly for their homes and property. The three roundabouts shown on the plan for County Road N, one at each off ramp and one at the County Road TT intersection, had disclaimers stating they are conceptual only, but no alternative plans were displayed. Also, plans still indicated Gaston Road as a four-lane road under the IH 94 bridge, even though the Town has told them that only two lanes and a bike lane are desired.

MOTION by Hampton/Anders to send Ayres Associates the following comments regarding the project:

1. The Gaston Road bridge should only be wide enough for 2 lanes and a bike trail, not 4 lanes.
2. The Town Board does not support roundabouts on County Road N due to the volume of truck and farm traffic there.

MOTION CARRIED 5-0.

- VII. Plan Commission Recommendations:
- A. Russell Development, LLC, 2291 Uphoff Road – Zone Change – A-1EX to RH-1 for 3 acres to split house and farm buildings off original parcel: Russell Development, LLC, currently has three development rights – two are associated with the 90 +/- acres in section 22, and one with a parcel in section 15. They also have one additional development right due to ownership prior to 1982. **MOTION** by Anders/Klinger to accept the Plan Commission’s recommendation to approve a rezone of 3 acres including the buildings at 2291 Uphoff Road from A1-EX to RH-1 using their one extra development right for ownership prior to 1982, requiring that the road right-of-way be dedicated to the Town. **MOTION CARRIED 5-0.**
- VIII. Discuss/Consider school bus stop sign for Nora Road: A resident on Nora Road has requested the sign. Smith stated that the Cottage Grove Police Department advised him to follow the guidance of the Wisconsin Manual on Uniform Traffic Control Devices. The February 4, 2005 version of the manual calls for a minimum site distance of 360 ft. on a roadway with a 45 m.p.h. speed limit. Smith stated that there is an excess of 800 feet of sight distance in both directions from the bus stop in question. **MOTION** by Kessenich/Hampton deny the request for a school bus stop sign on Nora Road based on the guidance of the Wisconsin Manual on Uniform Traffic Control Devices, and to ask the Police Department to monitor traffic on Nora Road for speed and stopping for school busses. **MOTION CARRIED 5-0.**
- IX. Discuss/Consider/Approve Deer-Grove EMS 2008 Budget: Hampton presented the budget as prepared by the commission, and answered questions from the rest of the board. There was discussion about health insurance, which is considerably higher for 2008 since it is not known if personnel hired to fill vacant positions will take single or family coverage. Kessenich suggested that Deer-Grove EMS only pay the single rate, and if employees want family coverage, they be required to pay the additional premium. The Law Enforcement Committee will be looking into health insurance alternatives during 2008, and it was agreed that Deer-Grove EMS could benefit from their research as well. **MOTION** by Klinger/Anders to approve the Deer-Grove EMS budget for 2008 as presented, with a total assessment of \$337,600.00, of which \$100,818.52 is assessed to the Town of Cottage Grove. **MOTION CARRIED 4-1** (Kessenich opposed).
- X. Discuss/Consider Resolution for Adoption for Sustainable Community Development Policy: **MOTION** by Anders/Kessenich to table until December. **MOTION CARRIED 5-0.**
- XI. Discuss/Consider purchase of equipment from Village for parks use. Smith stated that the Town uses a New Holland 27 horsepower, 4 wheel-drive tractor owned by the Village to till up the sand in Town parks. The Village may be considering trading this tractor in, and Smith wondered if the Board would consider purchasing it with the proceeds from the recent sale of two mowers. In addition to the tiller, the tractor would come with a 72-inch belly mower and a posthole digger. The lowest price he has seen similar models sell for online is \$10,995. He stated that if the Town owned the tractor, not only could the sand in the parks be tilled more often to better control weeds, but the tractor could also be used as a backup mower, and with the box scraper for ditch grading. He did not see that it would need to be upgraded for some time. **MOTION** by Anders/Klinger to authorize Smith to enter into negotiations with the Village for the New Holland tractor, but he is to report back to the board before finalizing the deal. **MOTION CARRIED 5-0.**
- XII. Clerk’s Report:
- A. Dane County Ordinances: None.
- B. Update on Election Inspector Training Requirements: The clerk reported that the State Elections Board now requires all election inspectors, not just the chief inspectors, to attend approved training sessions. She will be sending inspectors to training in November.
- C. Update on 2010 Census: The Clerk reported that there are three possible levels of participation by municipalities in providing address data for the 2010 census. Two of the options require

Title 13 confidentiality, which would be difficult for the Town to comply with since they would require a dedicated computer with no co-mingled data. Under the third option, the municipality provides an address list, which Dane County will assist us with. In return, the town will receive maps and counts by census block, although there is will be no opportunity to appeal since the we would not have access to specific address data from the census bureau. The clerk felt this option would give an adequate count for the Town of Cottage Grove, especially since there have not been any areas of significant growth since the last census, and the board agreed.

XIII. Board Reports and Communications:

- A. Anders reported that Charter is on track with getting the Town's cable channel into the new school. He met with the Village's cable coordinator about the possibility of broadcasting Town Board and Plan Commission meetings on the Village's cable channel. The Town would need to purchase 2 DVR's and 8 wireless microphones. The cameras are OK. Anders will get a cost estimate together for budget discussions, and the board will need to decide on frequency of broadcast.
- B. Kessenich reported that she attended the Dane County ZLR Committee Public Hearing on September 25th, where there had been very little support for Ordinance Amendment 16 or 17.

XIV. Committee Reports:

- A. Deer-Grove EMS Commission: See Budget Discussion in IX. above.
- B. Joint Town/Village Recreation Committee: Kessenich reported that the committee has not discussed the 2008 budget yet, the next meeting is on October 17th. (Margenau told Hampton to use last year's number if nothing else.) The September meeting was about the proposed Fireman's park addition, which Kessenich stated is looking much more elaborate than she thinks most people are expecting or might be willing to support.
- C. Joint Town/Village Landfill Monitoring Committee: Strand & Associates presented the 2008 budget and contract draft, which have been forwarded to Attorney Connie Anderson to review before signing.
- D. Law Enforcement Committee: The Police budget is up by 13% largely due to the addition of one officer and increased building/contents insurance costs. Forfeitures funded capital purchases this year, so there will not be any in 2008.
- E. Plan Commission: Gary Peterson continues to work with the commission on updates to the Smart Growth Comprehensive Plan.
- F. ETZ Open House: Anders reported that the open house was well attended. He cautioned that grandfathered uses of property in the ETZ area are not permanent, but expire if allowed to lapse for one year. He gave examples of the keeping of animals or running a home business. He also noted Mike Slavney's comment that while the Village does not take much interest in rezones in the Town, they will not approve land divisions that are contrary to Village plans.

XV. **MOTION** by Anders/Klinger to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:30 P.M.

Kim Banigan, Clerk Approved 10/15/2007

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
OCTOBER 2, 2007

- I. A quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way.
- II. Chairman Kris Hampton called the meeting to order at 6:40 P.M. in the Town Hall. Other board members present were Steve Anders, Karen Kessenich and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, and Highway Superintendent Jeff Smith.
- III. Discuss/Consider Town of Cottage Grove Budget for 2008:
 - A. Marje Murray and Melody Riedel answered board questions regarding the Colonial Club's request for support in 2008. Currently they are only able to track services provided under case management, such as the Adult Day Care Center and meals, not participation in programs and activities. In 2007, seven Town of Cottage Grove residents received services. Previously the board has questioned the portion of Colonial Club's budget that is administrative. Murray stated that the new finance director discovered that items that should have been attributed to the departments were mistakenly being put under the administrative budget. In 2006, 22% of overhead was administrative.
 - B. Additional areas of discussion included:
 - Inspections
 - Judicial and Legal
 - General Building Town: Smith presented a quote from Roberts Painting to paint the metal on the Town Hall for \$3790 and on the Town Garage for \$4315. The Board agreed to budget for painting in 2008. Smith also presented a quote from Uphoff Landscaping that includes building of retaining walls and plantings on the east and south sides of the Town Hall for \$12,516. He gestimated that \$1000 worth of concrete would be needed for the project as well. The board agreed to budget for the project in 2008.
 - Capital Outlays
 - General Administration
- IV. **MOTION** by Anders/Kessenich to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 9:00 P.M.

Kim Banigan
Clerk
Approved 10/15/2008

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
OCTOBER 3, 2007

- I. A quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way.
- II. Chairman Kris Hampton called the meeting to order at 6:40 P.M. in the Town Hall. Other board members present were Dave Morrow, Karen Kessenich and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, and Highway Superintendent Jeff Smith. Steve Anders arrived at 7:00 P.M.
- III. Discuss/Consider Town of Cottage Grove Budget for 2008: Areas of discussion included:
 - Highway Maintenance
 - Capital Expense
 - Income
 - Insurance
- IV. **MOTION** by Klinger/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:10 P.M.

Kim Banigan
Clerk
Approved 10/15/2007

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
OCTOBER 9, 2007

- I. A quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way.
- II. Chairman Kris Hampton called the meeting to order at 6:30 P.M. in the Town Hall Office. Other board members present were Dave Morrow, Karen Kessenich and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, and Highway Patrolmen Rolland Schutz and Norm Schmelzer. Steve Anders arrived at 6:40 P.M and Ruth Gjermo arrived at 6:55 P.M.
- III. **MOTION** by Klinger/Morrow 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: 2008 Labor Negotiations. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The Board moved into closed session at 6:32 P.M.
- IV. **MOTION** by Anders/Morrow to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 7:20.
- V. Action as a result of closed session: The Clerk will update the Labor Negotiation Agreement (Appendix A) to reflect compensation as decided in the closed session.
- VI. Discuss/Consider Town of Cottage Grove Budget for Fiscal Year 2008: Legal expenses were the only topic of discussion.
- VII. **MOTION** by Klinger/Kessenich to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 7:32 P.M.

Kim Banigan
Clerk
Approved 10-15-2007

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP – CLOSED SESSION
OCTOBER 9, 2007

- I. **MOTION** by Klinger/Morrow 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: 2008 Labor Negotiations. **ROLL CALL VOTE: KLINGER – AYE, KESSENICH – AYE, MORROW – AYE, HAMPTON – AYE.** The board moved into closed session at 6:32 P.M. Also present was Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Highway Patrolmen Rolland Schutz and Norm Schmelzer. Steve Anders arrived at 6:40 P.M., and Ruth Gjermo arrived at 6:55 P.M.
- II. Highway Department Compensation: Smith asked for a 3.5% wage increase for the highway department, with everything else remaining the same as 2007. **MOTION** by Morrow/Klinger to grant the Highway Department a 3.5% wage increase effective in January of 2008. **MOTION CARRIED 5-0.**
- III. Clerk Compensation: At Hampton's and Ander's request, the clerk had prepared two alternatives for the Clerk's 2008 wages: 1) hourly wage increased to match Ruth Gjermo's hourly wage 2) hourly wage halfway between the current clerk rate and Ruth's rate. Ruth would like to drop from three to two days per week in 2008, so the Clerk would pick up the additional day.

MOTION by Hampton/Klinger to leave the Clerk's salary at \$10,000 and increase the Clerk's hourly wage to \$15.81 for 702 hours in 2008. **MOTION FAILED 2-3** (Morrow, Kessenich, and Klinger opposed).

MOTION by Morrow/Kessenich to increase the Clerk's salary by 3% to \$10,300 and increase the Clerk's hourly wage to \$15.81 for 702 hours in 2008. **MOTION CARRIED 5-0.**
- IV. Office Secretary Salary (Ruth Gjermo) Compensation: **MOTION** by Klinger/Morrow to increase Ruth's hourly wage by 3% to \$15.81 for two days per week in 2008. **MOTION CARRIED 5-0.**
- V. Treasurer Compensation: **MOTION** by Hampton/Kessenich to increase the Treasurer's salary by \$1000 to \$16,000 in 2008. **MOTION CARRIED 5-0.**
- VI. Court Clerk Compensation: **MOTION** by Kessenich/Hampton to set the Court Clerk hourly rate at \$14.86 to match what the Village pays her. **MOTION CARRIED 5-0.**
- VII. **MOTION** by Anders/Morrow to reconvene to open session. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.** The closed session ended at 7:20.

Kim Banigan
Clerk
Approved 10/15/2007

TOWN OF COTTAGE GROVE
2008 LABOR NEGOTIATION AGREEMENT

Appendix A

I. Road Patrolmen Salaries:

| Employee | Hourly Wage | Overtime Pay |
|----------------------|-------------|--------------|
| Jeff Smith | \$ 24.00 | \$ 36.00 |
| Rolland Schutz | \$ 22.69 | \$ 34.03 |
| Norman Schmelzer | \$ 22.69 | \$ 34.03 |
| Steve Querin-Schultz | \$ 22.69 | \$ 34.03 |

Overtime will be used as required and is paid at the rate of time and one-half.
A 12 % bonus is placed in a deferred compensation plan for all hours worked.

In addition, coveralls and gloves will be provided for Road Patrolmen for town use.

II. Vacations, Holidays, and Sick Leave:

| Employee | Starting Date |
|----------------------|---------------|
| Jeff Smith | June, 1973 |
| Rolland Schutz | April, 1979 |
| Norman Schmelzer | April, 1981 |
| Ruth Gjermo | May, 1981 |
| Steve Querin/Schultz | May, 1998 |

Vacation is earned as follows:

| Years of Service | Time Earned (Weeks) |
|------------------|---------------------|
| 1-5 | 2 |
| 6-10 | 3 |
| 11-14 | 3 weeks + 2 days |
| 15-20 | 4 |
| 21+ | 5 |

Vacation may be carried over, but not in an amount to exceed 40 hours. All carryover vacation must be used by June 30 of the following year.

HOLIDAYS:

Full Days: New Year's Eve, New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving, Day After Thanksgiving, Christmas Eve and Christmas Day.

Personal Holiday: One and 1/2 day per year as requested. This cannot be carried over.

SICK LEAVE: 1 day per month, to be used as necessary. Management will reserve the right to request medical verification. Accumulated sick leave will be paid out at 50% without a cap upon termination or retirement.

DEATH IN IMMEDIATE FAMILY:

Permanent employees shall be allowed three (3) consecutive work days leave with pay in the event of the death of such employee's mother, father, spouse, children, mother-in-law or father-in-law, grandparents, brother, sister, brother-in-law, sister-in-law, son/daughter-in-law, grandchildren or member of alternative family.

Additional leave may be granted at the discretion of a Town Board Member, and such leave shall be charged against the leave time balance of the employee.

III. HEALTH INSURANCE:

Full time employees will receive \$325/month for insurance coverage in lieu of insurance coverage. Long Term Disability with a 90-day elimination period will be provided for the Highway Superintendent and three patrolmen at a premium of approximately \$298.00 per month.

IV. LONGEVITY BENEFIT:

One check will be issued in the month of December for longevity pay. This benefit is for all full time employees completing five years of employment. They shall receive \$15.00 per month of longevity pay, and for each year beyond five years an additional \$3.00 per month (\$36 per year) should be added.

V. Other Salaries – No additional benefits paid:

| | |
|------------------------|--|
| Town Chairman | \$2000.00/yr. |
| Replacement Secretary: | \$8.50 per hour |
| Machine Operator | \$10.00 per hour (negotiable) |
| Town Board: | \$50 per diem |
| Clerk Salary | 10,000 per year |
| Clerk Hourly Rate | \$13.87 per hour |
| Treasurer | \$16,000.00 per year |
| Office Secretary | 15.81 per hour |
| Election workers: | \$6.50 per hour + .50 additional for each year of service. Chief Inspector advances by one year upon certification |
| Janitorial Worker | \$13.11 per hour |
| Clerk of Courts | \$14.86 per hour |
| Court Judge | \$3000 per year |
| Highway Superintendent | One Hour Wage for attending Regular Board Meetings |

Highway Department: All vacations must be approved by Highway Superintendent. During Winter Months (December-March) staff of 3 available at all times.

Office Staff: Vacations approved by Chairman.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 15, 2007

- I. A quorum was present, and the meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:03 P.M. Other board members present were Dave Morrow, Steve Anders, and Karen Kessenich. Mike Klinger arrived at 7:12 P.M. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Police Chief John Gould, along with those listed on the attached sign-in sheet (available in the clerk's office).
 - II. Minutes of previous meeting(s):
 - A. **MOTION** by Morrow/Kessenich to approve the minutes of the October 1, 2007 Town Board Meeting as printed. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Anders/Kessenich to approve the minutes of the October 2, 2007 Budget Workshop as printed. **MOTION CARRIED 3-0-1** (Morrow abstained).
 - C. **MOTION** by Anders/Morrow to approve the minutes of the October 3, 2007 Budget Workshop as printed. **MOTION CARRIED 4-0.**
 - D. **MOTION** by Morrow/Anders to approve the minutes of the October 9, 2007 Budget Workshop as printed. **MOTION CARRIED 4-0.**
- Klinger arrived.
- E. **MOTION** by Anders/Kessenich to approve the minutes of the October 9, 2007 closed session, and to keep them closed until the Chair sees fit to release them. **MOTION CARRIED 5-0.**
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Morrow/Kessenich to approve the payment of bills corresponding to checks #14465 through #14507, continuing to hold check #14416 until the matter is resolved, and including voided checks #14459-14464. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Klinger to approve the net worth at \$856,385.72. **MOTION CARRIED 5-0.**
 - C. The Treasurer reminded the board that October per diem reports are due October 31st, and approved payments will be included with the next payroll run.
- IV. Public Concerns: Jim Bradt asked if any plans were in the works for an open house to inform landowners how the proposed boundary agreement will affect them. He noted that the recent ETZ open house was a good meeting. Hampton stated that there have been no boundary agreement meetings since the ETZ open house.
- V. Road Right of Way Permits: None.
- VI. Community Officer update - Deputy Mike Butler introduced himself and explained that as the community officer to the Towns of Cottage Grove, Blooming Grove and Deerfield, he deals with ongoing issues, juveniles, and outreach. He distributed business cards and offered to be the town's first contact for any concerns involving the Sheriff's Office. Hampton asked if Butler foresees any changes required due to the new middle school – Butler replied that traffic and security would certainly be concerns. Kessenich asked for assistance in dealing with cars passing school busses and turning vehicles on the shoulder at County BB and Vilas Road.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 15, 2007

Butler said that citations can be issued on the word of a school bus driver, they just have to call in the license plate number.

- VII. Presentation of Madison Metropolitan Sewage District future plans extension of the pipe north of Gaston Road – Jeff Klawes: Klawes brought a planning map and distributed copies of an aerial map showing the planned route for the Gaston Road Extension of the Door Creek Interceptor. He explained that the project has been in plans dating back to 1970, but delayed due to lack of need for services and DOT plans for IH 94. Now Madison is developing neighborhood plans that will need the extension. He said surveyors will be in the area by the end of the month, and soil boring will take place in November. He expects to have more detailed construction plans by February or March, and construction would take place between May and September of 2008. Hampton asked Klawes to notify the Town when plans are more definite so we can schedule a public hearing for impacted residents.
- VIII. Discuss/Consider application for variance for garage addition too close to side lot line - Adam & Josephine Benkers – 4458 Sandpiper Trail: Josephine Benkers explained that the foundation is already in place. A contractor took care of getting permits for the project, and the Benkers' assumed all was well until the stop work order was issued. The survey was not completed until after the permits were issued and construction had begun. Kessenich noted that the lot next door at 4564 Sandpiper is large and undeveloped on the border of Benkers' lot. The clerk stated that she mailed notice to the owners of 4564 Sandpiper, but they were not in attendance. **MOTION** by Kessenich/Anders to approve the variance for the garage addition not meeting side yard setback requirement, noting that notice was sent to the neighboring landowner, but they were not present. Anders stated that even though a contractor is performing the work, he finds it surprising that the owner was unaware of the situation, and that ultimately the landowner bears the brunt of responsibility. **MOTION CARRIED 3-2** (Anders and Klinger opposed).
- IX. Discuss/Consider driveway access to Baxter Road for 2033 Di Piazza Drive: David Alverson displayed an aerial photo of his property, and explained that he is seeking permission to put an approximately 300' driveway off of Baxter Road to a shed that has been on his property since 1991. This is technically not a second driveway since his other driveway is off of Di Piazza Drive, which is a private road. Terry and Terri Russell, neighbors at 2037 Di Piazza Drive, expressed their support for Alverson's plans. The clerk stated she mailed notice to owners of other properties adjacent or across Baxter Road from the proposed driveway, but no one else was present in support or opposition. **MOTION** by Anders/Klinger to approve the request for driveway access from Baxter Road to the shed located at 2033 Di Piazza Drive. The driveway must be built to town road standards, i.e. 18' wide with a 6" deep roadbed, with a 24" x 24' culvert at Baxter Road, and must be completed within 12 months from today. **MOTION CARRIED 5-0.**
- X. Discuss/Consider/Approve Agreement with Strand Associates, Inc. for 2008 Services for the Natvig Road Landfill: **MOTION** by Hampton/Anders to approve the agreement as printed. **MOTION CARRIED 5-0.**
- XI. Discuss/Consider access through Ravenwood for Veridian Homes: Smith reported on a meeting that he and Patrolman Norm Schmelzer attended at the Village of Cottage Grove about transitions between town roads in Ravenwood and new Village Roads developed by Veridian Homes to the west and Homburg to the east. Smith noted that the Village's Master Plan shows

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 15, 2007

Mourning Dove as a main road extending all the way to Buss Road. Village roads will have sidewalks and bike trails. Options for town roads include building them wider to accommodate more traffic, or leaving them narrow to slow or discourage traffic. Veridian Homes has offered to pay a portion of the cost to upgrade the town roads. Smith told them that no construction traffic would be allowed on the town roads.

Anders expressed great concern over increased traffic on town roads, especially Sandpiper, from residents of the new Veridian Homes development using them to go from school to school, or to head north out of Cottage Grove.

Hampton suggested that if connections to town roads are made, the developer(s) widen the road(s) including a bike/pedestrian path but not sidewalks, and put in a storm sewer. He stated that Veridian Homes' 40 acres needs to be treated the same as the Three-Oaks development, with access to Gaston and Buss required before development is allowed to begin.

Morrow was excused at 8:35 P.M.

XII. Clerk's Report:

- A. Dane County Ordinances: None.
- B. The University of Wisconsin is holding workshops entitled "Building an Effective Safe Routes to School Program". Hampton suggested that the town may want to look into this in the near future due to the number of students who will be walking to the new middle school.
- C. The Town of Dunkirk has asked the board to adopt a resolution in support of the northern route for American Transmission Company's new power line. The clerk will prepare a resolution for the next board meeting.

XIII. Board Reports and Communications: None.

XIV. Committee Reports:

- A. Emergency Government Committee: Kessenich reported that six phone lines are all working, and are independent of the phone system so they continue to work even under a power failure. Internet access has been restored. Gary Peper and John Russell are new to the committee, and are standing in for Hampton and Village President Ken Dahl, who have been unable to attend meetings.

XV. **MOTION** by Anders/Klinger to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:03 P.M.

Kim Banigan, Clerk

Approved 11-5-2007

TOWN OF COTTAGE GROVE
BUDGET WORKSHOP
OCTOBER 16, 2007

- I. A quorum was present and the meeting was properly posted at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way.
 - II. Chairman Kris Hampton called the meeting to order at 6:34 P.M. in the Town Hall. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, and Village Trustee Randy Margenau.
 - III. Finalize Town of Cottage Grove Budget for 2008:
 - A. Margenau presented a written request for Town financial participation in the Joint Recreation Program based upon prior year's town resident participation and the director's salary. For 2008, this would result in 30% of \$44,000, or \$13,300.
 - B. The Clerk presented an updated budget worksheet with all of the amounts from previous workshops filled in. With the State budget still pending, it is unknown what limit will be placed on the increase in levy compared to last year. Based on a 2% levy limit, over \$98,000 needed to be cut from the budget. Based on a 4% limit, over \$75,000 needed to be cut. Adjustments were made to:
 - Income estimates increased:
 - Law in Ordinance Violations
 - Dividend
 - Cable franchise Fee
 - Interest income
 - Expense estimates adjusted:
 - Park expense reduced
 - Recreation expense increased
 - Town Hall Maintenance reduced
 - Emergency Building Maintenance reduced
 - Town Board Legal Expenses reduced
 - Dane County Outreach reduced
- The board also decided to request that the Police, Fire and Highway departments all reduce their budgets by 4%. With these cuts made, the levy required to balance the budget would be about 3% over last year's levy. It was decided to assume a 4% increase would be allowed at this point, and to put the unbudgeted ~1% in Town Hall maintenance for now.
- IV. Set date for Special Meeting of the Electors to set 2007 payable 2008 mill rate: The Special Meeting of the electors will be December 3, 2007 at 7:00 P.M. Notice of the meeting will be published on November 17, 2007.
 - V. **MOTION** by Klinger/Kessenich to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:15 P.M.

Kim Banigan, Clerk
Approved 11-5-2007

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 5, 2007

- I. A quorum was present, and the meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and Police Chief John Gould, along with those listed on the attached sign-in sheet (available in the clerk's office).
- II. Minutes of previous meeting(s):
 - A. The clerk noted that the draft minutes from October 15, 2007 do not reflect six voided checks, and the treasurer presented the checks, which were voided due to printer error. **MOTION** by Kessenich/Morrow to approve the minutes of the October 15, 2007 Town Board Meeting with the addition of voided checks #14459 through #14464. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Anders/Kessenich to approve the minutes of the October 16, 2007 Budget Workshop as printed. **MOTION CARRIED 5-0.**
- III. Finance Report and Approval of Bills:
 - A. The treasurer stated that she would be voiding check #14533 at the Fire Chief's request – he has negotiated a lower bill, which will be paid at the next meeting. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #14508 through #14563, voiding check #14533. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Kessenich/Klinger to approve the payment of October 2007 per diems as presented. **MOTION CARRIED 5-0.**
 - C. **MOTION** by Anders/Klinger to approve the net worth at \$814,015.44. **MOTION CARRIED 5-0.**
- IV. Public Concerns: None.
- V. Road Right of Way Permits: None.
- VI. Plan Commission Recommendations:
 - A. Discuss/Consider/Approve Cryspell-Synder, Inc. Proposal for AgriBusiness Park Planning Services for the intersection of STH 12&18 and CTH N: Gary Peterson stated that he met with Kathleen White, Executive Director of the Madison Community Foundation, regarding the Natural Step and the Agri-Business Park proposal for STH 12 & 18 and CTH N. White felt it is a terrific project for several reasons, including the fact that it is economic in Dane County but outside the City of Madison, and is sustainable. She encouraged application for assistance with the project in the form of grants that could be awarded one per year, but cautioned that the Town would need to be the applicant/recipient, not a developer. Peterson stated that the proposed Agribusiness park already has things going in its favor, including the fact that it fits with Town's plan, landowners are willing, and agreement has already been reached with a developer. In addition, Dane County has approved the necessary zoning for the first building, and because it will be a Condo approach with no land division, so the City of Madison's ETJ does not apply. Peterson explained that the entire project would eventually involve 200 acres, and may include wind power, active solar arrays, and small 3-5 acre sustainable agricultural or research plats. Land would be disturbed as little as possible. The Town would need to consider fundraising sources, such as establishment of a TIF district and grants. **MOTION** by Anders/Klinger to approve Crispell-Snyder,

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 5, 2007

Inc.'s Proposal for Agribusiness Park Planning Services dated October 26, 2007.
MOTION CARRIED 5-0.

- VII. Cottage Grove Snowmobile Club – Mike Northouse – Snowmobile Routes Planned in the Town for 2007-08 season: Northouse presented a plat map marked with the planned snowmobile routes, which are much the same as last year. A spur will again follow Baxter Road south from the interstate to Doubledays, but a “No Trail” sign will be posted going south from Doubledays. He reminded the board that residents can still legally use Baxter Road to get from their home to the trail. A copy of the map was also provided to the Police Chief. Northouse asked on behalf of the McFarland Snowmobile Club about using the dead end of North Star Road as part of their route to connect with Cottage Grove trails. Highway Superintendent Smith did not have any problem with it, but advised that the landowner’s consent should also be obtained.
- VIII. Consider accepting dedication of Rathert Road Extension, and reducing amount of Letter of Credit required from Soleil Development Corp: Joe Kuhn of Soleil Development Corp. was in attendance. A letter from Town Engineer Warren Myers recommends that the Town accept the improvements to Rathert Road, thereby initiating the one-year guarantee period. Myers also recommended that the letter of credit could be reduced to 15% of the total, or \$15,000. **MOTION** by Kessenich/Morrow to accept the dedication of the extension of Rathert Road, and reduce the letter of credit to 15% of the original \$75,000 (\$11,250). **MOTION CARRIED 5-0.**

(Morrow left the room)

- IX. Consider accepting dedication of Skarstinden Road, and reducing amount of Letter of Credit required from James, Nola and Neli Skaar a.k.a. Screaming Norwegian Farms, LLC: **MOTION** by Klinger/Anders to postpone the decision until the next meeting due to the fact that the incorrect map was recorded with Dane County. **MOTION CARRIED 4-0.**
- X. Consider a Resolution Regarding Placement of American Transmission Company’s 345 kv Power Line: The proposed resolution supports the “Northern Route” and opposes the “Southern Route” of ATC’s proposed power line. **MOTION** by Klinger/Kessenich to approve as Resolution 2007-12. **MOTION CARRIED 3-1** (Anders opposed).

(Morrow returned)

- XI. Determine Board’s position on Cost Sharing Policy for MPO Transportation Improvement Plan: Discussion was that at the current 80/20 split for cost sharing, small municipalities rarely see any of the money. At a 50/50 split, there might be a better chance for the Town to receive some of the funds. **MOTION** by Anders/Kessenich to approve changing the cost sharing policy from 80/20 to 50/50. **MOTION CARRIED 5-0.**
- XII. Determine Board’s recommendation on priority of Dane County Zoning Ordinance Revisions: No recommendations were made. Hampton asked board members to let him know if they come up with any suggestions so he can put the matter on a future agenda.
- XIII. Revisit/Finalize 2008 Budget: Areas of discussion/adjustments included:
- Transportation Aids were increased once the State budget was adopted
 - Administrative expenses were reduced
 - Law Enforcement expenses were reduced
 - Fire Department expenses were reduced

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 5, 2007

- Planned 2008 payment toward 2009 revaluation expenses were reduced
- The Clerk noted that she does not expect to receive the Levy Limit Worksheet from the DOR until later this week, so the maximum levy shown is only her best estimate based on previous years.

MOTION by Morrow/Klinger to authorize the Chair to adjust account 50550 Revaluation Costs either up or down, but to a minimum of \$25,000 as needed to balance to the actual levy limit once it can be calculated. If further reduction is needed, the board will need to reconvene.
MOTION CARRIED 5-0.

MOTION by Klinger/Hampton to hold the 2008 Budget Public Hearing and Special Meeting of the Electors at 7:00 P.M. on Wednesday, November 28, 2007. **MOTION CARRIED 5-0.**

XIV. Clerk's Report:

- A. Dane County Ordinances: None.
- B. The clerk passed out a summary of insurance coverages, and asked the board to look it over before the next board meeting.

XV. Board Reports and Communications:

A. Hampton:

1. He received information about application for a Municipal Flood Control Grant.
2. He received confirmation from Associated Appraisal Consultants, Inc. that there will be no fee for maintenance in 2009 due to the revaluation.
3. Landfill test results from October 31, 2007 show zero percent methane for both gas probes 8 and 9.
4. The Town Board is invited to attend a presentation of the plan for the new library on November 12th.

XVI. Committee Reports:

- A. ETZ Committee: The November 7th meeting has been canceled, and the rescheduled date is yet to be determined.
- B. Deer-Grove EMS Committee: No Report
- C. Joint Town/Village Recreation Committee: No Report
- D. Law Enforcement Committee: No Report

XVII. **MOTION** by Morrow/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:51 P.M.

Kim Banigan, Clerk

Approved 11/19/2007

TOWN OF COTTAGE GROVE

4058 County Road N
COTTAGE GROVE, WISCONSIN 53527

RESOLUTION 2007-12

A RESOLUTION REGARDING PLACEMENT OF American Transmission Company's 345 kv POWER LINE

BE IT RESOLVED that the Cottage Grove Town Board does hereby recommend to the American Transmission Company that the new 345 kv power line be placed on the "Northern Route".

BE IT FURTHER RESOLVED that the Cottage Grove Town Board does hereby go on record officially opposing any placement of the power line on the "Southern Route".

Adopted this 5th day of November, 2007 by a vote of 3 for and 1 against by the Cottage Grove Town Board.

(Signed Copy Available in the Clerk's Office)

TOWN OF COTTAGE GROVE

ATTEST:

Kristopher Hampton, Town Chair

Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 19, 2007

- I. A quorum was present, and the meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:00 P.M. Other board members present were Dave Morrow, Steve Anders, Karen Kessenich and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, along with those listed on the attached sign-in sheet (available in the clerk's office).
- II. Minutes of previous meeting(s): **MOTION** by Kessenich/Morrow to approve the minutes of the November 5, 2007 Town Board Meeting as printed. **MOTION CARRIED 5-0.**
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #14564 through #14608. **MOTION CARRIED 5-0.**
 - B. **MOTION** by Klinger/Morrow to void check #14416, which had been held since September 17, 2007. **MOTION CARRIED 5-0.**
 - C. **MOTION** by Anders/Klinger to approve the net worth at \$734,546.20. **MOTION CARRIED 5-0.**
 - D. The Treasurer noted that she expects the final shared revenue payment for the year to arrive this week. She also reminded the board that she will need November per diem reports by November 30th.
- IV. Public Concerns: Jim Bradt asked if there was any update on the Town/Village/City of Madison boundary agreement negotiations. Hampton said that representatives of the Town and Village met on November 13th, and plan to meet again on January 14, 2008 to start drafting language for recommendation to the respective Plan Commissions and Boards. No meetings with the City of Madison are scheduled at this time. Bradt also asked the status of the Phase 2 amendment to the Town's comprehensive plan. Hampton said that the Plan Commission is still working on it.
- V. Road Right of Way Permits: None.
- VI. Consider accepting dedication of Skarstinden Road, and reducing amount of Letter of Credit required from James, Nola and Neli Skaar a.k.a. Screaming Norwegian Farms, LLC: **MOTION** by Klinger/Kessenich to table until the next meeting due to the fact that the correct map has still not been filed with Dane County. **MOTION CARRIED 5-0.**
- VII. Skip to Consider/Approve request from Cottage Grove Baptist Church to leave holiday lights up in the Town Hall over the holiday season: Pastor Michael Brill asked permission to leave holiday lights around the windows and candles on the window sills through the holiday season (i.e. until around New Year's Day). **MOTION** by Klinger/Kessenich to approve the request. **MOTION CARRIED 5-0.**
- VIII. Discuss/Consider insurance coverage for 2008 contract year: **MOTION** by Hampton/Klinger to make the following changes to the Summary of Insurance to be submitted with the renewal questionnaire:
 - For Premises 001, list the Town Garage and it's address (4062 Hwy N) in the premises description, increase the building amount to \$600,000 and the personal property amount by \$10,000.
 - For Premises 002 (old garage at 4091 Hwy N), drop personal property coverage as long as it can be verified that the furnace and ceiling hoist are covered under the building insurance.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 19, 2007

- Item 006 under the Equipment Schedule is a Loader, not a “Tractor w/attachments”.
- Item 003 under the Vehicle Schedule is model year 2000, not 2001.

MOTION CARRIED 5-0.

- IX. Consider Waiver of Conflict of Interest regarding Axley Brynelson, LLP’s representation of the Madison Metropolitan Sewerage District with regard to the lawsuit filed against it by Hawkin Zukowski: **MOTION** by Hampton/Kessenich that there is no conflict of interest due to Axley Brynelson, LLP’s representation of the Madison Metropolitan Sewerages District in the above stated lawsuit. **MOTION CARRIED 5-0.**
- X. Clerk’s Report:
- A. The Clerk provided and Hampton read a notice from Hydrite Chemical Company regarding a request to the DNR to expand their license to include fuel blending. Since Hydrite’s facilities are in the Village, the Town really has nothing to say in the matter.
- XI. Board Reports and Communications:
- A. Hampton:
1. He received notice from the DNR of an investigation due to failure of a resident to file a Managed Forest Law Transfer notice. The Clerk was directed to send a copy to the assessor.
 2. He received an invitation to a listening session to provide input into the UW System’s strategic planning initiative entitled “Advantage Wisconsin”.
 3. Hampton asked if any other board members could attend the Joint ZLR - EANR meeting at the county tomorrow night. The committees will consider adoption of the Town’s Phase 1 Comprehensive Plan amendment. Anders will attend.
- XII. Committee Reports:
- A. Emergency Government Committee: No report, other than that the committee will meet in December.
- B. Ad Hoc Land Conservancy Committee: Kessenich thanked Jim Bradt for giving the committee a tour of the former “The Farm Golf Course”.
- C. Joint Town/Village Recreation Committee: The recent meeting was rescheduled to November 29th at 6:30 at the Village Hall.
- XIII. **MOTION** by Klinger/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:04 P.M.

Kim Banigan, Clerk
Approved 12/03/2007

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND SPECIAL MEETING OF THE ELECTORS
NOVEMBER 28, 2007

- I. Chairman Kris Hampton called the Public Hearing and Special Meeting of the Electors to order at 7:13 P.M. Notice of the meeting was at Town Hall, Corn Palace, Gaston Road at Brown Thrush and American Way, as well as published on November 12, 2007 in the Wisconsin State Journal. Town Board Present: Chairman Kris Hampton, Supervisors Steve Anders, Karen Kessenich and Mike Klinger. Also present were Treasurer Debbie Simonson, Clerk Kim Banigan, and Highway Superintendent Jeff Smith, as well as those on the attached sign-in sheet (available in the Clerk's Office).
- II. After reading the notice of the meeting and making sure everyone had a copy, Hampton stated that General Property Tax for 2008 is proposed at \$1,423,365 (\$1 less than shown on the budget summary due to rounding differences when the state imposed levy limit was calculated), resulting in a mill rate of \$4.5828 per \$1000 of assessed value. Hampton then invited questions:
 - Virgil Schroeder asked why the mill rate is higher but services are reduced. He was specifically referring to road maintenance. Hampton stated that the highway maintenance budget is \$572,891 for 2008 compared to \$550,432 in 2007, so it is actually higher, but cuts were made to what was originally proposed for road maintenance due to the levy limit and increases in fuel and insurance costs.
- III. **MOTION** by D. Simonson/D. Muehl to adopt the 2007 town tax levy of \$4.5828/\$1000 of assessed value, to be paid in 2008 pursuant to s. 60.10(1)(a), Wis. Stat. **MOTION CARRIED 15-0.**
- IV. **MOTION** by S. Kurt/S. Anders to approve the year 2008 highway expenditures of \$8542/mile pursuant to s. 82.03(2)(a). **MOTION CARRIED 11-0.**
- V. **MOTION** by S. Anders/V. Schroeder to adjourn. **MOTION CARRIED UNANIMOUSLY.** The meeting was adjourned at 7:22 P.M.

Kim Banigan
Clerk

Approved 12/03/2007

TOWN OF COTTAGE GROVE
JOINT MEETING OF THE TOWN BOARD AND PLAN COMMISSION
NOVEMBER 28, 2007

- I. It was determined that a quorum was present for both the Town Board and the Plan Commission. The meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush.
- II. Call to Order:
 - A. Plan Commission Chair Silvin Kurt called the Plan Commission meeting to order at 7:23 P.M. Other members present were David Muehl, Phil Bultman, Virgil Schroeder, Kris Hampton, and Steve Anders.
 - B. Town Board Chair Kris Hampton called the Town Board meeting to order. Other board members present were Steve Anders, Karen Kessenich and Mike Klinger.
 - C. Others present were Highway Superintendent Jeff Smith, Town Clerk Kim Banigan, and those listed on the attached sign-in sheet (available in the Clerk's office).
- III. Approve minutes of the October 24, 2007 Meeting: **MOTION** by Schroeder/Kurt to approve the minutes as printed. **MOTION CARRIED 6-0.**
- IV. Public Concerns:
 - A. Jim Bradt asked what would happen to the TDR Program if the Town, Village and City reach a boundary agreement. Hampton said that the TDR Program would still exist in the Town. At question yet is whether the Village will participate by using Town TDR's in Village development. The City of Madison is not interested in participating in the TDR program.
 - B. Janie Riebe asked when details of the Town/Village/City agreement will be available to the public. Hampton said that once the language is developed, it will be forwarded to the Plan Commissions and Boards for approval.
- V. Wisconsin Rugby Club, Sports Complex Fund, (Mai Her Lee Vang, Owner) – 3234 County Hwy AB – Zone Change – A-1EX to RE-1 for 35.78 acres. Intended land use for Rugby and Soccer Fields. Reappearance from the October meeting. Steve Cohan, President of the Wisconsin Rugby Club and Steve Kirsh, Treasurer, presented diagrams showing three phases of the sports complex to be completed over an 8-10 year period. Phase 1, to be completed in the next 18 months, would include 2 playing fields and a parking area. Phase 2, to be completed in 3-5 years, would add more fields and an additional parking area. Phase 3, the “final” stage, would include a clubhouse, more parking, and lighting for a championship field and parking. Cohan stated that the County will require turning lanes be constructed at County AB and Brandt Road. Phase 2 and 3 diagrams also show possible access from Siggelkow Road.
 - A. Plan Commission Discussion:
 - Adequate buffering of private homes was discussed - Schroeder felt at least 3 rows of vegetation and a fence would be needed to protect private homes from stray balls and people.
 - Restroom facilities were discussed. Schroeder suggested that in addition to the clubhouse, another restroom facility be put closer to the north parking lot shown in phase 3.
 - There was not support for access from Siggelkow Road.

TOWN OF COTTAGE GROVE
JOINT MEETING OF THE TOWN BOARD AND PLAN COMMISSION
NOVEMBER 28, 2007

- Steps would need to be taken to prevent parking on Siggelkow Road and the private drive to the east.
- Anders compared the site to Redden Soccer Park in Verona, which successfully utilizes just one way in and out, and uses porti-potties as needed to accommodate larger crowds.
- Additional approval would be needed for phase 3, including a conditional use permit for lighting and zoning for a clubhouse.

B. Audience Concerns:

1. The following spoke in favor of the complex:

- Buck Sweeney of Axley, Brynelson, LLP, representing the owner of the property to the south, indicated that his clients are in favor of the complex, and may be interested in a shared access from Siggelkow Road.
- Mike Niebuhr, 3124 Luds Lane, stated that as a relatively unshielded neighbor to the club's existing field at Crossroads Tavern, he has had no problems with the group, association or sport.

2. The following spoke in opposition of the complex:

- Rick Peterson, 3115 Siggelkow Road, said the site is not the right place for the complex. There would need to be major improvements to horrible intersections at both Siggelkow and County Hwy AB and at County AB and US Hwy 12 & 18. He described the curves on Siggelkow Road as unforgiving at night.
- Laura Dollar, 3111 Siggelkow Road, said that unlike Redden Soccer Park, this site would offer other choices for parking around the property, and even if they were marked as no parking, people would probably park there anyway unless they were policed. Who would pay for that? She also asked what benefits this proposal has for the Town?
- Gary Ritter, 3245 Freeway Ct.(T. of Blooming Grove) stated that he purchased his home for the serenity and quiet, and does not want an international sports facility in his back yard.
- Steve Manthe, 3237 County AB (T. of Blooming Grove), lives directly across from Brandt road where all of the traffic would enter and exit the complex. He criticized the Wisconsin Rugby Club for presenting a "moving target" in that their diagrams have changed at each presentation. Cohan stated that the changes were in response to input they received at meetings with the county and neighbors. Manthe is concerned about how road improvements, including turning and/or passing lanes, will affect his property and its value. He is further concerned over the potential for alcohol consumption at the complex and how that may contribute to accidents on County AB. He also stated that traffic coming out of the complex after dark will shine their headlights into the windows of his home. At this time, a petition opposing the zone change was presented to the Clerk, including signatures of 27 Town of Cottage Grove residents and 23 Town of Blooming Grove residents.

TOWN OF COTTAGE GROVE
JOINT MEETING OF THE TOWN BOARD AND PLAN COMMISSION
NOVEMBER 28, 2007

- Rod Heller, 2906 Siggelkow Road, felt that the complex should be closer to municipal services (sewer and water), and that allowing it to go on this site would be inviting urban sprawl.
- Brett Dollar, 3111 Siggelkow Road, stated that while he prefers the site to remain undeveloped, he feels residential development would have less impact on the neighborhood than the proposed complex would.
- Doug Jones, 3005 Siggelkow Road, asked about the topography of the property, and the geological impact on the area. Cohan stated that the intention is not to flatten the site for fields, but to put the fields where they fit and landscape the existing grades between fields as much as possible.
- Todd Draper, 3125 Siggelkow Road, was also concerned over the difference in the plans each time he has seen them. He questioned how big this could become, and whether the town could keep up with policing and traffic control.
- Patti Hamm, 3131 Siggelkow Rd., asked who will pay for improvements to the entrance at Brandt Road (The Rugby Club will). She also asked if the club intends to rent out the clubhouse, and whether alcohol would be served. Cohan stated that this is yet to be decided, but the clubhouse would most likely be available for member's weddings and the like.
- Scott Hamm, 3131 Siggelkow Rd., asked if the diagrams were to scale (they are), and said that prohibiting parking on Siggelkow Road would inconvenience his family.
- Tom Payne, 3063 Siggelkow Rd., said that people looking for alternate ways to get there will increase traffic on Siggelkow Road and County MN. He also speculated that people would use Siggelkow Road to drop off passengers.
- James Ewing, 3369 Pierce Road, is optimistic about the complex but is worried that cars may turn around in his driveway, which comes quite close to his house.

C. Plan Commission Response:

- Anders asked why alcohol consumption at the clubhouse would be any different than the Yahara golf course clubhouse, and pointed out that without field lighting (until phase 3), cars would most likely be leaving before dark, so headlights shining into windows would not be an issue. He also said that traffic from the club's current field at Crossroads Tavern already passes through the intersection of County AB and Hwy 12 & 18. He stated that the possible alternative would be high-density office and commercial as shown in the City of Madison's plan for the area, which would generate even more traffic than the proposed Rugby Complex. He reminded everyone that approval tonight would only be for the rezone, and that there would be oversight of the development, stormwater management, etc., at the county level.
- Hampton stated that Pam Dunphy, Assistant Dane County Highway Commissioner, told him that from 2002 thru 2006 there were 11 accidents on County AB, 9 at the corner of Hwy 12 & 18, including 2 fatalities, and 2 at the corner of Siggelkow. Steve Manthe challenged these numbers, stating that Dunphy had told him there were 55 accidents in a five-year period. Hampton also stated that if the rezone is approved, only an owner or caretaker could reside in the house on the property.

TOWN OF COTTAGE GROVE
JOINT MEETING OF THE TOWN BOARD AND PLAN COMMISSION
NOVEMBER 28, 2007

- Bultman was concerned about traffic and accidents, and suggested that those present petition the county to put a stop light at County AB and Hwy 12 & 18.

D. Plan Commission Recommendation: **MOTION** by Hampton/Anders to approve the rezone from A1-EX to RE-1 with the following conditions:

1. Maximum of nine fields
2. Brandt Road to be moved to the south far enough so as to come out between the existing houses
3. Road improvements to County AB to take place at the beginning of Phase 2
4. Screening of the homes at the corner of County AB and Siggelkow Road to consist of a minimum of three rows of vegetation and a fence
5. Applicants must come back for additional approval for lighting and zoning for the clubhouse for Phase 3.
6. A fence must be erected along Siggelkow Road and 100 feet of the private drive to the east for phase 3.

MOTION FAILED 2-4. (Kurt, Muehl, Bultman and Schroeder opposed)

VI. Consider/Approve item V. by Town Board: **MOTION** by Kessenich/Anders to deny the rezone from A1-EX to RE-1. Discussion: Kessenich asked how the site was chosen? Cohan stated that the site is close to the population it will serve, or an easy commute, was of the size they desired, and was affordable. Kessenich stated that the Town's current comprehensive plan designates the area for residential, not recreational. She did not believe the site is suitable for the complex, due to its topography and the lack of nearby services. In addition, the proposed complex does not bring increased tax base or jobs to the Town. These reasons, along with the fact that so many neighbors have turned out in opposition, leads her to the conclusion that this is not the appropriate site for the complex at this time. Anders stated that since the complex would not need sewer and water, there would be little incentive to annex to the City of Madison, which could keep the site in the Township longer. **MOTION FAILED 2-2.** (Hampton and Klinger opposed).

VII. Russell Development, LLC, 2291 Uphoff Road – Zone Change – A1-EX to R1-A for 3 acres. Intended land use for future residential lots. Reappearance from previous meetings. Plan Commission Recommendation: Eric Sandsness of Royal Oak Engineering, Inc., presented a Site Plan & Erosion Control Map for improvements to Laudon Road and its intersection with Uphoff Road (dated November 26, 2007, office map no. NNNNN-L), a Zoning Change Request Map (dated November 21, 2007, office map no. 15754), and a Preliminary CSM (dated November 26, 2007, office map no. 15767). Discussion included the paved width of the improved portion of Laudon Road, width of right of way dedication, and conditions of approval by the Village of Cottage Grove under their ETJ.

MOTION by Hampton/Schroeder to approve the rezone from A1-EX to R1-A for three lots of 1.5 acres each (as shown on preliminary CSM dated November 26, 2007 and identified as office map no. 15767), with the following conditions:

1. 66 feet of right of way between lot 1 and lot 2 dedicated to the town for future road.

TOWN OF COTTAGE GROVE
JOINT MEETING OF THE TOWN BOARD AND PLAN COMMISSION
NOVEMBER 28, 2007

2. Applicant will improve 600 feet of Laudon Road from Uphoff Road East and South at the time of development, including a 21 foot paved surface and improvements to the intersection of Uphoff Road and Laudon Road.

MOTION CARRIED 6-0.

MOTION by Hampton/Schroeder stating that the Plan Commission is not in favor of the Village of Cottage Grove's requirement deed restricting the 105 acres plus the approximately 40 acres also owned by Russell Development, LLC for no further land division without annexation. **MOTION CARRIED 6-0.**

- VIII. Consider/Approve Item VII. By Town Board: **MOTION** by Anders/Klinger to accept the Plan Commission Recommendation to approve the rezone from A1-EX to R1-A for three 1.5 acre lots, with conditions as above. **MOTION CARRIED 4-0.**

MOTION by Anders/Klinger stating that the Town Board is not in favor of the Village of Cottage Grove's requirement deed restricting the 105 acres plus the approximately 40 acres also owned by Russell Development, LLC for no further land division without annexation.

MOTION CARRIED 6-0.

- IX. Adjournment of the Town Board: **MOTION** by Klinger/Kessenich to adjourn. **MOTION CARRIED 4-0.** The Town Board adjourned at 9:55 P.M.

- X. Gary Peterson – Crispell-Synder, Inc. –

A. Data update to the Town Comprehensive Land Use Plan: Peterson presented expanded policies for the elements of the land use plan, all supporting "The Natural Step". He also presented an addition to the Implementation Element entitled "Guides to Sustainable Development". Both of these are intended to start turning the planning document into one that supports sustainable development.

B. Data update on the CTH "N" and Hwy 12&18 Agribusiness Park Proposal and further discussion concerning development at the CTH "N" interchange: The project will move forward once the Town Board approves the Agreement for Professional Consulting Services for Agribusiness Park Planning Services, to be considered at their next meeting.

- XI. Set date for December Meeting: There will not be a meeting in December. The next meeting will be January 23, 2008.

- XII. Adjournment: **MOTION** by Schroeder/Hampton to adjourn. **MOTION CARRIED 6-0.** The meeting was adjourned at 10:57 P.M.

Kim Banigan
Clerk

Approved by the Town Board 12/3/2007
Approved by the Plan Commission 01/23/2007

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 3, 2007

- I. A quorum was present, and the meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:03 P.M. Other board members present were Dave Morrow, Steve Anders, and Mike Klinger. Also present were Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, along with those listed on the attached sign-in sheet (available in the clerk's office).
- II. Minutes of previous meeting(s):
 - A. **MOTION** by Morrow/Anders to approve the minutes of the November 19, 2007 Town Board Meeting as printed. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Anders/Klinger to approve the minutes of the November 28, 2007 Public Hearing and Special Meeting of the Electors as printed. **MOTION CARRIED 3-0-1** (Morrow abstained).
 - C. **MOTION** by Anders/Klinger to approve the minutes of the November 28, 2007 Joint Town Board and Plan Commission Meeting as presented. **MOTION CARRIED 3-0-1** (Morrow abstained).
- III. Finance Report and Approval of Bills:
 - A. **MOTION** by Morrow/Klinger to approve the payment of bills corresponding to checks #14609 through #14649. **MOTION CARRIED 4-0.**
 - B. **MOTION** by Anders/Klinger to approve the net worth at \$802,663.68. **MOTION CARRIED 4-0.**
 - C. **MOTION** by Klinger/Morrow to approve November per diem payments as presented. **MOTION CARRIED 4-0.**
- IV. Public Concerns: None.
- V. Road Right of Way Permits: **MOTION** by Anders/Klinger to permit CGC, Inc. to perform four soil borings in the Gaston Road right of way for MMSD's east interceptor sewer line, with notation that applicant must clean up after each boring so as not to leave hazards for snow removal equipment. **MOTION CARRIED 4-0.**
- VI. Consider accepting dedication of Skarstinden Road and portions of Skaar Road and Nora Road and reducing amount of Letter of Credit required from James, Nola and Neli Skaar a.k.a. Screaming Norwegian Farms, LLC: **MOTION** by Hampton/Anders to approve the Public Right of Way Map, noting that there is to be no vacation at this time. **MOTION CARRIED 4-0.** Reduction of the letter of credit will be considered after the Public Right of Way Map has been recorded with Dane County.
- VII. Discuss/Consider/Approve Resolution for Adoption of Sustainable Community Development. **MOTION** by Anders/Morrow to adopt as Resolution 2007-13. **MOTION CARRIED 4-0.** Town Planner Gary Peterson offered to conduct a four step training process for board members and staff on sustainable community development at no additional charge to the Town.
- VIII. Consider/Approve Agreement for Professional Consulting Services for Agribusiness Park Planning Services with Crispell-Snyder, Inc. **MOTION** by Anders/Klinger to approve the agreement as presented, with the amount not to exceed \$13,500. **MOTION CARRIED 4-0.**
- IX. Consider/Approve attendees for December Wisconsin Towns Association Training Seminar: No board members are available to attend.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 3, 2007

- X. Set Date for Holiday Gathering: 7:00 P.M. on December 14th at Nora's Tavern.
- XI. Clerk's Report:
- A. Dane County Ordinances – None.
 - B. The Clerk is putting to use the two computers from Cottage Grove EMS, but will need approval to purchase application software for them at a future meeting.
- XII. Board Reports and Communications:
- A. Hampton:
 - 1. A joint meeting with the Town Board and Dane County's Zoning and Land Regulation Committee is scheduled for 7:00 P.M. on Monday, December 10th at the Town Hall. The topic of the meeting will be the Phase 1 Amendment to the Town's Comprehensive Plan.
 - 2. A supplement amending the Regional Transportation Plan 2020 and the 2008-2012 Transportation Improvement Program, both covering the Madison Metropolitan Area and Dane County, are available in the Town Office.
- XIII. Committee Reports:
- A. Joint Town/Village Landfill Monitoring Committee: Reduced monitoring frequency will be explored in mid-2008 as long as no additional detects occur before then.
 - B. Law Enforcement Committee: The Police Chief got a new computer from CGEMS stock. Exchange of union offers is in progress and should result in a new one-year contract. Negotiations for a three-year contract will begin in January, including exploration of alternative health insurance options.
- XIV. **MOTION** by Klinger/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 7:50 P.M.

Kim Banigan, Clerk
Approved 12/13/2007

RESOLUTION 2007-13
Town of Cottage Grove, Dane County Wisconsin

Adoption of Sustainable Community Development Policy

WHEREAS, in the sustainable society, nature is not subject to systematically increasing concentrations of substances extracted from the Earth's crust, because human society mines and brings into use substances from below the Earth's surface, that along with their emissions are steadily accumulating at levels far greater than their natural occurrences and cannot break down further; and,

WHEREAS, in the sustainable society, nature is not subject to systematically increasing concentration of substance produced by society, because human society has been manufacturing synthetic substances faster than these materials can be broken down; and,

WHEREAS, in the sustainable society, nature is not subject to systematically increasing degradation by physical means, because human activity is breaking down natural system-land, water, forests, soil, ecosystem, by depletion and destruction faster than these natural systems can renew themselves; and,

WHEREAS, in the sustainable society, human needs are met worldwide, because if people around the world cannot meet basic human needs-air, water, food, shelter means of livelihood, mobility, equal treatment, equal access, safety, participation in decisions that affect our lives, the right to peaceful enjoyment of life, a connection with nature, and psychological and spiritual connection and meaning then this inequality will continue undermine the goals identified above; and,

WHEREAS, by endorsing sustainable community development, the Town of Cottage Grove is joining an international network of eco-municipalities, and taking the initiative to become among the first eco-municipalities in the United States; and,

NOW THEREFORE BE IT RESOLVED that the Town of Cottage Grove endorses the principles of sustainable community development, as proposed in "The Natural Step Program", and agrees to apply these principles in its planning, policy making and municipal practices.

Adopted by the Town Board for the Town of Cottage Grove, Wisconsin this 3rd day of December 3 2007.

(Signed copy available in the Clerk's Office)

Kris Hampton, Town Chair

Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
JOINT MEETING OF TOWN BOARD AND DANE COUNTY ZLR COMMITTEE
DECEMBER 10, 2007

- I. A quorum was present, and the meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush.

Present for the Town were Chairman Kris Hampton, Supervisors Dave Morrow, Steve Anders, Mike Klinger, and Karen Kessenich, Attorney Connie Anderson and Clerk Kim Banigan.

Present for the County ZLR Committee were Chair Rich Pertzborn, Supervisors Gerald Jensen, and John Hendrick, and staff member Majid Allen. Supervisor Patrick Miles arrived at 7:15 P.M.

- II. Call to order:

A. Hampton called the Town Board to order at 7:02 P.M.

B. Pertzborn called the Dane County ZLR committee to order at 7:02 P.M.

- III. Discussion and possible action regarding the Phase 1 Amendment to the Town of Cottage Grove Smart Growth Comprehensive Plan: Pertzborn began by explaining that this meeting was requested due to questions and concerns about the Town's plan amendment that arose from the committee at a recent public hearing.

Hendrick explained that there were two areas of concern:

1) Page J-12 of the proposed plan amendment states that "Current procedures are set forth in Town of Cottage Grove Ordinances 15.15, and may be amended by the Town Board...". If adopted, the Town's plan becomes part of Dane County's plan, and Hendrick stated that referencing something not contained in the plan itself could cause problems with zoning enforcement.

2) Page J-13 states that "The actual transfer ratios shall be contained in a separate Town Ordinance". In addition to concern over an external "moving target", there was also concern over the proposed transfer ratio of 8:1.

Hampton explained that in developing the proposed plan amendment, the Plan Commission met with Professor Dick Barrows of the UW, who advised that the current transfer ratio is not in line with land values. The most a developer could add to the cost of a lot and still profitably sell the lot is \$10,000. He also recommended that the ratio be reviewed on an annual basis. Barrows was asked for a formula to calculate the ratio, but could not provide one. Due to the expense and time to amend the Smart Growth Plan, there is no way to be current if the ratio is specified in the plan.

Anders spoke to a concern Hendrick had at the recent public hearing regarding the projected number of acres that could be developed if all remaining splits in the town were used, stating that:

1) There are limited areas that the town can develop which are not subject to ETJ.

2) Not every landowner will sell.

3) Lots in town subdivisions would be less than 2 acres, and the few 2 acre lots that are approved outside of subdivisions are at a 1:1 transfer ratio.

Hampton added that current boundary discussions with the Village of Cottage Grove could result in TDRs being use in Village development.

Anderson stated that it is important for the town to be able to respond promptly in adjusting the ratio to meet the marketplace, and suggested a compromise by which the County Board could concur by resolution to a change to the transfer ratio in the town's ordinance. There was talk of putting a maximum ratio in the town's plan, but there was concern that developers would always be pressuring for the maximum in that case.

There was discussion about what the procedure to amend a town plan will be once it is incorporated into the County's plan. Allen stated that the procedure will be much the same as it is now, although if

TOWN OF COTTAGE GROVE
JOINT MEETING OF TOWN BOARD AND DANE COUNTY ZLR COMMITTEE
DECEMBER 10, 2007

amendments from more than one town are pending, they may be bundled for approval by the county.

Hendrick liked Anderson's compromise. Jensen stated that the town needs to be able to do what needs to be done to make the TDR program work, and did not have a problem with Anderson's compromise. Miles also was ok with Anderson's compromise, as long as it passes corp. council.

It was generally agreed that the sentence in question on page J-12 of the town's amendment should say something like "Current procedures are set forth in Town of Cottage Grove Ordinances 15.15.6 approved on date" (*more specific reference*), and that on page J-13, the sentence in question should say something like "The actual transfer ratios shall be contained in a separate Town Ordinance, which may be amended if the County concurs by resolution".

Hendrick outlined the next steps as follows:

- 1) The Town should submit anything the Town Board acts on tonight to Allen for the December 18th ZLR meeting.
- 2) Allen was directed to try to have the EANR committee at the December 17th ZLR meeting as well, so that the town's amendment could be on the Dane County Board's December 20th agenda.
- 3) The Town will hold a joint Plan Commission and Board meeting on December 17th.

The County ZLR committee adjourned at 8:10 p.m.

IV. 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: Determine negotiation parameters for possible purchase of tractor for parks maintenance: **MOTION** by Morrow/Klinger to move to closed session. **MOTION PASSED UNANIMOUSLY BY ROLL CALL VOTE.**

V. The board moved into closed session at 8:20 P.M.

VI. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION: **MOTION** by Klinger/Morrow to reconvene to open session. **MOTION PASSED UNANIMOUSLY BY ROLL CALL VOTE.** The board reconvened to open session at 8:29 P.M.

VII. Action as a result of closed session: None. Hampton will get more information from the Highway Superintendent, and the item will be reconsidered at the December 17th board meeting.

VIII. Discussion on pass thru assessments for portions of the Town of Cottage Grove or Special Assessments by Village for improvements on County Hwy BB and Damascus Trail: Anderson advised that special assessment districts must meet specific criteria by state statute, and there must be a benefit to the assessed property. There was concern that even if the Town Board does not approve the special assessment, the Village will impose a delayed assessment that would be due, with interest, if the property was ever annexed. Anderson said the town cannot sit still for this due to the precedent it would set. The board asked Anderson to review the preliminary study provided by the Village. The clerk will find out where the Village is procedurally on the special assessment process. The item will be on the December 17th Town Board agenda for discussion and action.

IX. **MOTION** by Anders/Morrow to adjourn. **MOTION CARRIED 5-0.** The meeting was adjourned at 8:45 P.M.

Kim Banigan, Clerk

Approved 12/17/2007

TOWN OF COTTAGE GROVE
JOINT MEETING OF THE TOWN BOARD AND PLAN COMMISSION
DECEMBER 17, 2007

- I. It was determined that a quorum was present for both the Town Board and the Plan Commission. The meeting had been properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush.
- II. Call to Order:
 - A. Plan Commission Chair Silvin Kurt called the Plan Commission meeting to order at 6:35 P.M. Other members present were David Muehl, Virgil Schroeder, and Kris Hampton.
 - B. Town Board Chair Kris Hampton called the Town Board meeting to order. Other board members present were Dave Morrow and Karen Kessenich.
 - C. Also present were Attorney Connie Anderson and Town Clerk Kim Banigan, as well as those listed on the attached sign-in sheet (available in the Clerk's office).
- III. Review/Approval ORDINANCE 2007-03: Minor Changes Requested by Dane County to ORDINANCE NO. 2007-01, AN ORDINANCE OF THE TOWN OF COTTAGE GROVE ADOPTING THE 2007 PHASE 1 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 "TOWN OF COTTAGE GROVE SMART GROWTH COMPREHENSIVE PLAN – 2028": Anderson presented an ordinance adoption sheet and explained the changes, which include:
 - A. TDR program procedures refer to specific sections of ordinances.
 - B. Sending and Receiving area section has an additional reference to land use districts and the land use plan.
 - C. The transfer ratio is more clearly explained, and makes it clear that all other land use requirements must also be met.
 - D. As a compromise with Dane County, the transfer ratio in the Town's ordinance may be changed with a supporting resolution from the Dane County Board rather than having to go through the entire land use adoption process.

Kessenich asked if a super majority was needed for approval of comprehensive plan changes in accordance with Resolution 2007-05. Anderson stated that the Phase 1 amendment was approved by a super majority of the town board. The changes currently proposed are minor, and not substantive to what was passed by the super majority. It was also noted that the entire Town Board was present at the December 10, 2007 joint meeting with the Dane County ZLR committee, and all were in support of the proposed changes.

Kessenich also noted that the transfer ratio sets a maximum number of development rights, but depending upon the receiving area, other land use requirements may not allow for all to be used.

Plan Commission Action: **MOTION** by Muehl/Schroeder to approve Ordinance No. 2007-03, Minor Changes Requested by Dane County to Ordinance No. 2007-01, as presented.
MOTION CARRIED 4-0.

TOWN OF COTTAGE GROVE
JOINT MEETING OF THE TOWN BOARD AND PLAN COMMISSION
DECEMBER 17, 2007

Town Board Action: **MOTION** by Kessenich/Morrow to approve Ordinance No. 2007-03, Minor Changes Requested by Dane County to Ordinance No. 2007-01, as recommended by the Plan Commission. **MOTION CARRIED 3-0.**

- IV. Review/Recommend for public hearing Minor Changes to TDR Ordinance to Reflect Minor Changes to 2007 Phase 1 Amendment to the Comprehensive Plan, specifically regarding process for changes to transfer ratio (TCG Ord §15.15.1.3 and 15.15.3.2) and effect of variances/interpretations (TCG Ord § 15.15.7.2) (Proposed public hearing date: January 7, 2008): Changes are proposed to the “Authority” section to refer to the 2007 Phase 1 Amendment, to the “revision of transfer ratio” section confirming that a concurring County resolution is needed to change the ratio, and to the “variance and interpretation” section confirming that other entities retain their authority.

Plan Commission Action: **MOTION** by Schroeder/Muehl to recommend for public hearing the Minor Changes to the Transfer of Development Rights Ordinance (TCG ORD 15.15, Adopted as Ordinance No. 2007-02 on May 7, 2007). **MOTION CARRIED 4-0.**

Town Board Action: **MOTION** by Morrow/Kessenich to recommend the Minor Changes to the TDR Ordinance for public hearing on January 7, 2007. **MOTION CARRIED 3-0.**

- V. Adjournment:
- A. **MOTION** by Kessenich/Morrow to adjourn the Town Board. **MOTION CARRIED 3-0.**
 - B. **MOTION** by Muehl/Schroeder to adjourn the Plan Commission. **MOTION CARRIED 4-0.**

The joint meeting was adjourned at 7:02 P.M.

Kim Banigan, Clerk

Approved by the Town Board 1-07-2008

Approved by the Plan Commission 01-23-2008

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 17, 2007

- I. A quorum was present, and the meeting was properly posted at Town Hall, Corn Palace, American Way and Gaston Road at Brown Thrush. Chairman Kris Hampton called the meeting to order at 7:03 P.M. Other board members present were Dave Morrow and Karen Kessenich. Steve Anders arrived at 7:26 P.M. Also present were Attorney Connie Anderson, Clerk Kim Banigan, Treasurer Debbie Simonson, Highway Superintendent Jeff Smith, and those listed on the attached sign-in sheet (available in the clerk's office).
- II. Minutes of previous meeting(s):
 - A. **MOTION** by Morrow/Hampton to approve the minutes of the December 3, 2007 Town Board Meeting as printed. **MOTION CARRIED 2-0-1** (Kessenich abstained).
 - B. **MOTION** by Morrow/Kessenich to approve the minutes of the December 10, 2007 Joint Meeting of the Town Board and Dane County ZLR committee as printed. **MOTION CARRIED 3-0.**
 - C. **MOTION** by Kessenich/Morrow to approve the minutes of the Town Board closed session on December 10, 2007, and to release them as a public record. **MOTION CARRIED 3-0.**
- III. Finance Report and Approval of Bills:
 - A. The Treasurer noted that three checks up for approval are for payments due in January, before the first board meeting: #14678 – Capital lease payment for the ladder truck, #14679 – Fire Department Insurance Premium, #14696 – Final loan payment on the Loader.
 - B. **MOTION** by Morrow/Kessenich to approve the payment of bills corresponding to checks #14650 through #14696. **MOTION CARRIED 3-0.**
 - C. **MOTION** by Hampton/Kessenich to approve the net worth at \$713,329.30. **MOTION CARRIED 3-0.**
- IV. Public Concerns: None.
- V. Road Right of Way Permits: None.
- VI. Consider reducing the amount of Letter of Credit required from James, Nola and Neli Skaar a.k.a. Screamin' Norwegian Farms, LLC.: Hampton noted that the correct right-of-way map and description have now been filed with the County. A letter from Town Engineer Warren Myers recommends keeping 15% of the original letter of credit to cover the asphalt surface and topsoil restoration. **MOTION** by Morrow/Kessenich to reduce the letter of credit to \$36,375 (15% of the original amount) as recommended by Town Engineer Myers. **MOTION CARRIED 3-0.**
- VII. Consider/Approve two CSM's for Duane Swalheim:
 - A. 2298 US Hwy 12 & 18 –CSM combines former residential parcel and adjoining A1-EX Parcel: **MOTION** by Kessenich/Hampton to approve the CSM identified as DRG. NO. 3502. **MOTION CARRIED 3-0.**
 - B. Schadel Road – CSM creating residential lot. **MOTION** by Hampton/Morrow to approve the CSM identified as DRG NO. 3458. **MOTION CARRIED 3-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 17, 2007

(Anders arrived during discussion for item VIII.)

VIII. (Skip to Agenda Item III. E.) Discuss/Consider/Approve transfer of Garbage and Recycling Pickup Service on Burve Road to the Town of Deerfield: Town of Deerfield Chair Bob Riege was in attendance, and stated that Deerfield's cost for garbage and recycling pickup is \$145 per residence, which is \$10 higher than the Town of Cottage Grove's cost. He said it would be of benefit to the Town of Deerfield to reduce the garbage truck traffic on their town roads by having their carrier pick up the Town of Cottage Grove residences on Burve Road. The Clerk stated that she mailed the agenda to the Burve Road residents on Friday. Kessenich was concerned that they may not have received the notice in time for the meeting. **MOTION** by Kessenich/Anders to approve the transfer of garbage and recycling pickup for Town of Cottage Grove residents on Burve Road to the Town of Deerfield's carrier with a delayed effective date of December 21, 2007 as long as no objections are received by then. If objections arise, the item will be reconsidered at the January 7, 2008 Town Board Meeting. If no objections arise, the change in service is to begin the first week of January. **MOTION CARRIED 4-0.** Payment for the service will be made to the Town of Deerfield in one annual installment upon receipt of a bill.

IX. (Return to Agenda Item III. B.) Discussion and possible action on the Village of Cottage Grove's request for pass thru assessments for portions of the Town or Special Assessments by the Village for improvements on County Hwy BB & Damascus Trail: Many residents were in attendance and registered in opposition to the special assessments (objections available in the Clerk's office). Hampton stated that the Town Board was taken by surprise when the Village presented a Special Assessment Study Report and its request to special assess Town residents at the December 6, 2007 joint meeting.

Anderson had reviewed the report, which she stated was the engineer's description of what the special assessment district is that would benefit from the improvements, and a calculation of costs. Anderson then provided a handout that included Wis. Stats. 66.0707 which states that in order for the Village to special assess town residents, the Town Board would need to approve by Resolution. The other side of her handout was Special Assessments FAQ 6 from the League of Wisconsin Municipalities regarding the levying of special assessments against a property which is currently outside the corporate limits, to be paid upon annexation ("deferred assessment"). The League's opinion stated this practice is questionable.

Anders pointed out that in addition to the Meadow Grove subdivision, the proposed special assessment district also includes the southern half of the Ravenwood subdivision.

Jill List, 4370 Citation Ct., wondered if the Village has special assessment districts for other such street improvements.

Kessenich had located a City of Madison resolution stating that the Monona Grove School District would pay 100% of the cost of the traffic signal on the corner of Monona Drive and Coldspring. She also had a copy of the MGSD's development agreement with the Village, which says that the School District will pay for two driving lanes, turning lanes and traffic signals at Hwy BB and Damascus. In addition, she found at least two School Board Closed Session agendas dealing with appeal of impact fees after the date that the developer's agreement was signed. Kessenich stated that Town developments have not added to the traffic

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 17, 2007

at County BB and Damascus.

Delores Ebert, 4342 Damascus Trail, stated that half or more of the traffic from Damascus is not Meadow Grove residents, but rather cut-through traffic from Vilas Road.

Margaret Williams, 4346 Damascus Trail, stated that the new school and projected library are the factors affecting traffic increases, and they benefit the entire community, not just the residents in Meadow Grove.

Anderson stated that it was important that the Town Board communicate to the Village that they are concerned, and do not believe this is an appropriate action.

MOTION by Kessenich/Morrow directing the Chair to send a response letter to the Village Board regarding the Special Assessment Study Report, including the questions and concerns raised in tonight's meeting. **MOTION CARRIED 4-0.**

Residents asked what they should do next, and were advised to keep an eye on upcoming agendas, especially those of the Village, and that the monthly joint meeting of the Town and Village Boards is a good place to bring concerns.

- X. Discuss/Consider/Approve line item amendments to the 2007 Budget: The treasurer had prepared year-to-date Budget vs. Actual report. After reviewing the numbers, and considering the variability of December expenses due to snow removal costs, it was decided to wait until the January 7, 2008 meeting to make any amendments.
- XI. Consider/Approve Appraisal Proposal for "The Farm": Kessenich stated she did not recommend participating because it was unclear how the Town would participate in the purchase of any of the property, as it seemed that whatever became of the property would most likely require annexation to the Village. Hampton stated that Village Trustee Randy Margenau had suggested that the Town take \$2000 out of the 2008 recreation budget to pay for the Town's portion of the \$4800 appraisal cost. Hampton stated he was OK with contributing the \$2000 to show a commitment to acquiring land for open space to buffer Meadow Grove. There have also been indications that grant possibilities may be stronger for a partnership of two municipalities. **MOTION** by Hampton/Kessenich to send a letter to the Village of Cottage Grove stating that the most the Town can contribute is \$2000 out of the recreation budget (Account #52320) for 2008. **MOTION CARRIED 4-0.**
- XII. Consider/Approve State/Municipal Agreement for installation of flashing lights, gates and motion sensor circuitry at the Wisconsin & Southern Railroad Co. crossing on Vilas Road in the Town and Village of Cottage Grove: **MOTION** by Hampton/Anders to approve the agreement as presented. **MOTION CARRIED 4-0.**
- XIII. Consider/Approve Notice of Intent to Apply to the Land Recycling Loan Program for the Natvig Landfill site, and authorize a Town representative to sign the notice: Hampton stated that this is something the Town applies for each year in case the funds are needed. **MOTION** by Kessenich/Morrow to approve the notice, and authorize the Town Chair to sign. **MOTION CARRIED 4-0.**
- XIV. Consider/Approve Election Inspectors for 2008-2009 Term: **MOTION** by Kessenich/Hampton to approve the list provided by the Clerk of 9 election inspectors for the 2008-2009 term. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 17, 2007

- XV. Consider/Approve purchase of application software for office computers: **MOTION** by Hampton/Kessenich to approve \$150.00 for purchase of application software for the office laptop computer, purchase to be made after January 1, 2008. **MOTION CARRIED 4-0.**
- XVI. 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: Determine negotiation parameters for possible purchase of tractor for parks maintenance: No motion was made and no closed session was held.
- XVII. Clerk's Report:
A. Dane County Ordinances – None.
- XVIII. Board Reports and Communications:
A. Hampton: The Wisconsin Towns Association is holding Board of Review Training in March. The Town should send at least one, preferably two, board members for training.
- XIX. Committee Reports:
A. Law Enforcement Committee: A one-year extension of the labor agreement was signed on December 14th.
- XX. **MOTION** by Morrow/Kessenich to adjourn. **MOTION CARRIED 4-0.** The meeting was adjourned at 9:23 P.M.

Kim Banigan, Clerk
Approved 01-07-2008