

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 5, 2016

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's internet site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders and Mike DuPlayee were all present, along with Clerk Kim Banigan and Treasurer Debra Abel.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by DuPlayee/Anders to approve the minutes of the Town Board meeting held on June 20, 2016 as presented. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #30454-30492 from Monona State Bank, including voided checks #30472 and #30480. **MOTION CARRIED 4-0.**
 - 2. **MOTION** by Anders/DuPlayee to approve payment of June per diems as presented, and payment of \$2,980.00 to Viken Inspection Agency, LLC for June building permits. **MOTION CARRIED 4-0.**
- E. Public Concerns: Public Works Employee Norman Schmelzer addressed the board about his impending retirement, stating that he plans to retire on or before October 1st of this year. He thought the timing would be conducive to his replacement learning the Town roads since that is when fall mowing out takes place. He offered to continue if a suitable replacement cannot be found, or to fill in when additional help is needed for snow removal.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Plan Commission Recommendations:
 - 1. Discuss and consider application by Donald Viney and Viney Acres, LLC, Landowner, to rezone 11.41 acres at 3695 County Road N (parcel 0711-213-9720-7) from A-1EX to R-1 to create a rural subdivision, CONTINGENT ON PLAT APPROVAL: Hampton stated that the Plan Commission found the rezone to be consistent with the comprehensive plan, but their recommendation was that if the plat does not get approved, the zoning does not change. **MOTION** by Anders/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 11.41 acres from A-1EX to R-1 to create a rural subdivision, CONTINGENT ON PLAT APPROVAL. **MOTION CARRIED 4-0.**
 - 2. Discuss and consider application by Real Estate Mgmnt Solutions and Larry Skaar, Vicki Kraus, John Skaar, Landowners, to rezone 24.84 acres on Fieldview Lane (parcel 0711-332-9700-0) from A-2 to C-2 for a self storage complex on approximately 50% of the site: Anders complimented the applicant on one of the most complete applications he has seen in his years on the board and plan commission. Hampton reported that the Plan Commission found the rezone to be consistent with comprehensive plan, but the applicant still needs to come back to the Plan Commission with the materials they plan to use in their building design. Anders asked if ponds would be detention or retention. Robert Roth of Real Estate Management Solutions stated that they would be mostly retention. **MOTION** by DuPlayee/Anders to accept the Plan Commission's recommendation to approve the rezone of 24.84 acres from A-2 to C-2, limited to permitted uses "a" - C-1 (a) for office in front of building B, "q" - Parking or storing of motor vehicles with current vehicle licenses, and "u" - Mini-warehouses under DCCO section 10.14. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 5, 2016

3. Discuss and consider revisions to TCG Ch. 15 – Land Division and Planning Code (first reading only): The proposed revisions had been drafted by Attorney Connie Anderson.

The Plan Commission recommended changes to section 15.8.7.4 to resolve a conflict between the ordinance and the comprehensive plan regarding minimum lot size. Discussion was to strike the first sentence regarding maximum gross density and simply state the second sentence which reads “Guidelines for lot sizes shall be as set forth in the Town of Cottage Grove’s Comprehensive Plan.”

Suggested changes to section 15.9.3.4 were intended to clarify the responsibility of the developer regarding construction of storm sewer and storm water drainage facilities. There was general agreement to the language as drafted by the attorney.

MOTION by DuPlayee/Anders to send the ordinance amendment as revised tonight to public hearing at 7:00 P.M. on July 18, 2016. **MOTION CARRIED 4-0.**

4. Discuss and consider revising the Smart Growth Comprehensive Plan:
 - a) Include a portion of parcel 0711-212-9500-4, owned by MAC-FARM, LLC, in the Neighborhood Development Area: There was discussion about where this proposed change originated. The Clerk reminded everyone that it was first brought up by Hampton at a board meeting in May when another land use map revision was being considered, and consensus of the board had been to send it to the Plan Commission for their consideration. Hampton said he had discussed it with Maureen Casey of MAC-FARM, LLC and she was OK with the change. The Plan Commission has since recommended it. Ms. Casey was not present tonight but Don Viney said he was there to represent her. **MOTION** by Hampton/DuPlayee to include a portion of parcel 0711-212-9500-4, owned by MAC-FARM, LLC, in the Neighborhood Development Area. **MOTION CARRIED 4-0.**
 - b) Revisions to Figure 3: Transfer of Development Rights (TDR) Program and Figure 7: Neighborhood Development Area Purpose and Policies regarding residual development rights: The Clerk stated that she had run this language past Pam Andros of Dane County Planning and Development, looking for suggestions on how the residuals should be tracked. Andros had responded that she felt the revisions were not in conflict with the County's TDR ordinance, and would make the system a little more flexible. She did not answer the question about tracking, however. The Clerk also pointed out revisions to clarify that RDUs transferred within the Ag Preservation area would not benefit from a transfer incentive ratio, nor would those originating from land already in a Neighborhood Development area. Anders posed a scenario of a RDU being transferred from Neighborhood Development to Ag Preservation and then subsequently back to Neighborhood Development to take advantage of the incentive ratio, but the comprehensive plan states clearly that the transfers can only be from Ag Preservation to Neighborhood Development, or within the Ag Preservation area, not from Neighborhood Development to Ag Preservation. There was much discussion on the topic of residual RDUs and how they should be allowed to be used only in a platted subdivision. Fonger objected to the possibility of realtors getting involved in their sale. Hampton said that there are a finite number of RDUs left in the Town, and if residuals are not retained, the Town will lose the development potential they offer. There was a motion by Fonger to table that failed due to a lack of a second. **MOTION** by Anders/DuPlayee to retain residual RDUs as long as the developer has utilized at least 50% of the last multiplier

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 5, 2016

applied to the subdivision. **MOTION FAILED 2-2** (Hampton and DuPlayee opposed).

MOTION by Fonger/DuPlayee to table until July 18th. **MOTION CARRIED 4-0.**

- B. Discuss/Consider approval of additional Election Inspectors for the 2016-17 term: The Clerk stated that the four candidates listed have offered to serve since the 2016-17 election inspectors were approved last December, and she definitely needs the extra help. **MOTION** by Hampton/DuPlayee to approve the list of four additional election inspectors for the 2016-17 term. **MOTION CARRIED 4-0.**
- C. Discuss/Consider replacement or repair of Town Hall exterior lights: A transformer recently failed and blew a breaker, which prompted getting a quote to replace all five exterior lights with LEDs. **MOTION** by Anders/DuPlayee to accept the quote from Electrical Solutions, Inc. to replace all five of the exterior lights on the Town Hall with LEDs at a cost of \$1,328.00. **MOTION CARRIED 4-0.**
- D. Discuss/Consider writing off 2015 personal property tax for Green Valley Trucking: This property was dooamage assessed based on the business being listed in the phone book and online as being at 2532 Peiper Road. The occupants there responded that there is no such business there, and attempts to contact the registered agent of Green Valley Trucking have been unsuccessful. **MOTION** by DuPlayee/Anders to write off \$39.49 in 2015 personal property taxes for Green Valley Trucking at 2532 Peiper Road. **MOTION CARRIED 4-0.**
- E. Discuss/Consider which services to put out for bid for 2017 budget: Consensus was to seek bids for janitorial, auditing and insurance services to be considered for the 2017 budget.

III. CLERK'S REPORT: None.

IV. HIGHWAY SUPERINTENDENT'S REPORT: None.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton reported that:

- A. A DaneCom update/listening session is scheduled for July 12th. Anders added that the DaneCom Governing Board has a meeting scheduled for July 28th.
- B. The Welcome to the Town of Cottage Grove sign on County AB needs to be temporarily taken down to allow for road construction.
- C. The City of Madison will hold a public meeting on neighborhood planning for the Yahara Hills area on July 26th.

VI. COMMITTEE REPORTS:

- A. Joint Town/Village Fire Department Committee: Considering contracting with an individual from Sun Prairie to apply for an AFG grant for air packs.

VII. Adjournment: **MOTION** by DuPlayee/Fonger to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:52 P.M.

Kim Banigan, Clerk

Approved 07-18-2016

TOWN OF COTTAGE GROVE
PUBLIC HEARING MINUTES
JULY 18, 2016

Public Hearing regarding An Ordinance Amendment to Chapter 15 – Land Division and Planning

- I. Notice of the public hearing was published in the legal section of the Wisconsin State Journal on July 5th and 11th, as well as posted at the Town Hall and on the Town's internet site.
- II. Town Chair Kris Hampton called the public hearing to order at 7:00 P.M.
Town Board members present: Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee.
Plan Commission members present: Kris Hampton, Mike DuPlayee, Dave Muehl, Ben Morrow, Virgil Schroeder, Wilmer Larson and Phil Bultman.
Also present: Attorney Connie Anderson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, Treasurer Debra Abel, Town Engineer Thomas TeBeest and Town Planner Mark Roffers.
- III. Attorney Anderson reviewed the proposed revisions, which she stated are to bring the ordinance into agreement with the Comprehensive Plan. The revisions were divided into three areas:
 - A. Lots: the current ordinance called for a maximum gross density of one lot per acre. The proposed revision simply refers to lot size guidelines in the Comprehensive Plan.
 - B. Storm sewer and storm water drainage facilities: the proposed revision makes it clear who is responsible for the cost of such facilities.
 - C. Siting Standards: The current ordinance references future land use areas, some of which no longer appear in the Comprehensive Plan. The proposed revisions refers to siting standards in the Comprehensive Plan instead.
- IV. There was a question about how often the Town is required to review the Comprehensive Plan. By law the plan must be reviewed every 10 years, but the Town has an annual review process that includes an open period from February 15 – March 15 each year for landowners to submit suggested revisions.
- V. Hampton closed the public hearing at 7:07 P.M.

Kim Banigan, Clerk

Approved 08-01-2016

TOWN OF COTTAGE GROVE
JOINT TOWN BOARD / PLAN COMMISSION MEETING
JULY 18, 2016

- I. Notice of the meeting was posted at the Town Hall and on the Town's Internet site.
Town Board members present: Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee.
Plan Commission members present: Kris Hampton, Mike DuPlayee, Dave Muehl, Ben Morrow, Virgil Schroeder, Wilmer Larson and Phil Bultman.
Also present: Attorney Connie Anderson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, Treasurer Debra Abel, Town Engineer Thomas TeBeest and Town Planner Mark Roffers were also present, developers Don and Marilyn Viney and their consultants, along with a number of concerned residents.
- II. Hampton called both the Town Board and Plan Commission to order at 7:07 P.M.
- III. Presentation of Preliminary Plat for Viney's Addition to Sky High:
 - Dan Birrenkott presented the 15 lot preliminary plat and displayed the concept map showing placement of houses and septic systems and storm ponds.
 - Ryan Quam of Quam Engineering, LLC, spoke about drainage easements and ditching, bio retention devices between lots 12 & 13, and a retention pond in outlot 1 planned to hold 3-4 feet of standing water. Ditches would have a maximum slope of 9%, and easements would provide access for Town maintenance of stormwater facilities.
 - Mark Roffers of MDRoffers Consulting, the Town's planning consultant, presented an overview of his written review of the zoning request and preliminary plat for compliance with the Town's comprehensive plan and land division ordinance. Highlights included:

The plat area is in the Neighborhood Development Area of the future land use map, and has been recommended for residential development for many years.

Development of the area will require the use of the Town's TDR program, and will result in preservation of 70-80 acres of farm land based on the number of lots.

The original rezone application for R-1 zoning has been revised to ask for R-2. While R-2 would be acceptable in the Neighborhood Development Area, R-1 is more consistent with surrounding subdivisions, with the major difference being greater setbacks and lower maximum impervious surface areas. The setbacks drawn on the preliminary plat are consistent with R-1 zoning, and Roffers recommended staying with that.

The comprehensive plan calls for 80% of the development polices for the Neighborhood Development area to be met. Roffers felt this was attainable, but cautioned that careful evaluation is needed of septic areas, rare and endangered species, and access to common areas. Design standards he mentioned included:

Maintenance of rural character by minimizing the visibility of development through preservation of existing topography and vegetation/mature trees.

Streets should be an inner connected network. Since Dane County has indicated that no connection will be allowed to County Road N, and existing homes to the south do not allow connection to Hupmobile, the cul-de-sac approach seems reasonable, however the viability of future connection of the "proposed street" stub to new development to the north should be verified, and the "proposed street" needs a name on the plat.

Easement access from a Town road to common areas is needed to allow the Town to maintain ditches and ponds.

TOWN OF COTTAGE GROVE
JOINT TOWN BOARD / PLAN COMMISSION MEETING
JULY 18, 2016

- Tom TeBeest of Town and Country Engineering, the Town's contracted engineering firm, presented highlights of his report evaluating the preliminary plat for compliance with the Town's land division ordinance (Chapter 15). He noted that additional documents regarding grading and stormwater management were received directly from the developer's engineer within the last few days but these were not included in his review as they did not go through the proper channels. His comments on drainage were made in general based on the concept plan.

A number of small details as required by Chapter 15 are not addressed on the preliminary plat.

Stormwater management is a major concern/hurdle for the development.

Stormwater discharged to the County highway right-of-way must be permitted by the County.

Dane County will determine suitable on site waste water treatment systems and replacements, but the Town may want to require confirmation that the plat area is suitable for septic systems and has enough space for them before approving the preliminary plat.

Chapter 15 limits cul-de-sacs to 1,000 feet. The distance from Crestview to turn-around is over 1,200 feet. The stub labeled "proposed street" on the preliminary plat is less than 1,000 feet from the turn-around, however it is also a dead end. TeBeest strongly suggested that the plans for how and when development of the property to the North be evaluated.

Chapter 15 says that blocks should not be less than 600 feet in length. The block from Crestview to the "proposed street" is 450 feet. (Later input from Roffers was that the direction of the block should be measured north to south taking into account future development, which TeBeest said was reasonable).

There needs to be enough easement area for the Town to access and maintain the stormwater management facilities. The preliminary plat does not allow much room for such easements.

Drainage easements should be dedicated for drainage and not combined with utility easements.

Covenants should prohibit landscaping and structures in drainage easements.

Chapter 15 states that the Town Engineer should prepare a study of stormwater management, but TeBeest suggested this is redundant since the developer has to perform such a study as part of the permitting process with Dane County. The study should look at the entire area and if it is determined that the capacity of the facilities should be greater in anticipation of future development, the Town Engineer could determine what portion of the cost is attributable to future development so the Town could consider funding that portion.

The Town must decide whether the "proposed street" should be paved and/or barricaded, and whether driveways or parking will be allowed on it.

TeBeest recommended approval of the preliminary plat be contingent upon the development addressing the comments already made as well as any future problems identified as the developer makes additional submittals, and that all submissions from the developer's engineer go to the Town so they can be distributed and put everybody on the same page.

TOWN OF COTTAGE GROVE
JOINT TOWN BOARD / PLAN COMMISSION MEETING
JULY 18, 2016

- Discussion:

Anders commented that he is more amenable to R-1 vs. R-2 zoning to create greater separation of residences and allow for stormwater and utility easements. He questioned whether there would be ditches or curbs. Quam stated the current plan is ditches.

Roffers recommending finishing the “proposed street” stub for perception, otherwise there is a risk of property owners thinking of it as part of their lawn and being put off when it is eventually developed.

Jeff Smith agreed with Roffers and suggested that the retention pond could be accessed from the existing farm driveway, he did not think the County could take it away.

Schroeder recommended not allowing lots 1 and 2 to have driveways on the “proposed street” stub. Birrenkott said it is actually desirable to have driveways on a side street when possible. Larson noted that without driveways, there would not be a need to plow the stub. He suggested no driveways be allowed until the road is continued.

Jim Weber, 3716 Crestview, suggested that stormwater is not properly addressed and actually pushes water to problem areas. He recommended use of a catch basin and storm sewers to direct water to the pond. TeBeest said while Mr. Weber made good points, storm sewers are typically designed for 10 year events, and anything above that would drain over the land.

Carol Marshall, 2575 Bass Road, asked about the significance of the cul-de-sac exceeding the 1,000 foot limit. Atty. Anderson said it has to do with public safety, and a report should be requested from the Fire Department and EMS district.

John Loeffler, 2574 Hubmobile, said there was a lot more information being presented at this meeting, offering the communication and transparency that in his opinion was lacking in the earlier meetings he attended. He felt that the Town Board presence was key to the integrity of the process.

Anders wondered what can be done to prevent the retention pond from algae growth, odor and geese? TeBeest suggested that an aerator could help, and that the depth of the pond would determine how well algae could grow. He said the homeowners association could be responsible for the aerator.

- IV. Consider/Adopt Plan Commission Resolution 2016-01 Recommending Approval of Preliminary Plat for Viney’s Addition to Sky High. Atty. Anderson explained that she drafted the resolution to recommend conditional approval of the preliminary plat based on the map submitted on June 22nd for 15 lots, incorporating the reports of the Town Planner and Engineer. The resolution contains 13 conditions. The Clerk stated that the preliminary plat was actually submitted to the Plan Commission on June 29th, when the concept plan was approved. **MOTION** by Schroeder/Morrow to adopt Plan Commission Resolution 2016-01 Recommending Approval of Preliminary Plat for Viney’s Addition to Sky High, correcting the date of Preliminary Plant submission to June 29th. **MOTION CARRIED 7-0.**

- V. Consider/Adopt Town Board Resolution 2016-04 Approval of Preliminary Plat for Viney’s Addition to Sky High:

MOTION by Fonger/Anders to not approve the preliminary plat, but to send it back to the Plan Commission. **MOTION FAIED 2-3** (Hampton, Williams and DuPlayee opposed).

MOTION by Hampton/DuPlayee to adopt Town Board Resolution 2016-04 Approval of Preliminary Plat for Viney’s Addition to Sky High, correcting the date of preliminary plat

TOWN OF COTTAGE GROVE
JOINT TOWN BOARD / PLAN COMMISSION MEETING
JULY 18, 2016

submission to June 29th. The Town Board will take action on the amenities at their August 1st meeting.

Discussion:

- Anders asked about the 1,000 foot maximum length for the cul-de-sac, wondering if a policy of ignoring the ordinance was being established. TeBeest said an evaluation of the property to the north would give a bigger picture and demonstrate whether the location of the “proposed street” is a good spot for it to extend. Dennis Viney, 3707 County Road N, owner of the land to the north, offered to allow Birrenkott to draw his portion if that would help clear up road issues.
- TeBeest recommended that preliminary plat approval be contingent on a satisfactory drainage/stormwater plan with contingencies that the Town can mandate changes to lot configurations with easements to address stormwater management concerns.
- Loeffler alleged that prior approvals had been taken out of order, and looked for assurance that it won't happen again.
- Williams indicated she is not comfortable approving the preliminary plat tonight, that the comprehensive plan and ordinance must be followed and more information is needed.

MOTION FAILED 2-3 (Fonger, Anders and Williams opposed).

MOTION by Williams/Anders to table until August 1st. **MOTION CARRIED 3-2** (Hampton and DuPlayee opposed).

- VI. Adjournment of the Plan Commission: **MOTION** by Schroeder/Larson to adjourn the Plan Commission. **MOTION CARRIED 7-0**. The Plan Commission adjourned at 9:08 P.M. and the Town Board carried on with their regular meeting.

Kim Banigan, Clerk

Approved by the Plan Commission on July 27, 2016

Approved by the Town Board on August 1, 2016

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
July 18, 2016

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's internet site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debra Abel, Deputy Jennifer Grafton, Engineer Tom TeBeest and Planner Mark Roffers.
- B. The Town Board was called to order at 7:07 P.M. along with the Plan Commission at their joint meeting earlier this evening. The Plan Commission adjourned at 9:08 P.M. and the Town Board continued with their regular meeting.
- C. Minutes of previous meeting(s): **MOTION** by Anders/Fonger to approve the minutes of the Town Board meeting held on July 5, 2016 as presented. **MOTION CARRIED 4-0-1** (Williams abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #30493-30533 from Monona State Bank. **MOTION CARRIED 5-0.**
 - 2. The Treasurer asked that July per diem reports be submitted by July 29th.
 - 3. The Treasurer reported that a Liberty Prairie Fund CD at the Bank of Sun Prairie comes due next Friday. Renewal rates are lower than money market rates at Monona State Bank so she will move the funds to a money market account there.
- E. Public Concerns: Lee and Judy Phillips, 2414 Nora Road, and Otto K Otteson, 2173 Nora Road, have heard there are plans to re-engineer the Y intersection of Nora Road with Uphoff Road. Otteson suggested that traffic coming west from Uphoff Road be required to stop since Nora Road is the continuous road. Judy Phillips was concerned that it would be difficult to navigate the hill in slippery conditions if there was a stop sign on Nora. Smith said that the plans are not yet finalized, and the Clerk said she will notify the Phillips and Mr. Otteson when they are.
- F. Road Right of Way Permits: The owners of Door Creek Orchard at 3252 Vilas Road had widened the shoulder for a parking area which, according to the Town's engineer, had resulted in too steep of a slope. He provided three options for correcting the situation. Thomas Griffith had applied for a permit to work in the right-of-way to follow option C. **MOTION** by Hampton/Williams to approve a permit to work in the right-of-way following option C of the Town Engineer's recommendations. **MOTION CARRIED 5-0.** Engineer Tom TeBeest was present and said he would come out to inspect the project at no additional cost.

II. BUSINESS:

- A. Review June Police Activities: Deputy Grafton reported that June was a busy month. The monthly report showed 323 calls for service and 212 citations, 132 for speeding. She also reported that a grant will provide 16 additional hours of speed enforcement and 8 additional hours of alcohol enforcement this month.
- B. Discuss/Consider adoption of Ordinance 2016-03 Amendments to Chapter 15: Land Division and Planning Code: The proposed amendments were discussed at a public hearing earlier this evening. **MOTION** by DuPlayee/Williams to adopt Ordinance 2016-03 Amendments to Chapter 15: Land Division and Planning Code. **MOTION CARRIED 5-0.**
- C. Discuss and consider revising the Smart Growth Comprehensive Plan: Figure 3 Transfer of Development Rights (TDR) Program. and Figure 7: Neighborhood Development Area Purpose and Policies regarding residual development rights. (tabled from the July 5th meeting:

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
July 18, 2016

MOTION by Hampton/DuPlayee to approve the revisions as drafted. **MOTION CARRIED 5-0.** Formal adoption will come in the form of an ordinance following a public hearing on August 1st.

- D. Discuss/Consider posting temporary no parking signs on Baxter Road in front of Double Days on October 20th for a RSVP recognition event: Diane Wiedenbeck was in attendance representing RSVP. It was noted that there are already no parking signs, but Wiedenbeck felt they may be ignored given that an antique car will be parked in the right-of-way. **MOTION** by Williams/DuPlayee granting Wiedenbeck permission to put up temporary no parking signs and/or cones on Baxter Road in front of Doubledays on October 20th. **MOTION CARRIED 5-0.**
- E. Discuss/Consider attendees for the Wisconsin Towns Association Convention on October 9-11. DuPlayee expressed interest in going on Monday October 10th, Williams and Fonger are not interested, Anders is undecided. **MOTION** by Hampton/Anders to table. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: None.

IV. HIGHWAY SUPERINTENDENT'S REPORT:

- A. Wolf Paving will begin working on paving projects in the Town during the first week of August. Notice was mailed to affected residents.
- B. Norman Schmelzer submitted written notice of his retirement on October 1, 2016, unless a suitable replacement is not found by then.

V. BOARD REPORTS AND COMMUNICATIONS: Anders reported that Dane Com will go live November 1st.

VI. COMMITTEE REPORTS:

- A. Emergency Government Committee: Nothing to report.

VII. Adjournment: **MOTION** by Williams/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:55 P.M.

Kim Banigan, Clerk

Approved 08-01-2016

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
AUGUST 1, 2016

PUBLIC HEARING ON COMPREHENSIVE PLAN AMENDMENTS

- I. Notice of the public hearing was published in the legal section of the Wisconsin State Journal on June 28, 2016, and posted at the Town Hall and on the Town's internet site.
- II. Town Chair Kris Hampton called the public hearing to order at 7:00 P.M.
Town Board members present: Chair Kris Hampton and Supervisors Mike Fonger, Kristi Williams and Mike DuPlayee.
Also present: Attorney Connie Anderson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, Treasurer Debra Abel, Town Engineer Thomas TeBeest and Town Planner Mark Roffers.
- III. Roffers explained that the Town's comprehensive plan was completely revised in 2015. The revisions currently proposed are as a result of the annual review process for the plan, and they include:
 1. Adding two parcels to the Neighborhood Development area of the Future Land Use Map. One is a parcel on Baxter Road that was previously designated for development but inadvertently changed back to Ag with the 2015 revisions. The other is an area west of County Road N that is between another Neighborhood Development area and a Commercial Development area.
 2. Clarification of policies of the Transfer of Development Rights Program, specifically relating to residual Residential Dwelling Units resulting from a developing area not having room for the 8 dwellings offered by each transfer from the Ag Preservation area.
 3. Minor tweaks to the policies of the land use areas.
- IV. **MOTION** by DuPlayee/Williams to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 7:08 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting was posted at the Town Hall and on the Town's internet site. Attendance was the same as listed for the public hearing above.
 - B. Hampton called the Town Board to order at 7:08 P.M. He noted that Supervisor Anders was recovering from a recent surgery.
 - C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the Public Hearing, Joint Town Board / Plan Commission and Town Board meetings all held on July 18, 2016 with one correction to the motion to adjourn the Joint meeting. **MOTION CARRIED 4-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #30534-30572 from Monona State Bank. **MOTION CARRIED 4-0.**
 2. **MOTION** by Fonger/DuPlayee to approve payment of July per diems as presented, and payment of \$1,080.00 to Viken Inspection Agency, LLC for July building permits. **MOTION CARRIED 4-0.**
 3. The Treasurer reported that she has submitted a request for a loan proposal to the banks.
 - E. Public Concerns: None.
 - F. Road Right of Way Permits: None.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
AUGUST 1, 2016

II. BUSINESS:

- A. Discuss/Consider adoption of Ordinance 2016-04 Amending the Town of Cottage Grove Comprehensive Plan: **MOTION** by Fonger/Williams to adopt the ordinance as presented. **MOTION CARRIED 4-0.**
- B. Discuss/Consider adoption of Resolution 2016-04 Conditional Approval of Preliminary Plat for Viney's Addition to Sky High: Attorney Anderson stated that she recommended conditional approval of the preliminary plat based on the reports of the Town Engineer and Planning Consultant. She noted that the first condition of the proposed resolution was that the Sub-divider must obtain approval of all other approving authorities, and the second condition requires satisfaction of all of the conditions set forth in the resolution prior to submission of the final plat. Other discussion of the conditions:
- Condition 3. notes that it is possible that once all of the conditions of the resolution are satisfied, submission of a second preliminary plat incorporating the necessary modifications may be required.
 - Condition 6. a. requires a Development Agreement to cover installation of public improvements.
 - Condition 6. b. requires a Declaration of Covenants and Restrictions to ensure quality of the development and to provide for a homeowner's association that will be responsible for maintenance of stormwater facilities and public easements. It also provides that the Town has the right, but not the obligation, to assume the homeowner's association responsibilities and special charge the lots within the plat for costs incurred.
 - Condition 7 establishes requirements for Erosion, sedimentation and stormwater management by the Town, Dane County and the Wisconsin DNR.
 - 7. a. contains a recommendation from the Town Engineer regarding drainage basins, noting that all portions of the development area are not included in the calculations. Ryan Quam, Engineer for the developer, said that the stormwater going to the North will be reduced by 40% compared to the current flow rate.
 - 7. b. stipulates that stormwater facilities must be located within outlots and drainage ways must not be co-mingled with outer types of easements. Dan Birrenkott, surveyor for the developer, said that placing utilities too far into the lot leads to unhappy homeowners, and sometimes utilities can be combined with stormwater easements when installed on a back slope. Sandy Goke, 2570 Hupmobile Dr., was concerned that the ditch not be compromised.
 - 7. c. contains a recommendation from the Town Engineer against the proposed bio retention area between lots 12 & 13, stating that you can't depend on a homeowner's association to maintain it. If utilized, the Town should take responsibility and have access to maintain it. The closer to the road it can be, the better. Otherwise eliminate it and make a grass swail.

Quam said the requirement is to infiltrate 90% of what infiltrates today, but the east half of the site is not as suitable for drainage as the west half is, which is the reason for the bio retention device in the proposed location.

Williams said she looked at the area after the recent heavy rain and saw bare soil between lots 12 & 13. She asked why not consider a catch basin and storm sewer to

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
AUGUST 1, 2016

direct flow to the detention pond. Quam said the facilities are designed for 100 year rain, and an open ditch will carry much more water than a pipe could.

The bio retention device is supposed to be dry within 24 hours. If water is still standing after 72 hours, the system is technically failing.

7 d. states a requirement to obtain a permit from Dane County for any stormwater discharged into the County N right-of-way. The detention pond will be 12 feet deep, Fonger asked if it should be fenced in.

Anderson said there is concern about whether there is room for all of the utilities, that possibly the lots are not correctly sized.

- Condition 10. confirms that the length of Bass Road to the end of the cul de sac should be measured from the proposed street, which meets the requirements of current Town ordinances. The developer stated that the proposed street will be named “Vinney’s Trail”.
- Condition 13. states that all requirements of the Transfer of Development Rights program be satisfied .
- Condition 15. requires soil tests to show that soils are suitable for septic systems on each lot. Birrenkott said that preliminary soil tests have been done, but final tests are generally not performed until the time of final grading, when a house is planned.
- Condition 17. lists what must be shown on the final plat. The final item, to restrict access to the “proposed street” until lands the north are platted, was removed through discussion.
- Condition 18. lists what existing improvements must be removed, including the existing driveway to the site. Smith said he has been advised by Dane County Assistant Highway Commissioner Pam Dunphy that the driveway could stay for access to the outlot as long as it has a locked gate. There were concerns over the longevity of this provision, however, and recommendations that other access easements should be provided to the outlot as well.
- Sandy Goke, 2570 Hupmobile, asked the Town Board to make the type and size of home a consideration in their approval to make sure they get the tax base value the Town needs. Discussion was that this would be something to include in the declaration of restrictions and covenants, which Roffers said almost always includes a minimum house size.

MOTION by Hampton/Fonger to adopt Resolution 2016-04 Conditional Approval of Preliminary Plat for Viney's Addition to Sky High as amended tonight. **MOTION CARRIED 4-0.**

- C. Discuss/Consider Terms and conditions incorporated into permit for the Village of Cottage Grove Water Utility to install and maintain a water main extension in the right-of-way of Gaston Road.: Village Trustee Alex Jushchyshyn, Public Works Director JJ Larson, and Utility Commission member Charlie Rogers were present. Village Attorney Leighton Boushea had emailed a list of changes to the conditions approved by the Town Board on June 7, 2016 as requested by the Village Utility Commission:
- In paragraph J, they asked to strike the word *minimal* in relation to the cost of Village Engineering related to the future road profiles to be reimbursed by the Town. Jushchyshyn said it was not meaningful. Atty. Anderson said it came from a comment from MSA. TeBeest suggested that Town and Country could do the engineering. It was agreeable to remove the word.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
AUGUST 1, 2016

- Paragraph L relates to the provision of a project warranty by the Village. The request was to strike the warranty coverage due to consequences related to the Village's decision to construct only half of the road. The Town Board did not agree with removal of this language. This led to a discussion over who is to be held accountable, the Village Board or the Utility Commission. Jushchyshyn said that it would be the Utility Commission, they are authorized to act independently, but Rogers said the commission is only advisory. Communication from the Village Attorney referenced the Village, not the Utility Commission.
- In Paragraph M, the request was to remove the requirement that repair of any damage to the North side of Gaston Road be acceptable to the Town Engineer, and instead hold the Village only to standards in compliance with Wis. Stat. Admin PSC 130. The Town Board did not agree to this change.
- The request was to strike all language in paragraph P regarding payment terms and instead require payment only as enumerated in Wis. Admin. Code PSC 130. Atty. Anderson said that the terms stem from past history. The Town Board was not in agreement with the change.
- DuPlayee cautioned about moving forward with the project once school is in session.

MOTION by DuPlayee to table. **MOTION FAILED DUE TO LACK OF SECOND.**

MOTION by Hampton/Williams to incorporate the feedback of the Town Board into the conditions as issued on June 7th and provide the new conditions to the Village Administrator.

MOTION CARRIED 3-1 (DuPlayee opposed.)

D. Discuss/Consider hiring process for retiring Public Works Employee:

1. Define Timeline: Advertisement to be published and posted online ASAP. Applications due on August 18th, with a recommendation to the Town Board at their first meeting in September.
2. Advertisement of opening: The advertisement looked good as drafted.
3. Review Application form: The application looked good as drafted.
4. Review Job Description: The job description looked good as drafted.

MOTION by Hampton/DuPlayee to approve the timeline as above, and the advertisement of opening, application form and job description as drafted. **MOTION CARRIED 4-0.**

III. CLERK'S REPORT: She is busy preparing for the Partisan Primary on August 9th.

IV. HIGHWAY SUPERINTENDENT'S REPORT:

- A. Wolf Paving will begin milling tomorrow, with paving to occur Thursday, Friday and possibly Saturday.
- B. He has had no word from the seal coating contractor.
- C. He suggested the Town Board may want to consider providing health insurance to employees in case it is something applicants for the public works employee opening would be looking for.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
AUGUST 1, 2016

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that the Urban Town Committee will have a legislative listening session in Fort Atkinson on August 30th, and he met with the McFarland School District to learn about their \$65 million capital improvement plans.
- B. Williams reported that she had attended a planning meeting for Madison's Yahara Hills neighborhood, and some of their plans for lands in the Town of Cottage Grove do not agree with ours. Hampton added that he met with City Planner Rick Roll who encouraged him to keep calling to set a date to talk about a boundary agreement. Williams also suggested contacting Brian Grady.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: Discussions have begun regarding a possible consolidation of Deer-Grove EMS and Marshall Area EMS. Hampton distributed a preliminary budget showing what the budget of a combined service might have looked like in 2016. Further discussion will be on the August 15th Town Board agenda.
- B. Joint Town/Village Landfill Monitoring Committee: Tina Sebold will bring a proposed 2017 agreement to the September meeting.

VII. Adjournment: **MOTION** by Williams/DuPlayee to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 9:27 P.M.

Kim Banigan, Clerk
Approved 08-15-2016

**TOWN OF COTTAGE GROVE
BOARD RESOLUTION 2016-04**

**CONDITIONAL APPROVAL OF PRELIMINARY PLAT FOR
VINEY'S ADDITION TO SKY HIGH**

WHEREAS, on June 29, 2016, Donald Viney ("Subdivider") submitted a preliminary plat for Viney's Addition to Sky High (the "preliminary plat"), which is located in the Town of Cottage Grove, Dane County, WI; and

WHEREAS, the Subdivider's application states that the preliminary plat will contain 15 single family residential lots, and maps indicate that the preliminary plat will be immediately adjacent to single family residential plats known as the Rolling Wheels 2nd Addition and the 3rd Addition to Sky High; and

WHEREAS, the Subdivider has requested approval of the preliminary plat and rezoning of the lots within the preliminary plat; and

WHEREAS, the Town Planner and Town Engineer have reviewed the request, and prepared separate reports to the Town Clerk for consideration by the Town Board (collectively hereafter, the "Reports"), which Reports are attached hereto as Exhibits and incorporated herein by reference; and

WHEREAS, the Plan Commission considered public input, the preliminary plat and the July 14, 2016 reports from the Town Engineer and Town Planner, and recommended to the Town Board conditional approval of the preliminary plat, subject to Subdivider satisfactorily addressing the concerns and issues raised in the July 14, 2016 reports to the satisfaction of the Town Board and the Town's consultants, all as set forth in Plan Commission Resolution 2016-01 and adopted on July 18, 2016; and

WHEREAS, the Town Board has considered the foregoing and shall take action as set forth herein.

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

The Town of Cottage Grove Town Board **Conditionally Approves** the preliminary plat for Viney's Addition to Sky High (Subdivider Don Viney) located in Lot 1, CSM No. 3894, and in the SE ¼ of the SW ¼, Section 21, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin, subject to the following conditions:

1. The Subdivider shall obtain approval for the plat from all other approving authorities, as required by law.
2. Prior to submission of the final plat to other approving authorities, the Subdivider shall satisfy each and all of the requirements set forth in this Resolution to the satisfaction of the Town Board. The Town Board shall consider the advice of the Town Attorney, Town Engineer and Town Planner prior to determining whether the final plat meets the requirements set forth in this Resolution.
3. It is possible that the Subdivider will need to make significant modifications to the preliminary plat in order to satisfy the conditions set forth in this Resolution. If significant modifications are required, as determined by the Town Attorney, Town Engineer, Town Planner or Town Board, the Subdivider may be required to submit a second preliminary plat that incorporates the necessary modifications.

4. The Subdivider shall address the technical comments set forth in the Town Planner's Reports dated July 14, 2016 and July 22, 2016, to the satisfaction of the Town Planner, Town Attorney and Town Board.
5. The Subdivider shall address the technical comments set forth in the Town Engineer's Reports dated July 14, 2016 and July 21, 2016, to the satisfaction of the Town Engineer, Town Attorney and Town Board.
6. As a condition of final plat approval, the Subdivider shall present to the Town Clerk the following fully executed original documents:
 - a. A Development Agreement, in a form satisfactory to the Town Board, Town Attorney and Town Engineer, covering the installation of public improvements for the proposed development including security acceptable to the Town Board, Town Attorney and Town Engineer. The conditions set forth in this Resolution shall be and hereby are incorporated in the Development Agreement, by reference hereto.
 - b. A Declaration of Covenants and Restrictions, in a form satisfactory to the Town Board, Town Attorney and Town Planner, ensuring the quality of the development and the representations made to the Town during the review process, and providing for a homeowner's association which shall be responsible for maintenance of the stormwater facilities, landscape buffer, accessway and other similar requirements set forth herein. The Covenants shall also provide that the Town shall have the right, but not the obligation, to assume responsibility for the homeowner's association's responsibilities and to special charge all lots within the plat for costs incurred.
 - c. A Stormwater Management Agreement, in a form satisfactory to Dane County, Town Board, Town Attorney and Town Engineer, for all stormwater management facilities.
 - d. TDR easements and notices, in a form satisfactory to Dane County, Town Board, Town Attorney and Town Planner, as necessary to comply with the TDR Program.
7. The Subdivider shall obtain approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Cottage Grove, Dane County, and the Wisconsin Department of Natural Resources (WDNR). To obtain approval of same from the Town, the Subdivider shall address the following to the satisfaction of the Town Engineer and Town Board:
 - a. The drainage basins used for calculations do not include some portions of the development. One area of concern is that the area on the north half of Lots 2, 3 and 4 may result in an increase in flow to the area north of the plat. The Town Engineer recommends that the Subdivider route this drainage east to the stormwater management facilities or demonstrate the total volume of runoff and flow rate leaving the site does not increase.
 - b. All stormwater treatment facilities shall be located within designated outlots. Stormwater conveyances or drainageways shall be contained in Town road rights-of-way or in exclusive drainage easements designated on the plat as such.
 - c. The Town Engineer does not support use of the proposed bioretention device that is proposed to be located between lots 12 and 13. The Town Engineer does not recommend placement of this type of stormwater management device between lots because of the maintenance necessary for this type of device to operate as necessary to operate as represented by the Subdivider's engineer. Access and maintenance by those knowledgeable about such devices is essential to proper operation and function. The Subdivider is encouraged to consider alternatives and shall be required to obtain approval from the Town Engineer prior to recommendation of same to the Town Board.

- d. Prior to discharging stormwater from the development to County Highway N right-of-way. The Subdivider shall obtain approval from the Dane County Highway Department with regard to any such discharge, and permit requirements shall require further approval by the Town Engineer.
8. The Subdivider shall obtain approval of the Grading Plans and Specifications, in a form satisfactory to the Town Engineer, for all land within the subdivision.
9. The Subdivider shall obtain approval of the Construction Plans and Specifications, in a form satisfactory to the Town Engineer, for all public improvements prior to construction. The Construction Plans and Specifications shall include:
 - a. A plan for the Subdivider's improvement of Bass Road between Crestview Drive and the west plat boundary that matches the street improvement standard for new streets within the plat, unless another standard is approved by the Town Engineer; and,
 - b. Plans for construction of the proposed street with a hammerhead end to permit turnaround of snow plows and similar vehicles.
10. The Town Engineer acknowledges receipt of a map of future roadway development to the north of the plat, as provided by Birrenkott Surveyors on July 19, 2016 confirming that the proposed street can reasonably connect to Gladeview to the north. Based on this submission, the Town Engineer has recommended, and the Town Board hereby confirms that the length of Bass Road to the end of the cul de sac should be measured starting at the proposed street rather than the intersection to the west of the proposed street. The length of Bass Road from the proposed street to the cul de sac meets the requirements in the current Town ordinances.
11. The Subdivider shall obtain approval of the preliminary plat from the Cottage Grove Fire Department and the Deer-Grove EMS Inspector (or designee). The Subdivider shall comply with any and all recommendations made by the Cottage Grove Fire Department and the Deer-Grove EMS Inspector (or designee), as confirmed by the Town Board, prior to the Town signing the final plat.
12. The Subdivider shall satisfy the Town of Cottage Grove's requirement for Fees in Lieu of Land Dedication, prior to the Town signing the final plat. Stormwater facilities do not and shall not count as parkland dedication.
13. The Subdivider shall satisfy the requirements of the Dane County Transfer of Development Rights ("TDR") Program, as opted-in to by the Town of Cottage Grove, prior to the Town signing the final plat. The Town Planner shall administer the TDR Program with the assistance of the Town Clerk, and the Town Attorney shall prepare appropriate easements and other TDR documents.
14. The Subdivider shall obtain rezoning from Dane County so that all lots in the plat are zoned as R-1 Residential and are located within a TDR Receiving Area.
15. Prior to submittal of the final plat, the Subdivider shall:
 - a. Submit soil tests verifying that the soils are suitable for septic systems on each lot, subject to verification by the Town Engineer in consultation with the County Sanitarian. The results of such testing and verification may require adjustments to the preliminary and final plat.
 - b. Determine whether state records or site evaluation suggests any rare plant or animal species, archaeological sites, or historically significant structures in the plat area.
 - c. NOTE: Depending on the results of such efforts, a second preliminary plat may be required, and the final plat or the remaining development process shall be adjusted accordingly.
16. The Subdivider shall submit, prior to or with the final plat:
 - a. A mature tree preservation plan. Such plan shall indicate the locations of all non- invasive trees with a diameter of 12 inches or greater for deciduous trees and a height of 10 feet or

greater for evergreen trees and include proposed strategies for maximizing mature tree preservation during site development, home construction, and beyond. Such strategies shall be approved by the Town Planner and Town Engineer, and will be included in engineering plans, development agreement, plat, and/or covenants as determined by the Town Attorney.

- b. A detailed landscape plan for the 30 foot landscape buffer and Outlot 1 of the preliminary plat. Such plan shall utilize existing mature vegetation, include berming and all-season vegetative screening between the proposed stormwater basin and the Highway N right-of-way, and be coordinated with the stormwater plan for Outlot 1.
- c. The stormwater outlot shall be thoughtfully designed to appear as a landscape element as well as a stormwater element.
- d. In addition to meeting ordinance requirements and engineering best practices, the final grading and stormwater plans shall be prepared with an effort to maintain pre-existing topography to the extent practical and encourage stormwater management treatment systems that focus on Best Management Practices (BMPs).

17. The final plat shall:

- a. Include a "building setbacks" exhibit that clearly indicates the front yard, the back yard, that the side yards are intended as interior (and not corner) side yards, that corner side yards shall meet front yard setback requirements, and that any unique building setback/buildable area indicated on any lot in the plat will control in the event of conflict with the exhibit.
- b. Delineate and label a "landscape buffer strip" along the 30 feet of the plat that is closest to the Highway N right-of-way, and include a note as follows: "Landscape buffer strip is reserved for the planting and maintenance of trees or shrubs by the owner. The building of structures hereon is prohibited, except where approved by the Town Board."
- c. Delineate a specific "buildable area" for preliminary plat Lot 7 so that new house placement will be no closer than 80 feet from the Highway N right-of-way, based on the ordinance requirement that the rear 30 feet of the landscape buffer strip shall not be counted as any required yard and the Town's desire to minimize development visibility from Highway N.
- d. Indicate the intended owner and function(s) of preliminary plat Outlot 1 in a manner satisfactory to the Town Board.
- e. Provide a 20-foot wide public access easement between preliminary plat Lots 7 and 8 to Outlot 1. (Engineering plans shall be designed to provide a suitable base to enable future paving of part of that easement and/or vehicular use.)
- f. Include all existing and proposed utility, stormwater/drainage, and other easements.
- g. The street name for the "proposed street" stub to the north shall be Vinney's Trail.

18. As a component of the development, the Subdivider shall remove existing improvements and/or modify existing improvements as follows:

- a. Demolish all existing buildings, foundations, septic systems, and other structures, including the white fence near County Highway N.
- b. Unless the Town Engineer determines it may be reused for new construction in the plat, close the existing wells in the plat in accordance with WDNR requirements.
- c. Dane County has verbally agreed that the Town may use the existing driveway opening onto Highway N to access to the stormwater outlot for maintenance, provided that a locked gate is installed near Highway N to County specifications. Subdivider shall install such gate at Subdivider's expense and provide all existing keys to the locks to the gate to the Town Clerk. {NOTE: This does not satisfy the requirement that the Subdivider provide access easements from Bass Road to all stormwater facilities in the Plat, including the outlot.]


- d. As part of such removal efforts, existing mature, non-invasive trees shall be preserved to the extent practical according to the mature tree preservation standards established in Section 16 above.
 - e. The above requirements expressly survive the Town's inscription of the final plat and are hereby incorporated in the Development Agreement by reference.
19. The Subdivider shall promptly reimburse the Town of Cottage Grove for all costs and expenses incurred by the Town in connection with the review and approval of the preliminary and final plat, including, but not limited to, the cost of professional services incurred by the Town of Cottage Grove for the review and preparation of required documents, attendance at meetings or other related professional services.
20. This conditional approval by the Town Board shall expire at termination of the Village of Cottage Grove's Waiver of its ETJ over the area included in the preliminary plat. If the final plat has not been recorded prior to such termination, the Subdivider shall be required to obtain approval from the Village of Cottage Grove and the Town of Cottage Grove shall have an opportunity to reconsider and adjust the terms and conditions set forth herein.

The above and foregoing Resolution was duly adopted at a meeting of the Town Board of the Town of Cottage Grove held on the 1st day of August, 2016, by a vote of 4 in favor and 0 opposed. [Note: One Town Supervisor was absent for medical reasons.]

TOWN OF COTTAGE GROVE


Kris Hampton, Town Chairperson

Attested by:


Kim Banigan, Town Clerk

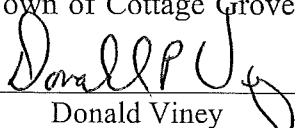
Incorporated by Reference: [available from Town Clerk]

Exhibit A	Town Engineer Report dated July 14, 2016
Exhibit B	Town Planner Report dated July 14, 2016
Exhibit C	Town Engineer Report dated July 21, 2016
Exhibit D	Town Planner Report dated July 22, 2016

ACKNOWLEDGMENT BY SUBDIVIDER

I, Donald Viney, the Subdivider, hereby acknowledge receipt of this Town Board Resolution 2016-04, and understand that compliance with the terms and conditions set forth in Town Board Resolution 2016-04 is required by the Town of Cottage Grove prior to its approval of the final plat.

Dated: 8-17-16


Donald Viney

July 14, 2016

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

Subject: Viney's Addition to Sky High
Preliminary Plan Review

Dear Kim:

Town & Country Engineering, Inc. has reviewed the following documents:

- A preliminary grading plan and erosion control plan dated June 1, 2016 that was received from the Town via email on June 15th.
- A preliminary plan entitled 'Viney's Addition to Sky High' dated June 15th, 2016 received from the Town via email on June 16th, 2016.
- A conceptual plan entitled 'Conceptual Plan Viney's Addition to Sky High' not dated but labeled 160062-PPv3.dwg, received from the Town via email on June 16th, 2016.
- A preliminary plan entitled 'Preliminary of Viney's Addition to Sky High' dated June 15th, 2016 received from the Town via email on June 30th, 2016.
- An undated, untitled plan with aerial background received from the Town via email on June 30th, 2016.

We have reviewed these documents with respect to the preliminary plat provisions of Chapter 15 of the Town's Code of Ordinances—Land Division and Planning Cod—and submit the following comments for your consideration. It is our understanding, that the Town's planner, Mark Roffers, has reviewed these documents with respect to relevant zoning ordinances and the Town's Comprehensive Plan so our comments do not address these areas.

We have received additional documents regarding grading and stormwater management within the last three days from the developer's engineer. However, because this technical submittal is not yet complete and was not submitted through the Town office, we have not completed a formal review of these documents.

The following comments reference a specific ordinance section.

15.3.2.1 This section requires that the developer file ten (10) copies of the plat with the Town clerk and send copies of the plat to local utilities such as gas,

electric and telephone. We are not aware of comments being received from these utilities. This utility review may help avoid costly conflicts and not having appropriate easements to accommodate utilities or have utility easements in conflict with drainage easements. Other authorities such as the Dane County Highway Department should be contacted in the event grading is necessary within County Highway N right-of-way or if drainage from the development discharges into County right-of-way. If discharge from potential stormwater facilities located in Outlot 1 onto County right-of-way is not permitted by the County, this could be a considerable obstacle in accommodating the drainage for the development. This issue should be resolved early in the development process to confirm that proposed drainage will work.

15.4.1.2 The location sketch should include existing streets to show the relationship between the plan and the surrounding area.

15.4.2.1 The exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby shall be shown on the plat.

15.4.2.2 The elevation Datum shall be plainly labeled on the plat.

15.4.2.4 All section lines and quarter section lines within the exterior boundaries or immediately adjacent to the plat should be labeled appropriately on the plat.

15.4.2.6 The type, width and elevation of existing street pavements on streets or roadways adjacent to the plat should be noted on the plat.

15.4.2.7 The location, size and invert elevations of all existing culverts should be shown on the plat. Any existing utility poles, pedestals or underground utilities should be shown on the plat. (The preliminary plan extends out to the centerline of County Highway N.)

15.4.2.8 Locations of all existing structures and driveways and other significant features within the area being subdivided or immediately adjacent to should be shown on the plat. Note that Lots 7 and 8 have existing buildings and the certified survey maps north of Lots 6 and 7 also have buildings that should be shown.

15.4.2.9 Location, width, length, bearing and names of all proposed streets should be shown on the plat. Only the right-of-way width is shown.

15.4.2.12 Where street have curves, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. Curves should show chord lengths, bearings and arc lengths and be labeled. This was not done.

15.4.2.16 All lots and outlots should be labeled with dimensions and bearings as well as lot numbers. This was not done.

15.4.3 Street Plans and Profiles. This section requires the submittal of preliminary street plans and profiles. We have not received any of this information.

15.4.4.2 Dane County will determine if the site is suitable for private onsite wastewater treatment systems in compliance with Wis. Admin. Code. However, the Town may also want to require that prior to approval of the preliminary plat, the subdivider confirm that the site is suitable for septic systems, that there is enough space for each system, and that adequate spaces for potential replacement systems exist.

15.8.4.2.1 Cul-de-Sac streets designed to have one end permanently closed shall not exceed 1,000 feet in length. The extension of Bass Road ending in a cul-de-sac exceeds this length as measured from the Crestview Drive intersection. (The cul-de-sac is over 1200 feet from the center of the intersection to the center of the turn-around.) The length from the new stub "proposed street" intersection with Bass Road to the end of the cul-de-sac is less than 1000 feet, however, the new "proposed street" stub is also a dead end street as it is presently shown. Functionally, this development will be a dead end street greater than 1,000 feet in length.

15.8.6.2 Blocks in residential areas shall not be less than 600 feet. The location of the "proposed street" intersection with Bass Road is roughly 450 feet from the center of the intersection of Bass Road with Crestview Drive.

15.8.9.5 Drainage easements should be labeled as such and the Town should consider limiting these easements to drainage purposes only. Prohibitions against planting trees or shrubs, construction of any structures or placement of any septic systems within easement areas should be considered. The easement areas should not be allowed to be considered as eligible 'replacement area' for septic fields or overlap with utility easements.

15.9.3.3 This section specifies that at the time of the preliminary plat, the Town Engineer shall prepare a study of the drainage basin or subbasin in which the plat or project is located to determine the design and routing, and of storm sewer and storm water drainage facilities throughout such basin. If such study determines that it is necessary to increase the capacity of the facilities which are to be constructed within the plat or project to enable them to serve the entire basin or subbasin, the Engineer shall then determine that portion of the estimated cost of constructing the required storm sewers and storm water drainage facilities which is attributable to such increase in the capacity of the facilities. Although Town & Country Engineering, as Town Engineer, could do such a study, the developer's engineer will have to do the same work in order to obtain County and State stormwater management permits. Therefore, this

ordinance requirement is best handled by the developer's engineer preparing the plan subject to review and approval by the Town Engineer.

Drainage and stormwater management is a major concern in this development. It is apparent from the contours that drainage easements will be required between lots in some locations and along some back lot lines. County and State stormwater management regulations require public body maintenance guarantees for all stormwater management facilities. As a practical matter the Town will be assuming responsibility for function and for major maintenance of primary drainage channels, detention ponds and biofiltration facilities within the development. Truck access to allow such maintenance is a paramount concern. The development configuration shown on the preliminary plan does not allow a lot of room for drainage easements. We suggest that if the Town decides to approve the plan as submitted as a preliminary plat, any approval be contingent upon creation of a satisfactory drainage/stormwater management plan with contingencies structured such that changes in the lot dimensions and layout can be mandated by the Town to address future stormwater management maintenance concerns. Again, it is strongly recommended that utility easements and drainage easements do not overlap.

Another concern we wish to raise is the relationship of this development and the "proposed street" to possible future development to the north. Construction of stub streets, such as the "proposed street" can be very problematic with regard to design, use and maintenance unless there is a specific development plan, including drainage consideration, for the area to which that street will connect. We recommend that any approval of the preliminary plan, as submitted, be contingent upon the developer or the Town doing sufficient planning for the property to the north that we can all be assured that this stub street is not only in the logical location, but also can be constructed so that it isn't a problem in the future.

We have received some submittals directly from the developer's engineer. We respectfully request that, in the future, all submittals go through the Town office with an appropriate number of copies, so that we might all stay "on the same page" regarding which versions of which documents are being reviewed.

Please feel free to contact me with any questions regarding our review.

Sincerely,
TOWN & COUNTRY ENGINEERING, INC.



Thomas J. TeBeest, P.E.
Project Engineer



TO: Town of Cottage Grove Board and Plan Commission
FROM: Mark Roffers, Town Planner
DATE: July 14, 2016
RE: Viney's Addition to Sky High Subdivision

Requested Approvals: Preliminary plat and rezoning.

Scope of My Review: I reviewed this preliminary plat against provisions, maps, and other information in the Town's Comprehensive Plan and the County's zoning ordinance. The Town Land Division and Planning Code requires that plats be consistent with the Town's Comprehensive Plan and with zoning regulations. In this memo, I offer some technical and procedural comments for consideration against the Town Land Division and Planning Code. I did not comprehensively review the plat against Town ordinances or procedures, as the Village Engineer and Attorney are charged with these assignments.

Location: Parcel #0711-213-9720-7. Immediately west of CTH N, north of the Rolling Wheels 2nd Addition plat, and east of the 3rd Addition to Skyhigh plat. The proposed plat area is near the southern edge of the Village of Cottage Grove's extraterritorial plat review jurisdiction, though the Village has waived its review authority for this property for two years.

Current Land Use: West side of 11.4 acre parcel is used as cropland, and east side as single family house and outbuildings with driveway onto CTH N.

Proposed Use: Demolition of existing residence and outbuildings, and closure of driveway on CTH N. Development of 15 single family lots ranging from 0.51 to 1.10 acres each. Easterly extension of Bass Road from 3rd Addition to Skyhigh, and road stub to undeveloped lands to north. 0.73 acre outlot along CTH N, presumably for stormwater management purposes.

Current Zoning: A-2(8) Agriculture

Proposed Zoning: R-2 Residence District, which has a 20,000 square foot minimum lot size and 100 foot minimum lot width at the setback line. R-2 differs from the more commonly used R-1 district as follows:

<i>Standard</i>	<i>R-1</i>	<i>R-2</i>
Maximum impervious surface	30% for interior lots; 35% for corner lots	35% for interior lots; 40% for corner lots
Interior side yard building setbacks	10 feet	Total 25 feet on both sides, with neither less than 10 ft
Rear yard building setback	50 feet	35 feet

The TDR-R Receiving Area overlay zoning district will also be required for this site; see analysis below.

Surrounding Existing Land Use (and Zoning):

North: Two residences and cropland (zoned A-2(8))

East: CTH N, farmland (mostly zoned A-1 Ex)

South: Rural single family residential subdivision, with lots typically in the ¾ acre range, and with no access into proposed Viney plat area (zoned R-1 Single Family Residential)

West: Mostly rural single family residential subdivision, with lots typically in the ¾ acre range, and with road access into proposed Viney plat area (zoned R-1 Single Family Residential, except for 1 lot immediately to west of proposed plat that is zoned B-1)

Analysis Against Town Comprehensive Plan:

1. Future Land Use Designation: The proposed rezoning and plat are consistent with the future land use recommendations in the Town's Comprehensive Plan. Per Map 10 in Comprehensive Plan, this 11.4 acre plat area is within a larger "Neighborhood Development Area" (see attached Map 10). Per Figure 7 of the Comprehensive Plan, also attached, the purpose of the Neighborhood Development Area designation is as follows:
 - Map over and near pre-existing areas of rural residential subdivisions, for residential uses served by private waste treatment systems.
 - Promote sustainable residential development by encouraging infill around existing development and incorporating principles of conservation neighborhood design.
 - Provide opportunities for a range of single family housing choices, including estate and affordable single family housing.

Figure 7 suggests that the requested R-2 zoning district can be an acceptable option for mapped Neighborhood Preservation Areas. That being said, surrounding subdivisions are all zoned R-1; the need for R-2 (versus R-1) zoning is unclear, and the setbacks that are shown on the preliminary plat map are consistent with R-1 requirements. For these reasons, and others I mention later in this report, R-1 may still be the better option. If R-2 zoning is what is ultimately applied, the discrepancy between setbacks on the plat and those allowed under R-2 zoning should be reconciled. In any case, the "building setbacks" exhibit on the plat should clearly indicate which is the front yard and which is the back yard, and that the side yards are intended as interior (and not corner) side yards.

Map 10 also maps "Resource Protection Corridors" over wetlands, floodplains, steep slopes, and shoreland setback areas. There is no Resource Protection Corridor mapped within the proposed plat area. The Comprehensive Plan also does not include any recommended park space in the plat area.

The proposed plat area is also designated within a "Non-farm planning area" within the Dane County Farmland Preservation Plan, which is consistent with the Town's Neighborhood Preservation Area designation.

2. Proposed Lot Sizes: Through Figure 7, the Town has the following lot size policies for mapped

Neighborhood Preservation Areas, including my analysis in italics:

- Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not recommended). *All proposed lots are over 20,000 square feet, which is also the minimum in the R-1 and R-2 zoning districts. If not already done, the applicant should submit soil tests verifying that the soils are suitable for septic systems on ½ acre lots. Upon receipt, I suggest that the Town Engineer verify that each lot is suitable for an on-site waste treatment system. If unsuitable, the final plat may need to be adjusted accordingly. This recommendation is consistent with, and detailed within, Section 15.4.4 of the Town's Land Division and Planning Code.*
- Maximum lot size is 1 acre, except to the minimum greater size necessary due to unusual land configuration, to better protect farmland, for commercial uses, and/or to enhance rural or scenic character, as determined by the Town Board. *There is only one proposed lot that would be over 1 acre in area (Lot 7), and in my opinion it meets these Town Plan criteria. Rural character is better preserved through the added lot depth on CTH N, and zoning dimensional standards would not allow Lot 7 to instead be divided into two lots.*

There is a pending amendment to Section 15.8.7.4 of the Town Code, regarding lot sizes/plat density, to refer to the above provisions.

3. Relationship to Town's TDR Program: Because the proposed plat area being within a Neighborhood Development Area on Map 10, it also requires the acquisition and transfer of development rights ("Residential Density Units") to develop. In my opinion, the subdivider will be required to acquire two Residential Density Units from lands mapped in the Agricultural Preservation Area in the Town's Plan. The Town's TDR program rules are described in Figures 3 and 7 of the Town's Comprehensive Plan, and supplemented by TDR rules and procedures in the Dane County zoning ordinance. The TDR program has some very specific procedures that need to be followed, as documented in the "TDR Program Procedures" section of Figure 3. The Town and subdivider should refer to these procedures regularly during the rezoning, preliminary platting, and final platting process. The Village Attorney's memo also addresses TDR.
4. Development Policies for Neighborhood Preservation Area: Figure 7 indicates that the Town will require that at least 80% of the following conservation neighborhood design standards be met in the development of new residential subdivisions. The following are these standards, plus in italics my analysis of the performance of this plat against these standards. In my opinion, with further effort in later development stages, this project will be able to meet 80% of standards.
 - a. Minimize visibility of development from main roads through natural topography, vegetation (e.g., tree lines, wooded edges), and setbacks. Minimize placement of lots in open fields. *This standard can be met, in my opinion. See also standard b. below. The proposed subdivision is nestled among existing subdivisions, and two residences on larger lots near CTH N to the north. I recommend that the final plat delineate specific "buildable areas" for Lots 7 and 8 so that new house placement is close to the cul-de-sac bulb, not CTH N. Relatedly, Section 15.8.3.1 of the Town Code indicates that, "in residential districts a buffer strip at least 30 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to a railroad right-of-way or a limited access arterial street. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30*

feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner." This area and note should be included on the final plat.

- b. Back lots onto county, state, and federal highways, designing deeper lots and landscape bufferyards into these areas. The proposed plat is designed according this standard. I recommend that, with the final plat, the engineering plans for the Outlot 1 include appropriate basin and tree plantings, perhaps to allow it to resemble a savannah habitat. The existing white fence along CTH N should either be repaired or removed. Proposed Lot 7 already has dense vegetation along CTH N. I also recommend that, with the demolition of existing buildings on Lot 7, adequate protections (e.g., deed restriction, note on plat, and/or development agreement) require that existing trees near the west and north property lines be preserved. Also, could the proposed septic tank and drain field shown on the concept plan be moved west to better facilitate tree preservation?*
- c. Preserve mature trees and tree lines wherever possible. Nearly every mature tree on the 11.4 acres is in a perimeter location that should enable preservation, with careful planning and grading. In addition to the trees described above, there are also mature trees near the south property line (near rear lines of proposed Lots 8-15). The minimum rear yard building setback in the R-1 district of 50 feet would help with tree preservation there. The R-2 minimum of 35 feet would be less helpful, and would be different than what existing lots in the Rolling Wheels plat to the south had to meet. Further, the concept plan suggests that septic systems would be no closer than 20 feet from the south property line. If there is not already a regulation that requires a 20 foot system setback, I suggest consideration of a final plat restriction or covenant to this effect. Also, within the proposed covenants for the subdivision, I recommend inclusion of mature tree preservation provisions, and a note on the final plat referring to provisions. Covenants should be submitted with the final plat, per Sections 15.4.5 and 15.5.3 of the Town Code.*
- d. Include an interconnected network of streets meeting Town road standards. Standard met, pending Town Engineer confirmation that roads meet Town Road standards in subdivision ordinance. The proposed plat includes Bass Road extension, and future road connection to the north, into lands that the Town also plans within this same "Neighborhood Development Area." A road name for that street stub should be indicated on the final plat. The development pattern of the Rolling Wheels subdivision does not allow a direct road connection to the south. Dane County has indicated that it would allow a Bass Road connection to CTH N only if two unrelated driveways to the north and Natvig Road were closed to CTH N. Even were that unlikely event to happen, such a connection may conflict with other Town standards, and/or would increase through traffic in the area by providing a direct connection between CTH N and Vilas Road. The cul-de-sac ending near CTH N seems reasonable with this information.*
- e. Design streets and lot layouts to blend with natural land contours. Standard met at this stage, but the final grading plan should be prepared with this standard in mind. There may need to be some regrading to meet street design standards in the Town Code. The size and shape of this 11.4 acre parcel does not provide many other layout alternatives.*
- f. Limit cul-de-sacs except where topography, environmentally sensitive areas, or the pre-existing development pattern in the area necessitates their use. Plat includes a cul-de-sac, which may not be necessary, but is reasonable here.*

- g. Integrate natural resources into the subdivision design as aesthetic and conservation landscape elements. *Standard can be met with thoughtful design and restrictions. Based on my initial screening, the site does not appear to have significant natural resource elements (but see further comments below). The project should meet the above recommendations regarding mature tree preservation. Further, the stormwater outlot should be thoughtfully designed to appear as much as a landscape as a functional element, particularly given its visibility along CTH N.*
- h. Restore the quality and continuity of degraded environmental areas within the subdivision, such as streams and wetlands. *No known degraded environmental areas, based on my Dane County DCIMap and Town Comprehensive Plan screening.*
- i. Encourage stormwater management treatment systems that focus on Best Management Practices (BMPs). BMPs may include overland transfer, natural landscaping to increase infiltration and reduce runoff, bio-infiltration systems, and maximum impervious surface ratios for development sites. *This standard should influence the design of the stormwater management system, to be prepared by the applicant's engineer and reviewed by the Town Engineer. In addition, I recommend that the covenants to be submitted with the final plat include provisions to promote on-lot progressive stormwater management and infiltration techniques, such as native vegetation, maximum impervious areas, or others. The lower impervious surface ratios in the R-1 district would seem more in line with this standard than the R-2 ratios, which is another reason I believe R-1 is the better option.*
- j. Provide vegetative buffers of at least 75 feet between building sites and wetlands and streams. *Not applicable.*
- k. Provide wide areas for public access to parks and common open spaces. *Not applicable. No parks are proposed in the plat area (stormwater outlot does not qualify). Instead, this plat will be subject to fees-in-lieu of parkland dedication. The plat area is within ½ mile of the existing Bass Park, which suggests that it is adequately served by parkland.*
- l. Maximize common open space in the neighborhood through public dedication and/or private management through a homeowner's association with conservation easements. *The only "common space" in the proposed subdivision would be Bass Road and the stormwater Outlot 1. The final plat should clearly indicate the intended owner and function of Outlot 1. Maintenance responsibilities for the outlot and associated stormwater basin should be specified in the development agreement and perhaps a separate, ongoing maintenance agreement. Also, as suggested above, I advise that Outlot 1 double as a landscape element too given its visibility from CTH N. Particularly if the stormwater design allows for a fair amount of upland area in that outlot, I suggest consideration of a public access easement on the final plat between Lots 7 and 8, extending from the cul-de-sac bulb and the outlot. An easement in this location for outlot maintenance might be warranted anyway, depending on Town Engineer review.*
- m. Create pedestrian trails through open space areas, allowing for future connections to other parcels and parts of the Town. *Proposed open space areas do not really allow for an internal trail network. Roads should be designed with an eye to accommodating pedestrians as well as cars.*
- n. Require new homes to meet Energy Star standards or otherwise incorporate specific energy efficiency techniques into the development. *I recommend that this standard be*

addressed through appropriate provisions in the covenants. There are different models of energy and water-efficient covenant standards that could be included in covenants. Coordinating with the strengths and capabilities of proposed home builders may make sense before developing specific standards.

5. Compliance with Other Town Plan Recommendations

- a. The Town's vision statement on Page 4 "guides housing development away from farming areas and towards developed areas." The Plan also indicates a Town desire to "direct new subdivisions and other major non-agricultural developments away from the Agricultural Preservation Area, by planning for denser developments in other areas and via the Town's Transfer of Development Rights (TDR) program" (page 7) and "direct rural subdivisions and other non-farm rural developments close to already-developed lands—specifically Neighborhood Development Areas and Commercial Development Areas on Map 10." *Residential development on these 11.4 acres is consistent with this broad vision and goals.*
- b. Policy 4 on page 11 indicates that "before approving any changes in land use, consider the impact of the change on wildlife habitat, potential locations of rare plant and animal species, and archeological sites. The presence and locations for rare species are available from the Wisconsin Department of Natural Resources and for archaeological sites from the State Historical Society." And Policy 2 on page 12 indicates that the Town will "encourage preservation of historically significant structures and archeological resources when specific sites are proposed for development and during highway projects." *Prior to the submittal of the final plat, the subdivider should determine whether state records or site evaluation suggests any rare plant or animal species, archaeological sites, or historically significant structures on the property. If found, the final plat or the remaining development process should be adjusted accordingly.*
- c. The transportation policies on page 42, discourage use of Town roads for through traffic, support access control and rural character objectives by discouraging large amounts of "side of the road" development and multiple driveways on main roads, and require interconnected new roads in planned development areas to control highway access. *The proposed development, including the cul-de-sac, appears to advance these policies. As anticipated from the original design of the 3rd Addition to Skyhigh, Bass Road was always intended to be extended. The extension of Bass Road with a cul-de-sac near CTH N promotes interconnectivity between subdivisions—or perhaps more appropriately different phases or additions of the same neighborhood. The proposed street layout does not promote "through traffic" of non-neighborhood traffic through the neighborhood. The alternative of direct access to CTH N to this new plat area—perhaps as the only access—is both inconsistent with Town Plan policies and with County rules.*
- d. Policy 6 on page 49 indicates that the Town will "carefully evaluate proposed large on-site wastewater treatment systems, or groups of more than 20 systems on smaller lots (<2 acres) in the same area, to ensure that groundwater quality standards are not impaired. The Town may require that the property owner or developer fund the preparation of a groundwater impact analysis from an independent soil scientist or other related professional." *This supports the earlier recommendation that soil tests be submitted and analyzed to determine the suitability of the lots for on-site systems. The concept map that has already been submitted, showing how septic systems may fit on the lots, is not in my opinion sufficient.*

July 21, 2016

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

Subject: Viney's Addition to Sky High
Follow-up to Previous Preliminary Plan Review and Additional Review
Comments

Dear Kim:

Following our previous review, Town & Country Engineering, Inc. has received and reviewed the following documents:

- A preliminary grading plan and erosion control plan dated July 12, 2016 that was received directly from the developer's engineer via email on July 12th.
- Exhibit #2 to the preliminary grading plan and erosion control plans showing drainage basins used for ditch calculations dated July 12th and received directly from the developer's engineer via email on July 13th.

We recommend that should the Town choose to approve the previous submittals as a preliminary plat, the Town make its approval contingent upon the developer addressing our previous comments in our review letter dated July 14th, 2016 as well as the following comments. Because the Town will be obligated to approve a final plat if it is in substantial conformance with an approved preliminary plat, we recommend that, for the record, the developer file a new complete preliminary plat submittal through the Town Clerk with these comments addressed.

We have the following additional comments for your consideration:

- 1) The drainage basins used for calculations do not include some portions of the development. One area of concern is that the area on the north half of Lots 2, 3 and 4 may result in an increase in flow to the area north of the development. We'd suggest that the developer route this drainage east to the stormwater management facilities or demonstrate the total volume of runoff and flow rate leaving the site does not increase.
- 2) We recommend that all stormwater treatment facilities be located within outlots dedicated to the Town. Stormwater conveyance or drainageways should be contained in Town road rights-of-way or in exclusive drainage easements labeled as such.
- 3) A bioretention device is proposed between lots 12 and 13. Placement of this type of stormwater management practice between lots is not recommended because of the maintenance necessary for this type of device. While you could require by covenants that a homeowner keep a ditch mowed, the Town should expect to

maintain all of the stormwater treatment facilities. Again, access to such facilities is paramount.

- 4) The map of future development to the north provided via email by Birenkott on July 19th shows that the 'proposed street' stub could reasonably connect to Gladeview to the north.
- 5) We have tried to make contact with the Dane County Highway Department with regard to discharging stormwater from the development to County Highway N right-of-way and have not received a response at this time. We will continue to try to get their input.

Please feel free to contact me with any questions regarding our review.

Sincerely,
TOWN & COUNTRY ENGINEERING, INC.



Thomas J. TeBeest, P.E.
Project Engineer

cc: Ms. Connie Anderson, Anderson Consults, LLC (*P.O. Box 3004, Madison, WI 53704*)

Mr. Mark Roffers, AICP, MDRoffers Consulting (*4324 Upland Drive, Madison, WI 53705*)



To: Connie Anderson, Town of Cottage Grove Attorney
FROM: Mark Roffers, Town Planner
Cc: Tom TeBeest, Town Engineer; Kim Banigan, Town Clerk
DATE: July 22, 2016
RE: Suggested Conditions for Viney's Addition to Sky High Subdivision

You had requested that I provide you with a list of potential preliminary plat approval conditions, most related to the "amenities" as you describe them. I assume you will add these to those other suggested conditions that you have already generated or will generate. I intended that the following would replace those provisions you had under your "amenities" condition in the draft Town Board approval ordinance. I may delve too much into engineering issues, so I ask Tom to comment on or overrule me where I have done that.

Anyway, here is my list:

1. As a component of development of the plat, the subdivider shall remove existing improvements as follows:
 - a. Demolish all existing buildings, foundations, septic systems, and other structures, including the white fence near County Highway N.
 - b. Unless the Town Engineer determines it may be reused for new construction in the plat, close the existing well in the plat in accordance with WisDNR requirements.
 - c. Unless allowed by Dane County for Town access to the stormwater outlot, remove the existing driveway opening onto Highway N, and restore the area to County specifications.
 - d. As part of such removal efforts, existing mature, non-invasive trees shall be preserved to the extent practical according to the mature tree preservation standards below.
2. The final plat shall:
 - a. Include a "building setbacks" exhibit that clearly indicates the front yard, the back yard, that the side yards are intended as interior (and not corner) side yards, that corner side yards shall meet front yard setback requirements, and that any unique building setback/buildable area indicated on any lot in the plat will control in the event of conflict with the exhibit.
 - b. Delineate and label a "landscape buffer strip" along the 30 feet of the plat that is closest to the Highway N right-of-way, and include a note as follows: "Landscape buffer strip is reserved for the planting and maintenance of trees or shrubs by the owner. The building of structures hereon is prohibited, except where approved by the Town Board.

Maintenance of this strip and the landscaping within it is a responsibility of the lot owner.”

- c. Delineate a specific “buildable area” for preliminary plat Lot 7 so that new house placement will be no closer than 80 feet from the Highway N right-of-way, based on the ordinance requirement that the rear 30 feet of the landscape buffer strip shall not be counted as any required yard and the Town’s desire to minimize development visibility from Highway N.
 - d. Indicate the intended owner and function(s) of preliminary plat Outlot 1.
 - e. Provide a 20 foot wide public access easement between preliminary plat Lots 7 and 8 to Outlot 1. (Engineering plans shall be designed to provide a suitable base to enable future paving of part of that easement and/or vehicular use.)
 - f. Include all existing and proposed utility, stormwater/drainage, and other easements.
 - g. Indicate a street name for the “proposed street” (street stub to north).
 - h. Restrict driveway access to the “proposed street” stub to the north until and unless the lands to the immediate north of the plat are also platted and include an extension to such street.
3. Prior to submittal of the final plat, the subdivider shall:
- a. Submit soil tests verifying that the soils are suitable for septic systems on each lot, subject to verification by the Town Engineer in consultation with the County Sanitarian. The results of such testing and verification may require adjustments to the final plat.
 - b. Determine whether state records or site evaluation suggests any rare plant or animal species, archaeological sites, or historically significant structures in the plat area.
- Depending on the results of such efforts, the final plat or the remaining development process should be adjusted accordingly.
4. The subdivider shall submit, prior to or with the final plat:
- a. A mature tree preservation plan. Such plan shall indicate the locations of all non-invasive trees with a diameter of 12 inches or greater for deciduous trees and a height of 10 feet or greater for evergreen trees and include proposed strategies for maximizing mature tree preservation during site development, home construction, and beyond. Such strategies shall be approved by the Town Planner and Engineer, and will be included in engineering plans, development agreement, plat, and/or covenants as determined by the Town Attorney.
 - b. A detailed landscape plan for the 30 foot landscape buffer and Outlot 1 of the preliminary plat. Such plan shall utilize existing mature vegetation, include berming and all-season vegetative screening between the proposed stormwater basin and the Highway N right-of-way, and be coordinated with the stormwater plan for Outlot 1. The stormwater outlot shall be thoughtfully designed to appear as a landscape element as well as a stormwater element.
5. In addition to meeting ordinance requirements and engineering best practices, the final grading and stormwater plans shall be prepared with an effort to maintain pre-existing topography to

the extent practical and encourage stormwater management treatment systems that focus on Best Management Practices (BMPs).

6. The engineering plans accompanying the final plat shall include a plan for the subdivider's improvement of Bass Road between Crestview Drive and the west plat boundary that matches the street improvement standard for new streets within the plat, unless another standard is approved by the Town Engineer.
7. Covenants to be submitted with the final plat shall include provisions to include Energy Star standards or other energy efficiency techniques into the development of lots in the plat.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 15, 2016

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's internet site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debra Abel, and Deputy Jennifer Grafton.
- B. Hampton called the Town Board to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the 08-01-2016 Town Board meeting as printed. **MOTION CARRIED 4-0-1** (Anders abstained).
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #30573-30615 from Monona State Bank. **MOTION CARRIED 5-0.**
 - 2. The Treasurer asked that August per diem reports be submitted by September 2nd.
- E. Public Concerns: Anders said that site corners are reduced at the corner of Gaston and Vilas Roads due to garden crops and at the corner of County BB and Vilas Road due to corn. Hampton will check with Smith on the easements.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Dementia Friendly Community Project:
 - 1. Presentation to the by Joy Schmidt, Dementia Care Specialist, Dane County Human Services: Ms. Schmidt said that by declaring itself a Dementia Friendly Community, the Town would show its support and build awareness of volunteers in the community who are working to educate community members and support friends and caregivers of the 7,000 – 8,000 people living with dementia in Dane County. Deer-Grove EMS staff and Village Police Officers have already received training, along with about 20 local businesses. The Town could also show support through available literature and web site links.
 - 2. Discuss and consider approval of Resolution 2016- 05 “A Resolution to make the Town of Cottage Grove a Dementia Friendly Community”: **MOTION** by Fonger/Williams to adopt Resolution 2016- 05 “A Resolution to make the Town of Cottage Grove a Dementia Friendly Community” as presented. **MOTION CARRIED 5-0.**
 - 3. Discuss and consider authorization for the Town Clerk to schedule thirty-minute Dementia Friendly Community training sessions for staff: **MOTION** by Williams/DuPlayee to authorize the Clerk the schedule training for staff and board members. **MOTION CARRIED 5-0.**
- B. Review July Police Activities: Deputy Grafton presented the monthly statistics, which included 128 citations and 230 calls for service. She mentioned that Deputy Josalyn Longley, Dane County Sheriff's Office Emergency Preparedness Coordinator, is offering training and education to business and community members regarding active shooter and workplace violence situations. It was suggested that the Chamber of Commerce be contacted about hosting a training session.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 15, 2016

- C. Discuss draft consolidation proposal for DGEMS: Chief Duane Erschen was present and explained that over the past year or so he and Marshall Area EMS Director Scott Allain have been discussing the possibility of a consolidation of the two services, with periodic updates to the DGEMS Commission. Marshall Area EMS municipalities have expressed their interest, and are looking for a nod of approval from DGEMS municipalities to continue the discussion. Erschen presented handouts from a PowerPoint presentation outlining some of the benefits concerns and steps of rationalization/consolidation. He noted that there is a nation-wide trend toward consolidation, and Wisconsin legislation to encourage it. He had prepared a consolidated budget estimate based on a staffing model including 16 paid paramedics and volunteers, which he said would staff ambulances in two of the three district stations (Cottage Grove, Deerfield, Marshall) 24/7, with a third ambulance or first response vehicle available based on volunteerism. The estimate showed cost increases for all municipalities. All municipalities would benefit by having a second ambulance in the district 24/7, while Marshall Area EMS municipalities would have the added benefit of advancing to a paramedic level service. The Cambridge Area EMS Director has also expressed an interest, but wants to see a successful consolidation before committing to being included. Erschen said that the Cottage Grove and Deerfield Village Boards have already discussed the topic. Both are concerned with the cost, and want it to be more affordable. The Village of Cottage Grove is interested to have more information, especially about how the intergovernmental agreement would be drafted. In response to concerns over cost, Erschen suggested a half step approach could be used for an interim of 2-3 years, with just 12 paid paramedics and utilizing volunteers to provide the additional staffing.

Erschen said that in order to go forward, the buy-in and support of the municipal leaders is needed. Anders was skeptical about whether the consolidation would actually provide additional coverage when the district would be so much larger in area. Fonger expressed concern about cooperation between the municipalities. DuPlayee said it is an admirable goal for the health and betterment of the community. Hampton saw positives and negatives, but recommended the idea continue to be fleshed out.

The final page of Erschen's handout showed the results of a survey of Dane County EMS services showing their populations, call volumes, budget, cost per capita and Chief wages. Numbers are all over the board, indicating that every service is unique.

- D. Discuss/Consider approval of the use of Cedar Knolls park for pee-wee football practice during September and October of 2016, and waiving of the park reservation fee: **MOTION** by Anders/DuPlayee to approve the use of the park as requested, and waive the reservation fee. **MOTION CARRIED 5-0.**
- E. Discuss and consider adoption of Resolution 2016-06 "Just Fix It" to adequately and sustainably fund Wisconsin's transportation system: **MOTION** by Fonger/DuPlayee to adopt Resolution's 2016-06 as presented. **MOTION CARRIED 5-0.**
- F. Discuss and consider approval of Request for Proposal for Auditing Services: **MOTION** by DuPlayee/Anders to approve the RFP for Auditing Services as printed, and authorizing the Treasurer to send them to auditing firms with a due date of September 14th. **MOTION CARRIED 5-0.**
- G. Discuss and consider approval or Request for Proposal for Insurance: **MOTION** by Fonger/DuPlayee to approve the RFP, removing the coverage not applicable to the Town as

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 15, 2016

recommended by the Clerk, and authorizing the Clerk to send to insurance providers with a due date of October 17th. **MOTION CARRIED 5-0.**

- H. Discuss and consider approval of Request for Proposal for Janitorial Services: **MOTION** by DuPlayee/Williams to approve the RFP as printed, and authorizing the Clerk to send out to janitorial service providers with a due date of October 17th. **MOTION CARRIED 5-0.**
- I. Discuss enacting a stop payment fee: The Treasurer made the suggestion that the Town adopt such a fee to recoup bank fees and administrative work for stop payments. **MOTION** by DuPlayee/Williams directing the Clerk to draft an ordinance amendment to enact a stop payment fee in the amount of bank charges plus \$20, with a public hearing to be held before the September 6th Town Board meeting. **MOTION CARRIED 5-0.**
- J. Discuss/Consider quotes for financing of 2016 Public Works projects: Three quotes were received for a principal and interest not to exceed \$273,750.00 and a term of September 1, 2016 through March 15, 2017:
- Monona State Bank: 1.99% interest
 - Bank of Sun Prairie: 1.61% interest
 - Wisconsin Bank and Trust: 2.49% interest
- MOTION** by DuPlayee/Williams to accept the quote from the Bank of Sun Prairie. **MOTION CARRIED 5-0.**
- K. Discuss/Consider attendees for the Wisconsin Towns Association Convention on October 9-11: **MOTION** by Hampton/Williams to allow for two attendees (Hampton and DuPlayee) on Monday October 10th. **MOTION CARRIED 5-0.**
- L. Discuss/Consider attendees for the Dane County Towns Association meeting on August 17: **MOTION** by Anders/DuPlayee to allow up to 3 board members to attend. **MOTION CARRIED 5-0.**
- M. Set date for first Town Board meeting in September: **MOTION** by DuPlayee/Williams to hold the first meeting in September on the Tuesday 6th due to Labor Day falling on Monday. **MOTION CARRIED 5-0.**

III. CLERK'S REPORT: None

IV. HIGHWAY SUPERINTENDENT'S REPORT: Cold paving is taking place on Schadel Road and part of Deerfield Road.

V. BOARD REPORTS AND COMMUNICATIONS:

A. Hampton:

1. Shared a thank you card from Andrew Grob for the Town's help with his Eagle Scout Project of the Sr. Airman Dan Johnson Memorial Park.
2. Said the Draft 2017-21 Transportation Improvement Program for the Madison Metropolitan Area and Dane County is available in the Town office.
3. Reported that Ronald Schutz has given notice of his retirement. September 6th will be his last day at work, followed by 2 weeks of paid vacation.

B. Anders thanked the board for the flowers and well wishes for his recovery.

VI. COMMITTEE REPORTS:

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 15, 2016

- A. Emergency Government Committee: Ordered supplies, went through old pages, speakers, books, etc.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:40 P.M.

Kim Banigan, Clerk
Approved 09-06-2016

TOWN OF COTTAGE GROVE

Resolution of the Cottage Grove Town Board

2016-05

A Resolution to make the Town of Cottage Grove a Dementia Friendly Community

WHEREAS, the Town of Cottage Grove has made a commitment to becoming a Dementia Friendly Community in partnership with the Cottage Grove Triad and the wider community which will include both Town and Village, local citizens, businesses, non-profit organizations, churches, groups and local services; and

WHEREAS, A Dementia Friendly Community benefits residents by increasing awareness of dementia and decreasing the stigma for those who live with a disease that causes memory and thinking impairments; and

WHEREAS, a Dementia Friendly Community works to improve the quality of life for all those who are affected, both for the person with memory challenges and their caregivers, by educating employees in Town businesses on how to recognize and best assist a person with dementia; and

WHEREAS, the Town of Cottage Grove Board recognizes the importance of working with community partners to address the needs of individuals living with dementia in the community; and

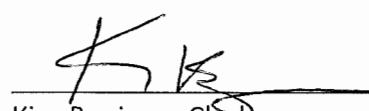
WHEREAS, the Town of Cottage Grove will work with the Dementia Friendly Community Coalition to create a community that is friendly for those with dementia that will include parks and recreation, senior services, transportation services, businesses, non-profit agencies, and other Town services.

NOW, THEREFORE, BE IT RESOLVED THAT the Town of Cottage Grove Board supports the Town's participation in becoming a Dementia Friendly Community.

Signed by:

Attest:


Kris Hampton, Town Chair


Kim Banigan, Clerk

Date: 8/16/16

TOWN OF COTTAGE GROVE

Resolution 2016- 06

"Just Fix it" to adequately and sustainably fund Wisconsin's transportation system

WHEREAS, local government in Wisconsin is responsible for about 90% of the road miles in the state; and,

WHEREAS, towns are responsible for over 50% of the road miles in the state; and,

WHEREAS, Wisconsin's diverse economy is dependent upon county and town roads, as well as urban streets and transit systems across the state; and,

WHEREAS, according to "Filling Potholes: A New Look at Funding Local Transportation in Wisconsin," commissioned by the Local Government Institute of Wisconsin the condition of Wisconsin's highways is now in the bottom third of the country; and,

WHEREAS, according the same research municipal transportation spending has declined from \$275 per capita in 2000 to \$227 in 2012, which is less than it was in 1986; and,

WHEREAS, state funding for local roads in Wisconsin has failed to keep up with costs over the past several decades, which has adversely affected local transportation finances; and,

WHEREAS, levy limits do not allow local government to make up for the deterioration of state funding; and,

WHEREAS, Wisconsin's over-reliance on borrowing eats away at the state's segregated funding sources – the state gas tax and vehicle registration fees – which increasingly pay debt service rather than fund transportation needs; and,

WHEREAS, safety is a primary concern and responsibility of local governments across Wisconsin, and unfortunately, according to TRIP, a national non-profit transportation research group, Wisconsin had 347 non-interstate, rural road fatalities in 2013; and,

WHEREAS, we recognize that all of the interstate, state, and local road systems play a vital role in the economy of Wisconsin and must be properly maintained in order for our economy to grow; and,

WHEREAS, from a competitive standpoint Wisconsin motorists pay significantly less than any of our neighbors when you combine the annual cost of the state gas tax and vehicle registration fees; and,

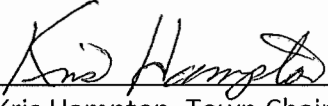
WHEREAS, the Transportation Finance and Policy Commission, appointed by the Governor and Legislature clearly found that if Wisconsin does not adjust its user fees, the condition of both our state and local roads will deteriorate significantly over the next decade.

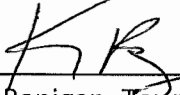
NOW, THEREFORE, BE IT RESOLVED by the Cottage Grove Town Board to urge the Governor and Legislature to Just Fix It and agree upon a solution that includes a responsible level of bonding and adjusts our user fees to adequately and sustainably fund Wisconsin's transportation system.

BE IT FURTHER RESOLVED that the Town Board directs the Clerk to send a copy of this resolution to the Wisconsin Towns Association our State Legislators and to Governor Scott Walker.

Approved by the Town Board of the Town of Cottage Grove at a duly noticed meeting held on August 15, 2016.

TOWN OF COTTAGE GROVE


Kris Hampton, Town Chairperson

Attested by:

Kim Banigan, Town Clerk

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 6, 2016

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's internet site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debra Abel, and Highway Superintendent Jeff Smith. Atty. Connie Anderson arrived at 7:04 P.M.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the August 15, 2016 Town Board meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #30616-30690 from Monona State Bank. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Fonger/DuPlayee to approve payment of August per diems as presented, and payment of \$2,480.00 to Viken Inspection Agency, LLC for August building permits. **MOTION CARRIED 5-0.**
- E. Public Concerns: Kristi Williams offered to donate a numbered print of the original depot in Cottage Grove to the Town. The board thanked her for the donation.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Plan Commission recommendations
 - 1. Thomas DeBeck, Applicant, Gryffindor LLC, Landowner – Parcel 0711-313-9002-5 on County Road AB - Seeking Conditional Use Permit for sand pit, filling and crushing on 34.18 acres zoned A-2: The applicant was not present. Hampton reported that the Plan Commission had denied the application by a vote of 5 in favor and 2 opposed, and had found the first two standards under DCCO section 10.255(2)(b) to be unsatisfied. He noted that residents of both the Towns of Cottage Grove and Blooming Grove had expressed deep concern with the proposed use. Atty Anderson reported that the Plan Commission had been presented with a petition signed by 107 individuals opposing the application. She said the Plan Commission had requested that some items in the application be adjusted, specifically related to dates and number of loads for hauling, but the applicant was not willing to be limited, stating hauling would depend on the project. DuPlayee said the Plan Commission felt there were too many unknowns, and there had also been uncertainty as to whether there really is much sand on the site, or rather that it would be mainly a transfer/borrow site. **MOTION** by Fonger/Anders to accept the Plan Commission's recommendation to deny the application, including their findings on the six standards under DCCO section 10.255(2)(b) (see Attachment A, which is incorporated by reference). **MOTION CARRIED 5-0.** Steve Manthe, 3237 County Road AB, thanked the Plan Commission and Town Board for listening to the concerns of neighboring property owners. Atty. Anderson recommended that they contact Dane County Zoning to communicate their understanding that since the application is denied by the Town, the County will not need to take it any further.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 6, 2016

- B. Discuss/Consider approval of cost sharing with the Village of Cottage Grove and the Chamber of Commerce to fund a UW Extension Branding Initiative for the Cottage Grove Community: Mike Millage, President of the Chamber, presented an offer from UW Extension Center for Community & Economic Development to guide the Cottage Grove community through a five step process to discover a community brand, which the proposal defined as “a combination of names and symbols... capturing the enduring essence of the community, articulating its reputation, values and promise”. Because UW Extension is very interested in having Cottage Grove be a pilot for this program, they are offering significant matching funds, bringing the cost to the community down from \$18,510 to \$7,250. The Chamber is proposing that this be split in thirds between the Chamber, the Town and the Village. Time is not critical, it can wait until 2017, and will take 6-8 months to complete. Hampton asked Millage to suggest to the Village that in order for the Town to have any benefit from cooperation in this effort, there needs to be a boundary agreement between the Town and Village so the Town knows that it can accommodate interest from new businesses. Millage said that currently the Chamber's membership includes 33 Town and 76 Village businesses that would benefit from the effort. DuPlayee suggested that the Town and Village should contribute proportional to the number of business in the Chamber rather in equal amounts. Millage and Fonger pointed out that the Chamber is not a political organization. Fonger said that the Chamber is doing good things for the community, and it is important for the Town to show support for Cottage Grove as a community. Millage said the Chamber will present the project to the Village CDA on Monday September 12th. **MOTION** by Hampton/Williams to cost share with the Village of Cottage Grove and the Chamber of Commerce to fund a UW Extension Branding Initiative for the Cottage Grove Community in 2017, in an amount not to exceed \$2,416.00. **MOTION CARRIED 5-0.**
- C. Revisit Glow/Gas plane flying conditions proposed by the Madison Area Radio Control Society on June 20, 2016: Hampton noted that the board had received an email from Penny Andrews, 2274 Uphoff Road, stating that the flying activity has negatively impacted her quality of life, and asking for consideration. Hampton also received an email from Dylan Anderson at 2321 Uphoff Road stating that he and his wife have no objection to the flying as it has been operated during the past few months. Andrews was present at the meeting, along with Betty Devine, 2342 Uphoff Road, and Robin Schultz, 2240 Uphoff Road. Devine said she has no real objections to the flying that has occurred this summer, under the conditions presented by MARCS at the June 20, 2016 Town Board meeting, but is here in support of her neighbors. Schultz said the noise irritates her chronic migraines. She said the way it has been lately is tolerable, but she does not want it to get any worse. Andrews said the flying does not belong in a residential area and she is bothered by both the gas and electric powered planes. She felt that the approval should have had a limited term as residents can't know what they will be dealing with until it has been in effect and then it is too late to contest.

MARC's President David Rush said that Andrews had contacted him as well, and he had spoken with her right away. He presented a new set of conditions in attempt to address Andrews' concerns. He said there were 23 flights in July and 26 in August. He has grounded 5 planes for exceeding the 85 dB limit, but he is not always there, and has an idea who may be violating the noise limit, noting that it may not be a good site for aggressive fliers. He said there are around 45 fliers, 30 who fly a lot, and 7-10 of those are gas glow planes.

Atty. Anderson stated that the flying conditions in effect are those stated on the conditional

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 6, 2016

zoning approval. Any other conditions proposed are a merely attempts at a neighborly agreement, but if enforcement is needed, it will be based on the zoning conditions, and enforcement authority belongs to the County, not the Town. **MOTION** by Williams to ask the County to reopen/revisit the zoning conditions. **MOTION FAILED FOR LACK OF SECOND.** Anderson stated that since the Town Board had not chosen to take any action tonight, it is up to the neighbors to either ask the County to revisit the zoning conditions, or ask the landowners to have the zoning revoked.

- D. Discuss/Consider recommendation of Town Chair and Highway Superintendent regarding hiring of two public works employees: Hampton stated that there were 8 applicants for the two openings, one withdrew and 7 were interviewed by himself and Smith, with Dan Dresen sitting in, last week. They recommended Andrew Perry and Matthew Pederson for the positions. **MOTION** by Fonger/Anders to extend offers of employment as public works employees to Andrew Perry and Matthew Pederson, with starting wages at \$19.25/hour and a 50 cent increase upon successful completion of a 6 month introductory period. **MOTION CARRIED 5-0.**
- E. Discuss/Consider adoption of Resolution 2016-07 Authorizing Borrowing: **MOTION** by Fonger/DuPlayee to approve the resolution as presented. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of sending Daniel Dresen to a one-day seminar for "Making the Transition from Staff to Supervisor": Discussion was that it is too early for this. No action was taken.
- G. Update on permit for the Village of Cottage Grove Water Utility to install and maintain a water main extension in the right-of-way of Gaston Road: Hampton reported that the Village has paid the application fee and been in contact with the Town Engineer, so it appears this project is underway.

III. CLERK'S REPORT: Recent changes to absentee voting rules allow for municipalities to set their own hours for absentee voting, any time from receipt of the ballots until 5 p.m. the Sunday before the election. The Clerk sees no problem with allowing absentee voting during all office hours, but will be asking the Town Board to make a decision regarding any extended hours due to the added cost. She is not in favor of any hours during the weekend prior to the election as that time is needed for election preparation. Three school districts will have referendums in November, bringing the number of ballots to 5. The Post Office recently rejected a election mailing logo that has been in use for some time, so absentee envelopes going through the mail have to be re-ordered.

IV. HIGHWAY SUPERINTENDENT'S REPORT:

- A. Inquiry regarding maintenance and speed limit on Schadel Road: Stewart Strobe, 2156 Schadel Road, had emailed an inquiry regarding maintenance of Schadel Road to the Clerk. He was present at the meeting and thanked the Clerk for her response, which clarified that maintenance of Schadel Road is split between the Towns of Cottage Grove and Pleasant Springs. Strobe would like to have center stripes on the road, and thinks the 55 mph speed limit may be excessive, especially with the number of bicyclists and walkers who use it. He offered to share a video he made while traveling 55 mph in both directions. Hampton will see if the Town of Pleasant Springs has any interest in striping the road, and Smith will look at putting up a curve sign. The Clerk will ask the deputies if they have any concerns or recommendations.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 6, 2016

- B. Update on 2016 road maintenance projects: Crack filling took place today. The only paving project left is to put cold mix on Deerfield Road, which is complicated by the WDOT's order that cold mix cannot be used at the intersection of Deerfield Road and US Hwy 12 & 18. Seal coating is all complete except for repair of some areas from last year.
- C. Smith also reported that he has painting of the exterior of the Town Hall scheduled for sometime this month.

V. BOARD REPORTS AND COMMUNICATIONS:

A. Hampton:

- 1. He attended the Yahara Wins meeting on August 30th. They want to know if the Town wants to include a link to imagineadaywithoutwater.org on its web site.
- 2. The WTA is promoting simultaneous "Turn Out for Transportation" meetings around the state on September 29th. Local locations have not yet been announced.
- 3. The City of Madison's plan commission is discussing the Yahara Hills neighborhood plan at their meeting this Thursday.
- 4. From the DCTA membership meeting:
 - a) Dane Com will be up and running by November 1st.
 - b) Nine Towns have opted out of County zoning. There is a question about whether plats and CSMs should stay with the County. The deadline for Towns to opt out is October 20th. The Town Board will consider it at their October 17th meeting.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: An amendment to the 2016 budget was approved.
- B. Town Parks Committee: They are happy with the new playground equipment for Cedar Knolls. There was a request for a baseball diamond at Sr. Airman Dan Johnson Memorial Park, and a request to inquire with the Village what Town contribution it would take for Town residents to pay the resident fee for Village recreation programs.
- C. Joint Town/Village Fire Department: Engine 3 has needed some repairs, including brakes and rebuilding of a valve. EMS provided a list of building needs. The committee will meet on September 26th to discuss the 2017 budget.

VII. Adjournment: **MOTION** by DuPlayee/Anders to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:17 P.M.

Kim Banigan, Clerk
Approved 10-03-2016

ATTACHMENT A
TO TOWN OF COTTAGE GROVE CUP ACTION REPORT 02359 GRYFFINDOR

The minutes from the Plan Commission Meeting dated August 24, 2016 were provided to the Town Board for review prior to the September 6, 2016 meeting. The Town Board not only referenced the Plan Commission considerations in the Town Board's deliberation, but also expressly adopted the Plan Commission's finding that the standards required for issuance of a conditional use permit were not met.

The CUP was denied unanimously by the Plan Commission and the Town Board. The standards that were not satisfied, as well as specific findings therefore, are summarized below and shall be included in the minutes by reference and provided to Dane County as an attachment to the CUP Action Report:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare. FINDING: NOT SATISFIED, for the following reasons:
 - a. The Plan Commission determined that establishment, maintenance and operation of the sand pit as presented would be detrimental to or endanger public health, safety and welfare.
 - b. The applicant was questioned as to whether there was any indication that there was sand or other usable material on the site. The applicant thought there might be, but did not know and had no particular information confirming investigation of the site as a sand pit. The Plan Commission found that the proposed conditional use was far too speculative and that the application appeared to be a pretext for use of the area as a crushing and transfer site. The Plan Commission balanced the lack of evidence that the resource material exists on the proposed site, the existence of numerous other similar sites in the area, and the adverse impacts at the proposed site and concluded that, while there was almost no benefit or need for use of the proposed site as a sand pit, issuing a CUP for the proposed use would be detrimental to public health, comfort and welfare.
 - c. The public interest in safe access to STH 12-18 from the county road adjacent to the proposed sand pit was also considered. Trucks would access the proposed sand pit from STH 12-18 to a county road to a town road. The town road could not withstand loaded truck traffic. The applicant agreed that he would install a new town road between the proposed sand pit and the county road. The county road then connects to an at-grade crossing at STH 12-18. This raised two additional public safety concerns. First, residents provided anecdotal evidence as to the impact of these trucks on the county road and increased traffic flow on the county road. Second, residents raised concerns as to how this type of increased truck traffic would affect the at-grade crossing onto STH 12-18. The Plan Commission found that the proposed use would increase truck traffic considerably and would increase hazards at the at-grade entrance to STH 12-18. The proposed use would negatively affect public safety. The applicant was unwilling to limit the number of trips from the proposed site. Trips at the low end of the range listed in the application was found to be detrimental to public safety and at the high end was found to endanger public safety. The applicant and Plan Commission agreed that access directly to STH 12-18 would not be attainable.
 - d. Concerns were raised regarding dust control, particularly during crushing and transfer of materials. The applicant indicated that there was no source of water on the site to use for dust control, but stated that he would bring in water trucks as needed or use stormwater that accumulated in retainage areas. Without water on site there would be delays in bringing in a water truck to control dust, and allowing unplanned retainage areas to access surface water would mean mosquitoes would breed. The Plan Commission concluded that the approach

presented was rather haphazard and had too much potential for detrimental effects on public health.


- e. The applicant agreed to berm portions of the site but did not agree to fence it. The Plan Commission found that the site could easily become an attractive nuisance, and found that management of the site as proposed would be detrimental to public health, safety and welfare.
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use. FINDING: NOT SATISFIED, for the following reasons:
- a. A resident adjacent to the proposed site explained that he had cultivated trees for many years as a cash crop, described stormwater patterns and indicated that the additional drainage from the proposed sand pit would increase water to his land and cause harm to his trees. The applicant presented no stormwater drainage plan to defeat the resident's assertion. The Plan Commission concluded that storm water runoff could foreseeably harm the value of the trees as a cash crop.
 - b. As set forth in #1 above, without fencing or some type of enclosure or an on-site caretaker, the site could become an attractive nuisance thereby diminishing public safety and adversely affecting adjacent properties.
 - c. As set forth in #1 above, increased traffic and lack of direct access to STH 12-18 would foreseeably diminish use, value and enjoyment of adjacent properties who must also use the county road to access STH 12-18.
 - d. As set forth #1 above, dust from the crushing and transfer of materials would diminish use, value and enjoyment of adjacent properties.

Approved by the Town Board to be included in the minutes of the Town Board meeting held on September 6, 2016.

TOWN OF COTTAGE GROVE


Kris Hampton, Town Chair

Attested by:


Kim Banigan, Town Clerk

Town of Cottage Grove Resolution 2016-07 Authorizing Borrowing

W. B. A. GP 224B (8/06) 11329

© 2006 Wisconsin Bankers Association / Distributed by FIPCO®

EXHIBIT A RESOLUTION [Term Credit Agreement]

Prepared and intended for use by commercial banks in transactions governed by Wisconsin Law.

(Adopted at an Open Meeting held September 6, 2016)

WHEREAS the Town of Cottage Grove Dane County, Wisconsin ("Town"), is presently in need of funds up to a maximum aggregate amount of *Two Hundred Seventy Thousand Four Hundred Forty Dollars 00/100 (\$ 270,440.00) for public purpose(s) of: (1)

; and

WHEREAS, the Town Board deems it necessary and in the best interests of the Town that, pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, the sum of up to *Two Hundred Seventy Thousand Four Hundred Forty Dollars and 00/100* Dollars (\$ 270,440.00) be borrowed for such purpose(s) from time to time upon the terms and conditions hereinafter set forth:

NOW, THEREFORE, BE IT RESOLVED, that for the purpose(s) hereinabove set forth the Town, by its Chairperson, and Clerk, pursuant to Section 67.12(12), Wisconsin Statutes, borrow from Bank of Sun Prairie ("Lender"), from time to time, in one or more advances, a maximum aggregate amount of \$ 270,440.00 , or, if less, the aggregate principal amount of all advances as may be required to meet the above - stated purpose(s);

BE IT FURTHER RESOLVED, that each such advance shall be requested in writing by the Town Clerk and/or Town Treasurer, which request may be conclusively relied upon by Lender;

BE IT FURTHER RESOLVED, that to evidence such indebtedness, said Chairperson and Town Clerk shall make, execute and deliver to the Lender for and on behalf of the Town the promissory note of the Town to be dated 9/1/2016 , in said principal amount with interest at the rate of *One and Sixty-one Hundredths percent (1.610 %) per annum and payable as follows:

[Check (a), (b), (c) or (d); only one shall apply.]

(a) ☒ **Single Payment.** In one payment on 3/15/2017 , PLUS interest payable as set forth below.

(b) ☐ **Installments of Principal and Interest (2).** In _____ equal payments of \$ _____ due on _____ , and on ☐ the same day(s) of each _____ month thereafter ☐ every 7th day thereafter ☐ every 14th day thereafter, PLUS a final payment of the unpaid balance and accrued interest due on _____ . All payments include principal and interest.

(c) ☐ **Installments of Principal.** In _____ equal payments of principal of \$ _____ due on _____ , and on ☐ the same day(s) of each _____ month thereafter ☐ every 7th day thereafter ☐ every 14th day thereafter, PLUS a final payment of the unpaid principal due on _____ , PLUS interest payable as set forth below.

(d) ☐ **Other.** _____

Interest is payable on _____ , and on ☐ the same day of each _____ month thereafter, ☐ every 7th day thereafter, ☐ every 14th day thereafter, and at maturity, or, if box (b) is checked, at the times so indicated. Interest is computed for the actual number of days principal is unpaid on the basis of ☐ a 360 day year ☐ a 365 day year. (2)

Said interest to be payable on the dates set forth above on the outstanding principal balance, with ☐ no prepayment privileges ☒ prepayment privileges on any principal or interest payment date on or after 9/1/2016 .

A copy of the promissory note shall be attached to this resolution.

(1) Here describe each purpose in detail. If the purpose is meeting general and current municipal expenses or refinancing obligations of the Town, so specify.

(2) Section 67.12(12), Wisconsin Statutes, does not place any restrictions on the basis of interest rate calculations.

BE IT FURTHER RESOLVED, that there be, and there hereby is, levied on all the taxable property of the Town, a direct annual irrepealable tax sufficient in amount to pay the principal and interest on said note as the same becomes due and payable, said tax to be in the following minimum amounts: (3)

Amount of Tax (principal and interest)	To Meet Note Payments Due On	Year of Levy (must be in year(s) prior to due date)
\$ 272,766.15	3/15/2017	For the year 2016
\$ _____	_____	For the year _____
\$ _____	_____	For the year _____
\$ _____	_____	For the year _____
\$ _____	_____	For the year _____
\$ _____	_____	For the year _____
\$ _____	_____	For the year _____
\$ _____	_____	For the year _____
\$ _____	_____	For the year _____
\$ _____	_____	For the year _____

If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said note when due, the requisite amount shall be paid from other funds of the Town then available, which sums shall be replaced upon the collection of the taxes herein levied.

In the event that the Town exercises its prepayment privilege, if any, then no such direct annual tax shall be included on the tax rolls for the prepayments made and the amount of direct annual tax hereinabove levied shall be reduced accordingly for the year or years with respect to which said note was prepaid.

In each of said levy years, the direct annual tax so levied shall be carried into the tax rolls each year and shall be collected in the same manner and at the same time as other taxes of the Town for such years are collected; provided, that the amount of tax carried into the tax roll may be reduced in any year by the amount of any surplus in the debt service account for the note. So long as any part of the principal of, or interest on, said note remains unpaid, the proceeds of said tax shall be segregated in a special fund used solely for the payment of the principal of, and interest on, said note.

BE IT FURTHER RESOLVED, that there be and there hereby is established in the treasury of the Town, if one has not already been established, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Sinking funds established for obligations previously issued by the Town may be considered as separate and distinct accounts within the debt service fund. Within the debt service fund, there be and there hereby is established a separate and distinct account designated as the "Debt Service Account for Promissory Note dated 9/1/2016", which account shall be used solely for the purpose of paying principal of and interest on said note. There shall be deposited in said account any accrued interest paid on said note at the time it is delivered to the Lender, all money raised by taxation or appropriated pursuant hereto, and such other sums as may be necessary to pay principal and interest on said note when the same shall become due.

BE IT FURTHER RESOLVED, that the proceeds of said note shall be used solely for the purposes for which it is issued, but may be temporarily invested until needed in legal investments, provided that no such investment shall be in such a manner as would cause said note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or the Regulations of the Commissioner of Internal Revenue thereunder; and an officer of the Town, charged with the responsibility for issuing the note, shall certify by use of an arbitrage certificate, if required, that, on the basis of the facts, estimates and circumstances in existence on the date of the delivery of the note, it is not expected that the proceeds will be used in a manner that would cause said note to be an "arbitrage bond."

BE IT FURTHER RESOLVED, that the projects financed by the note and their ownership, management and use will not cause the note to be a "private activity bond" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended, and that the Town shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the note.

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

BE IT FURTHER RESOLVED, that the note is hereby designated as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended, relating to the ability of financial institutions to deduct from income, for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations. (4)

BE IT FURTHER RESOLVED, that the Town officials are hereby authorized and directed, so long as said note is outstanding, to deliver to the Lender any audit statement or other financial information the Lender may reasonably request and to discuss its affairs and finances with the Lender.

BE IT FURTHER RESOLVED, that said note shall be delivered to the Lender on or after the date of said note, upon receipt of the total principal amount of the loan evidenced thereby, plus accrued interest, if any, to date of delivery, provided that, if this is a refinancing, the refunding note shall be immediately exchanged for the note being refinanced.

(3) First tax levy should be for the current year unless tax roll has already been delivered for collection, and amount of levy should be sufficient to meet all principal and interest payments coming due prior to date for collection of next succeeding tax levy.

(4) Delete this paragraph if the Town will be issuing more than \$10,000,000 of tax-exempt obligations in the calendar year. In that case, banks will not be entitled to deduct, for federal income tax purposes, interest expense that is allocable to carrying or acquiring the note.

PROMISSORY NOTE

No. _____ Town of Cottage Grove \$ 270,440.00
(NAME)
Dated 9/1/2016

1. **Promise to Pay and Payment Schedule.** For value received, the Town of Cottage Grove, Dane County, Wisconsin ("Town"), promises to pay to Bank of Sun Prairie, or registered assigns ("Lender"), the sum of *Two Hundred Seventy Thousand Four Hundred Forty Dollars 00/100 Dollars (\$270,440.00), payable with interest at the rate of One and Sixty-one Hundredths percent (1.610 %) per annum as follows:

[Check (a), (b), (c) or (d); only one shall apply.]

(a) ☒ **Single Payment.** In one payment on 3/15/2017, PLUS interest payable as set forth below.

(b) ☐ **Installments of Principal and Interest.** In _____ equal payments of \$ _____ due on _____, and on ☐ the same day(s) of each _____ month thereafter ☐ every 7th day thereafter ☐ every 14th day thereafter, PLUS a final payment of the unpaid balance and accrued interest due on _____. All payments include principal and interest.

(c) ☐ **Installments of Principal.** In _____ equal payments of principal of \$ _____ due on _____, and on ☐ the same day(s) of each _____ month thereafter ☐ every 7th day thereafter ☐ every 14th day thereafter, PLUS a final payment of the unpaid principal due on _____, PLUS interest payable as set forth below.

(d) ☐ **Other.** _____

Principal and interest on this note shall be payable only to the Lender in lawful money of the United States of America at the office of the Lender. The final installment of principal on this note shall be payable only upon presentation and surrender of this note to the Town Treasurer.

2. **Interest Payment.** Interest is payable on _____, and on ☐ the same day of each _____ month thereafter, ☐ every 7th day thereafter, ☐ every 14th day thereafter, and at maturity, or, if box 1(b) is checked, at the times so indicated. Interest is computed for the actual number of days principal is unpaid on the basis of ☐ a 360 day year ☐ a 365 day year.

3. **Prepayment.** Full or partial prepayment of this note ☐ is not permitted ☒ is permitted on any principal or interest payment date without penalty on or after 9/1/2016. All prepayments shall be applied first upon the unpaid interest and then applied upon the unpaid principal in inverse order of maturity.

4. **Other Charges.** If any payment (other than the final payment) is not made on or before the 10th day after its due date, Lender may collect a delinquency charge of 18.00 % of the unpaid amount. Unpaid principal and interest bear interest after maturity until paid (whether by acceleration or lapse of time) at the rate ☐ which would otherwise be applicable plus _____ percentage points ☒ of 18 % per year, computed on the basis of ☐ a 360 day year ☒ a 365 day year. Town agrees to pay a charge of \$ 33.00 for each check presented for payment under this note which is returned unsatisfied.

5. **Security.** For the prompt payment of this note with interest and the levying and collection of taxes sufficient for that purpose, the full faith, credit and resources of the Town are hereby irrevocably pledged.

6. **Transferability.** This note is transferable only upon the records of the Town kept for that purpose at the office of the Town Clerk, by the Lender in person or its legal representative duly authorized in writing, upon presentation of a written instrument of transfer satisfactory to the Town Clerk and upon such transfer being similarly noted hereon. The Town may deem and treat the person in whose name this note is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or interest hereof and for all other purposes.

7. **Wisconsin Statutes; Authorization.** This note issued under the terms of and for purposes specified in Section 67.12(12), Wisconsin Statutes; and is authorized by a resolution of the Town Board duly adopted by the Board at its open meeting duly convened on 9/6/2016 which resolution is recorded in the official book of its minutes pertaining to said date.

8. **Internal Revenue Code.** This note has been designated by the Town as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended. (1)

9. **Certifications and Recitations of Town.** It is hereby certified and recited that all conditions, things and acts required by law to exist, to be or to be done prior to and in connection with the issuance of this note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the Town, including this note, does not exceed any limitation imposed by law, and that the Town has levied a direct annual irrepealable tax sufficient to pay this note together with interest thereon when and as payable.

THIS NOTE CONTAINS ADDITIONAL PROVISIONS ON PAGE 2

(Impress official or corporate seal, if any)

Town of Cottage Grove
Dane County, Wisconsin
By Kris Hampton
By Kim Banigan
CHAIRPERSON
TOWN CLERK

(1) Delete this paragraph if the Town will be issuing more than \$10,000,000 of tax-exempt obligations in the calendar year. In that case, lenders will not be entitled to deduct, for federal income tax purposes, interest expense that is allocable to carrying or acquiring the note.

NOTE: Official or corporate seal, if any, to be affixed.

(SEE PAGE 2 FOR REGISTRATION PROVISIONS)

PROMISSORY NOTE WBA2241 Page 1 of 2

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

11. Venue. To the extent not prohibited by law, Town consents that venue for any legal proceeding relating to collection of this note shall be, at Lender's option, the county in which Lender has its principal office in this state, the county in which Town is located or the county in which this note was executed by Town.

12. Obligations and Agreements of Town. Town agrees to pay all costs of collection before and after judgment, including reasonable attorneys' fees (including those incurred in successful defense or settlement of any counterclaim brought by Town or incident to any action or proceeding involving Town brought pursuant to the United States Bankruptcy Code) and waive presentment, protest, demand and notice of dishonor. Subject to Section 893.80, Wisconsin Statutes, Town agrees to indemnify and hold harmless Lender, its directors, officers and agents, from and under this note or the activities of Town. This indemnity shall survive payment of this note. Town acknowledges that Lender has not made any representation or warranties with respect to, and the Lender does not assume any responsibility to Town for, the collectability or enforceability of this note or the financial condition of Town. Town has independently determined the collectability and enforceability of this note. Town authorizes Lender to disclose financial and other information about Town to others.

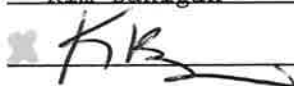
13. No Waiver; Rights and Remedies of Lender. No failure on the part of Lender to exercise, and no delay in exercising, any right, power or remedy under this note shall operate as a waiver of such right, power or remedy; nor shall any single or partial exercise of any right under this note preclude any other or further exercise of the right or the exercise of any other right. The remedies provided in this note are cumulative and not exclusive of any remedies provided by law. Without affecting the liability of Town, Lender may, without notice, accept partial payments, release or impair any collateral security for the payment of this note or agree not to sue any party liable on it. Without affecting the liability of Town, Lender may from time to time, without notice, renew or extend the time for payment subject to the time limits prescribed in Section 67.12(12), Wisconsin Statutes.

14. Interpretation. This note is intended by Town and Lender as a final expression of this note and as a complete and exclusive statement of its terms, there being no conditions to the enforceability of this note. This note may not be supplemented or modified except in writing. This note benefits Lender, its successors and assigns, and binds Town and its successors and assigns. The validity, construction and enforcement of this note are governed by the internal laws of Wisconsin. Invalidity or unenforceability of any provision of this note shall not affect the validity or enforceability of any other provisions of this note.

REGISTRATION PROVISIONS

This note shall be registered in registration records kept by the Town Clerk of the Town of Cottage Grove, Wisconsin, such registration to be noted in the registration blank below and upon said registration records, and this note may thereafter be transferred only upon presentation of a written instrument of transfer satisfactory to the Town Clerk duly executed by the Lender or its attorney, such transfer to be made on such records and endorsed hereon.

REGISTRATION

Date of Registration	Name of Lender	Signature of Town Clerk
<u>9/01/2016</u>	<u>Bank of Sun Prairie</u>	<u>Kim Banigan</u>
<u> </u>	<u> </u>	<u></u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 19, 2016

PUBLIC HEARING REGARDING BANK SERVICE FEES

- I. Notice of the public hearing was posted at the Town Hall and on the Town's internet site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were all present, along with Clerk Kim Banigan, Treasurer Debra Abel, Highway Superintendent Jeff Smith, Engineer Thomas TeBeest, and Deputy Jennifer Grafton.
- II. Hampton called the public hearing to order at 7:00 and asked if there were any questions about the proposed ordinance amendment. There were none.
- III. **MOTION** by Anders/DuPlayee to closed the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:01 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice and attendance were as stated above for the public hearing.
 - B. Hampton called the meeting to order at 7:01 P.M.
 - C. Minutes of previous meeting(s): The minutes are currently under review by the Town Attorney, so were not available for approval.
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #30691-30726 from Monona State Bank. **MOTION CARRIED 5-0.**
 2. The Treasurer asked that September per diem reports be submitted by September 29th.
 - E. Public Concerns:
 1. Williams shared recent *Herald-Independent* articles covering Norman Schmelzer's retirement and the Cedar Knolls playground equipment installation.
 2. Anders commented that an organized bicycle ride through the town over the weekend was the most unruly he had ever seen. The Clerk said she found out about the ride at noon last Friday, and promptly called the organizers to tell them they should have applied for a permit 45 days prior to the ride, and could be subject to up to a \$500 fine. She had also notified the deputies. Deputy Grafton said a citation will be issued.
 - F. Road Right of Way Permits: None.
- II. BUSINESS:
 - A. Review August Police Activities: Deputy Grafton said speeding is still the biggest crime in town. There were 245 calls for service and 154 citations in September. The cameras at the police station are working again after a broken wire was located, and the call button needs to be reprogrammed due to a change at the County. Hampton has asked the landlords to replace an interior door at the police station. Deputy Grafton plans to talk to the County about prohibiting parking on County Road BB in front of Highland Memory Gardens. There was an accident there a couple months ago, and there have been Pokemon hunters parking there.
 - B. Plan Commission recommendations
 1. Avant Gardening & Landscaping, Inc., Applicant, Elizabeth Light foot, landowner –
 - a) Parcel 0711-314-9001-5 – seeking rezone of 3.55 acres from A1-EX and LC-1 to C-1 for storage of trucks, equipment and materials used for landscaping company:

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 19, 2016

(note that agenda incorrectly stated the acreage at 1.75 acres, but the Plan Commission agenda and approval were both for 3.55 acres.)

- b) Parcel 0711-313-8003-6 – seeking rezone of 2.2 acres from A1-EX to AB and removal of deed restriction to allow for limited retail sales of nursery stock produced on the property.

Plan Commission approval recommended requiring that the driveway must be improved to allow at least two bump outs to improve traffic flow, and must be paved from Siggelkow Road the the Avant Gardening office with five years for dust control and a better road condition. Ms. Lightfoot indicated she is willing to install the bump outs and pave within one year but would like to use crushed asphalt for the paving.

MOTION by Hampton/Williams to accept the Plan Commission recommendations to approve the rezone of 3.55 acres from A1-EX and LC-1 to C-1 for storage of trucks, equipment and materials used for landscaping company, and the rezone of 2.2 acres from A1-EX to AB and removal of deed restriction to allow for limited retail sales of nursery stock produced on the property, but require that at least two bump outs be installed and the driveway be paved with crushed asphalt within one year. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of a certified survey map for Michael Knipfer, 1770 N. Jargo Road: **MOTION** by Hampton/Fonger to approve the CSM identified as office map 160129 dated 09/08/2016 as presented. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of a certified survey map for Don & Marilyn Viney and Joseph Conway, 1923 Nora Road: **MOTION** by DuPlayee/Williams to approve the CSM identified as office map 160242 dated 08/25/2016 as presented. **MOTION CARRIED 5-0.**
- E. Discuss/Consider bids for alternatives in the Village of Cottage Grove's Gaston Road Water Main project that would be at the Town's expense:
 - 1. An extended warranty period on the pavement centerline joint for 2 years rather than the standard one year
 - 2. A mill and overlay of the west-bound lane.

The low bid for the Village's project was R.G. Huston Company, Inc. with Payne and Dolan as the paving subcontractor. The estimated cost to mill and overlay the west-bound lane is \$82,012.00. Hampton wondered if it would be better to rebuild the west-bound lane instead of just milling and overlaying. TeBeest said it would result in a better product but would be considerably more expense, possibly triple the cost. There was discussion about getting a price from R.G. Huston Company, Inc. to rebuild and pave the west-bound lane. **MOTION** by Hampton/Williams to table until 9:00 a.m. on September 23, 2016. **MOTION CARRIED 5-0.** Then TeBeest noted that R.G. Huston Company, Inc. is under contract with the Village, and unless the work falls under that contract, the Town would need to go out to bid for the project. TeBeest said the contract calls for substantial completion by December 2nd, with final completion on June 1, 2017. Six Town residents have opted to hook up to water services. Work will begin on October 3rd, and they are coordinating with the school bus. TeBeest said the Village is hoping to know what the Town's intents are yet this week. **MOTION** by Hampton/DuPlayee to hold a meeting at 9:00 a.m. on September 21st if the quote is back in time. **MOTION CARRIED 5-0.**

Romayn Rote, 2964 Gaston Road, urged the board do the right thing and not put a band-aid

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 19, 2016

on the road.

Village Engineer Mike Maloney arrived to say that the Village had indeed awarded the base bid to R.G. Huston Company, Inc. Since the paving does not come into plan until late October, he did not see a huge rush for the Town to make a decision on the west-bound lane, and did not see a problem with a change order to reconstruct the road since the bid is based on unit prices. He noted that there is a challenge due to the milling and overlay of the west-bound lane not quite matching up with the overlay on the east-bound lane.

- F. Discuss/Consider adding curb to Gaston Road East of Gaston Circle: Smith explained that this problem often results in the shoulder washing away. TeBeest had provided two options to remedy the situation, noting that the second option may do a better job of slowing the water down:

1. Add 260 feet of curb with a flume at the end for ~\$9,750
2. Add 260 feet of curb with a catch basin and outlet at the end for ~\$11,250.

MOTION by Hampton/DuPlayee to accept the second proposal if we end up paving the west-bound lane. **MOTION CARRIED 5-0.**

- G. Discuss/Consider adoption of Ordinance 2016-05 Amending Section 07.02(6) Regarding Bank Service Fees: **MOTION** by DuPlayee/Williams to adopt the ordinance amendment as presented. **MOTION CARRIED 5-0.**

(Williams left the meeting at 8:15 P.M.)

- H. Discuss/Consider proposals for audit services for 2016: The Treasurer reported that three proposals were returned for 2016 with optional renewals for 2017 and 2018:

	Financial Audit	Preparation of financial Statements	Preparation of Form CT	Review only of Form CT
Baker Tilly	\$11,750	\$1,250	\$800	
Wipfli LLP	\$10,900	Included	\$500	\$200
Johnson Block and Company, Inc.	\$11,300	Included	\$800	

The Treasurer had no strong preference, and Hampton made the statement that it was not worth making a change for a difference of \$400. **MOTION** by DuPlayee/Anders to accept the proposal from Johnson Block and Company, Inc. **MOTION CARRIED 4-0.**

- I. Discuss/Consider participation in 2017 Fly Dane: **MOTION** by Hampton/Anders to approve the Town's participation in the 2017 Fly Dane program at a cost not to exceed \$2,138.07. **MOTION CARRIED 4-0.**
- J. Discuss/Consider dates and times for in person absentee voting for the 2016 General Election: **MOTION** by Hampton/Anders to allow absentee voting during normal office hours, with additional hours until 5:00 P.M. on Friday, November 4th and from 8:00 a.m. to 12:00 p.m. on Saturday, November 5th. **MOTION CARRIED 4-0.**
- K. Discuss/Consider attendees for the Turnout for Transportation meeting on September 29, 2016: **MOTION** by Hampton/Anders to approve up to three attendees. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
SEPTEMBER 19, 2016

- L. Set dates for 2017 Budget workshop meetings: Workshops were scheduled to begin at 6:30 P.M. on October 18th and 25th.

III. CLERK'S REPORT: None.

IV. HIGHWAY SUPERINTENDENT'S REPORT:

- A. Norman Schmelzer's last day working will be Friday, September 23rd, and there will be a luncheon in honor of both his and Rolland Schutz's retirement at noon that day.
- B. Matthew Pederson's first day of work will be Monday, September 26th. Andrew Perry will start on Monday, October 3rd.
- C. A head gasket will need replacing on the John Deere loader.
- D. The Cedar Knolls neighborhood installed the playground structure, but unfortunately left some ruts behind.

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton: He will put a discussion for opting out of County zoning on the October 3rd agenda. Tom Wilson from the Town of Westport has offered to come, and Atty. Anderson will be there as well.

VI. COMMITTEE REPORTS:

- A. Emergency Government Committee: There will be a Hydrite Chemical mock emergency on October 19th from 4 to 8 p.m.
- B. Deer-Grove EMS Commission: The first draft of the 2017 budget was reviewed and sent back to staff for cuts. Members were appointed to committee to study the possible merger of DGEMS with Marshall area EMS.

VII. Adjournment: **MOTION** by DuPlayee/Fonger to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:37 P.M.

Kim Banigan, Clerk
Approved 10-03-2016

TOWN OF COTTAGE GROVE
SPECIAL TOWN BOARD MEETING
SEPTEMBER 21, 2016

- I. Notice of the meeting was posted at the Town Hall and on the Town's internet site on September 20, 2016. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders and Mike DuPlayee were present, along with Highway Superintendent Jeff Smith, Clerk Kim Banigan and Engineer Tom TeBeest. Hampton called the meeting to order at 9:00 A.M.
- II. Discuss/Consider change orders to the bid for the Village of Cottage Grove's Gaston Road Water Main project that would be at the Town's expense:
 - A. A rebuild of the west-bound lane of Gaston Road: A quote from R.G. Huston Company, Inc. using unit prices from the Village's contract put the cost to rebuild the west-bound lane at \$248,938.75. Adding to this the estimated cost of \$9,500.00 to install curb and gutter and a catch basin east of Gaston Circle brings the total to \$258,438.50. The Town's unassigned fund balance policy calls for the fund balance to be maintained at 20-25% of the operating budget. The Treasurer's analysis of the unassigned fund balance showed the amount available for use at \$116,808 (maintaining at 20% of the operating budget) or \$247,067 (maintaining at 25% of the operating budget). Fonger asked TeBeest for an opinion. While he did not state an opinion, he did say that a mill and overlay would be expected to last 15 years, while a rebuild would be expected to last 30 years. Smith said that there is quite a bit of land along Gaston Road with the potential to be annexed into the Village. **MOTION** by Fonger/DuPlayee to not rebuild the west-bound lane of Gaston Road. **MOTION CARRIED 4-0.**
 - B. A mill and overlay of the west-bound lane of Gaston Road: **MOTION** by DuPlayee/Anders to approve a mill and overlay of the west-bound lane of Gaston Road at the quoted price of \$82,012.00. **MOTION CARRIED 4-0.**

There was discussion about also overlaying both lanes of Gaston Road from the construction area west to Buss Road. Smith will get a price for consideration at the October 3rd Town Board meeting.
 - C. An extended warranty period on the pavement centerline joint for 2 years rather than the standard one year: **MOTION** by Fonger/DuPlayee to not purchase the extended warranty. **MOTION CARRIED 4-0.**
 - D. Adding curb to Gaston Road East of Gaston Circle: **MOTION** by DuPlayee/Fonger to approve adding curb and gutter and a catch basin to Gaston Road east of Gaston Circle at a the estimated cost of \$9,500. **MOTION CARRIED 4-0.**

III. Adjournment

Kim Banigan, Clerk
Approved 10-03-2016