

Due to the COVID-19 pandemic, in-person attendance was limited and participants were able to join using gotomeeting.com.

I. ADMINISTRATIVE

- A. Notice of the meeting was properly posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Clerk Kim Banigan, Treasurer Deb Abel and Highway Superintendent Dan Dresen.
- 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 from the December 7, 2020 Public Hearing and Special Meeting of Electors, and the December 11, 2020 Town Board meeting as printed. **MOTION CARRIED 4-0-1** (Fonger abstained). **MOTION** by Williams/DuPlayee to approve the open and closed session minutes from December 21, 2020, with a correction to the motion reconvening to open session in item VIII. of the open session minutes, and keeping the closed session minutes closed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #34361-34388 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Williams/DuPlayee to approve payment of December per diems as presented. **MOTION CARRIED 5-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Plan Commission Recommendations:
 1. Discuss/Consider application by Screamin Norwegian Farms – Neli Skaar for rezone of 1.99 acres from parcel 0711-264-8001-0 on Skaar Road from FP-35 to SFR-1 for a single-family residence: Tim Thorson from Royal Oak Associates and Ellery Jensen were present to represent Screamin Norwegian Farms, Neli Skaar was present virtually. As she had at the Plan Commission meeting, Michelle Schmidt, 1884 Skaar Road, questioned why the new lot was proposed for the north end of Skaar Road rather than continuing the development of Skarstinden Road, which she saw as a more logical choice, and what the plans are to improve Skaar Road as the 2007 snow maintenance agreement states. The question about lot location was not addressed. Hampton read from the 2007 agreement, which addresses improving West Skaar Road under two conditions: 1) if the owner (Screamin Norwegian Farms, LLC) wishes to terminate winter road care responsibilities and 2) at such time the town determines it is to be built out and improved for new development. It was noted that in 2019, the Town Board agreed to have the Town take over snow removal operations but did not require the improvement of the road at that time. Dresen said the current 12' width would not be adequate for cars to meet, there is no turn-around area, and construction vehicles will probably turn the existing road to mush. He said water runs over the road from south to north each spring. Hampton said the Town Board will need to consider whether to require the road to be improved in light of this new lot. **MOTION** by Anders/Fonger to

accept the Plan Commission's recommendation to approve the rezone of 1.99 acres from parcel 0711-264-8001-0 on Skaar Road from FP-35 to SFR-1 for a single-family residence, utilizing a RDU from parcel #0711-351-9240-1, which will be deed restricted to prevent residential development. The motion also directed the Town Chair to put an item on the January 18th agenda to consider requiring improvements to West Skaar Road. **MOTION CARRIED 5-0.**

2. Discuss/Consider approval of MD Roffers Consulting Work Order Number 02: Town of Cottage Grove Comprehensive Plan Update: **MOTION** by DuPlayee/Williams to accept the Plan Commission's recommendation to approve work order number 02, including options 3 and 4. **MOTION CARRIED 5-0.**

B. Discuss/Consider approval of Lease and Cooperative Use Agreement Regarding Flynn Hall: **MOTION** by Williams/Anders to approve the Lease and Cooperative Agreement as presented. **MOTION CARRIED 5-0.**

C. Discuss/Consider approval of Agreement for Design Services, Bidding-Related Services, and Construction-Related Services - Natvig Road Landfill Gas Vents: Attorney William Cole had provided written advice regarding the proposed agreement. Tina Sebold had responded to say that Strand could accommodate most of Atty. Cole's request, but were not willing to modify the bilateral termination clause. **MOTION** by Fonger/DuPlayee to approve the agreement with the addition of a rate table as Exhibit A, and changing the compensation section to state "...on an hourly rate basis plus expenses in an amount not to exceed \$11,500". **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen said he went to pick up the new F-550 today but it did not have carbides on the plow as specified. The new mowers are here already. The 1997 former brush truck has been displayed with a for sale sign and is generating lots of interest.

IV. CLERK'S OFFICE UPDATE: Nothing to report.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton asked if the board wanted to consider quotes to put a new coat of urethane on the floors at Flynn Hall since there isn't much going on there due to COVID-19. He asked Fonger when he plans to resume Emergency Government Committee meetings, Fonger said probably in February.

VI. COMMITTEE REPORTS: None.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:51 P.M.

Kim Banigan, Clerk
Approved 01-18-2021

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JANUARY 18, 2021

Due to the COVID-19 pandemic, in-person attendance was limited and participants were able to join using gotomeeting.com.

PUBLIC HEARING FOR PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN

- I. Notice of the public hearing was published in the legal section of the Wisconsin State Journal on December 19, 2020, and posted at the Town Hall and on the Town's web site and Facebook page. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Clerk Kim Banigan, Treasurer Deb Abel and Highway Superintendent Dan Dresen. Others attendees are listed on the sign-in sheet available in the Town Clerk's office.
- II. Hampton called the public hearing to order at 7:00 P.M. and asked if there were any questions or comments on the proposed amendments. No one spoke up.
- III. **MOTION** by DuPlayee/Williams to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:01 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting was properly posted at the Town Hall and on the Town's web site. Attendance was the same as indicated for the public hearing above.
 - B. Hampton called the meeting to order at 7:01 P.M.
 - C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes from the January 4, 2021 meeting with the year corrected in the header. **MOTION CARRIED 5-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #34389-34420 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of \$2,910.00 to General Engineering Company for December building permits. **MOTION CARRIED 5-0.**
 3. The Treasurer requested that January per diem reports be submitted by January 29th.
 - E. Public Concerns: None.
 - F. Road Right of Way Permits: **MOTION** by Anders/Fonger to approve a permit for Alliant Energy/Intercon Construction to install gas service at 2534 Bass Road (Dresen stated the work is already done, he caught them in progress and told them they needed to apply for a permit). **MOTION CARRIED 5-0.**
- II. BUSINESS:
 - A. Review December Police Activities: There were 101 calls for service and 35 citations issued in January. There was no deputy present and there were no questions or comments about the monthly report.
 - B. Discuss Town Roads as ATV Routes. (Tabled from December 21, 2020): The Clerk stated that the DNR warden is unable to attend meetings at this time, either in person or virtually. Anders said that the Town of Medina and cities of Waterloo and Marshall all either have or are developing ATV routes. He hadn't had a chance to check with the Town of Deerfield. He said that ATV routes are popular in surrounding counties where they are allowed on town

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JANUARY 18, 2021

roads and may cross county highways at designated areas. Operators must have a valid driver's license and follow all traffic laws. Speed would be limited to 35 m.p.h. and a slow-moving sign would be required. He said they could be further restricted by the Town, for example limited to daylight hours.

Jeff Salkowski, 2095 Uphoff road, asked why this is being considered. Hampton answered that it was requested at the Annual Town Meeting held on December 7, 2020. Salkowski said he would have safety concerns in the area he resides due to the amount of traffic and the road configuration. He has already had to call the police due to ATVs trespassing on his property.

Colleen Richart, 4264 Vilas Hope Road, also expressed concerns over adding ATVs to the already crowded and busy road she lives on.

Rob Kuckuk, 3490 Skarstinden Road, asked what benefit ATV routes would provide to the Town.

Anders said previous discussion was that roads south of County BB and east of County N would be most suitable for ATV routes, rather than the busier roads in the rest of the Township. The benefit would be a recreational opportunity for residents.

Williams said she had reviewed the materials provided and driven the roads in the areas proposed, and she had concerns about the safety of sharing those narrow roads with ATVs.

Hampton felt ATV routes would not make the roads any safer, and others said they would make them less safe. **MOTION** by Hampton/Williams to table the matter until the Town receives a petition from at least 20 residents asking the Town Board to take it up again.

MOTION CARRIED 5-0.

- C. Discuss/Consider adoption of Ordinance 2021-01-18 Amending the Town of Cottage Grove Comprehensive Plan: **MOTION** by DuPlayee/Williams to adopt Ordinance 2021-01-18 Amending the Town of Cottage Grove Comprehensive Plan as presented. **MOTION CARRIED 5-0.** Later in the meeting, Jeff Richart, 4264 Vilas Hope Road, realized he had missed his opportunity for questions, and asked if the dashed line east of Vilas Hope Road meant the area west of the line was now part of Madison. The Clerk explained that the line indicated the boundary for Madison's ETJ on one side the Village's ETJ on the other, but no lands are going to the City of Madison via this amendment.
- D. Discuss/Consider whether to require improvements to Skaar Road: Williams said she had reviewed the minutes from February 5, 2007 and the subsequent agreement between the Town and Screamin' Norwegian Farms, LLC (SNF) regarding winter maintenance and improvement of Skaar Road, and she thought it seemed clear that the road should be improved when new development is approved. Hampton questioned whether the addition of one lot is enough to require the road to be improved.

Michelle Schmidt, 1884 Skaar Road noted that last year the Town agreed to take over the winter maintenance but had not required SNF to improve the road at that time as spelled out in section 1. (a)(i) in the agreement. She hoped that the cost had been charged back to the owner, as also stipulated in the agreement. She said the road is better in the winter now that the Town plows it, but winter visitors are still hesitant because they aren't sure they will be able to get out, and there is still water running over the road in the spring. She also expressed concerns over the width of the road, a rut where the blacktop ends, and the lack of room to turn around, noting that the garbage truck backs out. Beyond that, she felt it was a matter of principle to follow through on the provisions of the agreement to require SNF to improve the road when new development is approved.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JANUARY 18, 2021

Neli Skaar, representing SNF, said that since there are no longer any cattle at the farm at the end of Skaar Road, there is much less traffic then there once was so there is no need to improve the road. He thought that the water running over the road in the spring could be cured by removing an old field drive on the south side of Skaar Road, and stated he is willing to pay for that work.

Dresen agreed that removing the field drive should alleviate the water running over the road. He said the road is about 12' wide where the asphalt ends, gradually widening to 16' closer to Skarstinden Road. He felt there is room for vehicles to safely pass and plenty of room to turn around at the end, even in the winter. He is unsure about the base of the road and thought that construction vehicles should unload equipment and turn around at the end of the road.

Discussion revealed confusion over section 1. (a)(ii) of the agreement as to whether a single house was enough to warrant improving the road.

MOTION by DuPlayee/Fonger to require Skaar Road to be built out to town road standards within a year's time. **MOTION FAILED 1-4** (Hampton, Fonger, Anders and Williams opposed).

MOTION by Fonger/DuPlayee to ask the Town Attorney for his opinion as to whether one new house should trigger improvement of Skaar Road. **MOTION CARRIED 5-0.**

- E. Discuss/Consider quotes to maintain Flynn Hall wood floors: Two quotes were received to sand and seal the floors: 1) Kelly Gallagher Beautiful Wood Floors Ltd. for \$7,480 and 2) Burke Wood Floors, Inc. for \$7,973.40. **MOTION** by Williams/Anders to accept the quote from Kelly Gallagher Beautiful Wood Floors Ltd. **MOTION CARRIED 4-0-1** (DuPlayee abstained).
- F. Discuss/Consider Technical Advisory and Policy Advisory representatives for the Madison Beltline Planning and Environment Linkages (PEL) Corridor Study: **MOTION** by Fonger/Anders to appoint DuPlayee and Williams to the Policy Advisory committee. **MOTION CARRIED 5-0.** No Town representative was appointed to the Technical Advisory committee.
- G. Discuss/Consider approval of attendees for DCTA meeting on 01-20-2021: Hampton, Fonger, Anders and DuPlayee are all interested in attending the virtual meeting together from the Town Hall. **MOTION** by Hampton/DuPlayee to allow four attendees. **MOTION CARRIED 5-0.**
- H. Discuss/Consider whether to continue to provide extended family and medical leave for COVID related absences after FFCRA expanded leave expired on December 31, 2020: the Clerk explained that while the requirement for employers to offer FFCRA leave expired at the end of 2020, it is up to individual employers to decide whether or not to continue to offer additional sick leave for COVID related absences. **MOTION** by Fonger/DuPlayee to require employees to use their sick leave for all illness related absences after December 31, 2020, although the issue could be re-visited for COVID related extenuating circumstances. **MOTION CARRIED 5-0.**
- I. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen said the fuel pump in the new F-550 truck quit after just 400 miles, requiring the truck to be towed in to the dealer. The dealer is attempting to acquire one of only 16 replacement pumps available nation-wide. The 2012 F-350 with plow and salt box is listed on the Wisconsin Surplus site. The crew recently replaced all bulbs in Flynn Hall and cleaned all the bugs out of the fixtures.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JANUARY 18, 2021

- III. CLERK'S OFFICE UPDATE: There is a statewide primary for Superintendent of Schools, which will be the only thing on ballots for Town residents.
- IV. BOARD REPORTS AND COMMUNICATIONS: Nothing to report.
- V. COMMITTEE REPORTS: None.
- VI. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:50 P.M.

Kim Banigan, Clerk
Approved 02-01-2021

TOWN OF COTTAGE GROVE
SPECIAL TOWN BOARD MEETING
JANUARY 29, 2021

Due to the COVID-19 pandemic, in-person attendance was limited and participants were able to join using gotomeeting.com.

- I. Determination that a quorum is present and that the meeting was properly posted: Notice of the meeting was posted on January 27th at the Town Hall and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were all present. Assistant Fire Chief April Hammond-Archibald was present virtually. Town Clerk Kim Banigan took minutes. Hampton called the meeting to order at 9:00 a.m.
- II. Discuss/Consider approval of quote to replace CGFD Engine 3 in 2022: Hampton said that the Joint Fire Committee considered three quotes and recommended approval of the quote from Reliant Fire Apparatus for \$694,934, which will be payable upon delivery in March of 2022. The Town's share will be based on the 2021 ratio of equalized value between the Town and Village. Based on 2020 EV, the clerk estimated around \$258,000. Anders noted that the reason for the special meeting today is because a 3% price increase is scheduled for February 1st. The Village Board met last night and approved the purchase from their standpoint. Williams asked who the other two bids were from, Hammond-Archibald said they were from Custom Fire Apparatus and Rosenbauer. **MOTION** by Anders/DuPlayee to approve the purchase of the replacement for CGFD Engine 3 in 2022 at a total cost of \$694,934, with the Town's share estimated at approximately 40%. **MOTION CARRIED 5-0.**
- III. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:04 a.m.

Kim Banigan, Clerk
Approved 02-01-2021

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
FEBRUARY 1, 2021

Due to the COVID-19 pandemic, in-person attendance was limited and participants were able to join using gotomeeting.com.

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Clerk Kim Banigan, Treasurer Deb Abel and Highway Superintendent Dan Dresen.
- 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 from the January 18 and 29, 2021 meetings as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #34421-34442 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment January per diems as presented. **MOTION CARRIED 5-0.**
 3. The Treasurer reported that first installment tax collection is complete and the 2020 field audit will be conducted virtually this Friday.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Williams/DuPlayee to approve the following permits: 1) Charter/Spectrum & Michels Corporation – expose faults on Gaston Rd. 2) Alliant Energy & Intercon Construction – add valves to gas mains on Meadowlark, Mourning Dove, Bluebird and Pheasant Run 3) Wisconsin Power & Light & Intercon Construction – convert poles to underground on Kennedy and Whiting 4) Wisconsin Power & Light & Intercon Construction – convert poles to underground on north end of Kennedy, 5) TDS & Intercon Constructions – install fiber for Kennedy Hills Subdivision 6) Charter/Spectrum & Michels Corporation – Install cable for Kennedy Hills Subdivision 7) Wisconsin Power & Light & Intercon Construction – new gas service for 4466 Scenic Oak Dr. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/consider whether to require improvements to Skaar Road (tabled from January 18th meeting): Neli Skaar was present. Anders began the discussion by stating his opinion that at the time when the 2007 Winter Maintenance Agreement for Skaar Road was adopted, Jim and Nola Skaar had the intent to extend Skaar Road to the west for more development (more than a single lot). Neli Skaar indicated he does not intend to do that. **MOTION** by Anders/DuPlayee to not require improvement of the entire length of Skaar Road, but do require Mr. Skaar to remove the field drive to restore proper drainage contours, and improve shoulders and travel width as appropriate for existing home and new lot. Discussion: DuPlayee referenced the advice from Atty. Cole on the matter, and expressed concern over setting a precedent and/or pushing the decision to a future board. He wanted to make it clear to Mr. Skaar that any additional development will require him to fully improve Skaar Road to Town standards, but given only the one proposed lot, he agreed with Anders. Fonger referred to the 2007 agreement and questioned interpreting it to allow the road to remain sub-standard with the addition of the new lot vs. what the agreement actually says. Williams questioned

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
FEBRUARY 1, 2021

whether the existing road can hold up to construction traffic for the new lot. It was suggested that the road be video graphed, and contractors be held responsible for any damage caused. Dresen said Skaar Road will need maintenance within 5-10 years, but it is not built heavy enough for overlay. **MOTION FAILED 2-3** (Fonger, Williams and Hampton opposed.)

MOTION by Hampton/Williams to make a determination that the single new lot north of Skaar Road does not trigger required improvement of Skaar Road, but put the owner on notice that any further development south or west of Skaar Road or west of Skarstinden Road will trigger full improvement of Skaar Road, including the cul-de-sac. **MOTION CARRIED 3-2** (Anders and Fonger opposed.)

- B. Discuss/consider amount to bill for winter maintenance of Skaar Road: Mr. Skaar asked if the Town will take over the cost of winter maintenance based on the decision in A. above, Hampton said not unless the road is rebuilt, and read from the 2007 agreement that states this. **MOTION** by Hampton/Anders to set an annual amount of \$1,000 per calendar year, payable in January. **MOTION FAILED 2-3** (Williams, Fonger and DuPlayee opposed). **MOTION** by Fonger/Williams to set an annual amount of \$2,000 per calendar year, payable in January. **MOTION CARRIED 4-1** (Anders opposed).
- C. Discuss/consider response to questionnaire regarding petition #14368 by 2001 Realty for 79.1 acres to be annexed into the Village of Cottage Grove: The Clerk had completed the factual portions of the questionnaire. Hampton suggested that the comments in item #13 include asking that the annexation include all of Coffeytown Road along the territory to be annexed rather than just the north side, and list all of the annexations to the Village of Cottage Grove that have not been developed yet. **MOTION** by Fonger/Williams to submit the questionnaire as discussed. **MOTION CARRIED 5-0**.
- D. Discuss/consider approval of a parade or race permit for Cynthia Kelm-Nelson, applicant, and Wes Maertz, race director for Hot2trot Cottage Grove run on June 19, 2021 to include Clark Street and its intersection with Vilas Road, and crossings of the Glacial Drumlin trail: The Clerk noted that the applicant has requested waiver of fees due to the charitable nature of the event, and has indicated they have been in contact with Deer-Grove EMS to arrange for services. **MOTION** by Williams/Anders to approve the permit and waive the fees, pending confirmation of arrangements with Deer-Grove EMS. **MOTION CARRIED 5-0**. Williams commended the applicant for the care to the details in the plan.
- E. Discuss/consider whether to cooperate with the Village of Cottage Grove to revise the Fire Protection Agreement for the Cottage Grove Fire District: Hampton reported that at the recent Joint Fire Committee meeting, it was revealed that the Village Attorney had drafted the proposed agreement without input from the Village Board, and had not considered the ramifications of a commission vs. a committee. He had attempted to consolidate the 1997 Intermunicipal Agreement to Create the Cottage Grove Fire District with its first amendment (2008) and the 2014 agreement creating an Emergency Services Building Property Repair Fund. The Village now wants to know if the Town will cooperate in drafting a revised agreement. **MOTION** by Williams/Fonger that the Town wishes to cooperate with the Village in reviewing the multiple fire protection agreements if the process includes the Joint Fire Committee reviewing them in portions over each of the next three committee meetings, and the committee's recommendations being sent forward to the two municipal boards at a joint meeting. **MOTION CARRIED 5-0**.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
FEBRUARY 1, 2021

- F. Set dates for interviews of DCSO deputy candidates to serve the Town. The Clerk reported that Deputy French is moving to a different position within the DCSO in April, and Lt. Triggs would like to conduct daytime interviews for his replacement during the week of February 15th. Consensus was to have DuPlayee and Williams, along with resident Randy Gaber if he is willing and available, to participate in the interviews of not more than 5 applicants. The Clerk was directed to request that application materials be provided to the interviewers in advance. Recommendations for the selected candidate should be considered at the March 1st Town Board meeting.
- III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen reported that the 2012 F-350 sold for \$22,000. He is still waiting for the replacement fuel pump for the 2020 F-550.
- IV. CLERK'S OFFICE UPDATE: She has mailed 224 ballots to absentee voters for the February 16th Spring Primary, and ballots are already starting to come back.
- V. BOARD REPORTS AND COMMUNICATIONS: Hampton reported receiving notice that the City of Madison Plan Commission will consider the expansion plans for the Rodefild landfill on February 8th.
- VI. COMMITTEE REPORTS:
- A. Joint Town/Village Landfill Monitoring Committee: Anders reported that methane levels in gas probe 9 have been dropping, and there have been no detects in new gas probe 10. Bids for the new vent wells should be coming in next week, with construction once the snow is gone.
- B. Joint Town/Village Fire Department committee: The committee recommended purchase of a replacement for Engine 3, there are sighting problems with the new sign being too close to the right-of-way.
- VII. Consider/Adopt motion to move into closed session pursuant to §19.85(1)(g) for the purpose of conferring with legal counsel who is rendering oral or written advice concerning Dane County Landfill site #2 (Rodefild Landfill) expansion negotiations: **MOTION** by DuPlayee/Williams to move into closed session for the reason stated above. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.** The closed session began at 8:33 p.m.
- VIII. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session. **MOTION** by Anders/Williams to reconvene to open session. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.** The closed session ended at 9:11 p.m. and there was no resulting action.
- IX. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:11 P.M.

Kim Banigan, Clerk
Approved 02-15-2021

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
FEBRUARY 15, 2021

Due to the COVID-19 pandemic, in-person attendance was limited and participants were able to join using gotomeeting.com.

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Clerk Kim Banigan, Treasurer Deb Abel, Highway Superintendent Dan Dresen and Deputy Jennifer Grafton.
- 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 from the February 1, 2021 meeting as printed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #34443-34484 as presented. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/Williams to approve payment \$3,204.25 to General Engineering for January building permits. **MOTION CARRIED 5-0.**
 - 3. The Treasurer requested February per diem reports by the 26th and reported that the field portion of the 2020 audit was done virtually and had gone well.
- E. Public Concerns: Fonger commended Dresen and his crew for doing a good job on the roads considering recent weather conditions.
- F. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve the following permits: 1) Alliant Energy & Intercon to install gas valves on Damascus, Gladview and Bass Rd. 2) Wisconsin Power & Light and Intercon to install gas service at 2225 Wooded Ridge Trail. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Review January Police Activities: The monthly report showed 174 calls for service and 63 citations issued. Deputy Grafton reported that there have been no out of ordinary occurrences.
- B. Discuss/Consider Petition for ATV Routes on Town roads: Two petitions were received: 1) was submitted by Michael Grob and contained 49 signatures without addresses. The Clerk was able to confirm that at least 24 were Town residents (see Exhibit A). 2) was submitted by Matthew Mabie and included signatures of 12 Town residents with addresses (see Exhibit B). Mr. Grob was present in person and provided copies of a handout of related information (see Exhibit C). Mr. Mabie was present virtually. Two letters had been submitted to the Town Board in opposition to ATV routes (see Exhibit D). Mr. Grob said that he has property up in Adams County where ATV routes are common, the City of Waterloo and Village of Marshall have ATV routes, and he would like to open up our roads in a similar manner. He did not have any specific roads in mind. He thinks people are already riding on Town roads, and would like to see it made legal. He said one of the main advantages would be to allow ATVs to get to a gas station. Hampton said that there are no gas stations in the Town. Hampton read from the WDNR ATV Route Guidelines and Suggestions handbook, which states that ATV Routes are generally recognized as means to provide on-road connections to ATV Trails, which the Town does not have. The handbook also cautions that ATVs are engineered for off-road use, especially tires.

DuPlayee said he cannot get past concerns over the safety aspect on the Town's narrow roads and the amount of traffic on them, and he would definitely not support them on any roads west of County N.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
FEBRUARY 15, 2021

Anders shared DuPlayee's concerns for safety west of County N, but thought going further to the east would get way from the busier roads surrounding the Village. He said that the Town of Medina is working on opening their roads to ATVs which would allow travel to Marshall and Waterloo. There are portions of Medina that abut the Town of Cottage Grove. The Clerk said that the Towns of Sun Prairie, Pleasant Springs and Deerfield do not have ATV routes, or any plans to create them. Anders said the fact that Sauk County cities of Wisconsin Dells, and Baraboo and Village of Lake Delton have ATV routes indicates that they can exist with traffic. Hampton noted that they all probably have speed limits of 35 MPH or less. He noted that a significant portion of the ATV fatalities in 2019-20 were alcohol related or on private property.

Williams said she could see advantages in places like Wisconsin Dells where tourism is big, but that would not be true here.

It was noted that all ATVs/UTVs would be required to be registered, have head and tail lights, drivers must be over 16 and licensed and insured, those under 18 must wear a helmet. UTVs are required to have seatbelts. Signage of ATV routes would be required. Anders suggested that private donations could be solicited to purchase the signs, and noted that the Town could set further restrictions on ATV use on Town roads.

Concerns were raised over having ATVs traveling at 35 mph on roads where cars are travelling faster.

Matt Mabie said he supports the opportunity for residents to choose the vehicle they want to travel in, and ATV routes would give a financial lift to places like Doubledays, Nora's or Door Creek Golf Course. He thought Anders had shown that safety is not a concern. He suggested that a club could be formed to pursue asking farms to open up their land to trails, which could create a destination for ATV riders.

Fonger thought ATV routes would make sense as trail connections, but thought the trail network should come first. Hampton asked if Nora, Jargo, Ridge, Shadel and North Star Roads were ATV Routes, how would riders get there. Anders said they could park on the side of the road, or possibly find a farmer that would allow parking.

MOTION by Hampton/DuPlayee to NOT allow ATV/UTVs on Town Roads at this time.

MOTION CARRIED 3-2 (Anders and Fonger opposed).

- C. Discuss/Consider Approval of a CSM to move the lot line between 4520 and 4526 Bonnie Ave: **MOTION** by Hampton/DuPlayee to approve the CSM including revisions noted in comments from Dane County Surveyor Daniel Frick. **MOTION CARRIED 5-0.**
- D. Discuss/consider attorney advice regarding bidding preferences and insurance for the gas vent installation project at the former Natvig landfill: **MOTION** by DuPlayee/Anders to accept the bidding documents including the recommendations from Atty. Cole, and directing the Clerk to complete the insurance deductible amount. **MOTION CARRIED 5-0.**
- E. Discuss/consider adoption of Budget Amendment Resolution 2020-01: The Treasurer had prepared the resolution to formally adopt budget re-allocations approved by the Town Board throughout 2020. **MOTION** by Williams/DuPlayee to adopt the resolution as presented. **MOTION CARRIED 5-0.**
- F. Discuss/consider responses to questions about Deer-Grove EMS staffing and services: The board discussed the questions and completed the answers as shown on Exhibit E. **MOTION** by Williams/DuPlayee directing the Clerk to send the response to the Deer-Grove EMS Commission.
- G. Discuss/consider interview questions for deputy candidates: Lt. Triggs had provided a set of 7 questions including scoring. Randy Gaber had provided three questions. **MOTION** by

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
FEBRUARY 15, 2021

Anders/Williams to strike questions 1, 2 and 6 from the list provided by Lt. Triggs, and add the three from Randy Gaber. Williams, DuPlayee and Gaber should finalize the questions prior to the interviews. **MOTION CARRIED 5-0.**

- H. Discuss/consider quote to install flexible mount on meeting room display: Fearings had provided a quote of \$1,199.36 to replace the fixed mount with a flexible one to allow the screen to be pulled out beyond the new cabinet. They also recommended adding ventilation to the cabinet. **MOTION** by Anders/DuPlayee to approve the quote from Fearings, funds to come from the Town Hall Maintenance line item. **MOTION CARRIED 5-0.**
- I. Discuss/consider wording for commemorative plaque and hardware on meeting room display cabinet:
1. **MOTION** by Fonger/Williams directing the Clerk to put together framed history, including photos if available, of the source of the wood donated for the cabinet, and display it, along with other items of interest from the Historical Society if possible, on the shelves of the new cabinet. **MOTION CARRIED 5-0.**
 2. **MOTION** by Hampton/DuPlayee directing Dresen to find black wrought iron handles, cost not to exceed \$20, for the cabinet doors. **MOTION CARRIED –**
- J. Discuss/consider attendees for WTA 2021 virtual district meetings: **MOTION** by Hampton/Williams to allow three attendees at the Town Hall using a single registration for the meeting. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen reported that 2020 F-550 is back in service. A load of salt was delivered last Wednesday, and they have been busy dealing with the cold and snow.

IV. CLERK'S OFFICE UPDATE: Nothing to report

V. BOARD REPORTS AND COMMUNICATIONS: Hampton shared a thank you from Deer-Grove EMS for sharing Routes to Recovery funding with them, and that the DOA found the Olson annexation to be in the public interest.

VI. COMMITTEE REPORTS: None.

VII. Consider/Adopt motion to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: boundary agreement negotiations: **MOTION** by DuPlayee/Fonger to move into closed session for the reason stated above. **MOTION CARRIED 5-0 by roll call vote.** The closed session began at 8:48 P.M.

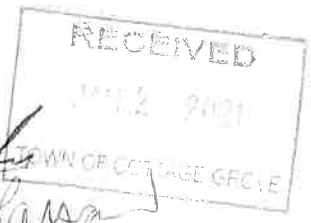
VIII. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by DuPlayee/Williams to reconvene to open session. **MOTION CARRIED 5-0 by roll call vote.** The closed session ended at 9:04 P.M. and there was no resulting action.

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


Kim Banigan, Clerk
Approved 03-15-2021

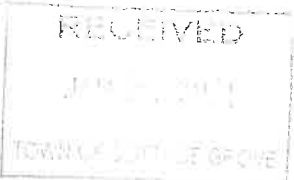
We, the citizens of Cottage Grove, petition the township of Cottage Grove to allow all ATVs and UTVs on town roads.

Name	Signature	Date
Michael J Grob		1-22-2021
Dennis P Larson		1-22-2021
Debby Buss		1-22-2021
Ben Beck		1-22-2021
Mike Zwicker		1/22/21
Helen Longreed		1-22/21
Hayton Smith		1-22-21
	SCOTT A Foley	1-22-21
Isaiah Gilmore		1-22-21
Matthew Grob		1-22-21
KEATON UPHOFF		1-22-21
Shane Garley		1-22-21
Tony Kudrins		1-22-21
Karen Ruccio		1-22-21
TROY KICKHOFF		1-22-21
Cari Dahl	Cari Dahl	1-22-21
Markus Datta	Markus Datta	1-22-21
Matt Haugen		1/24/21
Kerry Haugen		1/24/21

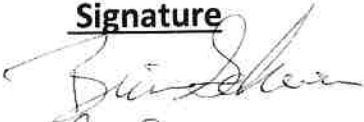
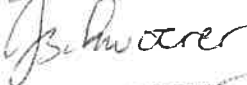







We, the citizens of Cottage Grove, petition the township of Cottage Grove to allow all ATVs and UTVs on town roads.

<u>Name</u>	<u>Signature</u>	<u>Date</u>
Derek Horstmeyer		1-22-21
Kharon Uphoff	Kharon Uphoff	1-22-21
Andrew Gries	Andrew Gries	01-23-21
Mitch Bakke	Mitch Bakke	01-25-21
Mark Bakken	Mark Bakken	1-25-21
Jan Bakke	Jan Bakke	1/25/21
Shane Bakke	Shane Bakke	1/25/21
Mary Nbe	Mary Nbe	1/25/2021
Thomas Gries	Thomas Gries	1/25/2021
JAMES RANIG	JAMES RANIG	1/27/2021
Doug Horstmeyer	Doug Horstmeyer	1-27-21
Chad Petersen	Chad Petersen	1-28-21
Raymond Nigro	Raymond Nigro	1/28/21
PAT BREEN	Pat Breen	1/28/21
Ed Gaudet	Ed Gaudet	1/28/21
Robert Steffel	Robert Steffel	1/28/21
Rock Meinholtz	Rock Meinholtz	1-28-21
Andrew Steffel	Andrew Steffel	1-28-21



We, the citizens of Cottage Grove, petition the township of Cottage Grove to allow all ATVs and UTVs on town roads.

<u>Name</u>	<u>Signature</u>	<u>Date</u>
Brian Schworer		Jan 24-2021
Brian Schworer		1/24/21
Jessica Schworer		1/25/21
Eric Severson		1/25/21
Mark Kudzent		1/25/21
N. C. Archbald		1/25/21
Lance Severson		1/26/21
Mitch Stroehlow		1/26/21

RECEIVED
COTTAGE GROVE TOWNSHIP
TELEPHONE ROOM

We, the citizens of Cottage Grove, petition the township of Cottage Grove to allow all ATVs and UTVs on town roads.

<u>Name</u>	<u>Signature</u>	<u>Date</u>
Donald Viney	Donald P. Viney	1-25-21
Marilyn Viney	Marilyn Viney	1-25-21
Dean Gille	Dean Gille	1-26-21
Jason Viney	Jason Viney	1-27-21

RECEIVED
TOWNSHIP OF COTTAGE GROVE
JAN 27 2021

We, the citizens of Cottage Grove, petition the township of Cottage Grove to allow all ATVs and UTVs on town roads.

Name

Signature

Date

Town of Cottage Grove tables ATV/UTV use on town roads for second time



By Jacob Swanson

jswanson@hngnews.com

The town of Cottage Grove isn't going to be allowing ATVs and UTVs on town roads - not yet anyways.

The Cottage Grove Town Board voted Monday to table any discussion of allowing ATVs and UTVs on town roads until they receive a petition of at least 20 signatures from residents requesting it. It's the second time in a month that the board has tabled the item.

The town of Cottage Grove would join the Dane County municipalities of Mazomanie and Cross Plains if it were to move forward with an ordinance, along with nearby

Waterloo and Marshall and all municipalities in Sauk County, according to one board member.

A couple of residents attended Monday's meeting to voice concerns about the idea.

"I'm wondering why this is a decision we're looking at... as a property owner on a town road, I guess I'm curious why this is being discussed," one person who spoke at Monday's meeting said.

Questions also arose about what the benefit for the township is.

But in the end, after an brief period of back-and-forth discussions, the motion to table discussion passed easily.

Town Board Chair

By Emilian Robert Vicol/Stock

Kris Hampton spoke out against the idea, saying that it could make roads more crowded, and therefore, less safe.

The idea isn't close to fruition, but it isn't dead, however. If a 20-signature petition is brought forth, the board will seemingly discuss the idea once again.

During the discussion, one board member said that all the ordinances in surrounding communities offer restrictions on the use of ATVs and UTVs, such as requiring a driver's license, headlights, restricting night driving and limiting speeds to 35 miles-per-hour, to name a few.

Handwritten text at the top of the page, including a date and possibly a name or address, which is mostly illegible due to fading.

RECEIVED
JAN 28 2021
TOWN OF COTTAGE GROVE

Main body of the document containing several columns of text, likely a report or list of items. The text is extremely faint and illegible.

We the undersigned individuals respectfully request that the Town Board of Cottage Grove continue to explore the creation of an Ordinance which would allow permitted ATV/UTV vehicles to operate on select Town Roads as determined by the Town Board

NAME	ADDRESS	SIGNATURE
Matthew R. Maho	2100 Uphoff Rd EG	Matthew Maho
Dan Dresen	4635 Conestoga Trl	Dan Dresen
Chad Hauge	2167 W. Ridge Rd.	Chad Hauge
Kristen Potter	2145 Uphoff Rd	Kristen Potter
Jeremy Potter	2145 Uphoff Rd	Jeremy Potter
Jesse Hurley	2284 Uphoff Rd	Jesse Hurley
Lance Skelton	3767 Sky Area Rd	Lance Skelton
Nicu Archibald	3876 Vilas Rd	Nicu Archibald
JASON HAZELAND	2608 GASTON RD	Jason Hazeland
Dylan Andersson	2321 Uphoff Rd	Dylan Andersson
Sheila Wolff	2022 UPHOFF RD	Sheila Wolff
Russell Wolff	" " "	Russell Wolff

RECV'D VIA EMAIL

By Kim at 11:58:26 AM, 2/12/2021

Submitted by Mike Grob 2/15/2021

routes is to erect signs on the highway where the route begins, and signs on the highway every time it intersects a trail or route not open to ATVs/UTVs. If there is section of a particular highway that has multiple intersections in a tight group, the town can elect to place the signs every 1/2 mile.



The above picture is of Governor Walker signing Act 193. Pictured behind the Governor from left to right is WTA Legal Counsel Rick Naudin, Representative André Jacques, Rob McConnell from the Wisconsin ATV Association, and Sen. Rob Cowles' Chief of Staff Jason Straganti.

Things to Consider When Opening Highways to ATVs/UTVs

When I first started working at the Towns Association, one of the most surprising things was the amount of questions/calls I received regarding ATVs on highways. This goes to show how contentious the issue can become. There are many considerations that go into the decision making process for ATV/UTV routes.

A frequent concern is whether opening highways to ATVs will make the town liable if there is an accident. Generally speaking, the town is not liable for any accidents just because it chose to open its roads to ATVs/UTVs. Wis. Stat. § 893.80(4) creates immunity from liability for legislative decisions of local governments. Opening roads to ATVs/UTVs falls under this legislative immunity statute. The immunity, however, is not absolute. If the town does not properly maintain required signage or does not fix an extremely unsafe condition, it could be liable for an accident. For example, if a stop sign is missing on an intersection, the town would be liable for an accident. In general, however, the town will be immune from liability.

The town may also want to consider safety issues involved with opening highways to ATVs. The town should look at how busy the highway is and whether opening a highway to ATVs will endanger users. A traffic study is one tool a town could use in helping make the determination. Speed limits also play a role in the decision making process. The town can modify the highway's speed limit under Wis. Stat. 349.11, or it can create a separate speed limit for ATVs/UTVs. These are all consideration the town board can consider.

Cost is another consideration. Towns are responsible for ensuring ATV/UTV routes are properly signed. This means the town bears the cost of purchasing and installing signs. Often a local club will offer to pay the signing costs. This is allowable, but the town should handle installation and maintenance since the town will be liable if signs are not in place.

Ultimately, the decision to open highways to ATVs/UTVs is in the town board's discretion. It can choose to open all highways or select highways. The amount of public participation in the process is also discretionary. The town board can choose to have a public hearing on the issue, or take advisory votes at an annual meeting or referendum.



ATVs/UTVs on Highways

One common topic town officials want to discuss is all-terrain vehicles (ATV) and utility terrain vehicles (UTV). Clubs representing users of these vehicles or the riders themselves are increasingly requesting to open roads for ATVs/UTVs. This ultimately leads town officials to ask: what can we do? Will we be liable? On top of that recent law changes have modified the landscape of local ATV/UTV rules. Hopefully this information will help shed light on this topic and guide town officials in their decision making process.

Town Board Authority for Opening Highways to ATVs/UTVs

The town board has broad authority to open its highways to ATVs/UTVs. Wis. Stat. § 23.33(8)(b) allows a town or village to designate highways as ATV/UTV routes, or all highways as routes. The town or village may also designate trails as open to ATVs/UTVs. There is a difference between route and trail under the statutes. A route specifically applies to municipal highways open to ATVs, while a trail is any other type of traveling path. Only the town board has the authority to open town roads to ATVs/UTVs. Often the WTA will receive calls that the electors voted at the annual meeting to open all roads to ATVs and the town is wondering how to proceed. A vote by the electors at the annual meeting or even a referendum is not binding. Those votes are advisory only, meaning the town board can consider them, but is not bound by the outcome of the vote. Only the town board can decide to open the highways to ATVs/UTVs.

Process for Opening Highways to ATVs/UTVs

Procedurally, opening highways to ATVs/UTVs is fairly straightforward. The town board must pass an ordinance authorizing ATVs/UTVs to operate on town highways at a properly noticed board meeting. The clerk must then send a copy of the ordinance to the DNR, state patrol, and the county sheriff's office. The town must ensure signs are properly posted on the applicable routes. Further, a recent law change, 2017 Wisconsin Act 87, granted towns limited authority to open highways to ATVs/UTVs even if the highways are not under their jurisdiction. Act 87 provides that towns may enact an ordinance to establish an ATV/UTV route on a highway not under its jurisdiction, but within its territory, if the speed limit is 35 mph or less. This means the town could potentially open a county highway or state highway to ATVs. This authority does not apply to the national system of interstate and defense highway system.

How to Properly Sign ATV/UTV Routes

One Wisconsin Towns Association legislative victory this past session was enacting uniform signing rules for ATV/UTV routes under 2017 Wisconsin Act 193. Prior to Act 193 there were no uniform signing rules. The DNR was required to create standards, but it was left to individual wardens to set signing standards, meaning there were different rules for everyone. Some towns had strict signing requirements, while other areas were more relaxed. Act 193, authored by Representative André Jacque and Senator Rob Cowles, created several signing options to reduce confusion both for municipalities and for ATV/UTV users. If the town opens all town highways to ATVs, it can post signs at all entrances to the town indicating that all town highways are open to ATVs/UTVs. If the town has opened most highways to ATVs/UTVs, but only a handful are closed, then the town may post signs at all entrances to the town stating all highways are open to ATVs/UTVs, unless otherwise indicated. Using this option requires the town to erect signs on highways not open to ATVs/UTVs. Another option for signing the

State of Wisconsin



2017 Assembly Bill 442

Date of enactment: April 3, 2018
Date of publication*: April 4, 2018

2017 WISCONSIN ACT 193

AN ACT to renumber 23.33 (8) (e); to renumber and amend 23.33 (8) (b); and to create 23.33 (1) (ja), 23.33 (8) (b) 2., 23.33 (8) (e) 2., 23.33 (8) (e) 3., 23.33 (8) (e) 4., 23.33 (8) (e) 5. and 23.33 (8) (e) 6. of the statutes; relating to: all-terrain vehicle route signage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1m. 23.33 (1) (ja) of the statutes is created to read:

23.33 (1) (ja) "Preferred route" means an all-terrain vehicle route marked with signs to assist all-terrain vehicle operators in navigating to needed services such as fueling stations, restaurants, lodging, or other business establishments.

SECTION 1p. 23.33 (8) (b) of the statutes is renumbered 23.33 (8) (b) 1. and amended to read:

23.33 (8) (b) 1. ~~A Subject to subd. 3.,~~ a town, village, city, or county may designate highways as all-terrain vehicle routes.

3. No state trunk highway or connecting highway may be designated as an all-terrain vehicle route unless the department of transportation approves the designation.

SECTION 2. 23.33 (8) (b) 2. of the statutes is created to read:

23.33 (8) (b) 2. Subject to subd. 3., a town, village, city, or county may designate all highways under its jurisdiction as all-terrain vehicle routes.

SECTION 3. 23.33 (8) (e) of the statutes is renumbered 23.33 (8) (e) 1.

SECTION 4. 23.33 (8) (e) 2. of the statutes is created to read:

23.33 (8) (e) 2. Except as provided in subd. 3, if a town, village, city, or county designates specific highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county shall do one of the following:

a. Erect a sign at each point on a highway where the all-terrain vehicle route begins and at each point where the all-terrain vehicle route intersects an all-terrain vehicle trail or a highway that is not designated as an all-terrain vehicle route. The town, village, city, or county is not required to erect a sign under this subdivision at a point that is not more than one-half mile from a sign marking the same all-terrain vehicle route on the same highway.

b. Erect a sign on each highway under its jurisdiction that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways within the town, village, city, or county have been designated as all-terrain vehicle routes, except where otherwise indicated. The town, village, city, or county shall erect signs as appropriate to indicate highways that are not designated as an all-terrain vehicle route.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**2017 Wisconsin Act 193**

- 2 -

2017 Assembly Bill 442

SECTION 5. 23.33 (8) (e) 3. of the statutes is created to read:

23.33 (8) (e) 3. If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may erect a sign on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways under the jurisdiction of the town, village, city, or county have been designated as all-terrain vehicle routes.

SECTION 6m. 23.33 (8) (e) 4. of the statutes is created to read:

23.33 (8) (e) 4. If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may erect a sign on each highway under its jurisdiction at the point where that highway crosses its territorial boundary and enters another town, village, city, or county that does not designate the highway as an all-ter-

rain vehicle route. The signs shall be in a position to be viewed by motorists and all-terrain vehicle operators as they leave the town, village, city, or county and shall alert motorists and all-terrain vehicle operators that the all-terrain vehicle route designation has ended.

SECTION 7m. 23.33 (8) (e) 5. of the statutes is created to read:

23.33 (8) (e) 5. If a town, village, city or county designates highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may designate a preferred route and erect signs marking the route.

SECTION 8m. 23.33 (8) (e) 6. of the statutes is created to read:

23.33 (8) (e) 6. If a town, village, city, or county erects and maintains signs under subd. 3., the department may not require the town, village, city, or county to erect any additional signs marking the all-terrain vehicle routes within the town, village, city, or county.

State of Wisconsin



2017 Senate Bill 392

Date of enactment: November 30, 2017
Date of publication*: December 1, 2017

2017 WISCONSIN ACT 87

AN ACT to amend 23.33 (4) (b) and 23.33 (11) (am) 1.; and to create 23.33 (11) (am) 4. of the statutes; relating to: municipal ordinances authorizing all-terrain vehicle and utility terrain vehicle operation on highways within the municipality.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.33 (4) (b) of the statutes is amended to read:

23.33 (4) (b) *Other highways; operation restricted.* No person may operate an all-terrain vehicle or utility terrain vehicle on a highway except as authorized under pars. (d), (e), and (f) and sub. (11) (am) 2. or 3., or 4. or as authorized by rules promulgated by the department and approved by the department of transportation.

SECTION 2. 23.33 (11) (am) 1. of the statutes is amended to read:

23.33 (11) (am) 1. Any county, town, city, or village may enact an ordinance that is in strict conformity with

this section and rules promulgated by the department under this section if the ordinance encompasses all aspects encompassed by this section, except as provided in subs. 2. and 3., and 4.

SECTION 3. 23.33 (11) (am) 4. of the statutes is created to read:

23.33 (11) (am) 4. A city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles and utility terrain vehicles on a highway that is not part of the national system of interstate and defense highways, that has a speed limit of 35 miles per hour or less, and that is located within the territorial boundaries of the city, village, or town regardless of whether the city, village, or town has jurisdiction over the highway.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**Quad County Runners**

Dec 9, 2020 · 🌐

**Marshall Police Department**

Dec 9, 2020 · 🌐

UTV/ATV ORDINANCE MOVING FORWARD!

At last night's Village of Marshall monthly board meeting the board took one more step forward in allowing the use of ATV/UTV operation within the streets of the Village of Marshall. Although the ordinance was passed, signing permits and a signing plan for routes still needs to be completed before actually operation within the village is allowed.

ATV/UTV operation within the village will have several requirements for use of the routes, such as:

- (1) ATV/UTV shall not be operated at a speed greater than 35mph. ATV/UTV operators shall comply with all other posted roadway speed limit signs and all other applicable traffic signs & regulations within the Village of Marshall.
- (2) On all village streets ATV/UTV operation shall be in the center of the lane of operation. Operation on paved shoulders intended for bicycles or pedestrians, gravel shoulders, grassy inslope, ditches, or other highway right-of-way is prohibited. No person may operate an ATV or UTV upon any sidewalk or pedestrian way.
- (3) All ATVs/UTVs shall be operated in single file.
- (4) No ATV/UTV may be operated on any village street without fully functional headlights, tail-lights, and brake lights. Every ATV/UTV operator on any village street must display a lighted headlight and tail light at all times.
- (5) All persons who operate an ATV or UTV in the village must be 16 years of age or older and must possess a valid driver's license as defined in Wisconsin Statutes 340.01(41g).
- (6) All ATV/UTV units shall be registered in accordance with WI DNR regulations and WI DOT regulations.
- (7) All UTV operators and passengers must wear manufacturer-installed seat belts at all times.
- (8) No person under the age of 18 may operate or be a passenger on an ATV/UTV on any village street without wearing Department of Transportation approved protective headgear.



All Posts People Groups Photos Videos Pages Places

and must possess a valid driver's license as defined in Wisconsin Statutes 340.01(41g).

(6) All ATV/UTV units shall be registered in accordance with WI DNR regulations and WI DOT regulations.

(7) All UTV operators and passengers must wear manufacturer-installed seat belts at all times.

(8) No person under the age of 18 may operate or be a passenger on an ATV/UTV on any village street without wearing Department of Transportation approved protective headgear.

(9) No ATV/UTV may be operated on any village between the hours of 11:00 p.m. to 7:00 a.m. unless otherwise authorized by the Chief of Police.

(10) All persons who operate an ATV or UTV on any village street shall have in effect a liability insurance policy covering the vehicle being operated and such operator shall have in his or her immediate possession proof of said insurance, which shall be displayed upon demand from any law enforcement officer.

(11) No person may operate an ATV or UTV within the village limits unless it conforms to all noise, registration, and other requirements of Wisconsin Statutes, Wisconsin Administrative Code, and the Wisconsin Department of Natural Resources.

(12) No person may drink alcohol beverages while he or she is in or on an ATV or UTV that is on a village ATV/UTV street. No person may possess on his or her person while he or she is in or on an ATV or UTV that is on a village street any bottle, can, or receptacle containing alcohol beverages if the bottle, can, or receptacle has been opened. The use or possession of open intoxicants by operators or passengers of ATVs or UTVs are strictly prohibited while utilizing ATV/UTV streets within the village.

(13) No person may drive or operate an ATV/UTV while under the influence of alcohol or a restricted controlled substance, including absolute sobriety by operators under the age of 21.

REMINDER- Operation of ATV/UTVs in the Village is not allowed until the signage plan and route plan is completed!

We will keep everyone informed as the process moves forward!

9

3 Comments 3 Shares

Like Comment Share

TO: Members the Cottage Grove Town Board

From: Russ and Nancy Allen 2077 Uphoff Road
(608) 839-5173 January 26, 2021

We have several points we wish to make regarding the possible use of ATVs on selected roads in the eastern part of the Cottage Grove Township.

Initially, we ask how this use of ATVs will improve the quality of life for township residents. Any benefit received by a small number is outweighed by the problems that are likely to be created for the vast majority.

We have lived on Uphoff Road since 1985. This stretch of road is one of the more dangerous (as determined by the MGSD) in the township because of the numerous slopes, curves, blind spots, pedestrian and vehicle traffic, bicyclists, use by farm machinery, wildlife, etc. We are aware of numerous automobile and bicycle crashes over the past 36 years. Adding ATVs to this mix is not going to improve matters. Parenthetically, we would expect similar problems throughout the township.

We understand that those who use ATVs would have to stay within a 35 mph speed limit, be licensed to drive an automobile, have appropriate lighting, and meet other requirements. These are reasonable requirements; however, we must ask who is going to enforce these rules and how is it to be done?

Finally, there are numerous issues related to the safety of ATVs, especially when they are used on paved roads. To that end, we have included notes from a publication by the Consumer Education Federation of America regarding the use of ATVs on roads. **The complete report is available online.** Just enter the title, *ATVs on Roadways: A Safety Crisis*

The Consumer Federation of America (CFA) is an association of nearly 300 nonprofit consumer groups that was established in 1968 to advance the consumer interest through research, advocacy and education.

For more than a decade, CFA has taken a lead on ATV safety, addressing issues such as the safety of three-wheel ATVs, death and injury rates of children riding adult sized ATVs, voluntary safety standards, and drafting model state legislation that, among other things, would ban ATVs from public roads.

Executive Summary

In spite of warnings from manufacturers, federal agencies, and consumer and safety advocates that all terrain vehicles (ATVs) are unsafe on roadways, for several years an increasing number of states have passed laws allowing ATVs on public roads. The majority of ATV deaths take place on these roads and action is needed to reverse this dangerous trend.

An ATV is an “off-road, motorized vehicle having three or four low-pressure tires, a straddle seat for the operator, and handlebars for steering control.” Even though the definition of ATVs specifically includes that they are designed for off-road use, warnings from manufacturers, the trade association, and labels required by federal law indicate that ATVs should never be operated on roads. Nevertheless, many riders do not follow these instructions. Unfortunately, this dangerous riding practice is increasingly being allowed by the 35 states (69 percent of jurisdictions) that allow ATVs to be legally operated on public roads.

Imminently Dangerous Consumer Products: In 1987, in the midst of a spike in ATV-related injuries and deaths, the

Consumer Product Safety Commission (CPSC) asked a federal court to declare ATVs to be “imminently dangerous consumer products.”

The lawsuit was settled on the day it was filed by a consent decree which did end the manufacture of the dangerous three-wheel ATV, but did not include important elements such as the requirement that manufacturers offer financial incentives to encourage owners of three-wheel ATVs to return them to dealers. This guaranteed that the dangerous “three-wheelers” would remain in use **nationwide**.

Regulation of ATVs

ATVs are not primarily manufactured for on-road use and do not meet the National Highway Traffic Safety Administration’s (NHTSA) statutory definition of motor vehicle. NHTSA, therefore, does not regulate ATV use on roads. The CPSC has jurisdiction over ATVs.

ATVs are not Designed to be Operated on Public Roads

The high center of gravity, narrow wheelbase, and low pressure tires that are designed to handle off-road conditions are a major safety concern on-road:

Tipping Danger: A high center of gravity and narrow wheel base leads ATVs to be prone to rollovers when negotiating turns. In fact a December 2013 Insurance Institute of Highway Safety (IIHS) analysis of Fatality Analysis Reporting System (FARS) data indicated that 56 percent of fatal single-vehicle ATV incidents on public roads involved a rollover. NHTSA’s FARS system provides data about traffic fatalities on public roads.

Low Pressure Tires are not Suitable for Road Use: Knobby low pressure ATV tires are explicitly designed for off-road use and may not interact properly with a road surface.

These design factors “increase the risk of operators losing control of the vehicle on roadway surfaces, particularly at roadway speeds, and/or when making right angle traffic turns.”

Industry, Regulators, and Advocates all Agree that ATVs should not be Used on Roads.

ATV manufacturer instruction manuals and warning labels, and the ATV trade association, the Specialty Vehicle Institute of America’s (SVIA) written materials and statements, make clear that ATVs should not be operated on public roads. **Honda goes beyond other manufacturers’ warnings by including a warning that advises riders to get off their ATV and walk it across the road when a crossing is necessary.**

Individual Manufacturers Warn Against Driving ATVs on all Roads and Paved Surfaces: ATV manufacturer manuals contain various warnings against riding ATVs on roads including:

Polaris Sportsman 570: “Operating an ATV on paved surfaces (including sidewalks, paths, parking lots and driveways) may adversely affect the handling of the ATV and could result in loss of control and accident or rollover. Avoid operating the ATV on pavement. ATV tires are designed for off-road use. If it’s unavoidable, travel slowly and avoid sudden turns or stops.”

The manual also warns against ever operating on public streets due to the risk of collisions: “Never operate the ATV on any public street, road or highway, including dirt and gravel roads.”

Kawasaki KFX90: “Never operate an ATV on any paved surfaces, including sidewalks, driveways, parking lots and

streets,” and “[n]ever operate an ATV on any public street, road or highway, even a dirt or gravel one.”

Yamaha Raptor 350: “Always avoid operating an ATV on any paved surfaces, including sidewalks, driveways parking lots and streets,” and “[n]ever operate an ATV on any public street, road or highway, even a dirt or gravel one”

Honda TRX420TM: “Your ATV is designed and manufactured for off-road use only. The tires are not made for pavement, and the ATV does not have turn signals and other features required for use on public roads. If you need to cross a paved or public road, get off and walk your ATV across,” and “[you] should never ride your ATV on public streets, roads or highways, even if they are not paved. Drivers of street vehicles may have difficulty seeing and avoiding you, which could lead to a collision.”

The Majority of ATV Deaths Occur on Roads

ATVs are not designed for on–road use. Consumer and public health advocates and industry agree that ATVs should not be used on roads, yet the majority of ATV deaths occur on roads.

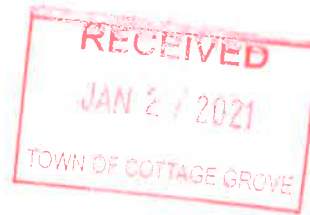
Obtaining a clear picture of ATV deaths is complex due to the existence of two data sources (the CPSC and NHTSA’s FARS). The data points below indicate their source—CPSC or FARS.

Consumer Product Safety Commission Data: 65 percent of ATV Deaths Occur on Roads: Data from the U.S. CPSC from 2007 (the most recent complete data), as analyzed by IIHS, finds that 492 of 758 deaths where location was listed (93 percent of deaths)—or 65 percent of ATV rider deaths —occurred on roads (both public and private).

Date: January 27, 2021

To: Town Board Members
Town of Cottage Grove

From: Kathy and Jim Christoph
2092 Uphoff Road



We have several concerns with the proposal to allow ATVs and UTVs to operate on Town of Cottage Grove roadways. A few concerns are:

1. State statute s. 23.33(11)(am)4. authorizes the operation of ATVs on a highway that has a speed limit of 35 mph or less. Very few of our town roads outside subdivisions have a speed limit this low. This could make an ordinance illegal.
2. State regulations allow drivers as young as 12 years old to operate ATVs on private lands. It would be tempting to continue onto town roads.
3. Enforcement would be difficult for at least two reasons: 1) a person reporting a violation would have to identify the vehicle via a small sticker on the side or a self-made rear plate, and 2) the vehicle could easily go off-road to elude officers (real scenario on Uphoff Road).
4. Liability insurance is not required. Accidents happen and could involve other vehicles or pedestrians.
5. The state has strict signage requirements for each beginning and end of an ATV route. This can be confusing and costly.

We have looked into ordinances from other municipalities. As far as we can discern, only villages in Dane County have passed ordinances. This is most likely due to the 35 MPH or less restriction. We have not found a township in Dane County that has enacted an ordinance. The Town of Berry has been cautioned by their attorney about non-compliance with state statute. The Town of Medina is in process. The ordinances that have been passed by Wisconsin townships are in sparsely populated areas of the state where ATV routes exist. To our knowledge, there are no mapped ATV routes in the Town of Cottage Grove, nor is there an ATV club to pay for signage and assist with regulation.

ATV (and UTV) use on roadways is not compatible and safe in the Town of Cottage Grove. We urge you to decline to permit such use of Town roadways.

Thank you for your consideration. Feel free to contact us if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Kathy Christoph".

Kathy Christoph

A handwritten signature in black ink that reads "James Christoph".

Jim Christoph

ANSWERS FROM COTTAGE GROVE TOWN BOARD

What type of service do the residents of the District expect from Deer Grove EMS?

Maintain paramedic level services

Should staffing levels be set based off the needs to provide adequate coverage to the community or the ability to support the budget?

A combination of both is needed, a balance between budget and desires

Should Deer Grove EMS continue to provide Interfacility transports as they arise?

Only if it is cost effective

Can changes to the volunteer system better support staffing of additional units?

Maybe, what changes are proposed?

Would consolidation with neighboring response districts help Deer Grove EMS achieve the service model expected by our residents?

NO

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 15, 2021

Due to the COVID-19 pandemic, in-person attendance was limited and participants were able to join using gotomeeting.com.

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Clerk Kim Banigan, Treasurer Deb Abel, Highway Superintendent Dan Dresen and Deputy Jennifer Grafton.
- 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 open session minutes from the February 15, 2021 meeting as printed. **MOTION CARRIED 5-0.** **MOTION** by Williams/Anders to approve closed session minutes from February 1 and February 15, 2021, adding that the vote to enter into closed session was by roll call on both sets of minutes, and keeping them both closed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #34485-34555 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/Williams to approve payment \$2,628.75 to General Engineering for February building permits. **MOTION CARRIED 5-0.**
 3. **MOTION** by Anders/DuPlayee to approve payment of February per diems as presented. **MOTION CARRIED 5-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/Williams to approve a permit for Alliant Energy to replace old underground service in the American Heritage subdivision. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Review February Police Activities: The monthly report showed 182 calls for service and 108 citations issued. Deputy Grafton reported that calls and speeding have picked up with the warmer weather.
- B. Discuss/consider options for covering the leave of absence of a deputy: Deputy Biver will be out for an injury until July 12th, and Deputy French will be leaving us on April 24th. His replacement, Deputy Grams, could start early if the Town so desires. Capt. Jan Tetzlaff was present virtually and had provided cost projections of options to replace Biver in his absence. **MOTION** by Williams/DuPlayee to bring Grams on board early to fill in for Deputy Biver's hours, and once Deputy French leaves, authorize 16 hours of overtime per week between Deputies Grafton and Grams until Deputy Biver returns. Additional cost to come out of unassigned funds. **MOTION CARRIED 5-0.**
- C. Discuss/consider public education and involvement programs for compliance with WPDES Permit #WI-S050075-3 (the Town's stormwater permit): Stormwater Consultant Chuck Nahn was present virtually, and explained that this year's annual report for the stormwater permit requires submittal of "stormwater programs" which describe what we are going to do in the next four years for the required six elements of the permit. Four of the six are satisfied already, but requirements for an "active" public education program component and a "voluntary" Public input program component require discussion. He had provided suggestions including making presentations to civic groups and schools for the education component, and promotion of the

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 15, 2021

“Adopt a Highway” program for the active element. Nahn said that the Village also needs to meet these requirements, and it was suggested that the Town and Village could hold cooperative education sessions in the high school. **MOTION** by DuPlayee/Williams to include a stormwater presentation on the annual meeting agenda, and directing Nahn to work with the Village of Cottage Grove and City of Monona toward holding educational sessions at the Monona Grove High School. **MOTION CARRIED 5-0.**

- D. Discuss/consider approval of use of Cedar Knolls Park as a practice field for the Monona Grove Youth Football Spring Program: **MOTION** by DuPlayee/Anders to approve the use of Cedar Knolls Park as a practice field for both the Spring and Fall seasons of the Monona Grove Youth Football Program. **MOTION CARRIED 5-0.**
- E. Discuss/consider Village request for participation in a fire-EMS organizational review and future needs analysis: Deer-Grove EMS Chief Eric Lang and Fire Chief Nick Archibald were present virtually. Chief Lang said this topic came up at the Village as part of the annual budget process, and the Village Board thought it might be best to hire a professional to tell us what the answers should be. The Village has funds available and is willing to pay for the study and then allow the others to reimburse for their share next year. Williams found it curious that the Village has funds for this, but did not have any Routes to Recovery grant proceeds to share with Deer-Grove EMS last year. Board comments included that each community knows what their projected growth will be, historically such studies only tell you what you want to hear, that we have staff and community members who are qualified to find the answers, and it will be difficult for a third party to capture the model of our services that are shared by multiple municipalities. Williams suggested a community survey. Chief Archibald was concerned about what effect such a study could have on the morale of the volunteers. Anders echoed Chief Archibald’s concerns, recalling the effect a similar police study had on the morale of the joint police department. Chief Lang said that the Village of Deerfield Board made similar points. Their conditions included that the Deer-Grove EMS Commission is involved in the selection of the consultant and the scope of the study. **MOTION** by Fonger/DuPlayee to table until we hear thoughts from the Deer-Grove EMS Commission. **MOTION CARRIED 5-0.**
- F. Discuss/consider quote to replace defibrillator at Flynn Hall: **MOTION** by Anders/DuPlayee to approve the quote from Allied 100 for a new ZOLL AED at a cost of \$1,099.00, to come of unassigned funds. **MOTION CARRIED 5-0.**
- G. Update on Village plans to rebuild Clark Street and discuss/consider what to do with the Town’s end: The Village is planning to rebuild Clerk Street this year, including curb and gutter and a bike path, although they have not shared any plans with the Town. Consensus was that the Town needs to see the plan, and will pay for resurfacing of our end, but not for sidewalk or curb and gutter. (If the Village wants to put them in at their expense, that would be OK).
- H. Discuss/consider agenda items for Annual Town Meeting: Stormwater presentation, Sheriff’s office update, updates on composting, bridge replacement and comprehensive plan revision process
- I. Set date for annual road inspection: April 30th at 10:00 A.M.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen reported that seasonal weight limits are in effect. The crew has been working on sign inspections. He met with the Town Engineer regarding the GIS system we will be implementing, and it looks like it will be an extremely useful tool for both the Public Works department and the Clerk. We will be able to add layers to document all kinds of things. The Town Hall water heater is not working, he will have quotes to replace it for the next agenda, including both conventional and tankless models. He said the cost for the center line paint

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MARCH 15, 2021

sprayer was significantly under budget, and asked about using the savings to purchase an auger for the loader at a cost of around \$4,000. Consensus was to go ahead.

- IV. CLERK'S OFFICE UPDATE: She is preparing for the Spring election and has a substantial open records request regarding the November 2020 election to respond to.
- V. BOARD REPORTS AND COMMUNICATIONS: Hampton said the Flynn Hall deck is scheduled for replacement on May 1st and 2nd. An Eagle Scout candidate is leading the effort.
- VI. COMMITTEE REPORTS: None.
- VII. Consider/Adopt motion to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: boundary agreement negotiations: **MOTION** by DuPlayee/Williams to move into closed session for the reason stated above. **MOTION CARRIED 5-0 by roll call vote.** The closed session began at 8:47 P.M.
- VIII. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Fonger/Anders to reconvene to open session. **MOTION CARRIED 5-0 by roll call vote.** The closed session ended at 8:58 P.M. and there was no resulting action.
- IX. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:58 P.M.

Kim Banigan, Clerk
Approved 04-05-2021

TOWN OF COTTAGE GROVE
TOWN BOARD CLOSED SESSION MINUTES
MARCH 15, 2021

- I. Consider/Adopt motion to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: boundary agreement negotiations: **MOTION** by DuPlayee/Williams to move into closed session for the reason stated above. **MOTION CARRIED 5-0 by roll call vote – Hampton, Fonger, Anders, Williams and DuPlayee all voted aye.** The closed session began at 8:47 P.M. Town Clerk Kim Banigan was also present.
- II. Hampton reported that the Village Plan Commission still disputes a couple of areas on the map, and does not want to give up ETJ. Consensus was that without a release from ETJ, there is nothing in it for the Town, and nothing more to talk about with the Village, but to move forward with asking the City of Madison to draft an agreement as has been discussed.
- III. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Fonger/Anders to reconvene to open session. **MOTION CARRIED 5-0 by roll call vote.** The closed session ended at 8:58 P.M.

Kim Banigan, Clerk

Approved 04-05-2021, keep closed

Opened 10-18-2021

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 5, 2021

Due to the COVID-19 pandemic, in-person attendance was limited and participants were able to join using gotomeeting.com.

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Clerk Kim Banigan and Treasurer Deb Abel.
- 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 open session minutes from the March 15, 2021 meeting with the addition of the word *closed* in the second sentence of item I. C. **MOTION CARRIED 5-0.** **MOTION** by DuPlayee/Williams to approve the closed session minutes from March 15, 2021, keeping them closed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #34556-34597 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of March per diems as presented. **MOTION CARRIED 5-0.**
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Plan Commission Recommendations: Discuss/Consider application by Carley Barnes, applicant, Galarowicz Rev Living Tr, Helen J., Landowner to rezone 2.57 acres of parcel #0711-193-8000-5 from FP-35 to SFR-08 to increase the size of 7 existing lots on Gala Way: No one was present in person or virtually to support or oppose the request. The petitioners had provided two preliminary certified survey maps showing .35 - .38 acres added to each of 7 lots. **MOTION** by DuPlayee/Anders to accept the Plan Commission's recommendation to rezone from FP-35 to SFR-08 to provide approximately .37-acre additions to each of 7 lots, as shown on the preliminary CSMs. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of a Fire - EMS Organizational Review and Future Needs Analysis Request for Proposals provided by the Village of Cottage Grove: Chiefs Archibald and Lang were present virtually.

Study of Fire Department: Hampton stated his opinion that the Town does not need be involved in a study of the fire department because the department already accommodates any growth the Town may see, and he was concerned over the effects a study may have on the morale of the volunteers. Williams read from a letter Chief Archibald had written to her that also expressed concern over effects on morale (Exhibit A). She felt that the Village will go ahead with the study with or without the Town's cooperation, and felt the Town should cooperate in order to have a say in it. Hampton asked Chief Archibald whether the Village is receptive to comments and concerns that the Fire Department has over new development. Archibald said sometimes yes, sometimes not so much. For example, concerns over adequate turn-arounds for trucks in the proposed development across from the Village Hall have not been acknowledged. There has also been an apparent miscommunication or breakdown in the process of installing signal replicators in concrete buildings. **MOTION** by Fonger/Anders that the Town should NOT be part of the study of the Fire Department. **MOTION CARRIED 4-1.** (Williams opposed).

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 5, 2021

Study of Deer-Grove EMS: Chief Lang said that while he doesn't believe the study is necessary, he thought it would be beneficial. Hampton noted that two of the three municipalities of the joint district can force the study to go through, and both Villages are in favor of it. He felt the study of the organization structure should be removed from the RFP since a change would require a change to the intergovernmental agreement. Fonger wondered whether the needed information would be available from similarly sized districts? Chief Lang said that while similarly sized, most have a more centralized response point. He thought the study might provide answers to how many resources are needed and how to allocate them. Hampton said it still comes down to what response times the communities are willing to accept, and how much they are willing to pay to achieve them. Anders found it hard to imagine that consultants unfamiliar with Deer-Grove EMS or the area could come back with recommendations that are not in conflict with EMS in Dane County. **MOTION** by Williams/Anders for the Town to participate in the RFP so as to be involved in formulation of the study. **MOTION CARRIED 4-1** (Fonger opposed). **MOTION** by Hampton/Fonger to stipulate that the Village bills the municipalities directly for their share of the cost of the study in 2022, with the Town's portion reduced by the amount of Routes to Recovery grant funds that the Town shared with Deer-Grove EMS in 2020 (~\$30,000).

MOTION CARRIED 5-0. The Clerk questioned whether board members were clear about what the Village is asking of them at this time. She understood that their approval tonight would be for the RFP to be released as written, not that the Town would be involved in further revising the RFP. **MOTION** by Hampton/Anders to clarify that the Town's approval of the RFP for a study of Deer-Grove EMS is contingent on the Deer-Grove EMS Commission reviewing it and being the body to issue it to potential consultants and review their responses. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of a Resolution Commending the Service of Dane County Sheriff David Mahoney: **MOTION** by Fonger/DuPlayee to adopt Resolution 2021-04-05 as presented. **MOTION CARRIED 5-0.**
- D. Discuss/Consider costs to create and operate a yard waste compost collection site. The Clerk had worked with Highway Superintendent Dan Dresen to prepare a list of needed items to open a yard waste collection site, including a concrete block surround, a camera and wi-fi extender and signage, for an estimated cost of \$5,128.50. There will also be attorney fees to draft an ordinance to regulate the site. Purple cow will charge \$12/ton for the first year, then come up with a contract based on 2021 quantities going forward. There was discussion about whether a sticker system or user fee is needed. Consensus was to get it up and going and see if those things need to be added later. The site would be open from April 1st to November 15th annually, with possible late opening or early closing due to weather. No daily hours would be enforced. **MOTION** by Williams/DuPlayee to move forward with procuring the necessary items, not to exceed \$6,000.00 plus attorney fees. **MOTION CARRIED 5-0.**
- E. Discuss/Consider which Town roads to conduct speed studies on: The Board reviewed the re-cap list of speed limits and signs provided by Dane County last fall. (Exhibit B). A note at the bottom said the Town should have an ordinance to set new subdivision streets to 25 mph. Hampton directed the Clerk to follow up on this with the Town Attorney. **MOTION** by Hampton/Williams to request a quote from Dane County to conduct studies on the seven roads at the bottom of the list that have not had them done in the past. **MOTION CARRIED 5-0.** The Clerk said Nora Road may be OK at 45 mph without a study because it is a Rustic Road.
- F. Discuss/Consider attendees emergency/disaster debris management training on April 27th: **MOTION** by Hampton/Williams to allow all members of the Emergency Government Committee to attend. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 5, 2021

- G. Discuss/Consider approval of quote to strip and wax the Town Hall floor: One quote had been obtained, from Coverall for \$570.00. **MOTION** by Fonger/Anders to approve the quote for a cost not to exceed \$600.00. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: No Report.

IV. CLERK'S OFFICE UPDATE: Nothing to report other than election preparation.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton suggested including a discussion of how the Town may use the forthcoming federal stimulus money and set a date for the first meeting of the Board of Review at the April 19th Town Board meeting.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: Nothing to report beyond the RFP discussed earlier.
- B. Joint Town/Village Landfill Monitoring Committee: Bid opening for the vent project is this Friday at 12:30 p.m.
- C. Joint Town/Village Fire Department Committee: They have begun reviewing all of the agreements that govern the fire district.
- D. Emergency Government Committee: Chief Lang attended the March meeting and good ideas about what might be needed were shared.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:12 P.M.

Kim Banigan, Clerk
Approved 04-19-2021



Kim Banigan <clerk@towncg.net>

This is what I read at the meeting Monday night.

1 message

Kristi Williams <kwilliams@towncg.net>

Wed, Apr 7, 2021 at 11:52 AM

To: Kim Banigan <clerk@towncg.net>

The biggest concern is to the morale of the volunteers. These studies in history have not been kind to volunteers and I'm worried that is going to discourage people. The comment I heard from one member was we suffered through a pandemic and that made it so we couldn't meet in person and the camaraderie of the department suffered. The volunteers did their job and put their lives at risk for free. Now we are slowly going back to normal and the first thing the village wants to do is study us? No thanks were offered, no signs of appreciation just a study to see if we are doing a good job.

The 2nd major concern someone brought up last night had to do with appreciation for the volunteers. Most of the village board was not around when the fire department took on the extra work of the Pleasant Springs contract. This contract added originally another 90 Fire calls per year, this has slowly declined to around 50 now with the interstate project complete. The funds from this contract has benefitted the municipalities immensely. The first 5 year contract paid for Engine 4 entirely. The 2nd 5 year contract allowed us to purchase all new SCBAs and filling equipment. This latest contract paid for most of the new brush truck and 20,000 dollars worth of turnout gear. So between all of these purchases it was around 700,000 dollars worth of equipment the municipalities didn't have to pay for. It didn't cost much of anything for the municipalities to sign onto the contract but it took more work from the volunteers. To some it felt like we took on a lot more work and maybe it isn't appreciated so in the future why keep doing it?

This contract also ties into our budget. We are the largest all volunteer fire department in the county. In the passed few years the number of yearly fire calls was 300, then 265, and this 250. That is a lot for all volunteers but we are happy to do it. Unfortunately our yearly budget does not reflect this. We have one of the lowest operating budgets in the county. This is not to complain because we make it work but sometimes it would be easier to make important purchases like new gear and equipment.

Also I would like to say that I shared the comments the Town Board made at their last meeting where they praised the volunteers and their hard work. There is no doubt that the town board appreciated the work we do and it was relayed to the staff.

**Town of Cottage Grove
Speed Limit Signs**

Speed Limit Signs	# of signs	Resolution	Notes
Buckley Ridge Cir 25 mph	1-25	**	
Clark St 25 mph	1-25	**	
Maxwell Ln 25 mph	1-25	**	
American Way 25 mph	1-25	97-11	Resolution & Recommendation Ltr Attached for all roads associated with 97-11 & 97-12
Appaloosa Ln 25 mph	1-25	97-11	
Bass Rd 25 mph	1-25	97-11	
Bluebird Ln 25 mph	1-25	97-11	
Brown Thrush Trail 25 mph	1-25	97-11	
Buss Rd 25 mph	1-25	97-11	
Damascus Trail 25mph	4-25	97-11	
Gala Way 25 mph	1-25	97-11	
Gaston Circle 25 mph	1-25	97-11	
Gladeview Rd 25 mph	1-25	97-11	
Kristy Rd 25 mph	1-25	97-11	
Lane St 25 mph	2-25	97-11	
Liberty Dr 25 mph	1-25	97-11	
Meadowlark St 25 mph	1-25	97-11	
Mulhall 25 mph	1-25	97-11	
Oakwood Dr. 25 mph	1-25	97-11	
Rathert Rd 25 mph	1-25	97-11	
Raven Way 25 mph	1-25	97-11	
Sandpiper Trail 25 mph	8-25	97-11	
Sunset Ridge 25mph	1-25	97-11	
Valley St 25 mph	1-25	97-11	
WindChime Way 25 mph	2-25	97-11	
Baxter Rd 35 mph	7-35	97-12	
Deerfield Rd 45 mph from N Jargo to Saddle Ridge Rd	2-45	97-12	
Gaston Rd 45mph and 35 mph	4-35 4-45	97-12	
Hope Rd 45 mph	4-45	97-12	
Kennedy Rd 35 mph	4-35	97-12	
Vilas Hope Rd 45 mph and 35 mph	7-45 4-35	97-12	Res covers 45 MPH Only - see attached email for 35 MPH correspondence
Vilas Rd 45 mph and 35 mph Gaston to BB	3-45 5-35		See attached email correspondence
Vilas Rd 45 mph BB to village limits	3-45		No record found for recommendation to lower speed limit
Vilas Rd 45 mph village limits to pleasant springs	7-45		No record found for recommendation to lower speed limit
Laudon Rd 45 mph	1-45		No record found for recommendation to lower speed limit
Nora Rd is marked 45mph	6-45		No record found for recommendation to lower speed limit
North Star north of 12&18 is marked 45mph	1-45		No record found for recommendation to lower speed limit
Ridge Rd 45 mph Jargo's to BB	4-45		No record found for recommendation to lower speed limit

**Town should have ordinance for new subdivision streets to be 25 MPH

TOWN OF COTTAGE GROVE

TOWN BOARD RESOLUTION 2021-04-05

COMMENDING THE SERVICE OF

DANE COUNTY SHERIFF DAVID MAHONEY

WHEREAS, David J. Mahoney will be retiring from the office of Sheriff of Dane County on May 8, 2021;

WHEREAS, Sheriff Mahoney's retirement will end a career in public law enforcement service of more than 41 years, during which time he worked in the County Jail; in administration, on patrol and as the 52nd elected Sheriff of Dane County;

WHEREAS, Sheriff Mahoney's leadership in law enforcement led to his election as the President of the National Sheriffs' Association, the organization representing elected sheriffs on the national level;

WHEREAS, Sheriff Mahoney's distinguished work in law enforcement includes special attention to issues of racial justice; care for persons with mental illness in jails; and improvement of conditions for all inmates in the jail, while never ceasing to maintain an overriding priority on protection of the public throughout Dane County;

WHEREAS, Sheriff Mahoney has demonstrated an exceptional commitment to human rights of all people, including those convicted of crimes, and compassion for the needs and concerns of victims;

WHEREAS, the people of Dane County have been well served by Sheriff Mahoney since he took office in January 2007 through a commitment to listening to constituents which he has demonstrated by attending Town Board meetings, community organization meetings, ethnic celebrations and community gatherings;

WHEREAS, the Towns in Dane County most especially commend Sheriff Mahoney for assuring that the safety and interests of rural residents are given appropriate priority;

NOW, THEREFORE, the Town Board of the Town of Cottage Grove does hereby Resolve that it extends its highest commendation and warmest congratulations to Sheriff David J. Mahoney for his unequalled service to all the people of Dane County, and wishes him the best in his future endeavors and service.

Adopted this 5th day of April, 2021 by a vote of 5 for and 0 against.

TOWN OF COTTAGE GROVE



Kristopher Hampton, Town Chair

ATTEST:



Kim Banigan, Clerk


AFFIDAVIT OF POSTING OF
TOWN OF COTTAGE GROVE RESOLUTION

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On April 6, 2021 the following was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

TOWN BOARD RESOLUTION 2021-04-05

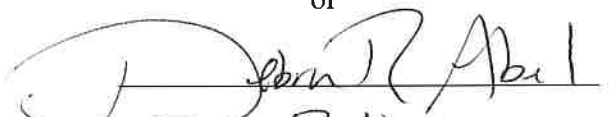


Kim Banigan, Town Clerk

Subscribed to and sworn before me
this 6th day of April, 2021.

Signature of Town Chair person

or



Debra R. Abel (print name)

Notary Public, State of Wisconsin
My Commission expires: March 7, 2023

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 19, 2021

Due to the COVID-19 pandemic, in-person attendance was limited and participants were able to join using gotomeeting.com.

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Clerk Kim Banigan, Treasurer Deb Abel, Highway Superintendent Dan Dresen and Deputy Kristina Grams.
- 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 from the April 5, 2021 meeting as presented. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #34598-34619 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of \$4,400.00 to General Engineering Company for March building permits. **MOTION CARRIED 5-0.**
 3. The Treasurer asked for April per diem reports by April 30th.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/Fonger to approve a permit for Alliant Energy and Intercon Construction to install a gas main at 3286 Field View Lane. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Review March Police activities: The monthly report showed 202 calls for service and 140 citations issued in March, primarily for traffic and speeding issues. Deputy Kristina Grams introduced herself and said she is enjoying the opportunity to stay in one area and get to know the people here. She encouraged the Town Board and staff to contact her with any issues or concerns, or just to visit to get to know her better.
- B. Discuss/Consider approval of a second driveway for 2888 Busston Rd: Dresen said he does not have any issues with the placement of the second driveway, which will be used to park an RV. **MOTION** by Anders/Williams to approve the request for a second driveway. **MOTION CARRIED 5-0.**
- C. Award of bid for Natvig Landfill gas vent project: Only one bid was received, from Landfill Drilling & Piping, Inc. in the amount of \$44,645.00. Tina Sebold from Strand Associates, Inc. was present virtually, and explained that the bid was to add seven more vents at the same depth as the existing ones, as required by the WDNR to mitigate gas migration. Strand will prepare a notice of award along with three copies of the contract. The bidder will have 15 days to return the signed contracts. The Town will have 10 days to review and sign, then will provide a notice to proceed, after which the contractor will have 60 days to complete the project. **MOTION** by DuPlayee/Williams to award the bid to Landfill Drilling and Piping, for \$44,645.00. **MOTION CARRIED 5-0.** **MOTION** by DuPlayee/Anders to pay for the project from Unassigned Funds. **MOTION CARRIED 5-0.**
- D. Review draft ordinance to regulate yard waste drop off site, set date for public hearing: the draft ordinance provided by the Town Attorney was for a recycling center, but there was general agreement that it could be adapted to a yard waste drop off site. The new ordinance will be section 16.06. Discussion was that while the ordinance provides for a fee, none would be set

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 19, 2021

initially. The list of allowable and prohibited materials for the drop off site should match what is accepted by Purple Cow Organics, Inc. Section (5) of the draft ordinance relating to care of separated recyclable materials can be stricken. Penalty should be a Class D forfeiture. Consensus was to hold a public hearing on the proposed ordinance at 7:00 P.M. on May 3rd, and put it on the Town Board agenda for adoption the same night.

- E. Discuss/Consider approval of Purple Cow Organics 2021 Service Agreement for Yard Residuals: **MOTION** by Fonger/DuPlayee to approve the agreement as presented. **MOTION CARRIED 5-0.**
- F. Discuss/Consider response action to take on Notification of Continuing Obligations and Residual Contamination at 4205 Ridge Road: Advice from Atty. Bill Cole and Engineer Nick Bubolz recommended not opposing the request to the DNR for case closure regarding the contamination at 4205 Ridge Road. **MOTION** by Fonger/DuPlayee to not oppose the request for case closure. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of Master Service Agreement with Language Line Services, Inc, for provision of Contract for language interpreter services for the Court. Judge April Hammond was present virtually and described the occasional need for a language interpreter in court. This service would be over the phone on an as needed basis. **MOTION** by Fonger/DuPlayee to approve the agreement as red-lined by the Town Attorney. **MOTION CARRIED 5-0.**
- H. Discuss/consider approval of Agreement with Professional Interpreting Enterprise for hearing impaired interpreting services for the Court: Judge Hammond said this service would be for an in-person interpreter for the hearing impaired. It was noted that the Language Line Services does include American Sign Language, however it would not be in person. **MOTION** by DuPlayee/Fonger to not approve this contract at this time. **MOTION CARRIED 5-0.**
- I. Discuss/Consider approval of quote from the Dane County Highway Department to conduct speed studies on various Town roads: **MOTION** by Anders/DuPlayee to approve the quote to conduct speed studies at 6 locations for a total cost of \$3,600.00. **MOTION CARRIED 5-0.**
- J. Discuss use of American Rescue Plan Act funds: Possible uses discussed included rebuilding of roads, broadband internet, recreational fields, bleachers, bike paths and park shelters. Hampton also noted that big expenses are coming for two new fire trucks and an ambulance. He will put this back on the agenda when more details are known about what the funds will be allowed to be used for.
- K. Reconsider request for credit for Routes to Recovery funds shared with Deer-Grove EMS toward Town's share of the costs to study the Deer-Grove EMS District: The Treasurer and Clerk advised that the Routes to Recovery funds shared with Deer-Grove EMS did not come from the Town's funds, but rather were grant funds the town was eligible for but did not have eligible expenses to claim, and was able to re-direct to Deer-Grove EMS. **MOTION** by Williams/DuPlayee to rescind the request that the Village deduct the Routes to Recovery funds shared with Deer-Grove EMS in 2020 from the Town's share of the cost to study the Deer-Grove EMS District. **MOTION CARRIED 5-0.**
- L. Consider approval for the Highway Superintendent to attend the virtual emergency/disaster debris management training on April 27th: **MOTION** by DuPlayee/Williams to allow the Highway Superintendent to attend the virtual training. **MOTION CARRIED 5-0.**
- M. Set date for Board of Review Open and Adjourn until the assessment roll is ready: **MOTION** by Williams/DuPlayee to open the Board of Review at 7:00 P.M. on May 17th, and adjourn until the assessment roll is ready. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
APRIL 19, 2021

- N. Consider/Approve attendees for the DCTA Annual Meeting on May 19: **MOTION** by Hampton/Anders to allow all five board members to attend. **MOTION CARRIED 5-0.**
- III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: The John Deere mowers sold for higher than expected on Wisconsin Surplus, bringing a total of \$18,000. Three speed bumps have been installed on Damascus Trail. The new engineer for Kennedy Hills is re-evaluating culvert sizes. Alliant broke off a bore under one of the roads in Kennedy Hills. Engineer Nick Bubolz advised Dresen to be on site when they retrieve it to be sure they compact every foot and cover with a binder coat. The Town crew has been shouldering roads and has started mowing parks.
- IV. CLERK'S OFFICE UPDATE: There were 521 in person and 313 absentee voters at the Spring Election. Everything ran smoothly.
- V. BOARD REPORTS AND COMMUNICATIONS: Hampton will put committee appointments on the May 3rd agenda. The Friends of the Koshkonong Creek along with the University of Wisconsin are sending out a RFP for a study of the creek, and asking for funding from the Towns of Cottage Grove and Deerfield, and the City of Sun Prairie. Hampton shared notices from the Village regarding construction plans for a bike trail on Clark Street and reconstruction of Buss Road.
- VI. COMMITTEE REPORTS:
- A. Deer-Grove EMS Commission: The RFP to study both the Fire and EMS departments is moving forward, both Chiefs will be actively involved.
- VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:32 P.M.

Kim Banigan, Clerk
Approved 05-03-2021

TOWN OF COTTAGE GROVE
SPECIAL TOWN BOARD MEETING
APRIL 30, 2021

Due to the COVID-19 pandemic, in-person attendance was limited and participants were able to join using gotomeeting.com.

- I. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Clerk Kim Banigan, Treasurer Deb Abel, and Highway Superintendent Dan Dresen.
- II. Hampton called the meeting to order at 9:45 A.M.
- III. Discuss/Consider adoption of a Resolution re-appointing the Treasurer to correct an error in the end of term date in Resolution 2019-04 from 4/30/2021 to 4/30/2022: **MOTION** by Williams/DuPlayee to adopt Resolution 2021-04-30 as presented. **MOTION CARRIED 5-0.**
- IV. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:47 A.M.

Kim Banigan, Clerk

Approved 05-03-2021

TOWN OF COTTAGE GROVE

TOWN BOARD RESOLUTION 2021-04-30

RESOLUTION RE-APPOINTING THE TOWN TREASURER

WHEREAS, at the Annual Town Meeting held on April 11, 2006, the electors of the Town of Cottage Grove adopted Town Meeting Resolution 2006-05, and pursuant to Wis. Stat. § 60.10(1)(b)(2m) voted to change the office of Town Treasurer from an elected office to an appointed office, and

WHEREAS, on April 12, 2019 the Town Board adopted Resolution 2019-04 appointing Debra Abel to a three-year term of office that was mistakenly identified as commencing on May 1, 2019 and expiring on April 30, 2021 (only two years),

NOW, THEREFORE, the Cottage Grove Town Board hereby resolves that Debra Abel is re-appointed to the office of Town Treasurer for the term of office of one year to commence on May 1, 2021 and expire on April 30, 2022.

Adopted this 30th day of April, 2021 by a vote of 5 in favor, 0 against and 0 abstaining.



Kris Hampton, Town Chair

ATTEST:



Kim Banigan, Town Clerk

AFFIDAVIT OF POSTING OF
TOWN OF COTTAGE GROVE RESOLUTION

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On April 30, 2021 the following was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

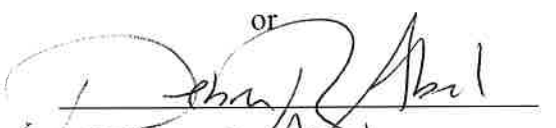
TOWN BOARD RESOLUTION 2021-04-30



Kim Banigan, Town Clerk

Subscribed to and sworn before me
this 30th day of April, 2021.

Signature of Town Chair person

or


Debra R Abel (print name)

Notary Public, State of Wisconsin
My Commission expires: March 7, 2023

TOWN OF COTTAGE GROVE
ROAD AND PARK INSPECTION MINUTES
APRIL 30, 2021

- I. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Mike Fonger, Kristi Williams and Mike DuPlayee were present, Highway Superintendent Dan Dresen.
- II. Hampton called the meeting to order at 10:00 A.M. and the group toured to inspect Town Roads and Parks until 12:10 P.M.

Submitted by Kris Hampton, typed by Clerk Kim Banigan.

Approved 05-03-2021

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND
TOWN BOARD MEETING
MAY 3, 2021

Due to the COVID-19 pandemic, in-person attendance was limited and participants were able to join using gotomeeting.com.

PUBLIC HEARING – ORDINANCE FOR TOWN YARD WASTE DROP OFF SITE

Notice of the public hearing was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Clerk Kim Banigan, Treasurer Deb Abel, and Highway Superintendent Dan. Hampton called the public hearing to order and asked if there were any questions or concerns; there were none. **MOTION** by DuPlayee/Williams to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:01 P.M.

I. ADMINISTRATIVE

- A. Notice and attendance of the meeting were as described above for the public hearing.
- B. Hampton called the meeting to order at 7:01 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes from the April 19, 2021 regular meeting, April 30, 2021 special meeting, and April 30, 2021 road and park inspection as presented. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #34620-34667 as presented, with check #34580 voided. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of April per diems as presented. **MOTION CARRIED 5-0.**
- E. Public Concerns: Fonger has heard from residents on the west side of Buss Road who are frustrated that the Village is not keeping them informed of development there and how it will affect their property and driveways.
- F. Road Right of Way Permits: **MOTION** by DuPlayee/Williams to approve a permit for Alliant Energy and Intercon Construction to install gas service at 2208 Wooded Ridge Trl. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Discuss/Consider cost of materials to re-build picnic tables at Flynn Hall: Boy Scout Kyle Wick had provided a list of materials and estimated costs to re-build 4 picnic tables for a total cost of \$478.65. He was present at the meeting, and stated that the cost may be slightly lower because he may downsize the bench boards to make the tables lighter. Two of them will be handicap accessible. **MOTION** by DuPlayee/Fonger to approve the cost of materials not to exceed \$480, to be paid from the parks expense budget. **MOTION CARRIED 5-0.** Mr. Wick was advised to send an updated list and the Town will order the lumber.
- B. Discuss/Consider adoption of s. TCG 16.06 Town Yard Waste Drop Off Site: The Clerk noted one change from the draft ordinance that had been provided: Public Works Director should be changed to Highway Superintendent in paragraph (4). **MOTION** by Williams/DuPlayee to adopt Ordinance 2021-05-03 Establishing a Town Yard Waste Drop Off Site. **MOTION CARRIED 5-0.**
- C. Plan Commission Recommendations:

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND
TOWN BOARD MEETING
MAY 3, 2021

1. Discuss/Consider application by Birrenkott Surveying, Inc. – Bryan Stueck, applicant, VLKJH Skaar LLC – Vicki Kraus, landowner, to rezone 10 acres of parcel #0711-284-9700-0 from AT-35 to HC for sale to Capital Holdings, LLC to expand existing commercial use, and to rezone 28.6 acres of parcel #0711-284-9160-0 from AT-35 to RM-16 for zoning compliance: Vicki and Otto Kraus were present. **MOTION** by Anders/DuPlayee to accept the Plan Commission’s recommendation to approve the rezone of 10 acres from AT-35 to HC with the same restrictions and allowable uses as the adjacent commercial property owned by Capital Holdings, LLC, and the rezone 28.6 acres AT-35 to RM-16 for zoning compliance. **MOTION CARRIED 5-0.**
2. Discuss/Consider application by Copart of Connecticut, Inc. for site approval of an ~6-acre expansion of the Copart facility to offset loss of land taken by WisDOT for their safety improvement project: Hampton noted that he had asked the WisDOT about putting a berm along the new ramp for CTH AB on the southwest portion of the property as the Plan Commission had discussed, but he has had no response yet. **MOTION** by Anders/DuPlayee to accept the Plan Commission’s recommendation to approve the site plan as amended, with the addition of evergreen plantings in the triangle outside of the fence on the west side adjacent to the new CTH AB. **MOTION CARRIED 5-0.**
- D. Discuss/Consider quotes to perform right-of-way acquisitions for the Uphoff Rd. and Femrite Drive bridge reconstruction projects: Two quotes had been received: 1) Fred Gruber of Jewel Associates Engineers, Inc. for a total of \$13,000 for the two projects and 2) Teri Weil of TerraVenture advisors, LLC for a total of \$10,900 for the two projects. There was discussion about whether the acquisition is under a time crunch as suggested by one of the quoting parties. The Clerk said her understanding is that certain protocols must be followed due to federal funding of the project, and the time required depends on how much negotiating is needed to settle on a price with the property owners. **MOTION** by Fonger/DuPlayee to accept the quote from Teri Weil of TerraVenture advisors, LLC, to be paid for out of unassigned funds. **MOTION CARRIED 5-0.**
- E. Review 2021-22 Non-metallic mining permit renewal applications, set date for public hearing: Renewal applications have been submitted for non-metallic mining sites at 2294 US Highway 12 & 18, 3355 County Road N, and 2543 Gaston Road. All indicate no changes to operation plans. The Clerk reported that Dan Everson at Dane County has no concerns or records of complaints about any of the sites during the past year. **MOTION** by DuPlayee/Williams to schedule a public hearing for the renewal of the non-metallic mining sites for 7:00 P.M. on Monday, June 7, 2021. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of 2021-22 Committee appointments: Hampton’s suggested appointments were reviewed. Mike Klinger has agreed to take Phil Bultman’s spot on the Plan Commission, and Justin Madsen has agreed to serve as Weed Inspector. Sarah Bammel, Jason Bree and Kerri Robbins are new additions to the Parks committee. All other appointments are renewals of existing appointees. It was noted that Anders inadvertently got left off of the list of Plan Commission members. **MOTION** by DuPlayee/Williams to approve the 2021-22 Committee appointments as presented, with the addition of Steve Anders to another one-year term on the Plan Commission. **MOTION CARRIED 5-0.**
- G. Discuss/Consider closing the Town office except by appointment on Fridays between Memorial Day and Labor Day. **MOTION** by Williams/DuPlayee to approve closing the

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND
TOWN BOARD MEETING
MAY 3, 2021

office on Fridays between Memorial Day and Labor Day, except by appointment. **MOTION CARRIED 5-0.**

- III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen reported that everything is pretty much set up for the yard waste drop off site: barricades are up, truck tarp is on, camera and wi-fi extender are installed, contract with Purple Cow is in order, and signs are ordered. Road inspections went well Friday, he will prepare an RFP, discussion was to hold the bid opening on May 28th at 10:00 A.M. Town and Country Engineering will assist with the bid process for the cul de sac on Janelle Ln. The crew loves the new mowers, they are covering ground so much quicker and standing is easier on their backs than sitting. Hampton reported that three boulders were placed at the Emergency Services Building where plants won't grow.
- IV. CLERK'S OFFICE UPDATE: Nothing to report.
- V. BOARD REPORTS AND COMMUNICATIONS: Hampton will put appointment of an official dog license lister on the next agenda, as recommend in the current Wisconsin Towns Association newsletter. He referenced an email from Ayres and asked if the board wants to reconsider whether the guardrail at the north east corner of the Uphoff Road bridge is necessary, even at the expense of making that entrance harder to access for farm equipment. There was no interest in making any change. He attended a meeting of the Rodefild Landfill expansion negotiation committee last Thursday, and reported that the City and County do not want to pay anyone in area C who is new there since the 1993 agreement. Those in area A+ will see a 20% increase in their annual compensation, Areas A and B, and the Town will all see a 12% increase. After the vertical expansion, the landfill will only have another 10 years of capacity.
- VI. COMMITTEE REPORTS:
- A. Emergency Government Committee: Fonger reported that the committee attended a virtual training session on debris management. Interviews with communities who have had to deal with this in the past cited a lack of cooperation with neighboring communities as one of the biggest problems. Fonger noted that the Clerk had provided him with a list of NIMs training completed by staff and elected officials, and several are in need of additional courses. The committee is looking to purchase a printer. Hampton asked if any bottled water should be stored for emergencies, Fonger thought maybe just a plan of where to obtain it.
- B. Deer-Grove EMS Commission: Williams reported that DGEMS has experienced several significant mechanical issues with ambulances lately.
- VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:52 P.M.

Kim Banigan, Clerk
Approved 05-17-2021

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN

Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Ordinance 2021-05-03 ESTABLISHING A TOWN YARD WASTE DROP OFF SITE

Code Section(s) created, amended, or repealed	<u>16.01(30), 16.02(7) and 16.06</u>
Presented to Board by	<u>Town Clerk as drafted by Atty. Cole</u>
Committee Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>May 3, 2021</u>
Date adopted	<u>May 3, 2021</u>
Vote	<u>5-0</u>
Date of posting of adoption of ordinance	<u>May 5, 2021</u>
Date of publication of adoption of ordinance	<u>May 12, 2021</u>

WHEREAS, the Town Board deems it in the public interest to establish and regulate a town yard waste drop off site for the use of Town residents.

NOW, THEREFORE, the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, do ordain as follows:

Section 16.01(30) shall be amended to read as follows:

"Yard Waste" means leaves, grass clippings, yard and non-woody garden debris and brush, including ~~clean woody vegetative material no greater than six four inches in diameter.~~ This term does not include tree branches, brush, stumps, roots, sod or shrubs with intact root balls.

Section 16.02(7) shall be amended to read as follows:

(d) Yard Waste shall NOT be disposed of as Solid Waste. Town residents are encouraged to compost or burn their own Yard Waste; provided an Open Burning Permit is obtained as specified under s. TCG § 11.02. However, brush and other clean grass clippings, leaves and non-woody vegetative material no greater than six four inches in diameter may be taken to any designated yard waste drop off center for disposal or recycling as wood chips, which have a subsequent re-use as a means of erosion control or as a decorative groundcover ~~the Town's yard waste drop off site as established by s. TCG § 16.06.~~

Section 16.06 of the Code of Ordinances is hereby created to read as follows:

16.06 TOWN YARD WASTE DROP OFF SITE.

(1) ESTABLISHMENT.

The Town yard waste drop off site shall be established and located within the designated area of the Town Public Works Department facility located at 4062 County Road N, Cottage Grove, Wisconsin. The Town yard waste drop off site may be terminated or relocated by future order of the Town Board.

(2) USE.

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

The Town yard waste drop off site may be used by Town residents during hours specified by the Town Board for deposit of unbagged grass clippings, leaves and non-woody vegetative material no greater than 4 inches in diameter. All persons entering upon the Town yard waste drop off site and/or depositing any material therein shall comply with all regulations thereof. All materials shall be deposited within the designated container for such material.

(3) FEES.

All individuals utilizing the Town yard waste drop off site shall be subject to all applicable fees set forth in the Town Fee Schedule.

(4) UNLAWFUL DEPOSIT.

No person shall place any garbage, refuse, demolition material, tree branches, brush, roots, stumps or sod, or any other material not designated for acceptance within the Town yard waste drop off site. No person who is not a resident of the Town of Cottage Grove shall deposit any material within the Town yard waste drop off site unless previously approved by the Town Clerk or Highway Superintendent.

(5) ANTI-SCAVENGING AND UNLAWFUL REMOVAL OF RECYCLABLES.

It shall be unlawful for any person, unless under contract with or licensed by the Town, to collect or remove any material that has been deposited at the Town yard waste drop off site.

(6) ENFORCEMENT.

Any person violating any provision of this section shall be subject to the penalties as a Class D forfeiture as set forth in section 25.04.

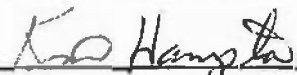
(7) EFFECTIVE DATE.

This ordinance shall take effect upon passage and publication as provided by law.

All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.


The above and foregoing ordinance was duly adopted at a meeting of the Town Board of the Town of Cottage Grove on the 3rd day of May, 2021, by a vote of 5 in favor and 0 opposed.

TOWN OF COTTAGE GROVE



Kris Hampton, Town Chair

ATTEST:



Kim Banigan, Town Clerk

AFFIDAVIT OF POSTING OF
TOWN OF COTTAGE GROVE ORDINANCE

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

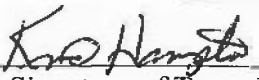
On May 5, 2021, the following Town of Cottage Grove Town Ordinance was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

Town Board Ordinance 2021-05-03
Establishing a Yard Waste Drop Off Site



Kim Banigan, Cottage Grove Town Clerk

Subscribed to and sworn before me
this 5th day of May, 2021.



Signature of Town Board Chair

or

(print name)
Notary Public, State of Wisconsin
My Commission expires: _____

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 17, 2021

Due to the COVID-19 pandemic, in-person attendance was limited and participants were able to join using gotomeeting.com.

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton and 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 meeting to order at 7:05 P.M.
- C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes from the May 3, 2021 public hearing and Town Board meeting as presented. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #34668-34689 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/Fonger to approve payment of \$2,359.96 to General Engineering Company for April building permits. **MOTION CARRIED 5-0.**
- E. Public Concerns: The Clerk read a notice from the American Legion about their upcoming Memorial Day activities.
- F. Road Right of Way Permits: **MOTION** by Anders/Fonger to approve 2 permits: 1) for Charter/Spectrum and Michels Corporation to directional bore for duct installation at the corner of Nadene Rd. and Janelle Ln, and 2) for Kennedy Hills/LLC and Clemens Excavating to install turning and passing lanes on Kennedy Road and Buckley Ridge. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Review April Police activities: Deputy Grafton said a case of a stolen car abandoned in the Town for another stolen car was an unusual occurrence here. Speeding has increased, motorists are obeying the stop signs on Sandpiper Trl. better. Deputy Biwer is helping out the detectives while he continues his recovery.
- B. Discuss/Consider Revised Signage Plan for Secure Storage of Cottage Grove at 3286 Field View Lane: Owner Timothy Moy and Construction Manager Arthur Kumiega were present. The site plan approved by the Town included two-story towers where the signs would be placed, however different plans were submitted for State approval, which were the plans the facility was built to. Now the developer is coming back and asking for approval to place the signs on parapet walls on buildings A and C, and place signage on the side of building B. Kumiega stated that the foundation built per the State approved plans is not sufficient to support the towers in the original plan. Town Board reaction was that this proposal is not of the aesthetic quality of the original plan that the Town approved. A motion by Fonger to approve the new signs as presented failed for a lack of a second. **MOTION** by DuPlayee/Williams to approve the signage on building B and remove the parapet walls on buildings A and C, and have no signage on those buildings. **MOTION FAILED 2-2-1** (Hampton and Fonger opposed, Anders abstained). Anders noted he abstained because he is employed by Secure Storage, but said he was surprised no compromise had been offered, and suggested exploration of the addition of a tower that would be free-standing from the

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 17, 2021

buildings, or even a pylon sign. **MOTION** by Hampton/Williams to table until the developer returns with a plan that is closer to the original plan with towers. **MOTION FAILED 2-2-1** (DuPlayee and Fonger opposed, Anders abstained). **MOTION** by Williams/Fonger to table until June 7th and direct the developer to come back with other design options. **MOTION CARRIED 4-0-1** (Anders abstained). There was a discussion about allowing occupancy before the sign issue is resolved, but the Board opted not to include that in the motion.

- C. Discuss/Consider Approval of The Ride Cancer Benefit Bicycle Ride on September 26, 2021 to Utilize the following Town roads: Deerfield Rd., W. Jargo Rd, Nora Rd., W. Ridge Rd., Uphoff Rd., Mourning Dove Dr., Sandpiper Trl, Bluebird Ln, Raven Way, And Gaston Rd.: The Clerk noted that this event has been held for several years now, however the route this year uses the Ravenwood Neighborhood to get to Gaston Road rather than Vilas Road as it has in the past. **MOTION** by Williams/Fonger to approve the permit contingent on the organizers having an agreement in place with Deer-Grove EMS to provide emergency medical services. **MOTION CARRIED 5-0.**
- D. Discuss/Consider Process for bidding of Janelle Ln. cul-de-sac: Hampton stated that because the estimated cost of the project exceeds \$25,000, it will be necessary to go out for bid. Engineer Nick Bubolz was present virtually and said he expects construction, engineering and contingency costs to bring it into the \$70,000 range. **MOTION** by DuPlayee/Williams directing the Town Engineer to finalize the plans to go out for bid for this year. The project will be paid for out of unassigned funds. **MOTION CARRIED 5-0.**
- E. Discuss/Consider Approval of cost to replace tree in front of the Town Hall: The Lions Club offered to purchase one Regal Prince Oak and are willing to plant it, along with a second if the Town will purchase the second tree. The trees cost \$195.96 each. **MOTION** by Fonger/DuPlayee to approve up to \$200 for one Regal Prince Oak tree, to come out of the Town Hall maintenance budget. **MOTION CARRIED 5-0.**
- F. Discuss/Consider quote to construct a park shelter: Hampton had obtained a quote from Cleary Building Corp. to construct a 21' x 30' by 11'4" park structure with a concrete floor for \$23,343.00. Comments were that additional quotes should be obtained, potential builders mentioned were Morton, Wick and Trachte Building Systems. The Clerk will reach out to other clerks to see if they have any other recommendations. Discussion included this may not be the best year to be building anything with the high material costs due to COVID-19, whether shelters should have electricity or solar power, whether neighborhoods would want the shelters or building one behind the Town Hall would be better because of access to parking, electricity and sewer and water. **MOTION** by DuPlayee/Anders to table for more research. **MOTION CARRIED 5-0.**
- G. Discuss/Consider quote to re-paint shelter at Bass Park: Hampton had obtained a quote from New Tech Painting, LLC to power wash, stain and paint the shelter for \$3,756.00. Consensus was that additional quotes are needed.
- H. Discuss/Consider appointment of the official dog lister: **MOTION** by Hampton/Williams to appoint the Clerk as the annual dog lister. **MOTION CARRIED 5-0.**
- I. Discuss use of American Rescue Plan Act funds: Ideas suggested included:
- Hook up to the MMSD sewer line on Gaston Road, however there are no plans for Town development in that area.
 - Clean out the Door and Koshkonong Creeks.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
MAY 17, 2021

- Extend broadband internet to North Star Road or any other place it would be feasible.
- Erect a water tower on North Star Road.

The Clerk had included an email from UpNet WI in board packets offering to provide a proposal to service homes and businesses they cannot currently reach in the North Star and Uphoff Road areas. The Clerk will contact Charter and TDS to see about possibilities for extending their services further into the Town. Consensus was to keep thinking about it, as information is still coming out and the Town has until 12/31/2024 to use the funds.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Nothing to report

IV. CLERK'S OFFICE UPDATE: Nothing to report.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton received drawings for the extension of Luds Lane to CoParts from the WDOT, he saw no reason to have the Town Engineer review them since they were drawn up by the WDOT, and other board members agreed. The Village will hold an informational meeting on the Buss Road/County BB intersection improvements on May 25th via Zoom.

VI. COMMITTEE REPORTS:

- A. Parks Committee: The committee recommended a 2022 Parks budget of \$25,000, of which \$10,000 would be for maintenance and \$15,000 for capital improvements. They were interested in possibly building shelters in neighborhood parks or behind the Town Hall, but felt more research was needed.

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

Kim Banigan, Clerk
Approved 06-07-2021

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
JUNE 7, 2021

PUBLIC HEARINGS FOR 2021-22 Alcohol Beverage License and Non-Metallic Mining Permit renewals

- I. Notice of the Alcohol Licensing public hearing was published in the legal section of the Wisconsin State Journal on June 2, 3, and 4, 2021, and posted on at the Town Hall and on the Town's web site on May 28, 2021. Notice of the Non-Metallic Mining hearing was mailed to Town property owners within .5 mile of each mining site, and posted at the Town Hall and on the Town's web site on May 24, 2021. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Treasurer Deb Abel and Highway Superintendent Dan Dresen. A list of others present is available in the Clerk's office. Online participation was also available via gotomeeting.com, however due to technical difficulties, the recording was not started until after the end of the public hearing on alcohol licenses.
- I. Hampton called the public hearing on alcohol licenses to order at 7:00 P.M. and read off the list of applicants. There were no questions or concerns over the applicants. **MOTION** by DuPlayee/Williams to close the public hearing on alcohol licenses. **MOTION CARRIED 5-0.**
- II. Hampton called the public hearing on non-metallic mining permits to order, and read off the three mining sites up for renewal. Williams read an email from Richard and Christine Reines regarding the Gaston Road Quarry at 2543 Gaston Road (Appendix A). There were no further questions or concerns expressed. **MOTION** by Anders/DuPlayee to close the public hearing. **MOTION CARRIED 5-0.**

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Attendance was as listed above for the public hearing.
 - B. Hampton called the meeting to order at 7:05 P.M.
 - C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes from the May 17, 2021 Town Board meeting as presented. **MOTION CARRIED 5-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #34690-34725 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of May per diems as presented. **MOTION CARRIED 5-0.**
 - E. Public Concerns: Gary Skiles, 4378 Damascus Trl, stated that he had sent an email to Board members regarding the closure of County BB by the Village. Hampton advised that this topic is agenda item II. D.
 - F. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve 3 permits: 1) for the Village of Cottage Grove/RG Huston Company, Inc. to install curb ramps at the SW corner of the intersection of Buss Road and Lane Street, along with a rapid rectangular flashing beacon with the crossing of Buss Road, 2) Charter/contractor TBD to replace underground communication cable on Janelle Ln. and 3) Charter/Michels Power to directionally bore to place a duct in the right-of-way of Nadene Rd and Janelle Ln. **MOTION CARRIED 5-0.**
- II. BUSINESS:
 - A. Discuss/Consider Approval of July 1, 2021– June 30, 2022 Alcohol Beverage Licenses:

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
JUNE 7, 2021

1. Class A Liquor (Cider Only) License for Door Creek Orchard, LLC, Thomas Griffith, Agent: **MOTION** by Williams/DuPlayee to approve the Class A Liquor (Cider Only) license for July 1, 2021 – June 30, 2022. **MOTION CARRIED 5-0.**
 2. Combination Class B Beer and Class B Liquor Licenses:
 - a) Ball Of Fun LLC, D.B.A. Doubledays, Debra Stueber, Agent
 - b) Door Creek Golf Course, Inc., Phillip Frederickson, Agent
 - c) Noras Tavern, Inc., Timothy Kluever, Agent**MOTION** by Fonger/DuPlayee to approve Combination Class B Beer and Class B Liquor Licenses for the applicants as listed above for July 1, 2021 through June 30, 2022. **MOTION CARRIED 5-0.**
 3. Operators And Managers Licenses: The list of applicants was absent from Board packets, but a memo from the Clerk indicated all background checks were clean. **MOTION** by Williams/DuPlayee to approve 2021-22 operators and managers. **MOTION CARRIED 5-0.** (A list of applicants is attached to these minutes as Appendix B).
- B. Discuss/Consider Approval of July 1, 2021– June 30, 2022 Non-Metallic Mining Permits: Dennis Richardson was present to represent the mining sites operated by Brad Huston.
1. 2543 Gaston Road, Brad Huston, Operator: **MOTION** by DuPlayee/Anders to approve renewal of the license. Hampton asked Richardson whether there are any plans for blasting, he said not in the near future, however there are not any plans to reclaim the site soon either. **MOTION CARRIED 5-0.**
 2. 3355 County Road N, Brad Huston, Operator: **MOTION** by DuPlayee/Anders to approve renewal of the license. **MOTION CARRIED 5-0.**
 3. 2294 Us Highway 12 & 18, Wade Cattell, Operator: Hampton noted that an email from Dan Everson at Dane County indicated no complaints or violations for the site. **MOTION** by DuPlayee/Anders to approve renewal of the license. **MOTION CARRIED 5-0.**
- C. Conduct 5-Year Review of Concrete Batch Plant at 2272 US Highway 12 & 18 as required by Conditional Use Permit #2175: Hampton stated that Dan Everson from Dane County reported that there have been no issues at the site. The Board had no concerns with the CUP. No action taken.
- D. Discuss/Update on construction on County Hwy BB and Buss Rd: Discussion was that motorists are continuing to drive through the work zone, and there are no local detour signs. Deputies have already issued 75 citations for entering a work zone. The official detour uses County N to I-94 to US-51. Darcy Ellestad, 4497 Buss Rd, questioned why Buss Road is being expanded to the west into her property rather than to the east as was discussed when the school property was annexed into the Village. Fonger said that the school district did not budget to rebuild the road, so there will be further construction later. The Village and school district did not involve the Buss Road property owners in the planning of the current construction. Ms. Ring said it took several calls to the Village to get water trucks out to mitigate the construction dust. Ann Krebs Byrne, 2835 Riva Ridge Cir. wanted to talk about the additional traffic on Damascus Trl due to the road closure. Gary Skiles said it seems traffic issues are happening on Town roads (Damascus, Vilas, Gaston and Buss), so they are here to ask how the Town Board can help. Estimates on Damascus were 200 cars per hour,

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
JUNE 7, 2021

including heavy trucks and even school busses. Skiles measured County BB to County N to County TT to Sprecher Rd as 7 miles, a 3 minute and 3-mile difference from using Damascus after factoring in delays for traffic jams at Damascus and Vilas. He suggested staggered barricades at each end of Damascus for local traffic only. Joe Byrne, 2835 Riva Ridge Circle, also suggested closing Damascus, stating that Southing Grange would be a safer detour since it is wider and has sidewalks. Fonger suggested the Village could move the eastern work zone barricade to the east of Damascus. Hampton said he would ask the Village to put up detour signs and encourage Village police to issue citations rather than just warnings. Alecia Rauch, 4522 Vilas Road, suggested the Board communicate with the Village and school district asking for flaggers and opening of one lane, and/or possibly temporary stop lights. Fonger asked Richardson if he knew when construction will reach the point where a lane could be opened. He will check into it, and also suggested flagging speed limit signs and putting out portable radar signs. He said having no traffic in the work zone will make the work go faster, and said that the foreman was nearly hit the first day of the project. He said that while RG Huston Company is working for the Village, they are Town residents and will help out if they can. The Town has posted weight limits in an attempt to deter heavy trucks. Williams encouraged those in attendance to write letters to the editor to point out the failure and implications of the Village to designate a local detour. Skiles said he sent emails to the Village Board and Dane County but has gotten little response.

- E. Discuss/Consider Awarding of Bids For 2021 Road Maintenance Projects. The 2021 budget includes \$75,000 for chip-sealing projects and \$350,000 for repaving projects. Two bids were received for repaving projects: Payne & Dolan, Inc. for \$220,430.10 and Wolf Paving & Excavating of Madison, Inc. for \$223,920.00. Both have worked for the Town in the past and done good work. **MOTION** by DuPlayee/Anders to award the bid to Payne & Dolan, Inc. **MOTION CARRIED 5-0.** Hampton said with the bids coming in this low, we could do some additional work, Dresen suggested N. Jargo Rd. **MOTION** by DuPlayee/Fonger to add N. Jargo Rd. to finish out the budgeted amount for re-paving projects. **MOTION CARRIED 5-0.** Two bids were received for chip sealing projects: Scott Construction, Inc. for \$66,276.00 and Fahrner Asphalt Sealers, LLC for \$71,390.00. Dresen asked Board members to consider the estimated amount of oil and stone per square yard. **MOTION** by Williams/DuPlayee to award the bid to Fahrner Asphalt Sealers, LLC. **MOTION CARRIED 5-0.**
- F. Discuss/Consider Approval of Graveling a Parking Area at the Entrance to Capitol View Park: Lois Bence Ehlke, 2751 Nadene Road, does not like the idea of a gravel parking area. She said mosquitos are terrible there later in the summer, so if we are going to invite people to come there, there would need to be an investment in mosquito control. She also said that she was worried about security with unknown cars in the area. Matt Brabender, 2761 Nadene Road, said they bought there for the remoteness. They see everyone who goes to the park. Very rarely do they see people from outside the neighborhood, and there is ample street parking for those. He does not see the need or benefit, and worries about run-off from the gravel. Bruce Ehlke, 2851 Nadene Rd., echoed his wife's concerns, stating concerns about changing the nature of the park itself, and noting that the dream park in the Village has plenty of parking. Julie Shadel, 2745 Nadene Road, had concerns about safety of kids riding bikes in the gravel and around cars coming and going from the area. **MOTION** by DuPlayee/Williams to do nothing about graveling a parking area. **MOTION CARRIED 5-0.**
- G. Discuss/Consider Revised Signage Plan for Secure Storage of Cottage Grove At 3286 Field View Lane (Tabled from May 17th Meeting): Tim Moy and Arthur Kumiega were present.

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
JUNE 7, 2021

Three options had been provided for signage on buildings A and C. The first has signage for both buildings on the parapet walls. The second option adds an extended cornice to wrap the corners, the third option adds a stone veneer with wrapped corners. DuPlayee noted that no signs will show up from Hwy 12 & 18, only from Field View Ln. Williams said she is disappointed because at the last meeting Anders suggested a compromise with a tower. Kumiega said a tower would cost up to \$200,000, a lot of expense that will not increase profits. Board members expressed disappointment that the options presented do not have nearly the aesthetic appeal that the original plan did. Hampton said he likes the option with stone best, but asked if there can be side walls to give the impression of a second story? Thoughts were that there may need to be structural enhancements to accommodate snow load if side walls were added. **MOTION** by Fonger/DuPlayee to accept the third proposal that includes the extended cornice and stone veneer, with addition of making it three-sided. **MOTION CARRIED 3-0-2** (Anders and Williams abstained). Hampton reminded them to provide the code for the electrified gate to the fire and EMS departments.

- H. Discuss/Consider approval of a certified survey map for a single lot on Skaar Road (rezone petition #11648 by Screamin' Norwegian Farms): **MOTION** by Anders/DuPlayee to approve the CSM identified as Office Map #210179. **MOTION CARRIED 5-0.**
- I. Discuss/Consider Adoption of Resolution 2021-06-07 Adopting Certain Fees: **MOTION** by Williams/DuPlayee to adopt the resolution as printed. **MOTION CARRIED 5-0.**
- J. Discuss/Consider quotes to re-paint shelter at Bass Park: Three quotes were received: 1) Fritz Painting for \$1,360.00, Five Star Painting for \$1,896.00 and New Tech Painting for \$3,756.00. The Fritz painting quote was for painting the metal only, the other two included staining of wood beams and poles. **MOTION** by DuPlayee/Fonger to approve the quote from Fritz Painting was rescinded by maker and second after discussion. **MOTION** by DuPlayee/Fonger to accept the motion from Five Star Painting not to exceed \$1,900.00, to come out of unassigned funds. **MOTION CARRIED 5-0.**
- K. Discuss/Consider paying Town portion of the EMS organization review: **MOTION** by Williams/Anders to approve the Town's share, which would be between \$5,458.68 and \$7,215.49. **MOTION CARRIED 3-0-2** (Hampton and Fonger opposed). This amount will be payable in 2022.
- L. Discuss/Consider accepting a bond to issue occupancy at Kennedy Hills Subdivision: Hampton said no action is needed as the person who inquired about this was no longer interested when he heard the cost. Dave Dinkel thought there would be discussion about how to allow for homeowners to move in on June 30th, stating that not being able to have occupancy could have ripple effects on their financing. Developer Dave Riesop was also present. Hampton asked if they did not understand from the Developers Agreement that they signed that while building permits would be issued, no occupancy permits would be issued until substantial completion of the improvements. Dinkel said he misunderstood a communication from the former Town attorney. Board discussion was that the situation is caused by developer delays, and advised that they work hard toward substantial completion.
- M. Discuss/Consider rescinding the State of Emergency declared by Resolution 2020-03-27: **MOTION** by Williams/DuPlayee to rescind the declaration. **MOTION CARRIED 5-0.**
- N. Discuss/Consider date for first Town Board meeting in July: **MOTION** by Williams/Anders to meet on Tuesday, July 6, 2021. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen reported he reviewed all of the road maintenance bids, and they have started mowing ditches. They have been getting requests for

TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MEETING
JUNE 7, 2021

tree trimming, including one from the bus service. Bucket patching will be done on the roads to be chip sealed. He asked about returning the meeting room back to the “normal” configuration, consensus was to do that for the next meeting.

IV. CLERK'S OFFICE UPDATE: The Clerk was on vacation.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton said that Morton buildings is too busy to provide a quote for park shelters, he asked if the Board wants to continue looking or drop it for now. Consensus was to drop it for now until lumber prices stabilize. Fonger recommended looking at the metal shelter in the Village park on Weald Bridge. Dresen said the Town of Burke has a nice Cleary shelter on Thorsen Road that he was told was not very expensive.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: Williams reported that 4 bids were submitted for the staffing study. The Commission decided to invite 3 to make presentations. Hampton is the new Commission Chair, and they are starting negotiations with the union. There have been mechanical issues with the ambulances.
- B. Jt. Town/Village Landfill Monitoring Committee: Anders reported that the insurance company for the vent contractor was not wanting to include the Town and Strand as additional insured in the project. This has finally been settled and a pre-construction meeting will be held later this week.
- C. Jt. Town/Village Fire Department Committee: Hampton was elected as Chair, and the committee continued to review current agreements. The department is putting specs together for a new tanker.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:05 P.M.

Kim Banigan, Clerk (from the video recording and Treasurer's notes)
Approved 06-21-2021

**TOWN OF COTTAGE GROVE
TOWN BOARD RESOLUTION NO. 2021-06-07**

**A RESOLUTION ADOPTING CERTAIN FEES AS PERMITTED
BY THE TOWN OF COTTAGE GROVE CODE OF ORDINANCES AND THE
TOWN OF COTTAGE GROVE SMART GROWTH COMPREHENSIVE PLAN**

WHEREAS, the Town of Cottage Grove Code of Ordinances and the Town of Cottage Grove Smart Growth Comprehensive Plan authorize the Town Board to establish certain fees by resolution; and

WHEREAS, TCG Ord. sec. 07.01(2)(b) indicates that the Town Board may amend such fees at any time;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, does hereby adopt the following fees to be effective upon posting of this resolution: (Relevant ordinance or comprehensive plan sections are indicated in brackets following each fee)

Alcohol Beverage Fees [TCG §05.03 (2)]

Reserve "Class B" Intoxicating License [§ 125.51(4), Stats].....	\$10,000.00
Class "A" Fermented Malt Beverage License [§ 125.25, Stats.]	\$500.00
Class "B" Fermented Malt Beverage License [§ 125.51(2), Stats]	\$100.00
"Class A" Intoxicating Liquor License [§ 125.51(2), Stats.].....	\$500.00
"Class B" Intoxicating Liquor License [§ 125.51(3)(b), Stats.].....	\$500.00
"Class B" Winery License [§ 125.51(3am), Stats].	\$100.00
"Class C" Retail Wine License [§ 125.51(3m), Stats].....	\$100.00
Temporary Class "B" Fermented Malt Beverage License [§ 125.26(6), Stats].....	\$10.00
Temporary "Class B" Wine License [§ 125.51(10), Stats.].....	\$10.00/day
Operator's License [§ 125.17(1-3,6), Stats.]	\$25.00
Manager's License [§§ 125.18, 125.32(10 and 125.68(1), Stats].....	\$25.00

Blasting Permit Fee [TCG §18.01]

Short Term	\$250.00
Long Term	\$500.00

Change of Land Use Fee [TCG §15.20] ~~\$275.00~~\$300.00

Cigarette and Tobacco Products Retailer License Fee [TCG §07.02(1)] \$50.00

Dangerous Animal License [TCG §20.20(7)] \$150.00

Dog License Fee (in addition to County Fees) [TCG §20.01(4)]

Per dog.....	\$4.50
Multi-Dog (up to 12)	\$7.00

Driveway Permit Fee [TCG §08.02] \$150.00

Driveway Permit Deposit [TCG §08.02]..... \$1,000.00

Emergency Response Reimbursement Fees [TCG §07.02(3)]

CGFD Ladder 1	\$400.00/hour
CGFD Engine 3	\$250.00/hour
CGFD Engine 4	\$250.00/hour
CGFD Squad 1.....	\$200.00/hour
CGFD Tender 1.....	\$150.00/hour
CGFD Tender 2.....	\$150.00/hour
CGFD Brush 1	\$100.00/hour
Personnel (minimum of 1 hour, rounded to next full hour for any minute over the hour)	

First hour	\$15.00/hour
Each additional person	\$10.00/hour
Water	\$10.00/1000 gal
Foam "A"	\$2035.00/gal
Foam "B"	\$30.00/gal
Oil Dry	\$10.00/40 lb. bag
Fire Works Use Permit Fee [TCG §18.02(4)].....	\$50.00
Hall Rental Fees (Town Hall or Flynn Hall) [TCG §07.02(5)]	
User Fee – Town or Village of Cottage Grove Resident	\$150.00
User Fee - Non-Resident	\$1,000.00
Security Deposit – Town or Village of Cottage Grove Resident	\$100.00
Security Deposit – Non-Resident	\$500.00
Handling Fee [TCG §07.02(4)]	
per hour.....	\$20.00
minimum.....	\$20.00
Impact Fees	
Park Land Impact Fee (per new dwelling unit) [TCG §15.03(4)(d)3].	\$375
Recreation Improvement Impact Fee (per new dwelling unit) [TCG §15.03(4)(d)3]	\$1,160
Land Division Fees [TCG §15.19]	
Concept Plan.....	\$300.00
Preliminary Plat,	\$350.00 + \$20/lot
Final Plat and Comprehensive Development Plan	\$350.00 + \$20/lot
Certified Survey Map	\$125.00
Mailing List Fees [TCG §07.02(6)]	
First 1,000 names.....	\$25.00
Per 1,000 in excess of 1,000	\$20.00
(Fees are tripled if gummed labels are requested)	
Non-metallic Mining Permit Fee [TCG §17.02]	\$300.00
Overweight Permit Fees [TCG §07.02(8)]	\$20.00 per power unit
Bond for variance to weight limits [TCG §09.07].....	\$1 million/mile of road permitted
Park Organized Event Administrative Fee [TCG §10.05]	\$25.00
Peddlers and Transient Merchants Permit Fee [TCG §11.07(4)(c)]	\$50.00
Photocopying Fee [TCG §07.02(9)]	
Black & White copies.....	\$.25/page
Color Copies:.....	\$.50/page
Plan Commission, Special Meeting of [TCG §15.01(6)]	\$300.00
Road Right-of-Way Permit Fee [TCG §08.03]	
Base Fee.....	55.00
Boring, trenching or plowing (small projects).....	\$45.00 per boring/trenching/plowing
Open cut pavement	\$220.00/open cut
Trenching/Plowing in excess of 1,320 ft. (large projects).....	\$110.00/# of lineal feet/1,000
Construction of vault or other structure.....	\$110.00 per vault or structure
Deposit.....	Set by the Town Board on a case-by-case basis

Town Board, Special Meeting of [TCG §2.03(4)] \$300.00
 Statement of Real Property Status (Title Search) Fee [TCG §07.02(10)]
 Paid with request \$25.00
 Invoiced \$50.00
 Waste Treatment, Disposal or Storage Site Application Fee [TCG §16.04(6)(c)] \$250.00

This resolution was duly considered and adopted by the Cottage Grove Town Board pursuant to a vote of 5 for and 0 against and 0 abstentions on this 1st day of June, 2021.

TOWN OF COTTAGE GROVE


 Kris Hampton, Town Chair

ATTEST:


 Kim Banigan, Town Clerk

AFFIDAVIT OF POSTING OF
TOWN OF COTTAGE GROVE RESOLUTION

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On June 10, 2021 the following was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

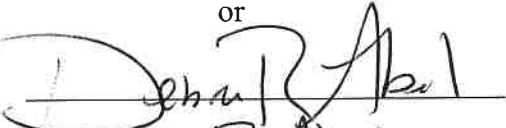
**TOWN BOARD RESOLUTION 2021-06-07
ADOPTING CERTAIN FEES**



Kim Banigan, Town Clerk

Subscribed to and sworn before me
this 10 day of June, 2021.

Signature of Town Chair person

or


Debra R. Abel (print name)

Notary Public, State of Wisconsin
My Commission expires: March 7, 2023

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 21, 2021

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debra Abel, Highway Superintendent Dan Dresen, Town Engineer Nick Bubolz, and Deputy Jennifer Grafton. Virtual attendance was available using gotomeeting.com
- 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 from the June 7, 2021 public hearings and Town Board meeting with several corrections. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #34726-34751 as presented. **MOTION CARRIED 4-0.**
 2. **MOTION** by Williams/DuPlayee to approve payment of \$3,709.96 to General Engineering Corp. for May building permits. **MOTION CARRIED 4-0.**
- E. Public Concerns:
 1. DuPlayee asked other board members what topics they would suggest he includes in his upcoming presentation to the Chamber of Commerce. Suggestions included updates on Kennedy Hills, bridge reconstructions, the yard waste drop-off site, and the comprehensive plan update.
 2. Damascus Trail residents Gary Skiles, Joseph Byrne, Jeff and Sue Trentadue and Frank Salvi inquired whether the barricades will be returned to Damascus Trail. The barricades had been put up with local traffic only signs in response to the requests from area residents at the June 7th meeting, but Dresen had needed them late last week for a culvert project. Residents commented that traffic is less when they are up, and they continue to feel worried about safety with the large volume of traffic due to the County BB closure when they are down. Fonger and the Clerk reported numerous contacts from other Town residents who are not happy about the closure of Damascus. Deputy Grafton said deputies cannot enforce the signs for local traffic only, and there have been some close calls at the intersections of Damascus with BB and Vilas. She understood the residents' concerns about the excess traffic, but said Damascus is still a public road and motorists choosing that route are making a better choice than going through the work zone. She said construction is ahead of schedule because they have been able to keep traffic out of the work zone. Dresen said the barricades have been repeatedly knocked down or turned around, and that residents on Sandpiper are also experiencing excessive traffic. Residents present felt that the barricades were effective, even if not enforceable. Discussion was that a posted local detour route would be the best solution. Hampton and Dresen met with the Village President, Village Engineer and a representative from the County last Friday about posting a local detour route, but were told no because it would be too confusing. Fonger and Williams had both spoken to Village Board members about this. While they were sympathetic, they said they had not been getting calls like Town Board members have. Residents present were advised to contact Village Board members directly, as well as County Supervisor Ratcliff. Deputy Grafton said a WDOT representative contacted her asking for her input and asking about additional signage, which she made suggestions for. Sue Trentadue asked

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 21, 2021

about other types of signs, such as slow, children at play, etc. Speed boards were also discussed. The Town does not own one. Deputy Grafton said she could request one from the County, but it may not be very effective on Damascus due to all of the curves. Speed bumps were also discussed, residents thought the three on Damascus are working, and would like one more. The Clerk reported that a resident near one of them has made repeated requests to have it removed due to the noise. Stop signs were also mentioned but nobody thought they would be effective in slowing traffic on Damascus. There was a question about moving the barricade at Vilas and Damascus inward so it is not right at the intersection, to give cars coming in a place to go. Dresen said the barricades must be kept out to keep cars from turning in the first place. Fonger reported that he asked the contractor about moving the sign just west of Damascus further to the east, but was told its location was determined by the County due to school busses.

- F. Road Right of Way Permits: **MOTION** by Williams/Fonger to approve a permit for Alliant/Intercon to replace overhead lines in the Sky High subdivision with underground service. **MOTION CARRIED 4-0.**

II. BUSINESS:

- A. Review May Police activities: The monthly report showed 233 calls for service and 97 citations issued in May, mostly for traffic and speeding related incidents. Deputy Grafton said there was one vehicle theft, and she reminded everyone to keep their vehicles locked. This month they have been doing more work zone enforcement than anything else. Hampton said he had contacted Lieutenant Triggs to request weight limit enforcement training for our deputies.
- B. Discuss/Conder awarding of bid for the Janelle Road cul-de-sac project: Bubolz said while 10 bid packets were pulled, only one bid was submitted, from R.G. Huston Company, Inc. He recommended acceptance of the bid, which estimated \$74,580.55 for the base bid and another \$10,896.00 for potential extras. He further recommended a 10% contingency. **MOTION** by Fonger/Williams to accept the bid, including the base bid and potential extras at \$85,476.55 plus a 10% contingency. **MOTION CARRIED 4-0.** Dresen stated that this should fit within the 2021 budgeted amount for Highway Maintenance Contracts.
- C. Discuss/Consider approval of 2021-22 Alcohol Beverage Operator's License applications received after June 7, 2021: Only one additional application was received, and all paperwork and the background check are in order. **MOTION** by Fonger/Williams to approve a July 2021-June 2022 Operator's license for Lisa Broderick. **MOTION CARRIED 4-0.**
- D. Discuss/Consider approval of two Certified Survey Maps for Galarowicz Rev. Trust on Gala Way (associated with rezone petition #11668): **MOTION** by Fonger/DuPlayee to approve the 4-lot CSM corresponding to County application #10526 and the 3-lot CSM corresponding to County application #10527, both identified by the surveyor as drawing #5661-20 dated 06-07-2021. **MOTION CARRIED 4-0.**
- E. Update and discuss/consider requirements for Kennedy Hills Phase 1 completion: Dave Riesop and Dave Dinkel were present. Bubolz said he visited the site last Thursday, and progress is being made toward substantial completion of the improvements. He feels they are on track to be finished by the end of the month. He will make another visit early next week. Riesop said the contractor expects to be blacktopping the south side of County BB this Thursday, and then moving to the north side of the road.
- F. Discuss future use of speed bumps: Hampton asked what the policy should be moving forward when speed bumps are requested. Permanent vs. the current speed bumps were

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 21, 2021

discussed, along with stop signs as an alternative. Bubolz also mentioned other methods of slowing traffic, including small roundabouts and narrowing of traffic lanes. Consensus was to continue using the temporary speed bumps, but require written confirmation from residents residing within 200 feet in either direction from the requested location of the speed bump before the Town Board will consider the request.

- G. Discuss changing minimum width and usage for new Town roads: Hampton asked if future roads should be wider and include walking and/or bike paths. Dresen said most current roads have 24 feet of paved surface. A legal bike lane is 4 feet. Adding one to each side would require 32 feet of pavement, which may require a wider right-of-way. Discussion was to potentially begin with the next phase of Kennedy Hills. Bubolz said this would have an effect on stormwater management, and the ponds in the first phase are designed to handle portion of subsequent development. Consensus was to have Bubolz look at the Land Division ordinance to see what all would need to be changed if the minimum width for local roads was increased, and the Town Attorney would need to be consulted for drafting any ordinance revisions.
- H. Discuss/Consider amending s. TCG 17.02 regarding notification requirements for non-metallic mining renewal applications: The Clerk said she had requested the suggested changes that would eliminate the requirement to notify owners of within .5 mile about applications for renewal of permits that do not have any changes to operations. (The notification requirements would stay in place for new sites or for new operation plans). **MOTION** by Fonger/DuPlayee to hold a public hearing before the July 7, 2021 meeting, and put the ordinance revisions on the meeting agenda for possible adoption. **MOTION CARRIED 4-0.**
- I. Discuss/Consider quote to re-surface basketball courts: Dresen had obtained one quote from 7 Hills to re-surface courts at Nondahl, Ravenwood, Bass and Capital View parks **MOTION** by Williams/Fonger to approve the quote from 7 Hills, not to exceed \$3,600.00, to come out of unassigned funds. **MOTION CARRIED 4-0.** (It was subsequently discovered that the board was only provided the first page of the quote, the actual quote amount was \$5,409.00, so the Board will need to re-consider at their next meeting.)
- J. Discuss use of American Rescue Plan Act funds: Hampton reported that the Town has applied. Estimates are the Town will receive over \$350,000, with the first payment coming soon. Funds must be used up by December 31, 2024. Hampton said that of the list of eligible uses for the funds, the only ones that seem applicable to the Town are broadband internet and stormwater infrastructure.
- Dave Muehl was present to represent the Friends of the Koshkonong Creek with a proposal that he hoped would fall under the Stormwater Infrastructure use. He and others have been working for three years to clean up the downed trees in the creek. From the Drainage Board meetings he has attended, it sounded like the process to make changes to the creek would be overwhelming. He outlined five things that need to happen:
 1. Remove the downed trees.
 2. Dredge: He proposed that the Towns of Cottage Grove and Deerfield partner for a quick dredge of 3-4 feet wide by 2 feet deep, shooting the dredged material out into the fields to maintain an angled shore.
 3. Study the creek to determine a long term (50-year) plan.
 4. Make the changes as determined by the study, and make sure they are easy to maintain.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JUNE 21, 2021

To hire a consultant to perform a study would cost \$100,000 to \$200,000. As an alternative, he is putting together an RFP for the UniverCity Alliance Year 2021-2024 partnership. He said the cost would be \$20,000, which he proposed to split between the Town of Cottage Grove, Town of Deerfield, City of Sun Prairie, and the Friends of the Koshonong Creek (\$5,000 each). The RFP is due July 24th, and he will need a letter of support from the Town. Funds would need to be obligated by 12/31/2024 and the study would be complete by 12/31/2026.

- Joe Rausch suggested that something similar needs to be done with Door Creek to alleviate the high water table in the Nondahl subdivision area. He said silted in ditches and plugged culverts in Marx's field are also contributing to the problem.
- Bubolz said he has attended several workshops on use of the ARPA funds, and he is not sure the creek projects would fit under Stormwater Infrastructure, more fleshing out of the program is needed. Comments were that few of the eligible uses seem relevant to Towns.
- Other eligible uses mentioned were private well testing (possibly under the water and sewer item), and park improvements (possibly under hospitality and tourism).

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen reported that trees were recently planted in town parks in partnership with the boy scouts. Culvers generously donated lunch to the workers. The crew is almost finished mowing ditches, and 4 of 6 planned culvert replacements are complete. Tree trimming will be on the list of projects in the next couple of weeks.

IV. CLERK'S OFFICE UPDATE: Nothing to report.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton received a thank you note for his letter to the Secretary of the US Department of Transportation in support of the County AB project. The Lions plan to plant the trees between the Town Hall and Emergency Services Building tomorrow night. On June 28th, Hampton will host the first meeting of the homeowner's association for Viney's Addition to Sky High, so they can elect their officers.

VI. COMMITTEE REPORTS:

- A. Emergency Government Committee: Fonger reported that they plan to order a new printer and also need to replace the defective computer. He is wondering if the Village plans to use them too, and if so, they should pay half. They also plan to order jackets.
- B. Deer-Grove EMS Committee: Williams reported that the Commission interviewed three firms for the study, and unanimously selected Public Administration Associates out of Whitewater. The Fire Chief was in on the interviews and also agreed with the choice. The total cost of the study for both Fire and EMS will be \$30,400. The Village will cover the Fire study, the EMS study will be shared between the DGEMS municipalities.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 9:09 P.M.

Kim Banigan, Clerk
Approved 07-06-2021



Kim Banigan <clerk@towncg.net>

Feedback via the Town of Cottage Grove - Contact Us Form [#112]

1 message

Richard S and Christine A. Reines [REDACTED]
Reply-To: "Richard S and Christine A. Reines" [REDACTED]
To: clerk@towncg.net

Fri, Jun 4, 2021 at 11:37 AM

Name*: Richard S and Christine A. Reines

Email*: [REDACTED]

Contact Number*: [REDACTED]

Subject*: Nonmetallic mining permits

Message*:

We are concerned about the Gaston Rd Quarry which was promised long ago to be "reclaimed" in landscape. Seems that this will never happen in our lifetimes. What is the plan for this? Will it always be an extraction site or a gravel storage site? I know that our well water has markedly changed its character (much more iron content) from the previous blasting activity that has fractured our bedrock. We hope no more of that activity will be permitted. Through testing at the State Hygiene Lab we notice that our nitrate levels have also increased due to the close proximity of farm run off in the area and the decreased distance in the pit to the water table.
Richard and Chris Reines

Visitor IP: [REDACTED]

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
JULY 6, 2021

PUBLIC HEARING for amending s. 17.02 of the code of ordinances with respect to notification requirements for non-metallic mining permit renewals

- I. Notice of the public hearing was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debra Abel and Highway Superintendent Dan Dresen. Virtual attendance was available using gotomeeting.com
- II. Hampton called the public hearing to order at 7:00 P.M. and asked for questions or comments.
- III. Anders asked what the reason for the proposed amendment was. The Clerk said she asked the Town Attorney to draft it so there would be no requirement to mail notice to owners of all properties within .5 mile of mining sites when there are no operational changes planned with the renewal. There were no further questions or comments.
- IV. **MOTION** by DuPlayee/Williams to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:02 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Attendance was the same as above for the public hearing.
 - B. Hampton called the meeting to order at 7:02 P.M.
 - C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes from the June 21, 2021 public hearings and Town Board meeting with two corrections. **MOTION CARRIED 5-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Williams to approve payment of bills corresponding to checks #34752-34785 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/Fonger to approve payment of June per diems as presented. **MOTION CARRIED 5-0.**
 3. The Treasurer reported that she had received the first half of the American Rescue Plan Act funds, and opened a separate bank account to deposit them into.
 - E. Public Concerns: None.
 - F. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve a permit for Alliant/Intercon to install new gas service to lot 8 of Kennedy Hills. **MOTION CARRIED 5-0.**
- II. BUSINESS:
 - A. Discuss/Consider adoption of Ordinance 2021-07-06 amending s. 17.02 of the code of ordinances with respect to notification requirements for renewal applications for nonmetallic mining permits: **MOTION** by Anders/DuPlayee to adopt Ordinance 2021-07-06 as presented. **MOTION CARRIED 5-0.**
 - B. Reconsider quote to re-surface basketball courts: The Clerk stated that the quote she provided at the last meeting was missing the second page. Dresen said this will finish up a three-year project of resurfacing all of the basketball courts. **MOTION** by DuPlayee/Williams to approve the quote for \$5,409.00, to be paid from unassigned funds. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
JULY 6, 2021

- C. Discuss/Consider approval of Town's share to repair CGFD Ladder 1 hydraulics: **MOTION** by Williams/Anders to approve the Town's share at \$2,788.02, to be paid out of unassigned funds. **MOTION CARRIED 5-0.**
- D. Discuss/Consider quote to replace HVAC unit at the Town Hall: The quote from High Tech Heating and A/C Inc. included two options, \$3,600 to replace the A/C unit only, or \$7,500 to replace both the A/C unit and furnace. Discussion was that the furnace was older than the A/C unit, which was last replaced in 2012 and is leaking. Dresen said that the blower on the older furnace could cause stress on the A/C unit. **MOTION** by Williams/DuPlayee to approve the quote to replace both the A/C unit and furnace for \$7,500, to be paid out of unassigned funds. **MOTION CARRIED 5-0.**
- E. Discuss/Consider letter in support of the Friends of the Koshkonong Creek request for proposal to the UniverCity Alliance project: **MOTION** by Williams/DuPlayee to approve the letter of support as presented. **MOTION CARRIED 5-0.** The Town would be responsible for \$5,000 of the cost of the project, with the Town of Deerfield, City of Sun Prairie, and Friends group each contributing \$5,000 as well.
- F. Discuss/Consider quotes for loan to finance 2021 road maintenance projects: Two quotes were received: 1) Monona Bank offered \$347,192.00 in principal at 1.24% fixed interest. 2) One Community Bank offered \$346,632.00 in principal at \$1.49% fixed interest. Both would be due by March 15, 2022. **MOTION** by DuPlayee/Fonger to accept the quote from Monona Bank. **MOTION CARRIED 5-0.**
- G. Discuss/Consider whether to pursue regulation of solar facilities: A recommendation from the Dane County Town's association included two examples: The Town of Springfield added policies regarding solar facilities to their comprehensive plan, and the Town of Saratoga in Wood County enacted a Solar Energy System Licensing Ordinance. Anders said the Town of Springfield's policy includes forfeitures of any residential development rights when a property is used for a solar facility, with the idea being that they are already getting a prime value for their property, and the choice could cause landowners to think harder before selling for a solar facility. Anders thought the Town should very seriously consider incorporating something similar in our plan commission update. Hampton wondered what would happen if the development rights had already been sold. Anders did not have an answer, but suggested that our Planning Consultant Mark Roffers should be invited to talk to the Plan Commission and Town Board since he also works for the Town of Springfield. Hampton asked if the Town should pursue comp plan policy or a licensing ordinance, consensus was both. He noted that the Town of Saratoga ordinance does not mention any licensing fees. Thoughts were that a license fee and pass-through fees for any required experts should be included, much like the non-metallic mining ordinance. **MOTION** by DuPlayee/Williams directing the Town Planner to present to the Plan Commission in July for their recommendation to the Town Board. **MOTION CARRIED 5-0.**
- H. Discuss changing minimum width and usage for new Town roads. DuPlayee said he did not think it would be fair to impose new requirements on the remaining phases of Kennedy Hills since stormwater facilities for phase 1 are designed to accommodate future phases. Comments were that the phase 1 facilities accommodate a portion of phase 2, but the remainder of phase 2 and phase 3 will require additional facilities at the north end of the development. Hampton asked if the Highway Superintendent or Town Engineer should be directed to look at existing roads to designate those that serve as collector streets for possible wider paved surfaces if they are ever re-built. Consensus was this would be a good idea, as time allows for the Highway Superintendent. Thoughts were that these would be the through

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
JULY 6, 2021

roads, some would allow wider pavement using the current right-of-way, others would not due to ditch depth and water flow. Roads mentioned were Vilas, Vilas Hope, Femrite. New CSMs on these roads could require dedication of more right-of-way. A written suggestion from Town Engineer Nick Bubolz suggested that a 70-foot right-of-way should allow for a walking/bike path on one side. There were different opinions about whether fog lines should be painted or not. Hampton said while the Town Board could make a change to the ordinance for new subdivisions, is that what the public desires? Consensus was to hold a public hearing on August 2nd before the Town Board meeting regarding requiring a 70-foot right-of-way for future roads, allowing for a 28-foot paved surface with a bike/walking trail on one side, with or without fog lines.

- III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen reported that Fahrner Asphalt plans to work on chip sealing the week of July 19th. Construction of the Janelle cul-de-sac may start next week.
- IV. CLERK'S OFFICE UPDATE: Nothing to report.
- V. BOARD REPORTS AND COMMUNICATIONS: Hampton shared the signage plans from Storage World based on action from the last meeting. Consensus was that they looked acceptable and no further board action was needed. Hampton reported that a leak from an A/C unit at the Emergency Services Building damaged the fire alarm below it, which closed down the elevator. He has an alarm service company coming tomorrow.
- VI. COMMITTEE REPORTS:
- A. Plan Commission: Hampton reported that the commission talked about road widths, their draft minutes were included in board packets for this meeting.
 - B. Jt. Town/Village Fire Department Committee: A special meeting was held to consider repairs to the hydraulics on the ladder truck.
 - C. A subcommittee of the Deer-Grove EMS Commission met to begin labor contract bargaining.
- VII. Consider/Adopt motion to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: Consider nominal reports for Uphoff Road and Femrite Drive Bridge reconstruction right-of-way acquisitions: **MOTION** by Williams/DuPlayee to move into closed session for the reason stated above. **MOTION CARRIED 5-0 by roll call vote.** Board members and the Clerk remained for the closed session, all others left and the door was locked. The closed session began at 7:44 P.M.
- VIII. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Williams/DuPlayee to reconvene to open session. **MOTION CARRIED 5-0 by roll call vote.** The closed session ended at 7:56 P.M. **MOTION** by Fonger/DuPlayee to approve the dollar amounts on the nominal reports for both projects, and allow the negotiator to go up to double the amounts shown if necessary to secure the right-of-way. **MOTION CARRIED 5-0.**
- IX. Adjournment: **MOTION** by Williams/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:57 P.M.

Kim Banigan, Clerk
Approved 07-19-2021

TOWN OF COTTAGE GROVE
ORDINANCE 2021-07-06

**AMENDING THE CODE OF ORDINANCES WITH RESPECT TO RENEWAL
APPLICATIONS FOR NONMETALLIC MINING PERMITS**

WHEREAS, the Town Board deems it in the public interest to amend the Code of Ordinances to permit, but not require, mailed notice to owners of property in the vicinity of a nonmetallic mining site, if the application is a renewal without change from the prior year.

NOW, THEREFORE, the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, do ordain as follows:

SECTION 1. Section 17.02 of the Code of Ordinances is hereby amended to read as set forth in Exhibit A attached hereto.

SECTION 2. All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

SECTION 3. This ordinance shall take effect upon passage and publication as provided by law.

The above and foregoing ordinance was duly adopted at a meeting of the Town Board of the Town of Cottage Grove on the 6th day of July, 2021, by a vote of 5 in favor and 0 opposed.

TOWN OF COTTAGE GROVE


Kris Hampton, Town Chair

Attested by:


Kim Banigan, Town Clerk

Requested By: Kim Banigan, Town Clerk – 5/11/21
Drafted By: William S. Cole, Town Attorney – 5/19/21

EXHIBIT A

17.02 NONMETALLIC MINING PERMIT

(1) APPLICATION

- (a) No person may conduct nonmetallic mining within the Town without first obtaining a nonmetallic mining permit from the Town Board.
- (b) Application shall be made to the Town Clerk a minimum of 30 working days prior to the proposed effective date of the permit, using the Town of Cottage Grove nonmetallic mining permit application form. A current copy of this form is available from the Town Clerk's office.
- (c) An application for nonmetallic mining will not be processed until the appropriate fee, set by resolution of the Town Board, has been paid to the Town and the operation plan specified in s. TCG § 17.03 has been received by the Clerk. This fee shall be in addition to any fee specified in s. TCG § 15.19(1) if the application requires a change of land use.

(2) BOARD REVIEW AND PUBLIC HEARING

(a) Upon receipt of an application, the Town Board may request the applicant to submit additional information if the Town Board determines that the application is incomplete. The Town Board may retain the services of an engineering firm or other qualified person with appropriate expertise ("Retained Expert") to review the application and report to the Town Board whether additional information is required for review of the application and to determine whether the application meets the standards of this Chapter. If the Town Board determines that additional expertise is required or will provide valuable assistance to the Board in its review of the application, the Town shall give written notice to the applicant of the estimated additional administrative fee to be charged beyond the base administrative fee to cover the cost of the services of any such Retained Expert. The estimated additional fee shall be paid before the additional review is undertaken. If the amount of the final administrative fee exceeds the estimated fee, the applicant shall pay the additional amount within 30 days of invoicing by the Town. Any permit issued shall be conditioned upon the payment of all administrative fees when due. If the final administrative fee is less than the estimated amount, the overpayment shall be refunded to the applicant.

(b) Once an application is complete and any report by a Retained Expert has been completed the Town Clerk shall place the application on the agenda for the next regular meeting of the Town Board. If a special meeting is warranted, the applicant shall pay the Town's cost incurred for the special meeting. The Town Board shall set a date for a public hearing and give public notice at least 15 days prior to the date scheduled for the hearing. In the case of an initial application, the Town Clerk shall provide with the notice mailed to the owners of any property within 1/2 mile of the proposed mining site regardless of whether there is a residence or structure on the property. In the case of a renewal application without change from the prior year, the Town Clerk may provide notice to the owners of any property as deemed appropriate in the public interest. At the public hearing, the Town Board shall take public comment on the proposed permit.

Following the public hearing, the Town Board may take immediate action or set a date for the meeting at which time they shall make a final decision on the application. The Town Board shall grant the permit if it determines that the operation of the mine will be consistent with the purpose of this Chapter and will comply with the minimum standards set forth in this Chapter and does not create adverse cumulative impacts on the Town's public health, safety and welfare. If the Town Board determines that the operation of the mine will be inconsistent with the purpose of

this Chapter, will not comply with the minimum standards set forth in this Chapter or will create adverse cumulative impacts on the Town's public health, safety and welfare, it may deny the permit. In order to protect and promote the health, safety and welfare of the general public and Town residents, the Town Board may require permittees to limit their hours of operation, take measures to limit noise exposure to those levels set forth in s. TCG § 11.06, install additional fencing or signs to comply with s. TCG § 17.04, take measures to comply with the blasting requirements under s. TCG § 18.01, or take other measures to adequately protect and promote public health, safety and welfare. A permit may be approved, conditionally approved or denied subject to such measures and requirements.

(3) PERMIT REQUIRED

(a) Except as otherwise specifically noted, all nonmetallic mining permits shall be valid from July 1 of one year, through June 30 of the following year.

(b) The Town Clerk shall send a notice of renewal, along with a blank application form, to permit holders annually no later than April 1 by certified mail, return receipt requested.

(4) FEES

A fee, set by resolution of the Town Board, shall accompany each application for a nonmetallic mining permit. The fee shall be paid to the Town Treasurer in US currency, money order, or check payable to: the Town of Cottage Grove. An itemized receipt shall be provided for all currency received. Failure to submit the total of all Town fees due at the time of application will delay processing of the application and may be considered grounds for refusal to issue or re-issue the nonmetallic mining permit.

(5) REVOCATION, SUSPENSION, REFUSAL TO ISSUE OR RENEW

(a) No permit shall be granted to any nonmetallic mining site until all requirements under s. TCG § 17.02 have been met and until an operation plan as described in s. TCG § 17.03 has been submitted to and approved by the Town Board. Failure to meet the requirements under s. TCG § 17.02 or failure to receive Town Board approval of an operation plan under s. TCG § 17.03 may be the basis for nonrenewal of a Town nonmetallic mining permit.

(b) No permit shall be granted to any nonmetallic mining site for which taxes, assessments, or other claims of the Town are delinquent and unpaid, or to any operator delinquent in payment of such claims to the Town.

(c) No permit shall be granted to any nonmetallic mining site until the operator specifies in writing, how the noise exposure to adjoining and adjacent residents will be limited to the permissible sound levels incorporated under s. TCG § 11.06(1)(a)5.

(d) The Town Board, on its own motion or following due review and investigation of a written complaint, may revoke a nonmetallic mining permit for any violation of provisions or requirements of this ordinance or of other applicable state and federal law. Before revocation of any nonmetallic mining permit, the Clerk shall give written notice to the operator, a minimum of 30 working days prior to the renewal date, of any alleged violations, charges, reasons for revocation, any written complaint, and/or a copy of any motion for revocation made by the Town Board. The operator shall have an opportunity to be heard before the Town Board at the next scheduled Town Board meeting, following such notice.

(e) Whenever a permit is revoked under subsection 17.02(5)(d), there shall be a 6-month waiting period before another permit may be granted for the same nonmetallic mining site and a 12-month period shall elapse before another permit may be granted to the operator whose permit

was revoked.

(f) Before renewal of any nonmetallic mining permit is refused, the Town Clerk shall give written notice to the operator, a minimum of 30 working days prior to the renewal date, of any alleged violations, charges against them, reasons for non-renewal, any written complaint and/or a copy of any motion for non-renewal made by the Town Board. The operator shall have an opportunity to be heard before the Town Board at the next scheduled Town Board meeting, following such notice.

AFFIDAVIT OF POSTING OF
TOWN OF COTTAGE GROVE ORDINANCE

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On July 7, 2021, the following Town of Cottage Grove Town Ordinance was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

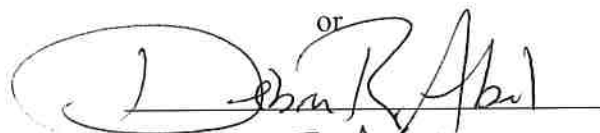
Town Board Ordinance 2021-07-06
Amending the code of ordinances with respect to renewal application for non-metallic mining permits



Kim Banigan, Cottage Grove Town Clerk

Subscribed to and sworn before me
this 7th day of July, 2021.

Signature of Town Board Chair



Debra R. Abel (print name)

Notary Public, State of Wisconsin

My Commission expires: March 7, 2023

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 19, 2021

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debra Abel, Highway Superintendent Dan Dresen and Deputy Kristina Grams. Virtual attendance was available using gotomeeting.com
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 - 1. **MOTION** by Williams/DuPlayee to approve the minutes from the July 6, 2021 public hearing and open session Town Board meeting as printed. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/Williams to approve the minutes of the July 6, 2021 closed session as printed, and to keep them closed until the matter is resolved. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills: **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #34786-34813 as presented. **MOTION CARRIED 5-0.** **MOTION** by Anders/DuPlayee to approve payment of \$9,290.93 to General Engineering Company for July building permits. **MOTION CARRIED 5-0.**
 - 1. Update on American Rescue Plan Act Funds: The Treasurer said she has received no responses to email inquires she sent in an attempt to get more guidance on how the funds can be used by Towns. She had performed the lost revenue calculations, but the Town does not meet the qualifications for any expenses under this provision. Hampton and Williams had both responded to the request for comments on the Interim Rule. Potential uses discussed included eviction prevention efforts or housing stability services (thoughts were this would be difficult to administer and could be a slippery slope), park improvements, which are a recent addition to the FAQ document, and flood prevention by dredging the Koshkonong Creek.
- E. Public Concerns: Romayn Rote, 2964 Gaston Road, expressed concern over excess traffic on Vilas and Gaston Roads resulting from the closing of County BB, and complained about the lack of enforcement of speed and weight limits. He named several examples of overweight vehicles he has seen. Hampton said that the Town Deputies have just recently completed training for weight limit enforcement. Mr. Rote wanted to know what will be done to address his concerns, Hampton said he will put an item on the next agenda.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Review June Police Activities: The monthly report showed 459 calls for service and 270 citations issued. Deputy Grams reported that most calls and citations were traffic related (107 citations were for failure to obey a traffic signal, primarily in the County BB work zone). She confirmed that Deputies have completed weight limit enforcement training with the State Patrol, and a ticket is in the process of being built into their system to more specifically address such violations. Hampton asked if she could share any information about the recent recovery of human remains in the Township, she replied that she was not authorized to disclose any information, but that the detectives are doing a phenomenal job with the case.
- B. Discuss/Consider adoption of Resolution 2021-07-19 authorizing the borrowing

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
JULY 19, 2021

of \$347,192.00; providing for the issuance and sale of a general obligation promissory note therefor; and levying a tax in connection therewith: It was noted that these funds will be used for 2021 road maintenance projects, and be repaid by March 15, 2022. **MOTION** by DuPlayee/Fonger to adopt Resolution 2021-07-19 as drafted. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of Agreement to Participate in the 2023 Dane County Natural Hazard Plan Update: **MOTION** by Fonger/Williams to approve the agreement to participate in the county-wide planning process, designating Fonger as the primary contact and Dresen as the alternate contact. **MOTION CARRIED 5-0.**
- D. Discuss/Consider accepting a donation of 10 picnic tables from RG Huston Co., Inc.: **MOTION** by Williams/DuPlayee to accept the donation and send a letter of acknowledge/appreciation to RG Huston Co., Inc. **MOTION CARRIED 5-0.**
- E. Discuss/Consider posting the Janelle Lane cul-de-sac for no parking: Hampton had suggested this, and Williams reported that she has had requests from residents as well. **MOTION** by Williams/DuPlayee to post the Janelle cul-de-sac for no parking, from the edge of the closest driveways and extending all around the cul-de-sac. **MOTION CARRIED 5-0.**
- F. Discuss/Consider attendees for the Wisconsin Towns Association Convention on October 10-12: Consensus was to table this until the second meeting in August.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen reported that seal coating is now scheduled for August 5-15th. Fahrner wants to do the Town and Village at the same time. Hampton asked Dresen if he has noticed some of the trees that are hanging over Town Roads, and suggested he send notices to advise owners of liability for any that are privately owned.

IV. CLERK'S OFFICE UPDATE: In addition to business as usual, she has been performing voter list maintenance tasks as directed by statute.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton asked the Clerk if there was any update to broadband internet opportunities. She reported that an email today from Charter confirmed that the RDOF project is tentatively scheduled for 2023. She also reported that Charter is working on an estimate to drop fiber on North Star Road, which would seem to qualify as a use of ARPA funds. Hampton reported that quit claim deeds have been signed by the three parties involved in the confusion over a triangle of property needed for the Uphoff Bridge construction, and the Clerk said that the right-of-way negotiations are in progress.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS: Williams reported that June was a record month for both calls and collections. The Town of Sun Prairie has given notice to the Marshall EMS that it will be completely withdrawing from their service area effective at the end of 2022. Chief Lang was present virtually and said he is meeting with Town of Sun Prairie representatives to find out if there may be an opportunity for DGEMS to provide services. The contract with PAA has been approved by attorneys. Hampton asked Chief Lang about a reported incident at Market Days this past weekend, the Chief will get back to him after he checks into it.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:49 P.M.

Kim Banigan, Clerk
Approved 08-02-2021

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
AUGUST 2, 2021

PUBLIC HEARING REGARDING WIDTH FOR FUTURE ROADS

- I. Notice of the public hearing was posted at the Town Hall and on the Town's web site and Facebook page. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debra Abel, and Highway Superintendent Dan Dresen. Supervisor Kristi Williams was present virtually.
- II. Hampton called the public hearing to order at 7:00 P.M. and explained that the Town Board is looking for input regarding possibly requiring wider roads in new subdivisions to allow for walking and/or bike lanes on one or both sides.
 - Kristi Williams said she is in support of walking and bike lanes. Over the 47 years she and her husband have lived here, they have seen an increase in walkers and bikers, with an increased danger to them as well as to motorists. She stated that walking and biking are healthy activities for all ages, and expects they will continue to increase in the future.
 - Marcie Freemyer, 4611 Conestoga Trl, said while she understood the public hearing was about new roads, she wanted to express how wonderful it would be to have walking paths added to existing roads. She said that County BB is especially treacherous, and also mentioned that Kennedy Road is very narrow. Hampton recommended she contact her County Supervisor about County BB as there is nothing the Town can do about that, and said as for existing roads, the Town Board could consider widening them if there is a need for them to be rebuilt in the future.
 - Hampton and Williams both reported they had one phone call in support of wider new roads.
 - Donald Viney, 2093 US Hwy 12 & 18, wondered if having walkers and bikers in the same lane would be an issue.
- III. **MOTION** by Anders/DuPlayee to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:08 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting and attendance were as described for the public hearing above.
 - B. Hampton called the meeting to order at 7:08 P.M.
 - C. Minutes of previous meeting(s): **MOTION** by Anders/DuPlayee to approve the minutes from the July 19, 2021 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 #34814-33844 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of July per diems as presented. **MOTION CARRIED 5-0.**
 3. Hampton asked the treasurer about the status of setting up for collections for past due court fees. The Treasurer said she has submitted all of the enrollment information and is waiting for confirmation. Hampton also asked if she had any updates about how ARPA funds can be used; she did not.
 - E. Public Concerns: None.
 - F. Road Right of Way Permits: None.
- II. BUSINESS:

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
AUGUST 2, 2021

A. Plan Commission Recommendations:

1. Brian Korfmacher, applicant and landowner, 2896 Femrite Drive – seeking to combine parcel #0711-293-8590-0 (2.0 acres zoned RR-2) and parcel #0711-293-8540-0 (6.2 acres zoned RR-4 and deed restricted against residential development) into a single 8.2-acre parcel zoned RR-8: **MOTION** by Williams/Anders to accept the Plan Commission’s recommendation to approve the rezone of 2.0 acres from RR-2 and 6.2 acres from RR-4 to create a single 8.2-acre parcel zoned RR-8. The new lot is allowed to exceed the 2.0 acre maximum for residential parcels due to the odd size of the parcel. **MOTION CARRIED 5-0.**
2. Don Viney, applicant, Viney Acres, LLC, landowner, parcel #0711-2748-8501-0 on Nora Road – seeking rezone of 4.9 +/- acres from FP-35 to RR-2 to create two residential lots: It was noted that the lots will each use one RDU, and Don Viney said there is still one more remaining on this farm. **MOTION** by Anders/Fonger to accept the Plan Commission’s recommendation to approve the rezone of 4.9 +/- acres from FP-35 to RR-2 to create two residential lots and the configuration of the three lots as shown. Lot 3 should maintain the same deed restriction as the current lot is under, and a shared driveway agreement must be recorded for lots 1 and 2. **MOTION CARRIED 5-0.**

- B. Discuss/Consider approval of purchase agreement with Reliant Fire Apparatus, Inc. for a Kenworth T880 Pumper Tanker for delivery in 2022: Fire Chief Nick Archibald was present for this discussion. He, Hampton and Anders had attended a portion of the Village Board meeting earlier this evening when Village participation in the purchase of this pumper-tanker was discussed. Reports were not hopeful that the Village Board will agree to share in the cost, although they had not reached any conclusions at the meeting. Anders named several properties that have been annexed into the Village that do not have hydrants nearby, and this truck would also be used to service Pleasant Springs. Chief Archibald said the size of the pump on this truck would allow it to be used as a relay for fighting fires on properties with long driveways. The NFPA recommended lifespan for fire trucks is 25 years. Tender 1, a 1997 Peterbilt tanker, will be 25 years old in 2022. Chief Archibald would like to keep Tender 1 and move it to reserve status, however, and replace Tender 2 instead. It is a 2000 Peterbilt tanker with a less desirable design than Tender 1. The cost for the proposed replacement is \$461,397 if the contract is signed by August 31st. Three quotes were obtained, this one from Reliant was recommended by the committee as the best fit. Chief Archibald noted that the cost could be reduced by \$70,000 if the larger pump was eliminated, but then it would not be able to serve as a relay for long driveways as they are hoping. **MOTION** by Williams/Fonger to table until August 16th. **MOTION CARRIED 3-2** (Anders and DuPlayee opposed).

(Kristi Williams left the meeting)

- C. Discuss/Consider approval of Change Order No. 1 for Natvig Road Landfill Gas Vents Project Contract 1-2021: **MOTION** by Hampton/DuPlayee to approve the change order as presented. **MOTION CARRIED 4-0.**
- D. Discuss/Consider request for financial support of the work of the Greater Madison MPO in 2022: **MOTION** by DuPlayee/Fonger to provide at least some financial support to the Greater Madison MPO in 2022, with the amount to be determined during the 2022 Town budget process. **MOTION CARRIED 4-0.**
- E. Discuss borrowing needs for 2022: Hampton noted that some large purchases are looming, including a fire engine and possibly a tender in 2022, and a squad in 2023. He wondered if

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
AUGUST 2, 2021

board members wanted to have anyone come to talk to them about bonding. Consensus was to wait to see exactly what all will need financing.

- F. Discuss/Consider date for first Town Board meeting in September: **MOTION** by Anders/DuPlayee to reschedule the September 6th meeting to August 30th. **MOTION CARRIED 4-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen reported that he has seen little work activity in Kennedy Hills since substantial completion was granted. The Clerk will ask the developer when he expects final completion and dedication can occur. Dresen has a call in to the postmaster about whether the developer put the mailboxes in the right place as they are 30' off the road surface. He also reported that the Janelle cul-de-sac is almost complete and looks good so far. Workers had training on the new center striping machine last week.

IV. CLERK'S OFFICE UPDATE: Nothing to report.

V. BOARD REPORTS AND COMMUNICATIONS: Nothing to report

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS: The collective bargaining sub-committee received and replied to a proposal from the union. Agreements for the study are ready to be signed.
- B. Joint Town/Village Landfill Monitoring Committee: The new gas vents are in place and functioning.
- C. Joint Town/Village Fire Department Committee: The Committee recommended purchase of the new pumper-tanker discussed above, and finished their review of the joint agreements between the Town and Village. The Village attorney will draft the new agreement for review at the September meeting.

VII. Adjournment: **MOTION** by DuPlayee/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:01 P.M.

Kim Banigan, Clerk
Approved 08-16-2021



Tender 2 replacement

1 message

Nick Archibald <narchibald@cottagegrovefire.org>

To: townboard@towncg.net

Cc: clerk@towncg.net

Fri, Aug 13, 2021 at 6:30 AM

All,

After the the last Town Board Meeting I felt I should send a message to clarify some of the things about the Tender replacement.

-We would like to actually replace Tender 1 (2000) and keep the current Tender 2 (1997.) Tender 2 would move to reserve status.

-Reason to keep Tender 2 vs Tender 1: It has 3650 gallons of water vs Tender 1 that only 2100 gallons of water. **More water!! With the building materials changing over the last 30 years from solid wood construction to lightweight construction and furnishings being made of more plastics and chemicals fires burn hotter, faster and require more water for extinguishment. Having a 2nd large tender will allow us to deliver more water with less trucks.

-Another reason to keep Tender 2: We can delay its replacement for another 10 years or so to spread out some of the truck purchases. We can sell Tender 1.

-The benefit of a larger pump: As stated in the previous point the fires burn much hotter faster. Sometimes on the fires we go on in the town, a tender becomes "buried." What this means is, the engine goes to the fire first, typically with 4-6 people on it. The tender (Currently T2) goes 2nd. Due to this progression, the tender ends up pulling up to the engine and using its pump to supply water directly to the engine. The pumps on the current tenders are so small they have to be very close to the engine. If it is a larger fire, the pump cannot supply water fast enough to keep up with the engine.

-Additional benefits of a larger pump: The current tender pump does not have the ability to draft. Drafting involves pulling water out of the portable tanks that the tenders carry. Since the current tender cannot draft, the next engine on arrival has to back up near the operation and switch over to relay pumping and drafting which blocks the first tender in, burying it. If the driveway is long and has a lot of curves in it (like a lot of the driveways in the town are) it can take a long time to get the next truck up the driveway and switched over. The larger pump will allow us to make this process more efficient and make it less likely to run out of water. A larger pump would allow the tender to be a relay pumper itself.

Example: Engine arrives first. They drop their large diameter hose and drive up the driveway. The 2nd truck (new tender) arrives on scene and hooks up to the large diameter and pumps their water (3500 gallons) up to the engine. While they are pumping they will pull a portable tank off of their truck and set it up. The next tender arrives on scene and dumps water into the portable. The new tender drafts from the portable tank and continues to pump water. The 2nd tender drives back to the closest hydrant and refills. By this time mutual aid tenders will arrive and help continue the water shuttle. This set up will make it less likely for us to run out of water while fighting the fires.

-This new tender will increase our water hauling capabilities. The current amount of water hauled is: E4: 1000 gallons, E3: 990 gallons, T2: 3650 gallons. T1: 2100 gallons for a total of 7,740 gallons. With the new engine and this new tender or water hauling capabilities will increase to 10,150 gallons.

-I asked the manufacturer how much money it would save to get rid of this larger pump and go to a smaller one. I believe I estimated at the meeting approximately \$70,000 in savings but after actually working with him the savings would only be around \$35,000.

-Prince Increases: There were some questions about how much more expensive this truck is compared to the current 2 tenders. The cost of fire trucks has gone up exponentially in the 25 years since tender 2 was purchased. I had the manufacturer run the cost of Engine 4. In 2008, it was purchased for \$292,377. If he were to build that same truck today his rough calculations came out to \$485,000. The current price for the new tender is currently valid until August 31st and it's going to go up. I predict this same truck will go up 20-50k before the end of this year with the current market.

8/17/2021

Town of Cottage Grove Mail - Tender 2 replacement

If you have any questions about this or would like to meet at the fire station, I can show you in person what I'm talking about. Feel free to let me know and I will gladly walk through it with you.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 16, 2021

I. ADMINISTRATIVE

- II. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debra Abel, Highway Superintendent Dan Dresen and Deputy Kristina Grams.
- A. Hampton called the meeting to order at 7:00 P.M.
- B. Minutes of previous meeting(s): **MOTION** by Anders/DuPlayee to approve the minutes from the August 02, 2021 public hearing and Town Board meeting as printed. **MOTION CARRIED 4-0-1** (Williams abstained).
- C. Finance Report and Approval of Bills:
1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #34845-34875 as presented and voiding of checks #34817-34821 and #34823 that were lost in the mail. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of \$4,382.65 to General Engineering Company for July building permits. **MOTION CARRIED 5-0.**
 3. The Treasurer asked for August per diem reports by August 27th. The August 30th meeting should be submitted for payment with September per diems.
- D. Public Concerns: None.
- E. Road Right of Way Permits:
1. **MOTION** by Anders/DuPlayee to approve a permit for Alliant Energy/Intercon Construction to install new electric service to 1992 Rathert Road. **MOTION CARRIED 5-0.**
 2. Charter Spectrum Construction Coordinator Kirk Upperman and Government Relations Director Celeste Flynn presented an application to place fiber optic services throughout many rural areas of the township over the next two to four years under the RDOF process. Some cable will be installed on existing utility poles, but a large portion will be buried underground. They are still negotiating with Alliant about use of the poles and coordinating with Dane County for erosion control permits, but are hoping to start yet this year in the south west portion of the Town. (No service will be available to residents this year, however). The main contractor will be Ledcor Group out of McHenry, IL, they are unsure at this time if local subcontractors will be used as well. Rather than burdening everyone with detailed plans, they are hoping a yearly fee can be established, with Dresen kept abreast of their plans as they develop. Discussion was to not charge the usual per foot fees due to the great benefit this will have for residents and the work involved in calculating them, but that a deposit to ensure restoration would be appropriate. **MOTION** by Fonger/Williams to charge a \$55.00 application fee per calendar year, with a deposit of \$5,000.00 to be required at the onset, to be evaluated on a calendar year basis. **MOTION CARRIED 5-0.**

III. BUSINESS:

- A. Review July Police activities: The monthly report showed 366 calls for service and 154 citations issued in July. Deputy Grams reported that most calls and citations were traffic related as is typical. Deputy Biwer and canine Boone are back in service. Fonger asked if she knew when County BB will re-open. He reported that traffic has been going through the work zone and there does not seem to be any enforcement present. Deputy Grams said she did not

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 16, 2021

have official word, but had heard it may be open tomorrow with stop signs rather as the lights are not installed yet.

- B. Discuss/Consider approval of cell phone upgrade for Town Deputies: Deputy Grams said the iPhone SE 64 GB would be adequate for their needs. **MOTION** by Williams/Fonger to approve the upgrade to an iPhone SE 64GB (retail price of \$399.00, discounted price of \$.01) and an Otter box case. **MOTION CARRIED 5-0.**
 - C. Discuss/Consider approval of purchase agreement with Reliant Fire Apparatus, Inc. for a Kenworth T880 Pumper Tanker for delivery in 2022 (tabled from August 2nd): Fire Chief Nick Archibald and Assistant Chief April Hammond-Archibald were present. The new truck would replace Tender 1, and the Chief had provided a written explanation of the benefits the replacement would provide (Exhibit A). The replacement would supply water much faster, would have a larger water capacity, and would have the ability to draft out of portable tanks. It was noted that the Village Board has made no commitment toward funding this purchase. **MOTION** by Williams/Anders to approve the purchase agreement with Reliant Fire Apparatus, Inc. for a Kenworth T880 Pumper Tanker for delivery in 2022 (the quoted price is \$461,397 due upon delivery). **MOTION CARRIED 5-0.** Chief Archibald said production is about 12 months out, so he expects delivery will be in September or October of 2022.
 - D. Discuss/Consider appointees to the Steering Committee for the Natural Hazard Plan update: **MOTION** by Fonger/DuPlayee to appoint the Emergency Government Committee members (Mike Fonger, Randy Gaber, Otto Kraus), Clerk Kim Banigan, and Highway Superintendent Dan Dresen to the Steering Committee. **MOTION CARRIED 5-0.**
 - E. Discuss/Consider attendees for the Wisconsin Towns Association Convention on October 10-12 (tabled from July 19th): DuPlayee would like to attend on Monday, Williams and Hampton may want to attend the banquet only. **MOTION** by Fonger/DuPlayee to allow one attendee on Monday and up to two attendees for the banquet, to be decided at the September 20th meeting. **MOTION CARRIED 5-0.**
- IV. PUBLIC WORKS ACTIVITY UPDATE: Dresen reported that sealcoating projects were finished up today, and milling for re-paving projects on the east side of Town started today. Paving of the Jenelle cul-de-sac will occur on Wednesday. There was some storm damage last week, including a large limb that fell and damaged a head stone in the Liberty cemetery. The Town crew will work with Kevin Shelley to clean out the tree line and fence to the west of the cemetery so they can mow right up to the corn field. Dresen heard that County BB will be open at Buss Road by Friday, with stop signs.
- V. CLERK'S OFFICE UPDATE: The Clerk shared a quote from Charter Spectrum to bring fiber optic internet to the North Star Road area for \$359,903.00. There is a chance this could go down after the RDOF project is complete in that area. Advice from Atty. Cole indicated that the cost could be special assessed to landowners that would receive a direct benefit. She suggested that if any board members thought it should be pursued at this time, they should ask Hampton to put it on a future agenda. She reported that re-districting began today. The first step is for Counties to draw their supervisory district lines. Next, municipalities will need to draw their ward lines. She shared the current ward plan. Discussion was to keep the wards similar, however wards 2 and 3 could be combined and 4 may need to be split because it is approaching the maximum population of 1000. The Board will need to approve the final plan at a later date.
- VI. BOARD REPORTS AND COMMUNICATIONS: Hampton reported that there is a vacancy on the Greater Madison Area MPO due to the death of Town of Dunn Chairman Ed Minihan, and told board members to let him know if they would like to be nominated. Anders said the "pay to play"

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 16, 2021

mentality he has heard about from the MPO whereby applications from municipalities who do not contribute financially to MPO are not getting the same consideration as those who do contribute does not sit well with him.

VII. COMMITTEE REPORTS:

A. Emergency Government Committee: Fonger reported that some committee members will attend the next Natural Hazard Mitigation zoom meeting at the Town Hall on Wednesday at 2 pm, and if anyone else wants to come, they are welcome to see what this is all about. A lot of the information from previous plans will transfer to the new one, with addition of information from the 2020 Census. There will be a public hearing at some point, and the Town Board will finally have to approve the plan.

VIII. Consider/Adopt motion to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: boundary agreement negotiations: **MOTION** by Williams/Anders to move into closed session for the reason stated above. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.** Everyone except Board members and the Clerk left the meeting, and the closed session began at 8:16 P.M.

IX. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session. **MOTION** by Williams/Anders to reconvene in open session. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.** The closed session ended at 8:43 P.M. and there was no resulting action taken.

X. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:43 P.M.

Kim Banigan, Clerk
Approved 08-30-2021



Tender 2 replacement

1 message

Nick Archibald <narchibald@cottagegrovefire.org>
To: townboard@towncg.net
Cc: clerk@towncg.net

Fri, Aug 13, 2021 at 6:30 AM

All,

After the the last Town Board Meeting I felt I should send a message to clarify some of the things about the Tender replacement.

-We would like to actually replace Tender 1 (2000) and keep the current Tender 2 (1997.) Tender 2 would move to reserve status.

-Reason to keep Tender 2 vs Tender 1: It has 3650 gallons of water vs Tender 1 that only 2100 gallons of water. **More water!! With the building materials changing over the last 30 years from solid wood construction to lightweight construction and furnishings being made of more plastics and chemicals fires burn hotter, faster and require more water for extinguishment. Having a 2nd large tender will allow us to deliver more water with less trucks.

-Another reason to keep Tender 2: We can delay its replacement for another 10 years or so to spread out some of the truck purchases. We can sell Tender 1.

-The benefit of a larger pump: As stated in the previous point the fires burn much hotter faster. Sometimes on the fires we go on in the town, a tender becomes "buried." What this means is, the engine goes to the fire first, typically with 4-6 people on it. The tender (Currently T2) goes 2nd. Due to this progression, the tender ends up pulling up to the engine and using its pump to supply water directly to the engine. The pumps on the current tenders are so small they have to be very close to the engine. If it is a larger fire, the pump cannot supply water fast enough to keep up with the engine.

-Additional benefits of a larger pump: The current tender pump does not have the ability to draft. Drafting involves pulling water out of the portable tanks that the tenders carry. Since the current tender cannot draft, the next engine on arrival has to back up near the operation and switch over to relay pumping and drafting which blocks the first tender in, burying it. If the driveway is long and has a lot of curves in it (like a lot of the driveways in the town are) it can take a long time to get the next truck up the driveway and switched over. The larger pump will allow us to make this process more efficient and make it less likely to run out of water. A larger pump would allow the tender to be a relay pumper itself.

Example: Engine arrives first. They drop their large diameter hose and drive up the driveway. The 2nd truck (new tender) arrives on scene and hooks up to the large diameter and pumps their water (3500 gallons) up to the engine. While they are pumping they will pull a portable tank off of their truck and set it up. The next tender arrives on scene and dumps water into the portable. The new tender drafts from the portable tank and continues to pump water. The 2nd tender drives back to the closest hydrant and refills. By this time mutual aid tenders will arrive and help continue the water shuttle. This set up will make it less likely for us to run out of water while fighting the fires.

-This new tender will increase our water hauling capabilities. The current amount of water hauled is: E4: 1000 gallons, E3: 990 gallons, T2: 3650 gallons. T1: 2100 gallons for a total of 7,740 gallons. With the new engine and this new tender or water hauling capabilities will increase to 10,150 gallons.

-I asked the manufacturer how much money it would save to get rid of this larger pump and go to a smaller one. I believe I estimated at the meeting approximately \$70,000 in savings but after actually working with him the savings would only be around \$35,000.

-Prince Increases: There were some questions about how much more expensive this truck is compared to the current 2 tenders. The cost of fire trucks has gone up exponentially in the 25 years since tender 2 was purchased. I had the manufacturer run the cost of Engine 4. In 2008, it was purchased for \$292,377. If he were to build that same truck today his rough calculations came out to \$485,000. The current price for the new tender is currently valid until August 31st and it's going to go up. I predict this same truck will go up 20-50k before the end of this year with the current market.

8/31/2021

Town of Cottage Grove Mail - Tender 2 replacement

If you have any questions about this or would like to meet at the fire station, I can show you in person what I'm talking about. Feel free to let me know and I will gladly walk through it with you.

TOWN OF COTTAGE GROVE
TOWN BOARD CLOSED SESSION MINUTES
AUGUST 16, 2021

- I. Consider/Adopt motion to move into closed session per Wis. Stats. 19.85(1)(e) for deliberation, negotiation or conducting specified public business whenever competitive or bargaining reasons require a closed session: boundary agreement negotiations: **MOTION** by Williams/Anders to move into closed session for the reason stated above. **Hampton, Fonger, Anders, Williams and DuPlayee all voted aye.** Town Clerk Kim Banigan took minutes. The closed session began at 8:16 P.M.
- II. Hampton shared a map and agreement proposed by City of Madison planning staff in response to his request for a boundary agreement. He wondered what the next steps should be, and suggested inviting residents within area A of the proposed boundary map to meet with the Board, as an effort to explain the proposed boundary agreement to them. Fonger suggested asking someone from Madison to join the meeting. Further discussion led to directing Hampton to invite City of Madison Planner Brian Grady to a closed session at 6:00 P.M. on August 30th to discuss the proposed agreement with the Board before taking it to any residents.
- III. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session. **MOTION** by Williams/Anders to reconvene in open session. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.** The closed session ended at 8:43 P.M.

Kim Banigan, Clerk

Approved 08-30-2021 - KEEP CLOSED

Opened 10-18-2021

TOWN OF COTTAGE GROVE
SPECIAL TOWN BOARD MEETING
AUGUST 30, 2021

- I. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan and City of Madison Planners Brian Grady and Jeff Greger. Virtual attendance was possible using gotomeeting.com
- II. Hampton called the meeting to order at 6:00 P.M.
- III. Discussion with City of Madison Principal Planner Brian Grady about the City's proposal for an Intergovernmental Agreement:

Grady began by stating that an Intergovernmental (boundary) agreement provided certainty to both parties in terms of long-range planning. The City of Madison has similar agreements with the Towns of Madison, Burke, Middleton and Blooming Grove, and the City of Fitchburg. They have also approached the Village of Cottage Grove. The proposed 40-year agreement (Exhibit A) consisted of map and list of conditions.

Area A: Madison would agree not to annex lands east of Area A on the map, and the Town would not oppose annexations to Madison or support annexations to any other municipality in Area A. The Town would also agree not to approve development in Area A, although each owner of 5 or more contiguous acres would be allowed to divide and rezone one parcel to create a single-family residence. (Property would be grouped by continuous ownership, with one division per ownership, not tax parcel.) Conditional use permits and rezones that stay within the same category (i.e., Ag rezoned to another Ag district or Residential rezoned to another residential district) would be allowable. In exchange, Madison would waive Extra-territorial jurisdiction (ETJ) for all lands east of Area A.

Area B would not have any restrictions, but is defined to identify it as an area that Madison would keep in their plans as a long-term growth area.

At the end of 40 years, the agreement could be renewed for another 10 years. Properties still in the Town at the end of the agreement would remain in the Town.

Grady provided a second map (Exhibit B) that includes the ETJ lines for the City of Madison and the Villages of Cottage Grove and McFarland on the western side of the Town. The red-hashed area marks the lands that would be free of ETJ review under the proposed agreement.

Anders asked whether the agreement would prevent annexation by another municipality in Area A, Grady said it would not. It would only be between the Town and City, although the City would like to secure agreements with the Villages of Cottage Grove and McFarland for this reason.

Anders asked if the agreement would preclude a previous agreement to allow the Town to connect to the MMSD interceptor near Gaston Road. Grady said that should the need arise to connect a Town subdivision to MMSD, nothing in this agreement would prevent it.

Anders asked how the City arrived at the eastern line for Area A? Grady said they looked at environmental features, especially Door Creek and lands that drain into it, and tried to keep property owners on one side or the other of the line as much as possible. Lines could be negotiable, but the City would want to replace any areas removed with areas elsewhere. Anders asked why the City wanted so much of the wetlands, Grady said it had to do with where the sanitary sewer line would go, it would most likely be at a low spot along the creek.

There was discussion about whether property owners in Area A would still be eligible to sell their RDUs, Hampton thought they should be able to. Grady said there is nothing in the agreement to prevent that.

Town Planning Consultant Mark Roffers was present virtually and asked to make a few comments. He said property owner rights with and without the agreement should be compared. Without the

TOWN OF COTTAGE GROVE
SPECIAL TOWN BOARD MEETING
AUGUST 30, 2021

agreement there still could be annexations now that Madison is adjacent. Under the agreement, Madison is asking that Area A be kept as open as possible to not impede their future plans. The Town would secure the certainty of knowing where the City can and cannot annex. He noted that a counter proposal is a possibility, and said the greatest asset of the proposed agreement is the term of 40 years.

IV. Adjournment: **MOTION** by Williams/DuPlayee to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 6:52 P.M.

Kim Banigan, Clerk
Approved 09-20-2021

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 30, 2021

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan and Treasurer Debra Abel. Highway Superintendent Dan Dresen arrived near the end of the meeting. Virtual attendance was possible using gotomeeting.com
- 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 from the August 16, 2021 Town Board meeting as printed. **MOTION CARRIED 5-0.** **MOTION** by DuPlayee/Anders to approve the minutes of the August 16, 2021 closed session as printed, and to keep them closed. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #34875-34894 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/Fonger to approve payment of August per diems (through Friday August 27th) as presented. **MOTION CARRIED 5-0.**
 3. The Treasurer said that the final 2020 property tax settlement was received from Dane County. She attended the Treasurer's Association district meeting last week to learn about ARPA funding, but did not learn much as the final ruling is still not out. Funds can only be used for Emergency vehicles if the Town has lost revenue, which we do not have. Remodeling of the Town Hall could qualify if it was to create more space for social distancing. She is all set up with the DOR for collection of past due court fines, the Court Clerk is sending the notices required prior to collection efforts.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve three permits for installation of new gas service: 1) Alliant/Intercon at 4282 Vilas Hope Road, 2) WPL/Intercon at 2214 Wooded Ridge Trl and 3) WPL/Intercon at 2531 Bass Rd. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Plan Commission Recommendations:
 1. Duane Swalheim, applicant, Swalheim 2011 Rev. Tr., landowner, North Star Road – Parcel #0711-273-9000-6 – seeking concept plan approval for phased commercial development: Mr. Swalheim brought an updated preliminary certified survey map with correct road right-of-way dedications and descriptions for the stormwater easements. **MOTION** by Williams/DuPlayee to recommend approval of the concept plan as shown on the map submitted tonight (Exhibit A), with land division for four lots to start with, with easements spelled out in a deed restriction and dedication for half of a 66' of right-of-way all along North Star Road. **MOTION CARRIED 5-0.** Swalheim asked why he would need to improve the east-west segment of North Star Road when the Town improved the north-south segment. Hampton said the Town improved that portion to spur development along.
 2. Helen J Galarowicz Rev Living Tr., applicant and landowner, parcels #0711-193-9500-8, 0711-193-8320-0, 0711-193-8000-5 and 0711-192-9550-9 on Gala Way – seeking rezone of 37.93 acres from FP-35 to FP-1 divide ag land into two separate parcels:

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 30, 2021

Robert Williamson was present virtually. There were no questions or concerns.

MOTION by DuPlayee/Williams to accept the Plan Commission's recommendation to approve the rezone of 37.93 acres from FP-35 to FP-1 to be divided into two parcels shown on the proposed CSM, noting that there are no development rights on the newly created parcels. **MOTION CARRIED 5-0.**

3. Donald Viney, applicant, Viney Acres, LLC, landowner, parcels #0711-363-9245-0 and 0711-363-9215-0 at 1834 Schadel Road – seeking rezone of 15 +/- acres from RR-4 and RM-8 to RR1 (1.837 acres), RR2 (2.056 acres) and FP-1 (10.459 acres) to create one new residential lot, separate the existing home and buildings, and better configure the remainder for farming: Don and Marilyn Viney were present. Hampton noted this is a much better lot configuration than the present one. **MOTION** by Williams/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 1.837 acres from RR-4 and RM-8 to RR-1, 2.056 acres from RM-8 to RR-2, and 10.459 acres from RR-4 and RM-8 to FP1, noting that there is still one unused RDU with the property. **MOTION CARRIED 5-0.**
- B. Discuss/Consider request to post no parking signs on County BB near the Koshkonong Creek Bridge: Jerome Jansen, 4446 Wind Chime Way, had made the request. The Clerk said she had learned that No Parking signs on county highways are by Town ordinance. Jansen said that over the past 3 years, duck hunters have been parking on the south side of CTH BB from dawn to dusk, as many as 12 at a time, unloading/loading their boats and kayaks and travelling north on the creek. He feels this is a safety issue and would like both sides of CTH BB posted for no parking between American Way and 2095 CTH BB. He asked the DNR to post the area for no access to the creek but was told they cannot do that. Kathy and Dick Blomker, 4454 Wind Chime Way, expressed the same concern. As a secondary issue, Jansen and the Blomkers described trespassing by the duck hunters and presented a photo showing them out of their boats on private property. When approached, the hunters claimed they were following the Public Trust doctrine for a navigable stream. **MOTION** by Hampton/Anders to table until September 20th, and directing the Clerk to request accident reports for this area in the past 5 years, and to ask the Town Attorney whether all No Parking signs must be by ordinance and the Highway Superintendent about spacing for the signs. **MOTION CARRIED 5-0.** The Board advised the Blomkers and Mr. Jansen to call the Sheriff's Office when trespassing is taking place.
- C. Discuss/Consider adoption of Resolution 2021-08-30 committing \$15,900.00 from the Deer-Grove EMS district (DGEMS) unassigned general fund balance for the EMS organizational study and future needs analysis, and agreeing to pay back the Town's share with the first annual assessment payment to the DGEMS for 2022. Hampton explained that a resolution by each municipal board is necessary to commit unassigned funds of the DGEMS district. **MOTION** by Williams/Anders to adopt the resolution as drafted. **MOTION CARRIED 5-0.**
- D. Discuss Fundraising ideas for Cottage Grove Community Foundation: Hampton suggested new chairs for Flynn Hall, a park shelter was also mentioned. DuPlayee said he had spoken with Foundation board member Kerri Robbins before he knew this would be on the agenda, and suggested inviting her to a meeting to discuss this. Fonger offered to invite Foundation Executive Director Jon Russell. **MOTION** by Williams/Hampton to table until September 20th and invite representatives of the Foundation to the meeting. **MOTION CARRIED 5-0.**
- E. Set date for a public hearing regarding a possible Intergovernmental Agreement with the City of Madison. **MOTION** by Williams/DuPlayee to schedule a public hearing for October 6th, as

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
AUGUST 30, 2021

long as City Planner Brian Grady is available, and send notice to all property owners in Area A of the proposed IGA. **MOTION CARRIED 5-0.**

- F. Discuss/Consider approval of per diem payments to the Natural Hazard Mitigation Steering Committee citizen members: Fonger plans to continue the practice of posting meetings as Joint Emergency Government/Steering Committee, but would like committee members to also receive a per diem payment if they are unable to attend the steering committee meeting but do attend the County ZOOM meetings independently. **MOTION** by Hampton/Williams to approve per diem payments to the Natural Hazard Mitigation Steering Committee citizen members for committee and ZOOM meeting attendance. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE

- A. Report on ditch contouring on Skaar Road: Dresen reported that they have completed the contouring of the Skaar Road ditch, including removal of the field drive and ditching to direct all water to the pond.
- B. All 2021 road maintenance projects are complete and the quality of work looks good. Truck #1, which is used for shouldering, has been in the shop for repairs of a EGR valve cooler and brakes, but once it is back in service, they will gravel the shoulders and center stripe the roads that were overlaid. Then they will start trimming roadside trees.
- C. Fonger asked about the status of the area of Vilas Road near Bakken Park, stating that it is in terrible shape and people keep asking when it will be repaired. Dresen said that road is shared with the Village due to annexations, and he has been told by Village staff that repairs are not on their 5-year plan. He suggested the Town could wedge and chip seal or overlay just our portion. Hampton told Dresen to ask the Village to put it on their project list for next year, and said the Town should plan to do our portion next year even if the Village does not.

IV. CLERK'S OFFICE UPDATE: Nothing to report.

V. BOARD REPORTS AND COMMUNICATIONS: Nothing to report

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: Hampton reported that the 2009 Horton Ambulance was sold to someone in Minnesota, it left recently on a tow truck. The Collective Bargaining committee met to consider the union's proposal and now it is back in the union's hands. Williams reported that the organization study has begun.
- B. Emergency Government Committee: The committee will continue to meet jointly with the Natural Hazard Mitigation Committee in conjunction with the County's Zoom meetings.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:09 P.M.

Kim Banigan, Clerk
Approved 09-20-2021

8/30/2021

Concept Approved by Town Board

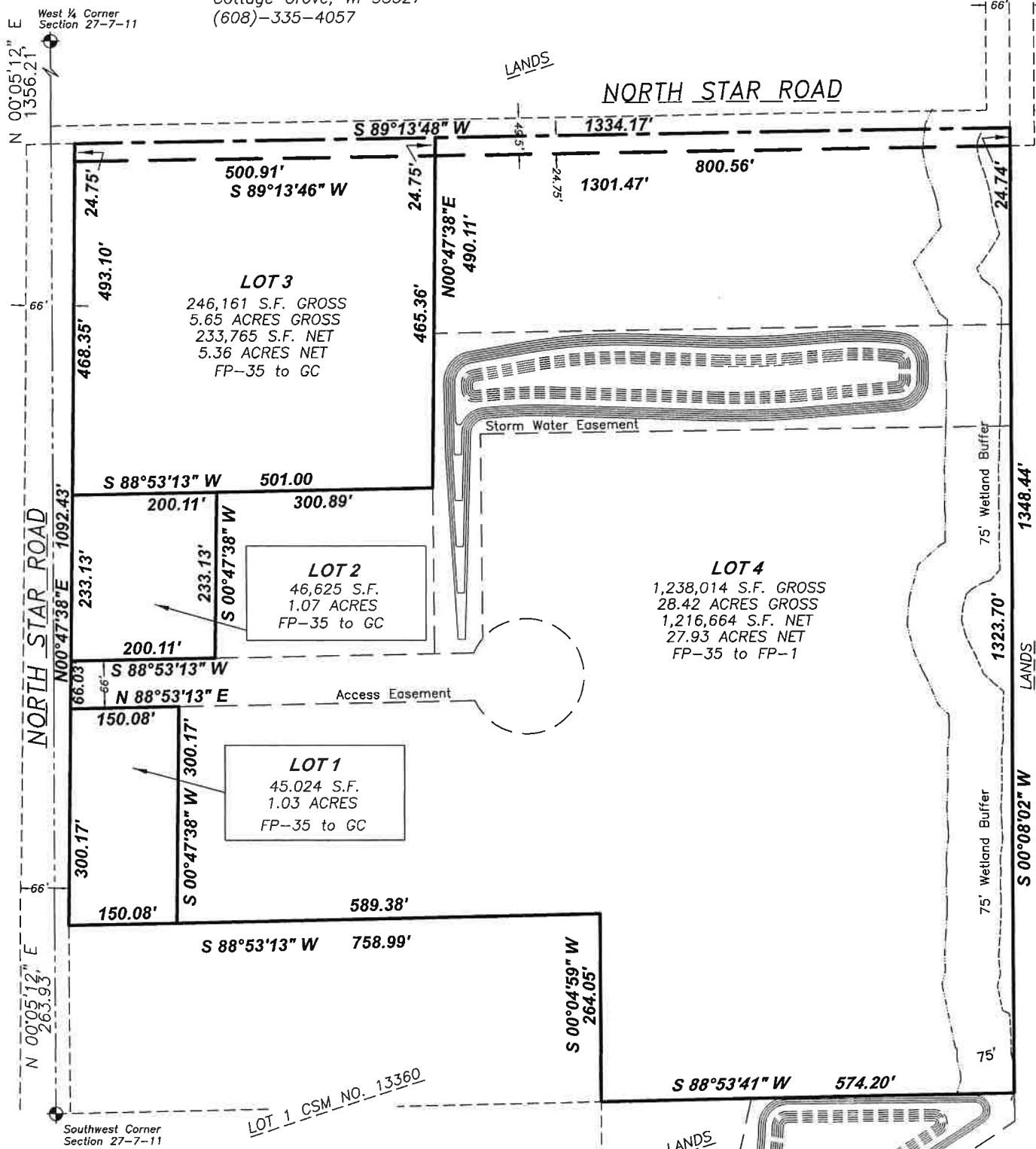


BIRRENKOTT SURVEYING, INC.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081
L:\2021\210194--Prelim CSM v2

PRELIMINARY CERTIFIED SURVEY MAP

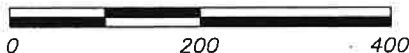
Prepared For:
Duane Swalheim
436 Connie Street
Cottage Grove, WI 53527
(608)-335-4057



Legend:

----- = Delineated Wetlands per Taylor Conservation LLC
Dated: June 11, 2021

SCALE 1" = 200'



**TOWN OF COTTAGE GROVE
TOWN BOARD RESOLUTION NO. 2021-08-30**

A RESOLUTION COMMITTING \$15,900.00 FROM THE DEER-GROVE EMS DISTRICT (DGEMS) UNASSIGNED GENERAL FUND BALANCE FOR THE EMS ORGANIZATIONAL STUDY AND FUTURE NEEDS ANALYSIS, AND AGREEING TO PAY BACK THE TOWN'S SHARE WITH THE FIRST ANNUAL ASSESSMENT PAYMENT TO THE DGEMS FOR 2022.

WHEREAS, as part of the preparation for the 2021 budget the Deer-Grove EMS Commission began discussions for future staffing of the EMS district; and

WHEREAS, a scope of study was submitted to the Deer-Grove EMS Commission and thereby approved on April 15, 2021; and

WHEREAS, on April 16, 2021, a request for proposal was released seeking submissions for a Deer-Grove EMS Organizational Review and Future Needs Analysis; and

WHEREAS, on June 1, 2021, the submitted proposals were reviewed and invitations sent to attend a joint meeting of the Deer-Grove EMS Commission and the Village of Cottage Grove Board of Trustees for the purposes of providing a presentation on the proposals; and

WHEREAS, at a joint meeting between the Deer-Grove EMS Commission and the Village of Cottage Grove Board of Trustees the firms presented information about their company and the proposed Deer-Grove EMS study; and

WHEREAS, Public Administration Associates, LLC (PAA) was selected by the Deer-Grove EMS Commission and the Village of Cottage Grove Board of Trustees as the firm to complete the EMS Organizational Review and Future Needs Analysis; and

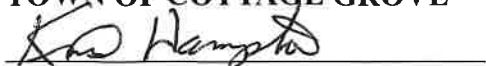
WHEREAS, per the executed agreement with PAA "PAA will be paid one third of the above amount, Five Thousand Three Hundred Dollars (\$5,300) within thirty (30) days of the execution of this services contract; one third (\$5,300) at the point in the project when PAA's initial draft of its findings is sent to the Municipality and the final one-third (\$5,300) upon presentation/acceptance of the final PAA Fire Study report by the Deer Grove EMS District Board"; and

NOW, THEREFORE, BE IT RESOLVED, by the Town of Cottage Grove Board of Supervisors, the sum of \$15,900.00 from the Unassigned General Fund Balance of the Deer-Grove EMS District be committed for payment to Public Administration Associates, LLC for the EMS Organizational and Future Needs Analysis. Payments will be made per the Service agreement enacted August 4, 2021.

FURTHER, BE IT RESOLVED, the Town of Cottage Grove Board of Supervisors commit to repay the Deer-Grove EMS District the total sum of \$4,988.10 (The Town of Cottage Grove's portion of the cost of the EMS Organization Review and Future Needs Analysis. This amount will be added to the Town of Cottage Grove's first annual assessment payment for the 2022 fiscal year and must be received by the Deer-Grove EMS District on or before January 15, 2022.

This resolution was duly considered and adopted by the Town of Cottage Grove Board of Supervisors pursuant to a vote 5 for and 0 against and 0 abstentions on this 30th day of August, 2021.

TOWN OF COTTAGE GROVE



Kris Hampton, Town Chair

ATTEST:



Kim Banigan, Town Clerk

AFFIDAVIT OF POSTING OF
TOWN OF COTTAGE GROVE RESOLUTION

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On September 1, 2021 the following was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

**TOWN BOARD RESOLUTION 2021-08-30
COMMITTING \$15,900.00 FROM THE DEER-GROVE EMS DISTRICT
(DGEMS) UNASSIGNED GENERAL FUND BALANCE FOR THE EMS
ORGANIZATIONAL STUDY AND FUTURE NEEDS ANALYSIS, AND
AGREEING TO PAY BACK THE TOWN'S SHARE WITH THE FIRST
ANNUAL ASSESSMENT PAYMENT TO THE DGEMS FOR 2022.**

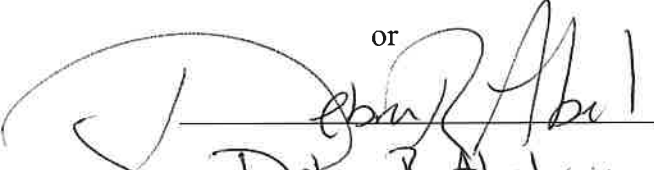


Kim Banigan, Town Clerk

Subscribed to and sworn before me
this 1st day of September, 2021.

Signature of Town Chair person

or



Debra R. Abel (print name)

Notary Public, State of Wisconsin

My Commission expires: March 7, 2023

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 20, 2021

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debra Abel and Highway Superintendent Dan Dresen. Virtual attendance was possible using gotomeeting.com
- 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 both the regular and special Town Board meetings held on August 30, 2021 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 #34895-34936 as presented. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/DuPlayee to approve payment of \$4,476.50 to General Engineering Company for August building permits. **MOTION CARRIED 5-0.**
 - 3. The Treasurer asked that September per diem reports, including the August 30th meetings, be submitted by October 1st.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/Fonger to approve a permit for Alliant/Intercon to extend underground electric service to an ag building on North Star Road. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Review August Police Activities: No deputies were present. The Board reviewed the report, which showed 277 calls for service and 131 citations issued in August.
- B. Discuss Fundraising ideas for Cottage Grove Community Foundation: Executive Director Jon Russell and Secretary Keri Robbins described the mission of the foundation, and outlined some of its previous accomplishments. In 2022 they are hoping to raise \$15,000 - \$20,000 to improve Flynn Hall, to make it a more appealing gathering place for community groups. Ideas mentioned included repairs to a concrete slab, new folding chairs, internet service, an outdoor heater, better lighting, furniture. The foundation's annual meeting/brainstorming session is scheduled for November 16th.
- C. Discuss/Consider request to post no parking signs on County BB near the Koshkonong Creek Bridge (tabled from August 30th meeting): A report from the DCSO showed there have been 3 accidents on CTH BB between American Way and 2095 CTH BB since 2010, two at Baxter Road and one at American Way. A review by the Dane County sign crew determined that 10 signs would be needed to post no parking for that stretch. Based on recent purchases, the cost of the signs was estimated at just under \$200. Dresen noted that area is where people like to park to view the eagle nest south of CTH BB. Kathy Blomker, 4454 Windchime Way, thought eagle viewers more often park on Baxter Road. She shared a photo of someone scoping out the area for hunting. She said the question is whether this is a good place for parking. **MOTION** by DuPlayee/Anders to post no parking signs on both sides of CTH BB from American Way to 2095 CTH BB. **MOTION CARRIED 3-2** (Fonger and Hampton opposed).
- D. Discuss inquiry about leasing space behind the Town Hall for a cell tower. There were questions about whether that would even be a good place for it, who would be responsible for

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 20, 2021

disposing of the materials at the end of the lease, terms and conditions of the lease, etc. The area of the inquiry is actually on the grounds of the Emergency Services Building, which is jointly owned by the Town and Village, so it was questioned whether this inquiry should be taken to the Jt. Fire Committee. Dresen suggested maybe a better spot would be toward the north end of the Town property. Consensus was that the Town would be interested to hear more if they would be willing to talk about a spot north of the soccer field.

- E. Discuss/Consider approval of a Certified Survey Map for Viney Acres, LLC for DC #11538 on Siggelkow Road: **MOTION** by Williams/DuPlayee to approve the CSM identified as Office Map #200108 dated August 27, 2021. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of a Certified Survey Map for VLKJH Skaar LLC – Vicki Kraus for DC #11692 on North Star Road and CTH N: **MOTION** by Anders/DuPlayee to approve the CSM identified as Office Map #200219 dated Sept. 2, 2021. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of the 2022 Deer-Grove EMS Budget: Chief Lang was present and had provided a summary of the 2022 changes to expenses (Exhibit A). He explained that the additional wages will staff an ambulance for an additional 12 hours every day of the year, which he hoped would cover the majority of the 96 calls he estimated would be missed (taken by other agencies) under the current staffing level. **MOTION** by Williams/Anders to approve the 2022 Deer-Grove EMS budget as presented (Town’s portion is \$269,711.07). **MOTION CARRIED 5-0.**
- H. Discuss/Consider approval of Negotiated Agreement Relating to the Third Rodefeld Landfill Expansion: Hampton said the separate agreement between the County and Town needs to be updated at the same time as this three-way agreement that includes the City of Madison. **MOTION** by DuPlayee/Williams to table until the second agreement is available for approval as well. **MOTION CARRIED 5-0.**
- I. Discuss/Consider approval of attendees for the DCTA Membership meeting on September 22nd: **MOTION** by Hampton/Anders to allow DuPlayee and Williams to attend. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: The crew has been working on shouldering, but has had starting issues with Truck #1. It has been in and out of the shop multiple times, but they are hopeful that it has been fixed now. All repairs have been covered under warranty. They have also been learning to use the new center striping machine. There will be one more mowing out of ditches, for a total of 4 times this year. Dresen has noticed that the more frequent mowing seems to be reducing the amount of poisonous parsnip.

IV. CLERK'S OFFICE UPDATE: Redistricting is still in the hands of the County.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton had addressed a concern from a resident about 2022 plans for CTH BB. The resident had heard it was to be expanded to four lanes, but Hampton told him it was only going to be re-surfaced.

VI. COMMITTEE REPORTS:

- A. Emergency Government Committee: The committee will meet jointly with the Natural Hazard Mitigation Committee to develop problem statements tomorrow.
- B. Deer-Grove EMS Commission: In addition to finalizing the 2022 budget, there was discussion that all members of the commission would like to be contacted by the company conducting the study. A tentative agreement for a 4-year contract has been reached with the union, they are waiting for union members to vote on it.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
SEPTEMBER 20, 2021

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:53 P.M.

Kim Banigan, Clerk
Approved 10-04-2021



Deer-Grove EMS District

Commission Approved 2022 Budget

DATE: September 20, 2021

2022 DeerGrove EMS Operating budget was passed by the DeerGrove EMS Commission on Thursday, September 16, 2021.

2022 CHANGES to INCOME

Gross run fees increased to \$675,000

2022 CHANGES to EXPENSES

#720 WAGES	<ul style="list-style-type: none">• Increase in wages for full time staff from tentative agreement with Bargaining Unit• More ambulance coverage is needed to effectively provide EMS protection to the residents of the response area. Without preliminary information from the staffing study to guide future staffing needs LTE hours were increased to a total of 168 hours per week• This would equal one twelve-hour fully staffed ambulance per day every day of the year
#734 OVERTIME	<ul style="list-style-type: none">• Increase in scheduled overtime for full time staff from tentative agreement with Bargaining Unit
#736 LIFEQUEST BILLING	<ul style="list-style-type: none">• Estimated fee charged to us was kept the same• Our new agreement will reflect a lower fee (5.75% vs. 6.5%) and will result in a similar fee charged to us with more revenue collected
#770 COMMUNICATIONS	<ul style="list-style-type: none">• Slight increase to cell phone/data cost due to different plan structures with FirstNet
#775 INFORMATON TECHNOLOGY	<ul style="list-style-type: none">• Increase NinthBrain fee to account for added users/members• Increase Aladtec/EMS Manager fee to account for added users/members• \$8,000 added to this line to cover the cost of owning an ePCR platform. We will see efficiencies while staff are completing their reports and in the billing phase of run review. This will also help us solve HIPAA-related safety concerns with our current software.
#829 VEHICLE MAINTENANCE	<ul style="list-style-type: none">• Increased due to aging of M78/80 and more expensive nature of the medium duty vehicle repairs
#831 FUEL	<ul style="list-style-type: none">• Increased due to cost trending upward and higher projected call volume
#840 EQUIPMENT (NON-DISPOSABLE)	<ul style="list-style-type: none">• IV Pumps have been replaced, so line was decreased accordingly
#880 LEGAL	<ul style="list-style-type: none">• Non-bargaining year lessening the need for legal services, so line was decreased accordingly

2022 CHANGES to CAPITAL PURCHASES

This is the second part for the ambulance replacement scheduled for 2022. The chassis, cot, load system, and additional items were purchased in 2021. Total ambulance replacement cost to the commission is \$245,000. The DeerGrove EMS association has contributed extra funds, approximate \$45,000, to upgrades for this vehicle and to make all three ambulances identical.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
OCTOBER 4, 2021

PUBLIC HEARING FOR ORDINANCE TO CREATE NO PARKING AREAS

- I. Notice of the public hearing was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debra Abel and Highway Superintendent Dan Dresen. Virtual attendance was possible using gotomeeting.com
- II. Hampton called the public hearing to order at 7:00 P.M. and read the list of no parking areas proposed. There were no questions or concerns from the public.
- III. **MOTION** by Anders/DuPlayee to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:04 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting and attendance were the same as for the public hearing above.
 - B. Hampton called the meeting to order at 7:04 P.M.
 - C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the September 20, 2021 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 #34937-34959 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of September per diems, with the addition of one more per diem Otto Kraus. **MOTION CARRIED 5-0.**
 - E. Public Concerns:
 1. Richard Wood, 1965 W. Ridge Rd., asked if the Town's mill rate has been determined. Hampton said the Board will be setting dates for 2022 budget workshops later tonight. Mr. Wood offered his assistance with item II. B. below. He has retired from a career related to communications towers, and provided a list of considerations for the Board's reference.
 2. Hampton reported that Kristi Williams is the Town's appointment to the Greater Madison MPO Policy Board.
 - F. Road Right of Way Permits: None.
- II. BUSINESS:
 - A. Discuss/Consider adoption of Ordinance 2021-10-04 Establishing No Parking Areas: **MOTION** by DuPlayee/Williams to adopt the ordinance as drafted. **MOTION CARRIED 4-1** (Fonger opposed, and indicated he is still opposed to adding the no parking area on County Road BB near the Koshkonong Creek. Hampton said he still opposed that one as well.)
 - B. Discuss inquiry about leasing space behind the Town Hall for a cell tower: John Burchfield, representing LCC Telecom Services, was online and said that Tillman Infrastructure LLC has enlisted their assistance in securing a site for a 160' monopole communications tower. In light of the Board's discussion at the last meeting, Burchfield had offered a possible location just north of the soccer field on the Town Hall property. They would need to lease a 100' x 100' area (~1/4 acre) for the ground equipment, and need an easement for access. Leases typically run 50-100 years, with price increases every 5 years. Starting negotiations would be at \$500/month. Discussion included questions of why another tower is needed since there is

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
OCTOBER 4, 2021

already one on the old water tower in the Village, and one at Landmark. Burchfield said most likely the carriers can't get co-location there, or the cost is prohibitive. Fonger would like to know what other towers in the area are leasing for, and Anders would like to check on all existing towers within a mile to see if co-location is possible. Burchfield said the tower would accommodate at least two and probably three carriers. He suggested he could provide a standard contract template for the Town to review. Consensus was that the Board would be interested in seeing what the contract might look like.

- C. Discuss/Consider approval of Agreement with Strand Associates for 2022 monitoring services for the Natvig Landfill: The agreement cost is up \$2,500 compared to 2021 due to monitoring of the 8 new gas vents installed this summer. **MOTION** by Williams/DuPlayee to approve the agreement as drafted. **MOTION CARRIED 5-0.**
- D. Discuss/Consider approval of the 2022 Cottage Grove Fire Department Budget: Chief Nick Archibald and Assistant Chief April Hammond-Archibald were present. The Chief said they have brought on 8 new members this year. Twelve were added in 2020, although they lost about half of those. **MOTION** by Anders/Williams to approve the 2022 budget as presented, with the Town's share being \$78,195.01 (including 36.77% of joint Town/Village expenses). **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of the 2022 Emergency Services Building Budget: Hampton stated that compared to the 2021 budget, the committee had added \$2,750 for ceiling fans and increased the contribution to the Property Repair Fund from \$20,000 to \$40,000. **MOTION** by Fonger/DuPlayee to approve the 2022 budget as recommended by the committee, with the Town's share at \$38,835 (50%). **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of the Town's share of the cost to replace the closet furnace at the Emergency Services Building: Hampton said there is not enough money left in the Property Repair Fund to cover this, so the committee asked the Town and Village to split the cost equally. **MOTION** by Fonger/DuPlayee to approve the Town's share of the furnace replacement (\$1,925). **MOTION CARRIED 5-0.**
- G. Discuss and consider emergency shelters: An email from Chiefs Lang and Archibald outlined reasons why the Emergency Services Building would not be a suitable location for an emergency shelter. Hampton asked Fonger if the Emergency Government Committee felt there was enough other space. Fonger said it would probably never be necessary, but if the situation came up, we should be able to adapt. He suggested keeping it on the list of potential shelters, with a low priority of use. The Village Emergency Government has arrangements to use the schools as shelters, and the Town and Village can work together on shelter needs. **MOTION** by DuPlayee/Williams to not list the Emergency Services Building as a normal shelter area on the Town's Natural Hazard Mitigation Plan. **MOTION CARRIED 5-0.**
- H. Set dates for 2022 Budget workshops: October 25 and 26, starting at 6:30 P.M.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen reported that shouldering is complete, they are working on mowing ditches. He is waiting for Highway Landscapers to install the guardrails on the Janelle cul-de-sac.

IV. CLERK'S OFFICE UPDATE: The County has offered three alternative district maps; they will vote on them this Wednesday. All have the Town in just one district, so the Clerk is not concerned. She has been working on updating layers in the new GIS system, including deed restrictions. The Future Land Use and ETJ maps have been added as layers. She is looking into identifying landowners who may have RDUs they could sell, and possibly doing a postcard mailing asking them for permission to include their contact information on a list provided to interested buyers.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
OCTOBER 4, 2021

V. BOARD REPORTS AND COMMUNICATIONS: Hampton reported that the hose tower has been repaired.

VI. COMMITTEE REPORTS:

A. Emergency Government Committee: The committee will meet jointly with the Natural Hazard Mitigation Committee tomorrow for the County's final ZOOM meeting for the update of the Natural Hazard Mitigation Plan.

B. Deer-Grove EMS Commission: Devon Anders has been promoted to Lieutenant.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 7:50 P.M.

Kim Banigan, Clerk

Approved 10-18-21

**TOWN OF COTTAGE GROVE
ORDINANCE NO. 2021-10-04**

ESTABLISHING NO PARKING AREAS

WHEREAS, after review and recommendation from town staff, the Town Board deems it to be in the public interest to restrict parking on several roads within the Town.

NOW, THEREFORE, the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, does ordain as follows:

SECTION 1. Parking of motor vehicles is hereby prohibited at all times and days on the specified areas of the roads, or sections thereof, listed on the attached Exhibit A.

SECTION 2. Town staff is authorized to take all action necessary to implement this ordinance, including the installation of appropriate signage consistent with the Manual of Uniform Traffic Control Devices.

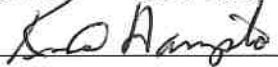
SECTION 3. All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

SECTION 4. The passage of this ordinance shall not affect any enforcement proceedings pending prior to the effective date thereof.

SECTION 5. This ordinance shall take effect upon passage and publication as provided by law.

The above and foregoing ordinance was duly considered and adopted by the Town of Cottage Grove Board of Supervisors pursuant to a vote 4 for and 1 against and 0 abstentions on this 4th day of October, 2021.

TOWN OF COTTAGE GROVE



Kris Hampton, Town Chair

ATTEST:



Kim Banigan, Town Clerk

**TOWN OF COTTAGE GROVE
ORDINANCE NO. 2021-10-04**

ESTABLISHING NO PARKING AREAS

EXHIBIT A

No parking on both sides of County Road BB from American Way to the north property line of 2095 County Road BB.

No parking on both sides of Baxter Road from Liberty Drive to the north property line of 4586 Baxter Road.

No parking on the east side of American Way for the entire length adjacent to Senior Airman Dan Johnson Memorial Park.

No parking on the east side of Sandpiper Trail for the entire length adjacent to Ravenwood Park.

No parking on the curved portion (bulb) of the cul-de-sac at the north end of Janelle Lane, from the south property line of 3783 Janelle Lane to the south property line of 3786 Janelle Lane.


AFFIDAVIT OF POSTING OF
TOWN OF COTTAGE GROVE ORDINANCE

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On October 6, 2021, the following Town of Cottage Grove Town Ordinance was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

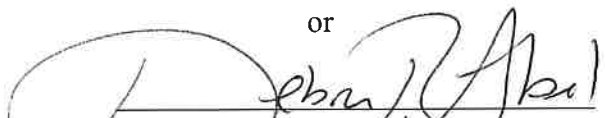
**Town Board Ordinance 2021-10-04
Establishing No Parking Areas**



Kim Banigan, Cottage Grove Town Clerk

Subscribed to and sworn before me
this 6 day of October, 2021.

Signature of Town Board Chair

or


Debra R. Abel (print name)

Notary Public, State of Wisconsin
My Commission expires: 3/7/2023

TOWN OF COTTAGE GROVE
PUBLIC INFORMATIONAL MEETING REGARDING POSSIBLE IGA WITH CITY OF MADISON
OCTOBER 6, 2021

- I. Determination that a quorum is present and that the public hearing was properly posted: Notice of the meeting was posted at the Town Hall, and on the Town's web site and Facebook page. Postcard notices were mailed to owners of property in areas A and B of the proposed agreement. Town Board Chairperson Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present along with Clerk Kim Banigan and City of Madison Planners Brian Grady and Jeff Greger. Virtual attendance was possible using gotomeeting.com. Twenty-four citizens signed the attendance sheet, and another 33 logged in online. (Attendance lists are available from the Town Clerk).
- II. Call to Order. Hampton called the meeting to order at 7:00 P.M.
- III. Presentation of draft Intergovernmental Agreement (IGA) by Town Board and City of Madison planning staff: Hampton said the proposed agreement would run 40 years with an option for 10 more years. He described the conditions that would be applied to areas A and B of the proposed agreement (Exhibit A). Specifically, he said that Madison would not accept annexations east of Area A, and any annexations within Area would be at the request of the landowners. Anyone who did not ask to annex would still be in the Town of Cottage Grove at the end of the agreement. He stressed that it is up to property owners to ask to be annexed and it is up to the City of Madison whether to accept the annexation. Owners of 5 acres or more within Area A would be allowed to divide their property once to create two single-family residential lots. Town policy would require that a Residential Dwelling Unit (RDU) for each new residence created. Excess RDUs could be sold for use elsewhere in the Town. The City would not enforce its Extraterritorial Jurisdiction (ETJ) in any areas outside of Area A. The City would keep Area B in their long-term growth plans, but would not impose any other restrictions there. The Village of McFarland does have ETJ in parts of Area B, however. The City would reimburse for any road improvements the Town makes to roads that are subsequently annexed, on a sliding scale based on how recent the improvements were made. Both the Town and Village would agree to update their Comprehensive Plans within five years to include this agreement.
- IV. Questions or comments from the public: In person attendees were asked to complete a written request to speak, and online participants were asked to submit their questions or comments via chat.
 - Kyle Mathews, 3646 County Highway AB, has 80 acres in Area A and would like to use his 2 RDUs to create residential lots for himself and his sister. Hampton said he would be able to split once and build one home, but would not be able to use a second RDU on his property, although he could sell it. Mathews read the proposed agreement differently, and thought it said he could split it and build a home on each of the two new lots. He said the only reason he would be against the IGA was because of the loss of ability for property owners to utilize RDUs they have.
 - Randy Gaber, 3985 Vilas Hope Rd., stated he moved to the Town of Cottage Grove to have land in a rural setting. He felt the IGA was a sign of the Town Board turning their backs on the property owners in Area A for the benefit of property owners in the rest of the Town. He is opposed to the IGA because he does not want to be annexed into the City of Madison, which he thought would happen based on what he has seen elsewhere.
 - Mike Niebuhr, 3124 Luds Ln, asked if the IGA would mean that any land sold would have to be annexed into the City. Hampton answered that the IGA would have no bearing on property sales.

TOWN OF COTTAGE GROVE
PUBLIC INFORMATIONAL MEETING REGARDING POSSIBLE IGA WITH CITY OF MADISON
OCTOBER 6, 2021

- Don Klongland, 3108 Gaston Road, asked if the IGA could be considered a promise that the City would allow annexation, and would buyers have the same rights. Hampton said the terms of the agreement would span the entire length of the agreement, and would extend to whoever the current property owner is.
- Dimitria Van Straten, 4591 Lotus Lane, asked who approached who about the IGA. Hampton raised his hand to indicate he had made the first contact, but Fonger said the City came to the Town with the proposed agreement. Hampton said he was looking for a way to protect the Town's borders from annexation, and he had also approached the Village of Cottage Grove, but has not gotten anywhere with them. Van Straten said that the results of the survey of Town Residents last March clearly indicated a strong concern about development pressure from the City of Madison and Village of Cottage Grove, loss of natural areas, increased traffic and development of farm land. She felt that Area A would be in direct violation of all of these, and was vehemently opposed to the IGA that she felt would destroy the rural character of the area. She asked if there is a way to keep all off the land in the Town. Hampton said only if the Town were to purchase it. Fonger explained that the Town cannot stop annexations requested by private landowners. There was a question about what a private landowner could do to stop the City from annexing them. The Clerk said that typically annexations requests come from owners of large tracts of land who want City services to develop at higher densities than the Town can allow. Grady spoke to clarify that while any property owner adjacent to the City can ask for annexation, and the City will probably say yes since it is their interest to grow, annexation is all driven by property owner requests. You would only annex if it was in your interest, which is typically only for development. If enough people around you want to annex, you can be "swept in", however Grady said the City has not done this in many years, mainly to avoid legal challenges. He felt that the IGA would actually slow down development by providing more certainty for both the Town and City. The City would know where they would be allowed to grow, so they would no longer be in a hurry to annex anything offered to them, and development could be planned in a logical and economically responsible way. Because the Marx Farm on Vilas Road is in the closest proximity to current development in Madison, he used that as an example of how long it might take to see development once annexation occurs. The City would need to plan out the area and then extend the necessary services, which both take time and money. The City would probably not be interested in annexing larger lots not proposed for development, they would rather see the land sit in its current state until it is ripe for development under City policy.
- Colleen Ward, 3545 Vilas Road, asked for a promise that her property would not be annexed without her requesting it in the next 40 years. Hampton said not unless all of her neighbors asked to annex, then she could be dragged in. She asked if any of the board members are in Area A. None of them are in A, but most are under ETJ of the Village of Cottage Grove which limits what they can do with their properties.
- Kim Olson, 3870 Vilas Hope Road, was against the IGA, and asked what effect it would have on taxes. Grady said if they annex, taxes will be higher for everything except ag land. If you don't annex, you will still be subject to Town taxes and Town/County policies. The IGA would have no effect on school district lines, whether or not annexations occur.
- Bill Blatterman, 3472 Old Meier Road, described negative economic impacts on his property after it was annexed into the City of Madison due to the IGA with Blooming Grove. Grady explained that the IGA proposed between the Town and Village is different than the ones the City has with the Towns of Blooming Grove, Burke, Madison and Middleton where the entire

TOWN OF COTTAGE GROVE
PUBLIC INFORMATIONAL MEETING REGARDING POSSIBLE IGA WITH CITY OF MADISON
OCTOBER 6, 2021

towns were eventually annexed into the City regardless of landowner wishes. In those cases, those Towns were being annexed to such a heavy degree that they did not have enough tax base left to function. They essentially chose to go out of business.

- Josh Agate, 3010 Hope Road, asked who decides when the County-owned property near him will be annexed. Hampton said it would be up to the County as the property owner.
- John Schreve, 2848 Femrite Dr., asked about the significance of Area B. Hampton said it would be a long-term growth area in both the Town and Village.
- Colin Knueppel was online and asked if annexation is voluntary, the answer was yes. His next question was whether the Town could annex property away from the City to push back. Hampton said that Towns do not have the power to annex. Knueppel said it sounds like the only way to ward off annexation is to incorporate. Hampton said the Town does not have enough value or population to incorporate under State law at this point. Knueppel then suggested that “The township maybe should consider a flyer campaign within the Madison area to create outrage over developing the natural areas surrounding the city. The population of Madison cares about having natural areas local to them, and they could force their representatives to stop annexations.”
- Dennis Laridaen was online and asked if lots already zoned for residential development could still have homes built on them. (He said he was referring to property belongs to Ronald Foreyt on Hope Road.) Grady said that the City does not review building permits.
- Joan Stifter was online and asked if the City has a specific plan for Area B’s growth. Grady said it is identified for long-term growth, but many decades out.
- Steve Gausmann, 7646 E. Buckeye Road, asked what the next steps will be at the end of this agreement, what will be the next area to go once Area A is all annexed to the City, and he suggested that the Town Board should be looking at growth rather than at dissolving the Town. Board members said they are not looking to phase out the Town, and the IGA does not give all of Area A to the City unless the landowners request it. The Clerk explained that landowners adjacent to the City can ask for annexation at any time, with or without this agreement. What the agreement adds is certainty of a line past which annexations will not occur in the next 40 years, and gives the Town a chance to develop in other areas to try to keep the Town going. Gausmann asked about use of RDUs to create lots. Hampton told him he would be able to use one and could sell any others. Gausmann felt it was unfair to apply this to owners in Area A and not to the rest of the Town. Anders noted that right now, without the IGA, he would need to get the City of Madison’s permission under ETJ to create lots, which is unlikely.
- Fonger asked Grady what will happen if the Town says no to the IGA? Grady said that since the IGA does not make annexation any easier, there is no change to anything, except that the City would continue to exercise ETJ in the entire area it covers, not just in Area A.
- There was a comment that there are probably property owners who would be in favor of the IGA because they want to be able to profit from selling their land for development in the City.
- Romayn Rote, 2964 Gaston Road, asked how much ETJ the City would be giving up. The Clerk displayed the map showing ETJ lines for the City, and Villages of Cottage Grove and McFarland (Exhibit B). The cross-hatched area is what Madison would be giving up. Rote believed he was in Madison’s ETJ, but the map showed he is now under Village of Cottage Grove ETJ. Grady explained the line is always the mid-point between the City and Village boundaries, which moved due to a recent annexation by the Village of Cottage Grove.

TOWN OF COTTAGE GROVE
PUBLIC INFORMATIONAL MEETING REGARDING POSSIBLE IGA WITH CITY OF MADISON
OCTOBER 6, 2021

- Maureen Gaber, 3895 Vilas Hope Road, said if the Town will be gone in 40-60 years, shouldn't we be looking at merging with the Village of Cottage Grove? Hampton said the Village Plan Commission's response to a proposed IGA was that they can't plan out 40 years, and they were not willing to give up any ETJ, so there was nothing in it for the Town.
- Kyle Mathews asked about stormwater drainage from development in Area A. Grady said it would take lift stations to run the water into existing drainage systems, which takes many years of planning and budgeting. The City would not be able to install stormwater facilities on private property without purchasing easements.
- Robert Williamson was online, and asked how many residential sites he can create on 18 acres. Hampton said he can split it once, to create one residential lot, if he has a RDU. Williamson said that the proposed agreement says you and split once and construct a single-family residence on each of the two parcels. This was discussed further in the next point.
- Mathews asked if there is any lee-way in wordage or boundary lines. In particular, he wondered if those who have more than one RDU could be allowed to use them to develop lots. Hampton said the current situation is that the City can still prevent them from using them under ETJ. Grady said what the City has proposed would allow one split with ownership of 5 or more contiguous acres, with construction of a single-family residence on each of the two parcels, subject to Town and County regulations. Hampton understood that only one new residence could be constructed. There was agreement that this language needs clarification.
- Joe Rausch, 4552 Vilas Road, asked what changes the Town Board did request? The Clerk said the Town Board had wanted to follow Vilas Hope Road. Grady said the City preferred to have it follow the Door Creek.
- Gaber asked when this will go to the Board for a vote. Anders suggested November 1st. Hampton said the only action to take would be to proceed with asking Madison to draft the actual agreement. Grady said it would need to be drafted into a more formal document from the outline, and go through the City Council.

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

Kim Banigan, Clerk
Approved 10-18-2021

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 18, 2021

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan and Highway Superintendent Dan Dresen. Virtual attendance was possible using gotomeeting.com. Treasurer Debra Abel was present virtually.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Minutes of previous meeting(s):
 1. Discuss/Consider approval of minutes from meetings held on October 4, 2021 and October 6, 2021: **MOTION** by Williams/DuPlayee to approve the minutes of the Regular Town Board meeting held on October 4, 2021 and the Special Town Board Meeting held on October 6, 2021 as printed. **MOTION CARRIED 5-0.**
 2. Discuss/Consider opening closed session minutes held on December 18, 2017, January 8, 2018, January 24, 2018, January 7, 2019, June 17, 2019, November 4, 2019, October 19, 2020, November 2, 2020, March 15, 2021, August 16, 2021: **MOTION** by DuPlayee/Williams to open all of the closed session minutes from the dates listed above. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 1. **MOTION** by Anders/Fonger to approve payment of bills corresponding to checks #34960-34985 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of \$2,134.00 to General Engineering Company for September building permits. **MOTION CARRIED 5-0.** There was a question about the fee for an electrical permit at 3101 Luds Lane, the Clerk will get clarification from the Building Inspector.
 3. The Treasurer asked that October per diem reports be submitted by October 29th.
- E. Public Concerns: None.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Review September Police Activities: There was not a deputy present at the meeting. The Board reviewed the September report, which showed 198 calls for service and 97 citations issued.
- B. Discuss/Consider approval of occupancy permit for Storage World of Cottage Grove at 3286 Field View Lane: Arthur Kumiega represented Storage World and stated that he expects the building will be completed by the end of next week, and exterior work will be completed by October 29th. A report from the Town Building Inspector said that the climate-controlled building still needs exit lights, fire extinguishers, and has some open electrical boxes. **MOTION** by Fonger/DuPlayee to allow the Building Inspector to issue an occupancy permit once the usual requirements are met. **MOTION CARRIED 3-1-0** (Williams opposed, Anders abstained.)
- C. Discuss/Consider specific projects for the University Alliance Study of the Koshkonong Creek to address: Dave Muehl represented the Friends of the Koshkonong Creek. He had completed the generalized project information, but wanted to make sure there are no specific projects that the Town of Cottage Grove wants included. Hampton said the main things are recommendations on removing debris from the creek, and whether dredging and stream bank

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 18, 2021

restoration are needed. Muehl said the goal of the study is to learn what the creek looks like now and recommend what it should look like over the next 50 years to handle the flow with anticipated development and climate change. Anders suggested that possible funding methodologies for maintenance projects should be included in the study. ARPA funds and reinstatement of the drainage district were mentioned. Muehl said the Friends group has been working on debris removal for three years, and he feels that some dredging should be done soon rather than waiting until the completion of the 3-year study. He suggested ARPA funds could be used to purchase machinery to dredge, specifically a Piranha mini dredge which he thought would run about \$20,000 and would work well to dredge areas in the Township on a small scale. It could also be used to maintain siltation ponds. Consensus was that it would be better to hire a contractor to do the dredging. The Board reviewed the Project Description Form that Muehl had completed. **MOTION** by Fonger/Williams to approve what Muehl had filled in, and schedule a meeting with University representatives and other stakeholders in the study around the middle of November. **MOTION CARRIED 5-0.**

- D. Discuss/consider approval of Coverall Franchised Business Service Agreement (price increases): Services for the Emergency Services Building were proposed to increase from \$205 to \$217 per month, and the combined bill for the Town Hall, Flynn Hall and Police Station was proposed to increase from \$475 to \$487 per month. **MOTION** by Fonger/DuPlayee to approve the increases as presented. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of quote to strip and wax the Police Station floor: The quote from Coverall was for \$1,150 and Hampton said they would move and put back the furniture for an additional \$200. **MOTION** by DuPlayee/Williams to approve up to \$1,400 for stripping and waxing the Police Station floors, including moving the furniture. **MOTION CARRIED 5-0.**
- F. Complete annual insurance questionnaire: Changes included:
- Increase the real property limit on the salt shed to \$122,644.
 - Correct the construction of the Town Garage to Steel.
 - Increase the real property limit on the Town Garage to \$500,000.
 - Increase the real property limit on Flynn Hall to \$490,000.0
 - Add Premises 1, Item 4 as the Storage Garage/Bunker with a real property value of \$35,000, no personal property (all contents are scheduled), Frame Construction.
 - Add Premises 1, Item 5 as the Cold Storage Building with a real property value of \$50,000, personal property value of \$1,000, Frame Construction.
 - Replace the two John Deere mowers with the new Stander mowers.
 - Add the Striper to scheduled equipment.
 - Correct the limit on the 2020 Ford F-550 (it appears to only have the value of the chassis listed).

There were questions about whether the Town needs liability insurance for retention ponds in subdivisions, and why the Town has police liability insurance when services are contracted through the Dane County Sheriff's office. The Clerk will ask the insurance agent these questions.

- III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: They are almost finished with the final mow-out of ditches for this year.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
OCTOBER 18, 2021

- IV. CLERK'S OFFICE UPDATE: The County Board has approved their supervisory district map so now the Town must approve its ward map. The Clerk will share her work on them and draft an ordinance to adopt them at an upcoming meeting.
- V. BOARD REPORTS AND COMMUNICATIONS: Hampton and Atty. Amy Harriman met with a representative of Sunvest Solar to discuss a payment in lieu of taxes to the Town. Prior to the County purchasing the property, the Town received a little over \$2,000 in taxes. An annual payment of \$1,500 per year was discussed, Atty. Harriman will draw up the agreement. Fonger asked why Hampton didn't ask for the full tax amount, Hampton said the solar facility will not occupy all of the County property. Once Alliant eventually purchases the property, it will once again be taxable. Hampton asked about having the proposed IGA with the City of Madison back on an agenda, consensus was to put it on the November 1st agenda to consider whether or not to continue pursuing the IGA.
- VI. COMMITTEE REPORTS:
- A. Emergency Government Committee/Natural Hazard Mitigation Steering Committee: Fonger said the Emergency Government Committee voted to increase their budget to \$1,000 for 2022. The Natural Hazard Mitigation Steering Committee completed the Mitigation Strategies, and would like to have a public hearing on November 1st.
- VII. Consider/Adopt motion to convene in Closed Session Pursuant to Wisconsin Statute Section 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (Willan Claim): **MOTION** by Williams/DuPlayee to convene in closed session for the reason stated above. **MOTION CARRIED 5-0** by roll call vote. The public virtual session was closed and everyone except Board members and the Clerk left the meeting. Atty. Cole joined by a new virtual session and the closed session began at 8:31 P.M.
- VIII. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by DuPlayee/Williams to reconvene in open session. **MOTION CARRIED 5-0** by roll call vote. The Closed session ended at 8:45 P.M. **MOTION BY** Anders/DuPlayee to deny the claim submitted by Thomas and Julia Willan on July 6, 2021. **MOTION CARRIED 5-0**. Atty. Cole will draft the notice of denial.
- IX. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:46 P.M.

Kim Banigan, Clerk
Approved 11-01-2021

TOWN OF COTTAGE GROVE
TOWN BOARD 2022 BUDGET WORKSHOP
OCTOBER 25, 2021

1. Notice of the meeting was properly posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton, Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, as well as Clerk Kim Banigan, Treasurer Debra Abel, Highway Superintendent Dan Dresen, and Highway Patrolmen Dan Anderson, Justin Madsen and Mike Winters. Virtual attendance was possible using gotomeeting.com, and Judge April Hammond-Archibald attended virtually.
2. Hampton called the meeting to order at 6:30 P.M.
3. Discuss/Consider hiring a part time Deputy Clerk: The Clerk felt that it is time to consider adding a Deputy Clerk 3 days per week, to allow for better coverage during absences as well as to groom someone to eventually taking over the Clerk position when she retires. She suggested a starting wage of \$18.50/hour to match the starting wage for the recently hired Court Clerk. **MOTION** by Williams/DuPlayee to hire a part-time Deputy Clerk for three 4.5-hour days per week at \$18.50/hour, starting July 1, 2022. **MOTION CARRIED 5-0.**
4. CONSIDER/ADOPT MOTION TO MOVE INTO CLOSED SESSION PURSUANT TO WISCONSIN STATUTE 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: 2022 Employee Compensation: **MOTION** by Williams/DuPlayee to enter into closed session for the reason stated above. **MOTION CARRIED 5-0 by roll call vote.** The closed session began at 6:38 p.m. (gotomeeting recording was stopped during the closed session, and the meeting was locked with April Hammond-Archibald as the only virtual attendee.)
5. CONSIDER/ADOPT MOTION TO RECONVENE TO OPEN SESSION to take any action necessary from closed session: **MOTION** by Anders/DuPlayee to reconvene to open session. **MOTION CARRIED 5-0 by roll call vote,** the closed session ended at 7:04 P.M. **MOTION** by Anders/DuPlayee to approve the wage package as discussed, including allowing Vicki Anderson to stay on as Deputy Court Clerk for up to 100 hours in 2022. **MOTION CARRIED 5-0.**
6. Review of Town Fees as per TCG Ord. sec. 07.01(2)(a): Hampton suggested increasing the fee for Conditional Use Permits to cover costs of publication. The Clerk will look at the ordinance to see what fees it already authorizes charging applicants for, and seek advice about charging to cover costs of publication. No changes to the Fee Schedule were made.
7. Discuss/Consider Town budget for Fiscal Year 2022: The Treasurer had completed the budget worksheet using all of the information available to her. Changes discussed are listed below.
 - a. Revenue Estimates:
 - 40570 Landfill Compensation was estimated with a 5% increase over the 2021 amount. A 12% increase was recently negotiated with the upcoming expansion of the landfill; however, the updated agreement has not yet been received from the county, and the increase most likely won't go into effect until the expansion is completed.
 - 41600 will be re-titled as ARPA Grant and \$5,000 of it will be allocated for the Koshkonong Creek Study.
 - 42010 Sale of Highway Equip & Prop was increased to \$3,500 per an estimate Dresen had received.
 - b. Expense Estimates:
 - Payroll items were updated based on the results of the closed session above.

TOWN OF COTTAGE GROVE
TOWN BOARD 2022 BUDGET WORKSHOP
OCTOBER 25, 2021

- 50720 Town Hall Equipment was increased to \$1,000 for purchase of office equipment needed to add a Deputy Clerk.
 - 51930 Stormwater Expense was increased by \$5,000 to cover the Koshkonong Creek Study.
 - 51260 – Yahara Wins Pilot Program: The Town’s fee for 2022 is not yet known. Hampton will make contact tomorrow. The Treasurer will adjust the use of Unassigned Funds to balance the budget once this amount is known.
 - **MOTION** by DuPlayee/Anders to approve a \$1,000 to the Metropolitan Planning Organization. **MOTION CARRIED 4-1** (Fonger opposed). A new line item under Conservation and Development will be created for this.
 - Anders would like to have a discussion in 2022 about whether to continue with the Town Court or turn all citations over to Dane County to eliminate the cost to the Town.
- c. Capital Expenditures: This includes two fire trucks, a replacement mower and broom. No changes were made to what was on the worksheet.
- d. Use of Surplus Funds: 43060 – Unassigned General Funds was increased by roughly \$30,000 to balance the budget.

8. Set the date for:

- a. A Public Hearing for the Town of Cottage Grove Budget for Fiscal Year 2022.
- b. A Special Meeting of the Electors, pursuant to s.60.12(1)(c), Wis. Stat., to adopt the 2021 town tax levy to be paid in 2022 pursuant to s.60.10(1)(a), Wis. Stat.

Consensus was to hold both the Public Hearing and Special Meeting of the Electors on Monday, December 6th at 7:00 P.M., prior to the Town Board Meeting.

9. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0**. The meeting ended at 8:28 P.M.

Kim Banigan, Clerk
Approved 11-01-2021

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
NOVEMBER 1, 2021

PUBLIC HEARING FOR NATURAL HAZARD MITIGATION STRATEGIES

- I. Notice of the public hearing was posted at the Town Hall and on the Town's web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debra Abel and Highway Superintendent Dan Dresen. Virtual attendance was possible using gotomeeting.com.
- II. Hampton read the notice and called the public hearing to order.
- III. Fonger described the process used by the Natural Hazard Mitigation Steering Committee to develop the mitigation strategies. They have been submitted to Dane County, and will eventually go to the State and Federal Government. He said presumably they will allow access to federal funds in a major crisis.
- IV. **MOTION** by Anders/DuPlayee to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:04 P.M.

TOWN BOARD MEETING

- V. ADMINISTRATIVE
 - A. Notice and attendance for the meeting was the same as described for the public hearing above.
 - B. Hampton called the meeting to order at 7:04 P.M.
 - C. Minutes of previous meeting(s):
 1. **MOTION** by Williams/DuPlayee to approve the minutes of the Regular Town Board meeting held on October 18, 2021 and the Budget Workshop held on October 25, 2021 as printed. **MOTION CARRIED 5-0.**
 2. **MOTION** by Williams/DuPlayee to approve the closed session minutes from October 18, 2021 as printed, and from October 25, 2021 with one correction. Both sets of minutes should be kept closed until the respective matters are resolved. **MOTION CARRIED 5-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #34986-35016 as presented, and voiding lost check #34945. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve September per diem payments as presented. **MOTION CARRIED 5-0.**
 3. The Treasurer noted that Board packets included an overview of the 2022 budget as discussed at the October 25th meeting, including end of year fund balance estimates at the end.
 - E. Public Concerns: Robert Williamson, representing Galarowicz Trust, was online and had a question about their property at the corner of Vilas Hope Road and Gala Way. He wondered if the fact that adjacent properties are in the Neighborhood Development area of the future land use map has any implications on their property. Hampton said that it does not. He said Williamson could submit a request during the annual window between February 15 and March 15 to have the Galarowicz property put in Neighborhood Development Area, which would allow the 1:8 RDU multiplier to apply, however the Town would expect 8 homes to be built when the property is developed. Williamson said they only want to sell lots for two homes, but questioned having to buy a RDU for each home when a developer in the Neighborhood Development area gets 8 for each RDU purchased. It was explained that this is the incentive for more dense development, which comes at a higher cost due to infrastructure and stormwater requirements.

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
NOVEMBER 1, 2021

- F. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve permits for 1) Wisconsin Power & Light Co/Intercon Construction to install new gas service for 2558 Bass Rd. and 2) Alliant Energy/Intercon Construction to extend a gas main on CTH BB, American Way, Baxter Road and the Sunset Ridge subdivision. **MOTION CARRIED 5-0.**

VI. BUSINESS:

A. Plan Commission Recommendations:

1. Dane County Solar, LLC, applicant, Dane County, Landowner: Applying for a Conditional Use Permit for a 20-MW solar facility on 178 acres (parcels 0711-302-9501-0, 0711-301-9040-3, 0711-302-8000-2, 0711-302-8500-7, 0711-193-9720-2, 0711-193-9350-0 along County AB and Hope and Femrite Roads): Bill French was present for SunVest Solar, LLC (d.b.a. Dane County Solar, LLC), along with David Merritt from Dane County and Zach Hill from Alliant Energy. Hampton asked French to make a brief presentation to supplement the minutes from the public hearing and Plan Commission, and other information Board members already had. He said the 20 MW solar facility will include ground mounted panels on 109 acres in the areas between Luds Lane, Femrite Drive and Hope Road. Dane County, as the property owner, will receive rent from SunVest Solar, along with the renewable energy credits. The energy generated will go into Alliant's grid. Panels will follow the sun and be 8 feet tall at maximum tilt. Ground under the panels will be seeded in prairie grasses and flowers. Construction will begin in the spring of 2022, with an in-service date anticipated late summer to early fall of 2022. After 7 years, Alliant will take over ownership, and at that point, the Town will be eligible for shared revenue based on an agreement that public utilities enter into with the State. In the meantime, SunVest Solar has agreed to a \$1,500 annual payment to the Town in lieu of taxes. SunVest is also willing to comply with the conditions set by the Plan Commission. Fonger questioned the \$1,500 amount, suggesting that the amount should be based on the value of the solar operation rather than the value of the land under previous (agricultural) use. Williams asked whether local people would be hired for construction; French said it is always a goal to hire local people as much as possible, however some of the work is specialized. Williams would like to see the payment in lieu of taxes match the lost tax revenue (\$2,000). **MOTION** by DuPlayee/Williams finding that the standards under sections 10.101(7) (d) 1 and 10.222 (3) (a), Dane County Code of Ordinances are satisfied, and approving the Conditional Use Permit with the following conditions: Pile driving (during construction) will be limited to between 7:00 a.m. to 7:00 p.m., Monday thru Friday. Seven to eight foot tall arborvitaes or cedars shall be planted outside the fence on the border with Hope Lutheran Church (on Dane County Property, so the solar facility will be responsible for their maintenance), the Town shall be listed as an additional insured on Dane County Solar, LLC's bond with the County, areas adjacent to crop land that is not row crops shall be mowed 3-4 times per year to keep seeds from native plantings on the site from dispersing onto the crop land, payment in lieu of taxes during the first seven years to be \$2,000 annually. **MOTION CARRIED 5-0.**
2. Discuss/Consider amending the Land Division Ordinance to require a wider right-of-way on new collector streets: **MOTION** by Williams/Anders to move forward with amending the Land Division Ordinance to require a 70' wide right-of-way for new collector streets, with the assistance of the Town Engineer and Planning Consultant. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
NOVEMBER 1, 2021

- B. Discuss/Consider next steps for possible Intergovernmental Agreement with the City of Madison: Two citizens registered to speak:
- Randy Gaber, 3895 Vilas Hope Road, registered against the IGA. He argued that land would be swept into the City without owner consent, and felt by entering into the IGA, the Town Board would be turning a blind eye on residents in area A and the response to the survey of Town residents earlier this year that showed support for preserving farmland and resisting annexation. He said the IGA would tie the hands of the Town should things change in the next 40-50 years, and asked the Town Board to deny the agreement and not bring it up again.
 - Kent Kelsey, 3105 Gaston Road, was hoping a representative from the City would be here. He had questions and concerns about being swept into the City against his wishes, and felt the Town Board should deny the IGA.

A petition opposing annexation by the City of Madison and signed by 21 residents had been hand-delivered to Williams today (Exhibit A).

Williams said the Town Board initiated discussions with the City of Madison because they have repeatedly been advised that the only tool the Town Board has to preserve the Town is an IGA.

Don Klongland, 3108 Gaston Road, spoke in support of the IGA and the opportunities he felt it offers property owners.

Benefits of the IGA discussed by the Town Board included drawing a line which the City would agree not to annex beyond, and freeing the Town of the City's ETJ in areas outside of area A.

MOTION by Anders/Fonger to table the IGA for 18 months. **MOTION FAILED 2-3** (Hampton, Williams and DuPlayee opposed).

MOTION by DuPlayee/Williams to proceed with asking the City Attorney to draw up a formal agreement based on the outline discussed at the October 6, 2021 public information meeting, with correction/clarification about what development would be allowed in area A. **MOTION CARRIED 3-2** (Fonger and Anders opposed).

- C. Discuss/Consider request from Deer-Grove EMS to use Town ARPA funds to finance a radio infrastructure upgrade for Deer-Grove EMS: EMS Chief Eric Lang was online and reported that the Cottage Grove Village Board is open to the request, and have sent it to their Finance Director for further review. **MOTION** by Anders/Williams to approve the use of Town ARPA funds to finance a radio infrastructure upgrade for Deer-Grove EMS, as long as it meets ARPA eligibility criteria. **MOTION CARRIED 5-0.**
- D. Discuss/Consider next steps for possible agreement to lease space behind the Town Hall to Tillman Infrastructure LLC for a communications tower: The Board reviewed the "boiler plate" agreement along with comments provided by Richard Wood. **MOTION** by Williams/Anders to advise Tillman Infrastructure LLC that the Town is interested, and direct the Town Attorney to negotiate for an agreement. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of Addendum to Rodefild Landfill Expansion Agreement: John Welch, Director of Dane County Waste and Renewables was online but there were no questions for him. The addendum includes a 12% increase to the annual payment to the Town once the vertical expansion of the landfill is complete. **MOTION** by Hampton/Williams to approve the addendum pending review by Attorney Cole. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
NOVEMBER 1, 2021

F. Discuss/Consider adoption of Resolution 2021-11-01 Adopting a Ward Plan: The Clerk recommended the 6-ward plan depicted on the proposed resolution, noting that it would eliminate a seventh ward that only encompassed the Village pumping station on Vilas Road that was created in 2011 when the Town was split into two State Assembly districts (this would be incorporated into Ward 6). **MOTION** by DuPlayee/Williams to adopt Resolution 2021-11-01 as presented. **MOTION CARRIED 5-0.**

VII. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen said ditch mowing will be complete this week and they have started getting winter equipment out. The yard waste collection site will be closed after November 11th, and the bunker will be re-purposed for sand storage for the winter.

VIII. CLERK'S OFFICE UPDATE: The Clerk has seen chatter on the Clerk's network about using ARPA funds for the purchase of Badger Books. New Court Clerk Danielle King started training today.

IX. BOARD REPORTS AND COMMUNICATIONS: Hampton reported that a news release by the County named the Yahara Golf Course as the future landfill site.

X. COMMITTEE REPORTS:

A. Deer-Grove EMS District: Williams reported that the Commission has still not heard back from the union about the new contract. The Chief has only had three applicants for new 12-hour shifts to expand ambulance coverage in 2022. There is no news on the new ambulance.

XI. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 9:01 P.M.

Kim Banigan, Clerk
Approved 11-15-2021

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 15, 2021

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town’s web site. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were present, along with Clerk Kim Banigan, Treasurer Debra Abel, Highway Superintendent Dan Dresen and Deputy Kristina Grams. Virtual attendance was possible using gotomeeting.com.
- 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 public hearing and Town Board meeting held on November 1, 2021 with one correction to the final motion under item VI. B. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
1. **MOTION** by DuPlayee/Anders to approve payment of bills corresponding to checks #35017-35046 as presented. **MOTION CARRIED 5-0.**
 2. **MOTION** by Anders/DuPlayee to approve payment of \$6,661.25 to General Engineering Company for October building permits. **MOTION CARRIED 5-0.**
 3. The Treasurer asked for November per diem reports by December 3rd.
 4. The Treasurer reported that the Court Clerk will need to perform the collection duties for outstanding court fines since the process with the WDOR is linked directly with QuickClerk software. She shared copies of a report that the McFarland Court Clerk provides monthly to their board, and asked if this is something our board would like to see monthly as well. There was enthusiastic agreement that this should become a regular practice beginning with a report for January, 2022.
 5. The Treasurer asked if the Board is OK with continuing the practice of not accepting payments in person for 2021 tax collection to prevent line-ups of people during the ongoing pandemic. Consensus was to continue the practice.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/Fonger to approve permits for 1) Wisconsin Power & Light Co/Intercon Construction to install new gas service for 2207 Wooded Ridge Trl. and 2) Monona Plumbing & Fire Protection to extend Village water to 4155 Vilas. **MOTION CARRIED 5-0.**

II. BUSINESS:

- A. Review latest draft of Intergovernmental Agreement with the City of Madison and discuss/consider next steps: City of Madison Planners Brian Grady and Jeff Greger were present virtually. Grady said the IGA would give both the city and the town certainty for planning purposes. He described the highlights of the draft IGA (Exhibit A):
- Madison will not accept annexations east of Area A, shown in blue on the map (Exhibit A-1). Area A is identified as the “Potential Madison Expansion Area” and its eastern border as the “Interim Boundary Line” in the draft IGA. The one exception would be if the city owned property east of Area A and needed to put infrastructure on it (e.g., water tower, pumping station), they could annex it under the agreement. Hampton noted that the Village of Cottage Grove currently owns property with a pumping station that is still in the Town, so annexation in this case would not be a requirement.
 - In an effort to avoid property being “swept in” when adjoining landowners wish to annex to the city, language was included to allow for town islands to be created.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 15, 2021

- The only development allowed in Area A would be that lands over 5 acres under contiguous ownership could split to create up to two residential lots (if there is already a residence, one additional could be created, if there is not an existing residence, two could be created). This division would be subject to Town and County regulations regarding lot size, clustering, development rights, etc.
- Area B, shown in purple on the map, is designated as a future planning area but does not have any restrictions under the proposed IGA.
- If the town or city pursue boundary agreements with the Villages of Cottage Grove or McFarland, they will include the other party of this IGA in their discussions.

Fonger thought town islands were how the Town of Blooming Grove got fragmented to the point that it was no longer financially feasible. Anders asked why the city couldn't be a good neighbor and agree not to sweep properties in without having this agreement.

Anders asked about properties that are partially in and partially out of Area B. Grady said this is only a future growth area, no restrictions would apply under the IGA. Anders also asked what would happen if landowners in Areas A or B wanted to annex to the Village of McFarland, would it be similar to the situation that led to a lawsuit between Madison and McFarland over land in the Town of Blooming Grove? Grady said the agreement between Madison and Blooming Grove was based on a different statute under which land is transferred to the city at the end of the agreement, this agreement would not do that.

Randy Gaber, 3895 Vilas Hope Road, registered and spoke against the IGA. He said he did not think the Board acknowledged the concerns he and others in Area A expressed at previous meetings, but rather they were met with defensive and argumentative responses. He felt the fact that none of the Town Board members reside in Area A is a conflict of interest, and that the results of the survey of residents earlier this year are being ignored, that respondents clearly indicated they want to preserve the Town. He would like to see the question of the IGA put to referendum. He asked if properties in Area A would be able to add an Ag building. Grady said the IGA would prohibit the construction of a second "principal structure" (home or business), but secondary structures (garages, ag buildings, etc.) would be allowed as permitted under town and county regulations.

Robert Williamson, representing property near Gala Way owned by Galarowicz Trust, was online and commented that he feels people in Area A are not listening to what is actually going to happen because they are taking it as something being forced on them.

Williams asked Grady what his experience has been with taking something like this to the City Counsel. Grady said many such agreements were approved in the early 2000's. Planners have worked closely with the Mayor on this proposed agreement. He would present the "why" of the agreement, and he would expect them to approve it. He said the city is generally proactive in working with municipal neighbors.

MOTION by DuPlayee/Williams to forward the draft IGA to the Town Attorney for his review and recommendations to the Board. **MOTION CARRIED 4-1** (Anders opposed).

- B. Discuss/Consider request to replace speed bumps on Damascus Trl. with stop signs in 2022: Deputy Grams was present earlier and was asked to weigh in on this. She wanted more time to think about it and consult with the other deputies, but off the cuff, she thought the speed bumps were doing their job and did not think there would be good places to put stop signs. The resident who requested the stop signs was not present. Board discussion was that Damascus is much different than Sandpiper where stop signs were installed to slow traffic

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
NOVEMBER 15, 2021

down. Most of the cross streets are dead ends, and most of the intersections are on hills. Anders commented that he thought stop signs were for traffic control, not speed control. DuPlayee and Fonger were both against stop signs, Fonger didn't even think the speed bumps should go back in next year. Dresen suggested that residents should be consulted about where to put the speed bumps, because no matter where he puts them, the closest residents don't like them. **MOTION** by DuPlayee/Anders to take no action on stop signs and continue with the current practice. **MOTION CARRIED 5-0.**

- C. Discuss/Consider approval of 3-lot Certified Survey Map near Gala Way for Helen J Galarowicz Rev. Trust and Donald and Karen Ehlenfeldt: **MOTION** by DuPlayee/Williams to approve the CSM dated 08-05-2021 as presented. **MOTION CARRIED 5-0.**
- D. Review Blasting Permit application for 3190 County Highway N and set date for a public hearing as per TCG section 18.01(5)(a): Dennis Richardson from R.G. Huston Company, Inc. was present online. He said the blasting is necessary for creation of a temporary infiltration pond during construction of a larger pond to the south that will be in the Town of Pleasant Springs. **MOTION** by DuPlayee/Williams determining that the application is complete and scheduling a public hearing for December 6, 2021. **MOTION CARRIED 5-0.**
- E. Discuss/Consider approval of Negotiated Agreement Relating to the Third Rodefild Landfill Expansion (tabled from September 20, 2021): **MOTION** by DuPlayee/Anders to approve the agreement (Exhibit B) as presented. **MOTION CARRIED 5-0.**

III. Public Works Department Update: Dresen reported that the yard waste drop-off site was closed at the end of last week. Tires have been replaced on tractors and trucks. A fire on Femrite Drive caused pavement damage, he asked the deputy to add the damage to her report so insurance reimbursement can be pursued. The crew is readying equipment for snow removal operations.

IV. Clerk's Office Update: The Clerk has reached out to current poll workers to find out if they wish to continue during the 2022-23 term, and is beginning to gear up for 2022 elections.

V. Committee Reports: None.

VI. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:42 P.M.

Kim Banigan, Clerk
Approved 12-06-2021

INTERGOVERNMENTAL COOPERATION AND BOUNDARY AGREEMENT

Between the City of Madison and the Town of Cottage Grove

THIS AGREEMENT, entered into by and between the City of Madison, a Wisconsin municipal corporation (hereinafter referred to as “Madison”) and the Town of Cottage Grove, a Wisconsin municipal corporation (hereinafter referred to as “Cottage Grove”), is effective as of the date by which all parties have signed hereunder.

WITNESSETH:

WHEREAS, Cottage Grove is a rural town in Dane County with a population of approximately 3,900. Cottage Grove has faced continued annexation and development pressure from the Village of Cottage Grove and has recently been subject to the annexation of lands to the Village of McFarland; and,

WHEREAS, under the terms of a Cooperative Plan with the Town of Blooming Grove, Madison has annexed most of the lands of the Town of Blooming Grove and now shares an approximately 5.5 mile long municipal border with Cottage Grove. Madison anticipates continued growth and development interests within and outside its current borders and Madison and Cottage Grove (the “Parties”) expect that this municipal growth and development interest will eventually expand into Cottage Grove; and,

WHEREAS, the Parties recognize that, given the shared boundary, their present and future planning and municipal needs will overlap and be interdependent upon one another in this boundary area, and that both Parties will be better served by working cooperatively with one another to achieve their desired outcomes, within clearly established future growth areas; and,

WHEREAS, in recognition of their respective interests in planned and orderly growth, the Parties have engaged in discussions about establishing an interim boundary line which Madison will not expand beyond, and designating an area for potential Madison expansion in which Madison has certainty regarding development activity. This agreement provides Cottage Grove with increased certainty regarding its boundary with Madison and continued opportunities to expand the tax base; and,

WHEREAS, Cottage Grove desires to protect lands from being annexed against the owners’ wishes, and Madison desires to prevent new development west of the interim boundary line which does not conform to City development standards; and,

WHEREAS, pursuant to Wis. Stat. § 66.0301(2), Wisconsin municipalities are authorized to enter into intergovernmental agreements, for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. Under this authority, the Parties now wish to formalize this cooperation and to establish an interim boundary between themselves.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually

acknowledged, the Parties agree as follows:

1. Purpose. The purpose of this “Intergovernmental Cooperation and Boundary Agreement” (the “Agreement”) is to establish an interim boundary line beyond which Madison will not approve the annexation of Cottage Grove territory. During the term of the Agreement, it is anticipated that development within the Potential Madison Expansion Area will occur in Madison, and the Parties agree to cooperate on several matters of shared interest as identified herein, thereby protecting the interests of both Parties and encouraging continued intermunicipal cooperation over the next several decades.
2. Term. This Agreement shall be effective through December 31, 2061. This Agreement will be automatically renewed for one ten (10) year period, to run through Dec. 31, 2071, unless either party notifies the other party, no later than Jan. 1, 2061, that it does not want the renewal to take effect.
3. Boundary Agreement.
 - a. Boundary Line; Annexations. The Parties agree that, during the term of this Agreement, Madison will not approve the annexation of any lands east of the boundary line shown and depicted on Exhibit 1 to this Agreement (the “Interim Boundary Line”). In establishing this Interim Boundary Line, the Parties recognize that annexations to the contrary of this provision would not be in the public’s interest as that term is used in Wis. Stat. § 66.0217(6)(c). Cottage Grove territory lying between the Interim Boundary Line and Madison is the Potential Madison Expansion Area, and is identified on Exhibit 1 as Area A. Cottage Grove agrees not to oppose annexation to Madison within the Potential Madison Expansion Area, nor will Cottage Grove support or encourage annexation of land in the Potential Madison Expansion Area to any other municipality. Notwithstanding the foregoing, Madison may annex land owned by Madison to the east of the Interim Boundary Line if the lands are needed to provide the Potential Madison Expansion Area with sanitary sewer and/or water services.

Lands may be annexed to Madison, under this Agreement, irrespective of the size, or shape of the lands covered by the annexation petition. Such annexations may create town islands. Madison, however, may reject any petition to annex lands that are not contiguous, configured or located in a manner as will enable Madison to provide adequate and timely service. Madison is authorized to confer with landowners interested in annexation to recommend the size, shape and contiguousness of the territory to be covered by the petition. Any annexation shall include the public right of way to the centerline.
 - b. Development. Cottage Grove will not approve any development within the Potential Madison Expansion Area except as provided in this subsection. “Development” or “Develop” refers to the division of land, declaration of a condominium, construction of more than one principal structure on a parcel, or rezoning a parcel from a residential or agricultural classification to a non-residential classification. Property owners within the Potential Madison Expansion Area

wanting to develop their property shall seek annexation of the property to Madison and conform to Madison development requirements. However, Cottage Grove may approve development in the Potential Madison Expansion Area if Madison and the property owner enter into a recordable agreement addressing the development that is consistent with the long-term interests of the Parties set forth herein.

- c. Single-Family Residential Development. Notwithstanding the restrictions on land divisions in Subsection b, the division of five (5) acres or more of lands in contiguous ownership (contiguous lands within the control of a single owner), that exists as of the date of this Agreement, to facilitate a maximum of two single-family homes is not considered “development” under this Agreement. Lands under contiguous ownership where there is an existing single-family home and no other existing principal structures may create one new single-family home on the lands under this provision. Lands under contiguous ownership where there is no existing principal structures may be divided to create two single-family home parcels on the lands under this provision. Each parcel that contains a single-family home shall be zoned or rezoned to a single-family residential district. To maintain consistency with Cottage Grove’s maximum lot size policy for residential lots (2 acres as of the date of this Agreement) and lot clustering policy for residential lots, lands under contiguous ownership may be divided into three parcels. In this situation, the two residential lots shall be clustered (contiguous to each other) and the remaining acreage/parcel shall be deed restricted, for the benefit of Madison, to preclude future development on the remaining acreage/parcel in the Town. Lots created under this provision shall conform to Town and County regulations, including Dane County’s Land Division and Subdivision regulations. In all circumstances, no more than two single-family homes shall result from the division of lands under contiguous ownership.
- d. Future Planning Area. The Parties have identified an area to the east of the Interim Boundary Line that has been designated as the Future Planning Area. The Future Planning Area is depicted on Exhibit 1 as Area B. During the term of the Agreement, Madison shall keep the Future Planning Area within the long term growth area of its Comprehensive Plan.
- e. Extraterritorial Jurisdiction. Madison agrees that it will only exercise its extraterritorial review authority within Cottage Grove in the Potential Madison Expansion Area. Madison waives its extraterritorial review authority to the east of the Interim Boundary Line within Cottage Grove during the term of this Agreement.
- f. Preservation of Open Space Corridors. The Parties will collaborate on the preservation of open space corridors along its current boundary line and Interim Boundary Line, including collaboration with adjacent municipalities and Dane County on identifying and preserving corridors of regional significance.
- g. Comprehensive Plans. The Parties agree to update their respective Comprehensive Plans, and related plans, to reflect the provisions of this agreement within 5 years.

h. Future Boundary Agreements. Cottage Grove agrees that should it pursue boundary agreements, including a cooperative plan or a consolidation agreement, with either the Village of Cottage Grove or the Village of McFarland, it will inform Madison of such discussions and will not agree to any terms or proposals that would be contrary to the terms of this Agreement or that would cause the lands in the Potential Madison Expansion Area to annex or attach to any municipality other than Madison during the term of this Agreement. Madison further agrees that should it pursue any boundary agreements with either the Village of Cottage Grove or the Village of McFarland which impacts territory of Cottage Grove other than the Potential Madison Expansion Area or that would be contrary to terms of this Agreement, that it will inform Cottage Grove of such discussions and that it will not agree to any terms or proposals that would impact Cottage Grove lands outside of the Potential Madison Expansion Area during the term of this Agreement. This provision may be enforced by specific performance under Section 9.

i. Highway Improvements.

(1) US Highway 12 & 18 Highway Improvements. The Parties agree to facilitate the implementation of the planned USH 12 & 18 and CTH AB interchange. In addition, the Parties will facilitate implementation of the planned USH 12 & 18 freeway conversion between the existing CTH AB interchange and the CTH N interchange by not seeking or approving new driveway access along this segment of USH 12 & 18.

(2) Road Improvement Reimbursement. If a property west of the Interim Boundary Line annexes to Madison during the term of this Agreement, Madison agrees to reimburse Cottage Grove for any Vilas Road, Vilas Hope Road and Femrite Drive road construction expenses that Cottage Grove previously incurred for the abutting portion of property frontage, to the centerline of the road. Following the annexation, the reimbursement shall be made by Madison within ninety (90) days of Cottage Grove sending Madison an invoice detailing the year of the road construction expenses and the costs to Cottage Grove. The reimbursement shall be made on the following schedule, as measured from the year of the improvement to the year of annexation:

Year of improvement	100%
Year 1	90%
Year 2	80%
Year 3	70%
Year 4	60%
Year 5	50%
Year 6-8	40%
Year 9-10	30%
Year 11-15	20%

Year 16-19	10%
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- (3) Future Highway Projects. During the term of this Agreement, the Parties agree to cooperate on any other highway improvement projects that may impact the Potential Madison Expansion Area and pursue other specific intergovernmental agreements as necessary.

- 4. Liability. Each party shall be responsible for the consequences of its own acts, errors or omissions and for the acts, errors, or omissions of its employees, officers, officials, agents, boards, committees and commissions, and shall be responsible for any losses, claims, and liabilities that are attributable to such acts, errors or omissions including providing its own defense, arising out of this Agreement. In situations involving joint liability, each party shall be responsible only for such losses, claims, and liabilities that are attributable to its own acts, errors, or omissions and the acts, errors, or omissions of its employees, officers, officials, agents, boards, committees, and commissions. It is not the intent of either party to waive, limit or otherwise modify the protections and limitations of liability found in Wis. Stats. § 893.80 or any other protections available to the parties by law.

- 5. Notices. All notices to be given shall be in writing and delivered by personal delivery or United States mail, as follows:
 - To Madison: Planning Division Director
Madison Municipal Building, Suite 017
215 Martin Luther King, Jr. Blvd.
Madison WI 53703

 - To Cottage Grove: Town Clerk
4058 County Highway N
Cottage Grove, WI 53527

- 6. Non-Discrimination. In the performance of the obligations under this Agreement, the Parties agree to abide by their own respective affirmative action plans and in doing so agree not to discriminate, in violation of any state or federal law, against any employee or applicant because of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, political beliefs, or student status. The Parties further agree not to discriminate, in violation of any state or federal law, against any subcontractor or person who offers to subcontract on this Agreement because of race, religion, color, age, disability, sex, sexual orientation, gender identity or national origin.

- 7. No Third Party Beneficiary. This Agreement is intended to be solely between Madison and Cottage Grove. Nothing in this Agreement accords any third party, including, specifically, the Village of Cottage Grove, the Village of McFarland, the Madison Metropolitan School District, the McFarland School District, or the Monona Grove School District, any legal or equitable rights whatsoever which may be enforced by any nonparty to this Agreement.

8. Amendment. This Agreement may be amended only by the written agreement of both of the parties hereto.
9. Conflict Resolution. The Parties pledge their good faith to resolve any concerns or disputes that arise regarding their respective obligations under this Agreement. Either party may at any time request a meeting with the other party to discuss a concern relating to this Agreement. Nothing in this section is intended to prevent either party from seeking any remedy available to it under this Agreement from a court of competent jurisdiction in Dane County, Wisconsin as described in Section 10. The Parties agree that specific performance is an appropriate remedy for any breach of this Agreement and that a party need not show that damages are not a sufficient remedy to obtain specific performance by the other party.
10. Enforcement. This Agreement shall be governed by the laws of the State of Wisconsin. Any act by either party in violation of this Agreement shall be remedied by the courts of the State of Wisconsin. This Agreement is intended to provide both parties with the right and standing to seek any available legal or equitable remedy to enforce or seek damages for the breach of this Agreement.
11. Binding Effect. The parties have entered into this Agreement under the authority of Wis. Stat. § 66.0301(2). The parties agree that this Agreement shall be binding upon both parties.
12. Termination. This Agreement may only be terminated upon the written agreement of the Parties hereto, or successors thereof. No other breach of any terms of conditions of this Agreement shall be cause for termination by either party.
13. Entire Agreement. This Agreement represents the entire agreement between the parties with regards to the subject matter expressed herein, and supersedes all prior negotiations, representations, understandings, or agreements, either written or oral, dealing with these issues.
14. Change in Law/Severability. If any part, term, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or otherwise unenforceable by a change in state or federal law, such illegality or unenforceability shall not affect the validity of any other part, term, or provision and the rights of the parties will be construed as if the invalid part, term or provision was never part of the Agreement.
15. Construction. The Parties acknowledge that this Agreement is the product of negotiations between the Parties and that, prior to the execution hereof, each Party has had full and adequate opportunity to have this Agreement reviewed by, and to obtain the advice of, its own legal counsel with respect hereto. Nothing in this Agreement shall be construed more strictly for or against, any Party because that Party's attorney drafted this Agreement or any part hereof.
16. No Waiver. No failure to exercise, and no delay in exercising, any right, power or remedy hereunder on the part of Madison or Cottage Grove shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy. No express

waiver shall affect any event or default other than the event of default specified in such waiver, and any such waiver, to be effective, must be in writing and shall be operative only for the time and to the extent expressly provided by Madison or Cottage Grove therein. A waiver of any covenant, term of condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition.

17. Choice of Law and Forum Selection. This Agreement shall be governed by and construed, interpreted and enforced in accordance with the laws of the State of Wisconsin. The parties agree, for any claim or suit or other dispute relating to this Agreement that cannot be mutually resolved, the venue shall be a court of competent jurisdiction in Dane County, Wisconsin and the parties agree to submit themselves to the jurisdiction of said court, to the exclusion of any other judicial district that may have jurisdiction over such dispute according to any law.
18. Authority. Each party warrants for itself that it has complied with all applicable statutes, rules, orders, ordinances, requirements and regulations to execute this Agreement, and that the person or persons executing this Agreement on its behalf is authorized to do so.
19. Counterparts; Electronic Delivery. This Agreement and any document executed in connection herewith may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute the same document. Signatures on this Agreement may be exchanged between the parties by facsimile, electronic scanned copy (.pdf) or similar technology and shall be as valid as original; and this Agreement may be converted into electronic format and signed or given effect with one or more electronic signature(s) if the electronic signature(s) meets all requirements of Wis. Stat. ch. 137 or other applicable Wisconsin or Federal law. Executed copies or counterparts of this Agreement may be delivered by facsimile or email and upon receipt will be deemed original and binding upon the parties hereto, whether or not a hard copy is also delivered. Copies of this Agreement, fully executed, shall be as valid as an original.

IN WITNESS WHEREOF, the PARTIES hereto have caused this Agreement to be executed by their proper officers on the day and year written below.

FOR THE TOWN OF COTTAGE GROVE

Kris Hampton, Town Board Chair

Date

Kim Banigan, Town Clerk

Date

FOR THE CITY OF MADISON

Satya Rhodes-Conway, Mayor

Date

Maribeth Witzel-Behl, City Clerk

Date

Countersigned:

Approved as to form:

David P. Schmiedicke, Finance Director

Date

Michael Haas, City Attorney

Date

Execution of this Agreement by the City of Madison is authorized by Resolution Enactment No. RES __ - _____,
ID No. _____, adopted by the Common Council of the City of Madison on _____, 20__.

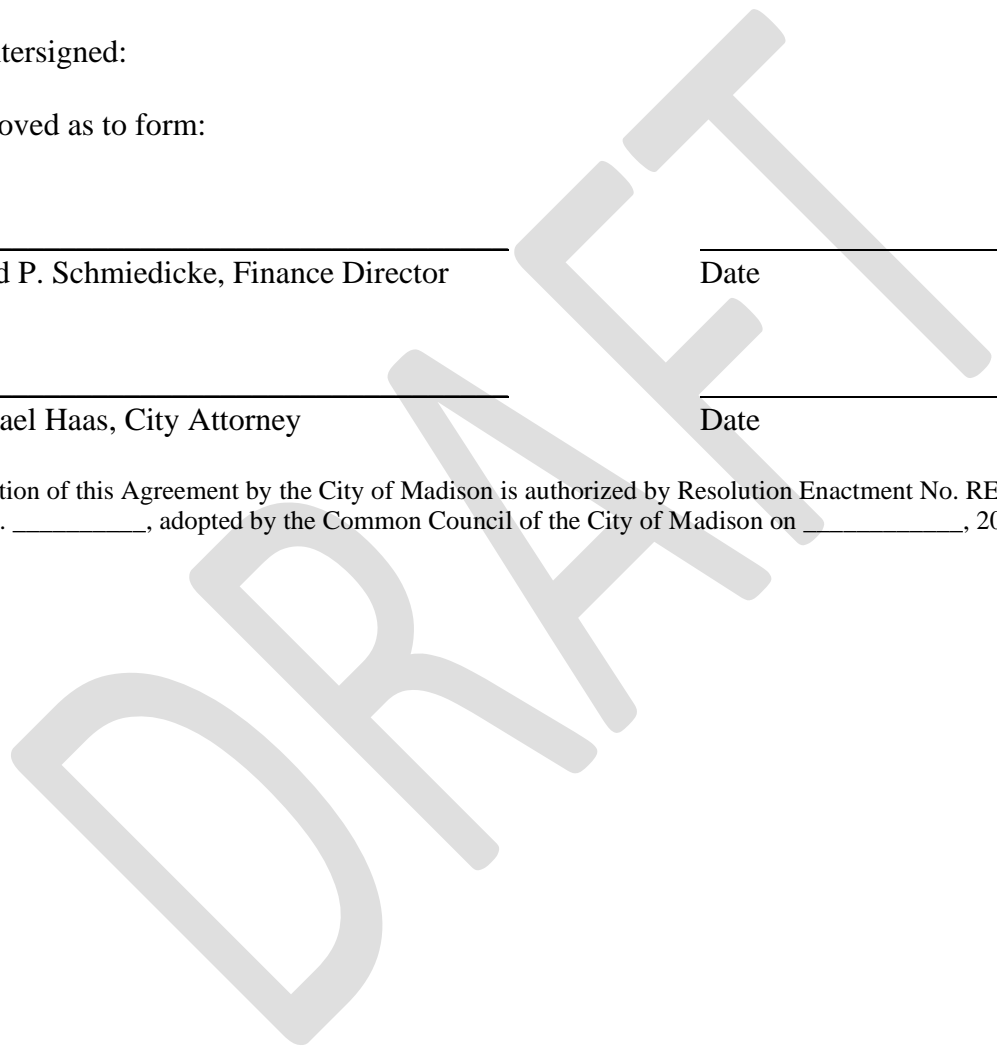


EXHIBIT 1
Map

TOWN OF COTTAGE GROVE
PUBLIC HEARING FOR BLASTING PERMIT
PUBLIC HEARING FOR 2022 BUDGET
SPECIAL TOWN MEETING OF THE ELECTORS
TOWN BOARD MEETING
DECEMBER 06, 2021

PUBLIC HEARING REGARDING APPLICATION FOR A BLASTING PERMIT FOR 3190 CTH N

- I. Notice of the public hearing mailed to all owners of property within .5 mile of the blasting site, and posted at the Town Hall and on the Towns web site and Facebook page. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debra Abel, Highway Superintendent Dan Dresen and those listed on the sign in sheet available in the Town Office. Virtual attendance was possible using gotomeeting.com.
- II. Hampton called the public hearing to order at 7:00 P.M. and read the public notice. There were no questions or comments from the public regarding the proposed blasting permit.
- III. **MOTION** by DuPlayee/Williams to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:01 P.M.

PUBLIC HEARING FOR 2022 TOWN OF COTTAGE GROVE BUDGET

- I. On November 17, 2021, notice of the public hearing was published in the Wisconsin State Journal and posted, along with a summary of the proposed budget, at the Town Hall, and on the Town's internet site and Facebook page. Attendance was the same as for the public hearing above.
- IV. Hampton called the public hearing to order at 7:03 P.M. There were no questions or comments from the public regarding the proposed 2022 budget
- V. **MOTION** by DuPlayee/Anders to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:03 P.M.

SPECIAL TOWN MEETING OF THE ELECTORS

- I. Notice of the special town meeting of the electors was published and posted along with the public hearing notice for the 2022 budget, as stated above. Attendance was also as stated above for the 2022 budget public hearing. Including Town officials and staff, there were 13 Town electors present, attendance sheet available in the Clerk's office.
- I. Hampton called the Special Meeting of the Electors to order at 7:03 P.M.
- VI. Discuss/Consider adoption of the 2021 town tax levy, to be paid in 2022 pursuant to s.60.10(1)(a), Wis. Stat. **MOTION** by Thomas Willan/Daniel Dresen to adopt the 2021 town tax levy at \$1,738-962.00. **MOTION CARRIED 13-0-0.** The final equated manufacturing assessment is not available yet, however the Clerk estimated that the 2021 Town mill rate will be very close to 3.3, down from 4.1396 in 2020.
- VII. **MOTION** by Kristi Williams/ Mike DuPlayee to adjourn. **MOTION CARRIED 13-0.** The meeting 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 web site. Attendance was the same as above. Atty. William Cole arrived in time for the closed session in item VII.
 - B. Hampton called the meeting to order at 7:08 P.M.

TOWN OF COTTAGE GROVE
PUBLIC HEARING FOR BLASTING PERMIT
PUBLIC HEARING FOR 2022 BUDGET
SPECIAL TOWN MEETING OF THE ELECTORS
TOWN BOARD MEETING
DECEMBER 06, 2021

- C. Discuss/Consider approval of minutes of last meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the November 15, 2021 meeting as presented. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of checks #35047-35091 as presented. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/Williams to approve payment of November per diems as presented. **MOTION CARRIED 5-0.**
 - 3. The Treasurer reported that she had attended a WTA webinar regarding use of ARPA funds, but had not learned anything new. She still believes that radios for the Fire and EMS services will not qualify since the Town has not had any lost revenue due to the pandemic.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/Williams to approve a permit for Wisconsin Power & Light/Intercon to install new gas service at 2231 Wooded Ridge Trail. **MOTION CARRIED 5-0.** **MOTION** by Anders/DuPlayee to approve a permit for TDS to install fiber in the Sky High subdivision, placing new pedestals near existing ones whenever possible. **MOTION CARRIED 5-0.**

II. BUSINESS

- A. Discuss/Consider approval of a 180-day blasting permit for 3190 County Highway N: Dennis Richardson and Dale Huston were present to represent landowner Huston Holdings. Richardson asked for a delayed start date as they are still working with Dane County Land Conservation on the requirements for the infiltration pond that the blasting is needed for. **MOTION** by Fonger/Anders to approve the 180-day blasting permit as requested, permit holder to work with the Clerk regarding start date. **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of the 2022 Town Budget: **MOTION** by Fonger/Williams to approve the 2022 budget, with revenues estimated at \$5,250,691.50 and expenses estimated at \$5,541,149.01. **MOTION CARRIED 5-0.**
- C. Plan Commission Recommendations: Thomas M and Julia A Willan, applicants and landowners – application for rezone of parcel 0711-072-9971-5 (2.1 acres at 4407 Vilas Hope Road) from RR-2 to FP-B: Mr. and Mrs. Willan were both present. Williams stated that she had observed the November Plan Commission virtually, and appreciated hearing the Chair raise questions about the many permitted uses in the FP-B zoning district. She was glad to hear that the Willan's had no plans for large animal boarding. One of her concerns was where parking would be if a large amount of people attended any kind of event there, and she was glad to hear the Willans understood this concern and had mitigated this in the past by having off-site valet parking when a wedding was held there. Mr. Willan said they do not want to be a burden to others with anything they do there. Mr. Willan noted that the City of Madison's Yahara Neighborhood plan has their property as farmland preservation or open space. They are hoping to get back to Ag zoning before an IGA is signed between the Town and City that

TOWN OF COTTAGE GROVE
PUBLIC HEARING FOR BLASTING PERMIT
PUBLIC HEARING FOR 2022 BUDGET
SPECIAL TOWN MEETING OF THE ELECTORS
TOWN BOARD MEETING
DECEMBER 06, 2021

would prevent a zone change. **MOTION** by Williams/DuPlayee to accept the Plan Commission's recommendation to approve rezoning the 2.1-acre parcel from RR-2 to FP-B. **MOTION CARRIED 5-0.**

- D. Discuss/Consider approval of Agreement between the Town of Cottage Grove and Kennedy Hills, LLC regarding Snow Removal and Salting: David Riesop was present representing Kennedy Hills, LLC. Hampton asked Dresen what he thought a reasonable amount to charge for each trip would be. Dresen said the Town cannot make a profit, and estimated that \$50 would cover the time, truck and materials for each trip, which he thought would take about 30 minutes. Anders brought up the hourly rates for fire department vehicles as an example. Fonger noted that property owners in Kennedy Hills, LLC are paying taxes just like everywhere else. Dresen said this agreement is needed because the streets are still private property until they are dedicated to the Town. **MOTION** by Fonger/DuPlayee to approve the agreement as drafted, with the amount per plowing set at \$50.00. **MOTION CARRIED 4-1** (Anders opposed).
- E. Discuss/Consider refuse and recycling collection scheduled changes proposed by Waste Management: Sean Quinn from Waste Management was present virtually. He said they are looking to change service days to correct route imbalances. They would prefer to service the Town and Village on the same day so if there are issues, there are other drivers in the area. He said he is still looking at additional options that would have minimal impact to the Town, and it is still possible that no changes will be needed. Hampton asked what the Village decided at their meeting tonight. Quinn said they prefer to stay with the current schedule, but are open to service day changes, although they prefer not Friday. Hampton did not want to see trash and recycling picked up on different days of the week. The Clerk said it would be confusing to have recycling picked up on different weeks for different parts of the town. She noted that the 2022 community calendar that just came out highlights current recycling weeks. Quinn said Waste Management could send out new calendars. **MOTION** by DuPlayee/Williams to table for a more definite plan. **MOTION CARRIED 5-0.**
- F. Discuss/Consider approval of Deer-Grove EMS Resolution 2021-11-18 Records Retention: **MOTION** by Anders/Williams to approve the resolution as presented. **MOTION CARRIED 5-0.**
- G. Discuss/Consider approval of Collective Bargaining Agreement Between Deer-Grove Emergency Medical Services District and International Association of Firefighters Local 311: **MOTION** by Anders/DuPlayee to approve the CBA as presented. **MOTION CARRIED 5-0.**
- H. Discuss/Consider approval of Service Agreement between the Town of Cottage Grove and Purple Cow Organics for 2022-2024: **MOTION** by Williams/DuPlayee to approve the agreement as presented. **MOTION CARRIED 5-0.**
- I. Discuss/Consider approval of Town's share of cost of survey required for Emergency Services Building sign: **MOTION** by Williams/DuPlayee to approve the Town's share (\$600) of the survey, to come out of unassigned funds. **MOTION CARRIED 5-0.**

TOWN OF COTTAGE GROVE
PUBLIC HEARING FOR BLASTING PERMIT
PUBLIC HEARING FOR 2022 BUDGET
SPECIAL TOWN MEETING OF THE ELECTORS
TOWN BOARD MEETING
DECEMBER 06, 2021

- J. Discuss/Consider quote to deep clean Court Clerk office and add Court Clerk and Building Inspector offices to weekly cleaning routine: Quote was actually to strip and wax the floor in the Court Clerk Office, not deep clean the office. The Clerk noted that an email from Travis at Coverall said it would add \$18/month to include the Building Inspector and Court Clerk offices in the weekly cleaning of the Town Hall, but the quote provided was \$19 higher than the current price. **MOTION** by Fonger/Williams to approve the quote to strip and wax the Court Clerk office floor for \$225, and to add the Court Clerk and Building Inspector offices to the weekly cleaning routine for an additional \$18/month (bringing the total monthly cost for the Town Hall, Flynn Hall and Police station to \$505.) **MOTION CARRIED 5-0.**
- K. Set date for first Town Board meeting in January: The meeting will be held on Tuesday, January 4th since the Town office will be closed on Monday, January 3rd.
- III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen has someone coming to look at the drinking fountain on Wednesday. The crew recently attended a virtual class on signage and safety, which he said was a good review.
- IV. CLERK'S OFFICE UPDATE: Noting to report.
- V. BOARD REPORTS AND COMMUNICATIONS: Hampton asked if the Town should have an ordinance prohibiting puppy mills. Atty. Cole was present and said defining a "puppy mill" can be problematic.
- VI. COMMITTEE REPORTS
- A. Deer-Grove EMS Commission: The new ambulance will be a 2022 model.
- B. Jt. Town/Village Landfill Monitoring Committee: The committee approved the bills, nothing else new.
- C. Jt. Town/Village Fire Department committee: They would like to use ARPA funds for new radios.
- VII. Convene in Closed Session Pursuant to Wisconsin Statute Section 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Proposed Boundary Agreement with City of Madison): **MOTION** by DuPlayee/Williams to convene in closed session for the reasons stated above. **MOTION CARRIED 5-0** by roll call vote. Everyone but Board members, the Clerk and Atty. Cole left the meeting and the door was locked. The closed session began at 7:57 P.M.
- VIII. Reconvene to open session to take any action necessary from closed session: **MOTION** by Williams/DuPlayee to reconvene in open session. **MOTION CARRIED 5-0** by roll call vote. The Closed session ended at 8:37 P.M. and there was no resulting action.
- IX. ADJOURNMENT: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:37 P.M.

Kim Banigan, Clerk
Approved 12-20-2021

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 20, 2021

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Town Chairman Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams and Mike DuPlayee were all in attendance, along with Clerk Kim Banigan, Treasurer Debra Abel, Highway Superintendent Dan Dresen, and Town Engineer Nick Bubolz. Virtual attendance was available using gotomeeting.com. Fire Chief Nick Archibald was present virtually.
- B. Hampton called the meeting to order at 7:00 P.M.
- C. Discuss/Consider approval of minutes of last meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the December 6, 2021 public hearings, special meeting of the electors, and Town Board, correcting the 2022 budget total expenses to \$5,541,149.01. **MOTION CARRIED 5-0.**
- D. Finance Report and Approval of Bills:
 - 1. **MOTION** by DuPlayee/Anders to approve payment of checks #35092-35120 as presented. **MOTION CARRIED 5-0.**
 - 2. **MOTION** by Anders/DuPlayee to approve payment of \$2,347.80 to General Engineering Company for November building permits. **MOTION CARRIED 5-0.**
 - 3. The Treasurer reported tax payments are coming in fast. She must upload December payments to the County on January 3rd. Since the office is closed that day, she will take another day off that week instead.
- E. Public Concerns: None.
- F. Road Right of Way Permits: **MOTION** by Anders/DuPlayee to approve two permits: 1) Charter/Cross Country Cable Crop to install new service for 4282 Vilas Hope Road and 2) Great Lakes Research LLC to hand-dig archeological test holes adjacent to an existing pole near 2304 E. Gaston Road. **MOTION CARRIED 5-0.**

II. BUSINESS

- A. Review November Police Activities: The monthly report showed 198 calls for service and 103 citations issued. Deputy Kristina Grams was present and said there has been an increase in property checks. In response to a question at a previous meeting about putting stop signs on Damascus Trl, she offered to collect speed data if the Board felt it would be useful. Consensus was that it was not worth it at this time. Hampton reported that the Beat deputy is picking up Deputy Biwer's shifts in December.
- B. Discuss/Consider forfeiture amounts for the County's TRACS system: The Clerk said forfeiture amounts in the TRACS system are not necessarily aligned with Town ordinances, and provided a list of penalties by ordinance section. She suggested that the Board may want to review these to decide what initial amounts tickets should be written for. **MOTION** by Anders/Fonger to table until January 4th or 18th. **MOTION CARRIED 5-0.**
- C. Discuss options for providing fire protection to potential commercial properties on North Star Road: Hampton said his understanding is that buildings over 12,000 sq. ft. are required to have a sprinkler system, and he had asked Town Engineer Nick Bubolz to advise about what options there might be for accomplishing considering the Town does not have water on North Star Road. Fire Chief Nick Archibald was also present online. Bubolz confirmed the 12,000 sq. ft. threshold, and said a well and water storage would be needed, either privately or

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 20, 2021

municipally owned, or a combination of the two. He estimated that a municipal system could run in the \$2 million range. Maintenance concerns include flushing, aeration and protection from freezing. The cost of a private system would depend on the size of the building. Bubolz suggested that unless there is widespread commercial development anticipated, it might be best to leave it up to the property owners, possibly with some incentive from the Town. Discussion was that this might limit what types of businesses would be interested in coming to the area, which could be a good or a bad thing. Fonger said the Town would need to be sure the Town had no liability for the fire suppression system, and suggested an ordinance may be in order. Chief Archibald said currently the Fire Department would be hauling water to a fire on North Star Road. If the Town wants to develop a larger business park, the Board may want to consider a municipal system. For just a few businesses, it would be less work for the Town to have them do their own systems. Hampton asked if Little Door Creek could provide water, Bubolz said not so much since it would be frozen in the winter and would have to be clean enough to pump. Hampton summarized by saying this is something the Town needs to think about and plan for, and suggested there may be Economic Development grants available. Bubolz said there would need to be a business interested in order to demonstrate the need on a grant application. **MOTION** by DuPlayee/Williams to table and discuss monthly. **MOTION CARRIED 5-0.**

- D. Discuss/Consider approval of a Certified Survey Map for 1834 Schadel Road: **MOTION** by Anders/Williams to approve CSM identified as Office Map #210586 dated 12/13/2021. **MOTION CARRIED 5-0.**
- E. Discuss/Consider Appointment of 2022-23 Poll workers: **MOTION** by DuPlayee/Fonger to approve the 41 poll workers on the list provided by the Clerk. **MOTION CARRIED 4-0-1** (Williams abstained).
- F. Discuss uses of ARPA funds: The ARPA FAQs say that ARPA funds can be passed on to non-profits and private businesses that have lost revenue due to the pandemic. Hampton suggested that the Historical Society may have lost revenue due to not having the usual events during the pandemic. The Clerk will ask them if they had lost revenue. The Lions Club was also brought up, although it was not believed they are a non-profit. Bubolz was asked for his input on possible uses of ARPA funds. He said the water tower for fire suppression mentioned earlier would not qualify because it is not related to water quality. There is potential from a stormwater manage standpoint, if for example, the Town built a centralized stormwater pond for new construction. He did note that this is a bit of a gray area when it comes to use of ARPA funds. Hampton brought up that the Town is working with UniverCity to study the Koshkonong Creek to improve flow and water quality. Bubolz said it could potentially qualify if it reduced erosion and phosphorus to improve water quality.
- G. Discuss/Consider asking for resident input on park shelters in the 2021 Annual Report and Newsletter: Consensus was to develop a survey and provide notice of it in the annual report, asking residents to indicate their interest in having an unimproved shelter in their local park, knowing that it may make their park more attractive to those from other areas, vs. having an improved park at the Town Hall.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE: Dresen said they have been working on getting the new Court Clerk office ready, and continuing to trim trees along the roads since there is no snow yet.

TOWN OF COTTAGE GROVE
TOWN BOARD MEETING
DECEMBER 20, 2021

- IV. CLERK'S OFFICE UPDATE: Nothing to report.
- V. BOARD REPORTS AND COMMUNICATIONS: Hampton shared notice from the City of Madison about increasing their Urban Service Area to include the new landfill site and lands to the north of it. He reported that there was a change to the DCSO contract after the Town's budget was approved that could mean higher costs to the Town. Costs will need to be monitored and some shifts possibly may need to be cut to keep the cost within the budget. Williams asked everyone to be sure to take the Dane County Broadband Task Force's speed study that is posted on the Town web site and Facebook page. Fonger reported that Randy Gaber has indicated he is no longer interested in serving on the Emergency Government Committee.
- VI. COMMITTEE REPORTS
- A. Deer-Grove EMS Commission: Williams reported the Commission will receive the study results at a special meeting on January 18th.
- VII. ADJOURNMENT: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.**
The meeting ended at 8:17 P.M.

Kim Banigan, Clerk
Approved 01-04-2022