MINUTES OF THE SPRINGDALE TOWN BOARD MEETING, Oct. 19, 2015

IN ATTENDANCE: Town Board Chair Ed Eloranta, Supervisor I Mike Fagan and Supervisor II Richard Schwenn and Clerk Vicki Anderson.in attendance.

CALL TO ORDER: by Chair Eloranta, 7 p.m.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. By 10/15/15 the agenda was posted in the three customary locations in the Town of Springdale as required by law and, as a courtesy to the residents, the notice of the meeting was published in the *Mt. Horeb Mail* on 10/15/15*.* In addition, the extensive publication requirements for the discontinuance of a portion of White Crossing Road were met.

MINUTES: MOTION by Schwenn/Fagan to approve the minutes as distributed of 9/21/15. MOTION carried 3-0.

PUBLIC HEARING: RESOLUTION TO DISCONTINUE EXCESS RIGHT-OF-WAY/HENSEY PROPERTY/WHITE CROSSING RD./ SEC. 13: MOTION by Fagan/Schwenn to approve the resolution to discontinue the excess right-of-way on White Crossing Road by the Hensey lands. The Resolution states: RESOLUTION NO. 15081 TOWN OF SPRINGDALE DANE COUNTY, WISCONSIN

A RESOLUTION TO DISCONTINUE A PORTION OF WHITE CROSSING ROAD LOCATED IN THE TOWN OF SPRINGDALE, DANE COUNTY, WISCONSIN RECITALS:

A. It is in the public interest that a portion of the public way, White Crossing Road, shown and described on the diagrams

 and legal descriptions attached hereto and incorporated herein is vacated and discontinued in the Town of Springdale,

Dane County, Wisconsin, under 66.1003(4).

B. The Town Board of Springdale intends to discontinue the Right-of-Way.

C. The discontinuance of the Right-of-Way will not deprive the landowner of all access to a highway and will not result in a landlocked property.

D. This Resolution was introduced before the Town Board of the Town of Springdale on Aug. 24, 2015. A Notice of Pendency of Application to vacate the Right-of-Way was filed with the Registry of Deeds for Dane County on Aug. 24, 2015. The Notice of Hearing was published as a class 3 notice under Chapter 985 of the Wisconsin Statutes. A copy of the Notice of Hearing was served or mailed more than 30 days prior to the hearing in the manner prescribed by law on the owners of all the frontage of the lots and lands abutting upon the Right-of-Way. A public hearing was held before the Town Board of the Town of Springdale on Oct. 19, 2015.

E. This matter was referred for consideration and report to the Town of Springdale Plan Commission which considered and reported on this matter on Sept. 28, 2015.

F. No proper written objection to the discontinuance of the Right-of-Way was filed with the Town Clerk.

G. The public interest requires that the Right-of-Way be discontinued.

H. To the extent that public utilities have rights on, over, under and through the entire vacated area, such rights are not vacated by the discontinuance.

I. No Town Driveway Permit application shall be required for the vacated portion of the town road. The existing driveway shall continue as the private driveway.

 NOW, THEREFORE, based on the above recitals, pursuant to section 66.1003 of the Wisconsin Statutes, the Town Board of the Town of Springdale hereby resolves as follows:

1. Discontinuance of Right-of-Way. The Right of Way is hereby vacated and discontinued.

2. Official Map Amendment. The Town’s official map shall hereby be amended consistent with this Resolution.

3. Clerk Duties. The Town Clerk is instructed to record a certified Copy of this Resolution with the Dane County Register of Deeds.

Motion to approve carried 3-0.

PLAN COMMISSION RECOMMENDTIONS:

A. D. MIDTHUN-D. PERKINS/LOT LINE ADJUSTMENT VIA CSM/CTH J/SEC. 24: MOTION by Schwenn/Fagan to approve the lot line reconfiguration as recommended by the PC. Discussion: There shall be no further division of this lot. In some cases lot line reconfigurations can serve to chew away at agricultural land but in this case, a wooded slope is added to the original lot. Motion to approve carried 3-0.

 B. D. MITHUN/B. NEERLAND/LOT LINE ADJUSTMENT VIA CSM/CTH G/SEC. 25: MOTION by Schwenn/Fagan to approve the lot line adjustment as recommended by the PC. Discussion: There shall be no further division of the this lot. No business activities for the CUP on the property shall be conducted outside of the accessory building approved for that purpose; not on this additional land. Motion to approve carried 3-0.

C. CARMEN VALDEZ AND MICHAEL DEPUE/CUP #2328/DEPENDENT LIVING ARRANGEMENT/HIDDEN VIEW TRAIL/SEC. 2: MOTION by Fagan/Schwenn to approve the CUP with the conditions recommended by the Plan Commission; the CUP does meet the six required standards of a CUP. Discussion: The conditions are: 1.The dependent living arrangement in the single family residence shall only be used by members of the immediate family (parents). In no event shall the space be used for general rental purposes. 2. The conditional use permit shall expire upon sale of the property to an unrelated third party.

3. The following typical conditions for a CUP are not applicable to this use: hours of operation, number of employees, anticipated customers, outside storage, outdoor activities, outdoor lighting, outside loudspeakers, proposed signs, and trash removal. Motion to approve carried 3-0.

D. T. FECHT/RESIDENTIAL ACCESSORY BUILDING, RAB/DAIRY RIDGE RD./SEC. 13: MOTION by Fagan/Schwenn to approve the RAB. Discussion: It was generally discussed that the purpose of the RAB review and permit process is to protect people from having a RAB built in their neighbor’s view from their picture window and to verify that the use of the RAB is for residential not business nor commercial uses. A man cave and personal storage is okay. Motion to approve carried 3-0.

ROAD DISCONTINUANCE FOLLOW UP:

A. REVOKE LIS PENDENS FOR HOLLFELDER DR. SINCE ROADWAY CANNOT BE DISCONTINUED DUE TO TERRAIN: MOTION by Fagan/Schwenn to vacate the previous action to vacate a portion of Hollfelder Dr. and to approve the form of the document for recordation at the Register of Deeds for this purpose. Motion carried 3-0.

B. AGREEMENT BETWEEN TOWN AND J. ZANDER/FUTURE LANDOWNERS AND TOWN TO ALLOW TOWN TRUCK TURN AROUND AT END OF HOLLFELDER DR./SEC. 6: MOTION by Schwenn/Fagan to approve the agreement between J. Zander/future landowners and the Town for Town snowplow trucks to reverse direction in a part of the private driveway.

LIMITED USE OF DRIVEWY EASEMENT AGREEMENT

This Limited Use of Driveway Easement Agreement (the “Agreement”) is made as of this 19th day of October, 2015 (the “Effective Date”) by and between Jerome J. Zander (“Zander”) and the Town of Springdale, Dane County, Wisconsin (the “Town”).

Recitals

A. Zander is the owner of the property located at 3111 Hollfelder Drive in the Town (the “Property”). A legal description of the Property is attached hereto and incorporated herein as Attachment A.

B. Zander has installed a driveway on the Property that connects to the end of Hollfelder Drive in the Town (the “Driveway”). The Driveway is depicted on the aerial photograph attached hereto and incorporated herein as Attachment A.

C. The Town plows and removes snow and ice from Hollfelder Drive. Hollfelder Drive is a dead end road and there is no area at the end of the road at which the Town’s snow and ice removal equipment (the “Equipment”) may safely turn around or reverse direction.

D. The Town wishes to be able to use the Driveway in order to allow the Equipment to safely turn around and reverse direction on Hollfelder Drive.

 E. Zander desires to grant the Town such use of the Driveway.

Agreement

 NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Zander and the Town agree as follows:

1. Grant of Easement. Zander grants and conveys to the Town for the benefit of the Town and the Town’s employees, agents, and contractors, a perpetual, non-exclusive easement for the Equipment to use the Driveway to turn around and reverse direction on Hollfelder Drive (the “Easement Area”).
2. Continued Use. Zander shall have the right to use the Driveway and Easement Area in any manner that does not interfere with the reasonable use of the Easement Area by the Town.
3. Binding Effect; Amendment. This Agreement sets forth the entire understanding and agreement of Zander and the Town regarding the subject matter hereof. The covenants contained in this Agreement and the easement established under this Agreement: (a) shall run with the land and shall bind and inure to the benefit of Zander and the Town and their respective heirs, successors and assigns; and (b) shall be amended, modified, or terminated, by the Town and the owner of the Property in a written document recorded with the Register of Deeds of Dane County.
4. Governing Law. This Agreement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
5. Waiver/Non-Use. No delay or omission by either party in exercising any right or power under this Agreement shall be construed to be a waiver of the right or power. Waivers shall only be in writing. The Town’s non-use or limited use of the rights granted in this Agreement shall not prevent the Town from the later use of such rights to the fullest extent authorized in this Agreement.
6. No Public Dedication. Nothing in this Agreement shall be deemed to be a gift or dedication of any of the Driveway or Easement Area to the general public.

7. Recording of Agreement. The Town may, at its expense, record and re-record this Agreement or a notice of this Agreement

 with the Register of Deeds for Dane County.Motion to approve carried 3-0.

C. DRIVEWAY PERMIT: GAMMETER ROAD/SEC. 36: MOTION to approve a driveway permit Part 1 and 2 for the farmhouse at the end of Gammeter Rd. Discussion: Since a portion of the road was discontinued, the farmhouse address has been changed by Dane County Rural Numbering office.The driveway permit for discontinued roads is issued by the Town at no cost to the landowner. Motion to approve carried 3-0.

BELLA VISTA FINAL PLAT/GRIMSTAD RD./SEC. 10/DISCUSSION ONLY: The landowners, Bakken Grimstad LLC, have paid all outstanding expenses incurred by the Town in review of the Plat.

FIRE DISTRICT UPDATE/DISCUSSION ONLY: The TB attended the annual meeting of the fire district and learned that Springdale’s share of this year’s budget will increase by 6.5%. In general, it was believed that the Fire District Board did a good job of budgeting. Steps are being taken to build a joint fire and police station. Springdale’s share of the cost may be $2 million based on our portion of the equalized value of the entire district served by the joint fire department. The Fire District Board was urged to anticipate a method for the fair distribution of costs for the spaces shared by the fire and police departments. Those served by the fire department only, do not want to cover costs associated with the police department. Lands near the Premier Cooperative on the west end of the Village of Mt. Horeb are being considered for the building. It is anticipated that the funding of the building will be placed on the ballot for the November, 2016 election.

RESOLUTION OF TOWN BOARD TO PROPOSE EXCEEDING LEVY LIMIT: NO ACTION: The Town Budget Hearing and Meeting of the Electors is scheduled for Thursday, Nov. 12, 2015, 7 p.m. At this point in time, it does not appear that the Town will need to exceed the levy limit since the debt payment for the new snow plow truck, to be included in the budget, is not restricted by the levy limit. After a budget work session, the TB and Treasurer would like to slightly increase the tax rate/mill rate to allow the Town to pay down its debt (the snow plow truck) and make sure our roads are in as good a shape as possible before incurring the fire-police station bill in a few years.

DANE COUNTY CODE OF ORDINANCES AMENDMENT RE: MINOR CHANGES TO A-1x, A-4, A-B DISTRICTS FOR COMPLIANCE WITH FARMLAND PRESERVATION CREDITS: MOTION by Fagan/Schwenn to approve. Motion carried 3-0.

BILLS: MOTION by Fagan/Schwenn to authorize the Town Patrolman Devin Dahlk to negotiate with Scott Construction to pay for the portion of Town Hall Road which was adequately sealcoated in September, 2015, and to hold off on the remainder of that portion of the bill until the roadwork is completed satisfactorily in 2016. The work completed on Ringgenberg Dr. and Gammeter Road was satisfactory and authorized for payment - $6635.00. Scott Construction warranties their work. Motion carried 3-0.

BILLS: MOTION by Schwenn/Fagan to approve the bills as presented except for the Scott Construction bill previously discussed. Motion carried 3-0.

ADJOURN: MOTION by Schwenn/Eloranta to adjourn. Motion carried 3-0.

Respectfully submitted, Vicki Anderson, Town Clerk

**Town of Springdale Meeting**

**The Springdale Town Board will conduct its regular monthly business meeting on Monday, Nov. 16, 2015, at 7 p.m. AGENDA ITEMS FOR DISCUSSION/PUBLIC INPUT/POSSIBLE ACTION: (The final agenda will be posted at Riley Tavern, the Town Hall and the Mt. Vernon Family Auto.)**

**1. Call to order, Certification of compliance with the Open Meeting Law, Quorum present, Approval of the agenda,**

**2. Minutes of previous meetings,**

**3. Public Input: Non-agenda items, (Public input at the time of each agenda item may be permitted.)**

**4. Upper Sugar River Watershed Association annual update to Town,**

**5. Public Hearing: Plan Commission recommendations/Gammeter Family Trust/revised CSM/Gammeter Rd./Sec. 36,**

**6. CTH P speed and air braking,**

**7. Certification of Treasurer for tax collection,**

**8. Fire District update, 9. Bills-budget amendment-part-time snow plow operators pay every two weeks, 10. Adjourn.**

**A majority of the Town Board and Plan Commission may be in attendance.**

**Post and Publish: 11/12/15 Vicki Anderson, Clerk**