MINUTES OF THE SPRINGDALE TOWN BOARD MEETING – Jan. 12, 2015

IN ATTENDANCE: Town Board Chair Ed Eloranta, Supervisor I Jeff Smith, Supervisor II Richard Schwenn (A quorum is present.) Deputy Clerk Carol Statz.

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

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. By 1/8/15 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 agenda was published in the *Mt. Horeb Mail.*

MINUTES: MOTION by Schwenn/Smith to approve the minutes as distributed: 12/15/14. Motion carried, 3-0.

FIRE DISTRICT UPDATE/PLANS FOR NEW BUILDING: In light of the proposed new fire station for the MHAJFD, Supervisor Smith suggested that Springdale residents generate questions to present to the MHAJFD re: potential costs. No specific site in the Village of Mt. Horeb for the fire station has been selected at this time. It was agreed that firefighters living in Springdale could help the Town evaluate the proposals by discussing necessary features of a fire station and associated costs.

NORRIS GAMMETER/PRELIMINARY CSM AND SHARED DRIVEWAY PERMITS PART 1/SPRING ROSE RD/SEC. 36: MOTION by Smith/Schwenn to approve the four-lot CSM as recommended by the PC with the condition that the shared driveway easement language be submitted to the Town for approval for a shared driveway from Spring Rose Rd. for Lots 3 and 4 and to Spring Rose Rd. or Gammeter Rd. for Lots 1 and 2. Discussion: The four-lot CSM was laid out with the understanding that all or a large portion of Gammeter Rd. would be discontinued as a town road and returned to a private driveway. Therefore, the proposed new lots have frontage on Spring Rose Rd. and access via Spring Rose Rd. to the extent possible. The sight line on Spring Rose Rd. for Lots 1 and 2 requires those driveways to be as close to the existing Gammeter Rd. as possible. It was generally agreed that the uniqueness of the lot layout overrides the concern with two driveways next to each other. Town Patrolman Devin Dahlk will be consulted re: best location for the proposed shared driveway and the two shared driveway permits for the four lots will be acted on at a future TB meeting. Motion to approve the four-lot preliminary CSM with the condition about shared driveways carried 3-0.

SHARED DRIVEWAY PERMIT- WARREN BURGER LANDS AND SINGLE-USE DRIVEWAY-STEVEN BURGER LANDS/LEWIS RD./SEC. 29: NO ACTION: In preparation for the PC discussion re: a proposed land division on the 20 acre parcel owned by Warren Burger, the TB discussed the safest site for a driveway on Lewis Rd. The current driveway to the Burger home has limited visibility due to terrain. However, using this access point as a shared driveway to a future lot seemed the lesser of two evils. To avoid cutting through the agricultural land, a driveway on the western property line would require a lot of cut to decrease the hill to improve the site visibility. For the single residential site on the Steven Burger 20 acre parcel, a proposed driveway on the south side of Lewis Rd., across from the existing access to Hanson lands on the north side of Lewis Rd., seemed to make sense. Due to the terrain on this land, a second house lot is not proposed.

FORWARD INVESTMENT PROPERTIES: N & B HURLEY/PRELIMINARY PLAT/OPTION 3 RURAL CLUSTER SUBDIVISION/GRIMSTAD RD./SEC. 10: NO ACTION: The following topics were discussed:

\*Improvements for the intersection with CTH PD and Grimstad Rd.: Dane County Highway has not yet approved the proposed improvements for the intersection with CTH PD and Grimstad Rd. as submitted by Tim Schleeper, Vierbicher Engineering, for the Hurleys. More details re: the intersection improvement will be provided by the developers’ engineer. It was recommended that as soon as the plans are prepared to submit them to the Town and Dane County departments that have to approve them before plat approval.

\*Cost of improvements and special assessments: More information re: the improvements required and approved by Dane County Highway is needed before special assessments can be discussed.

\*New Bella Vista Road: The road to be built to serve the proposed nine houses is depicted as a one-way dead-end road with the typical 18’ – 20’ width. Mailboxes are proposed for one area. The center of the loop road is a circle with 35’ radius.

HIGHWAY WEIGHT LIMITS: MOTON by Smith/Schwenn to adopt the ORDINANCE: ESTABLISHING A PERMIT REQUIREMENT FOR AGRICULTURAL COMMERCIAL VEHICLES AND IMPLEMENTS OF HUSBANDRY:

ORDINANCE NO. 15-1-1,TOWN OF SPRINGDALE, DANE COUNTY, WISCONSIN

AN ORDINANCE: ESTABLISHING A PERMIT REQUIREMENT FOR AGRICULTURAL COMMERCIAL VEHICLES AND IMPLEMENTS OF HUSBANDRY

The Town Board of Supervisors of the Town of Springdale does ordain as follows:

ARTICLE 1. An Ordinance Establishing a Permit Requirement for Agricultural Commercial Vehicles and Implements of Husbandry is hereby created to read as follows.

REGULATIONS APPLICABLE TO AGRICULTURAL COMMERCIAL VEHICLES AND IMPLEMENTS OF HUSBANDRY.

Section 1. DEFINITIONS. As used in this Ordinance, the following terms have the following meaning:

(1) “Agricultural Commercial Vehicle” shall have the meaning given in Sec. 340.01(1o).

(2) “Implement of Husbandry” shall have the meaning given in Sec. 340.01(24).

(3) “Maintaining authority” shall mean the Town.

(4) “Town Agent” means the Town officer or employee who has been designated by the Town Board to process applications, issue permits and pursue enforcement of violations on behalf of the Town.

Section 2. PROHIBITION.

It shall be unlawful and a violation of this ordinance for any person, without a permit therefor, to operate an implement of husbandry, including a Category B implement of husbandry, or an agricultural commercial vehicle on any Town road under the jurisdiction of the Town which exceeds the length and/or weight limits imposed by s. 348.15(3)(g), Wis. Stats.

Section 3. ADMINISTRATION.

(1) Authority. This Ordinance is adopted under the authority of s. 348.27(19)(b)5a, Wis. Stats. and Trans 230 of the Wisconsin Administrative Code.

(2) Permits. Applications for permits shall be made to the Town at the Springdale Town Hall, 2379 Town Hall Rd., Mt. Horeb, WI 53572. Only applications containing all required information shall be processed.

(3) Fee. No fee shall be charged for issuance of a permit.

(4) Review. Upon receiving an application for a permit under this section, the Town Agent shall provide the applicant with a final decision on the application within three (3) weeks of its receipt. If the Town Agent fails to approve or deny the application during this 3-week period, the application is considered approved until the applicant receives a denial meeting the requirement of subsection (6) or until six (6) weeks from receipt of the application. If the Town Agent fails to approve or deny the application within 6 weeks of its receipt, the application is approved.

(5) Amendment. Any person to whom a permit has been issued under this section may, at any time, apply for an amendment to the permit to reflect a change in the applicant’s circumstances or information, including a change in the listing or map of highways to be traveled. Upon receiving an application for amendment, the Town Agent shall provide the applicant with a decision on the application within five (5) business days of its receipt. If the Town Agent fails to approve or deny the application within the 5-day period, the application is considered approved until the applicant receives a denial under subsection (6) or until 10 business days from receipt of the application. If the Town Agent fails to approve or deny the application within 10 business days of its receipt, the application is approved.

(6) Denial of permit. If the Town Agent denies a permit application it shall notify the applicant in writing of the denial and the notice shall include a reasonable and structurally based explanation of the denial that relates to the preservation of the roadway. If the only basis to deny the application is the listing or map of highways accompanying the application, the Town Agent shall modify the application to include an approved alternate route or map of highways for operation and approve the application.

(7) Permit renewal. Permits issued under this section shall automatically renew each year unless there is a material change to any roadway for which the permit applies. Permit holders shall be notified in writing of a non-renewal.

(8) Suspension/Revocation of Permit. Alteration of a permit, providing false information on the permit application or failure to comply with the conditions of a permit shall be just cause for suspension of a permit upon verbal or written notice or revocation of a permit upon notice and an opportunity for a hearing.

(9) Appeal. Any person aggrieved by an adverse determination by the Town Agent under this section, shall file a written request for appeal with the Town Board within 30 days of the date of the adverse decision.

Section 4. ENFORCEMENT.

Failure to obtain a permit or to have permit in possession shall constitute a violation. The Town Agent may, upon receipt of a complaint or observation of a violation, commence appropriate procedures to enforce this Ordinance. The Town hereby authorizes enforcement by the Dane County Sheriff’s Department or any other law enforcement officer or agency designated by the Town Board.

Section 5. DAMAGE DONE BY EXCESS WEIGHT.

If damage is done to a local highway by an IOH or Ag CMV, the permit does not exempt the owner or operator from liability for such damage. The owner or operator is still liable for any damage done by excess weight to the highway.

Section 6. PENALTIES.

(1) If weight exceeds by 1,000 pounds or less – forfeiture of not less than $50 and not more than $100 upon first conviction and upon the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than $100 nor more than $200.

(2) If weight exceeds by more than 1,000 pounds:

(a) For the first conviction, a forfeiture of not less than $50 nor more than $200 plus an amount equal to whichever of the following applies:

1. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.

2. Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.

3. Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.

4. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

5. Fifteen cents for each pound of total excess load if the excess is over 5,000 100 pounds.

(b) For the 2nd 101 and each subsequent conviction within a 12-month period, a forfeiture of not less than $100 nor more than $300, plus an amount equal to whichever of the following applies:

1. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.

2. Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.

3. Eight cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.

4. Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

5. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.

NON-CODE PROVISION: The effective date of this ordinance amendment shall be January 15, 2015. A copy of this ordinance shall be provided to the Wisconsin Department of Transportation to be posted on the state DOT website. Motion carried 3-0.

Adopted by the Town of Springdale this 12th day of January, 2015.

Town Chairperson Ed Eloranta, Attested to the by the Deputy Town Clerk Carol Statz

ATC DISCUSSION RE: TRANSMISSION LINE PROPOSED FOR DANE COUNTY: Since ATC has begun the preliminary discussion regarding a new transmission line from the State of Iowa through Wisconsin and Dane County to the Town of Middleton site, Supervisor Smith wants to be ready to form a citizen committee again. It was agreed that the Town monitor this and consider a committee in the future.

BILLS: MOTION by Schwenn/Smith to approve the bills. Motion carried, 3-0.

ADJOURN: MOTION by Schwenn/Smith to adjourn. Motion carried, 3-0, 8:25 p.m.

Respectfully submitted, Vicki Anderson, Town Clerk