

Springdale Town Board Minutes

Tuesday, October 20, 2020 at 7 p.m.

Pursuant to Wis. stat 985.02(2), the final agenda is posted at Town Hall and on the Town website.

Due to COVID-19, this meeting was held via Zoom web conference.

- 1. Call to order**, Fagan, 7 p.m. Quorum of TB members present.
- 2. Certification of compliance with Open Meetings Law**; Clerk confirmed posting on 10/18/2020.
- 3. Approval of the agenda**; no changes.
- 4. Minutes of previous Town Board meetings**

Fagan suggestion - put minutes in PowerPoint for future ease of following along. Rosenbaum - 9/15 minutes, item 6, for clarity and introduction's sake, say "Town has received a complaint about lawn and weed height from resident who wishes to remain anonymous" rather than starting with Mike's comments. Also 9/15, agenda item 9, as introduction to the topic and to provide context, mention that Dawn McIntosh was present to represent Kelsey. Clerk agreed to make corrections as stated. Rosenbaum - 10/1 minutes, there are some blanks. Fagan - Rosenbaum seconded motion to enter closed session. Vote 3-0. Fagan - Schwenn seconded motion to come out of closed session. Vote 3-0.

MOTION (Fagan) to approve both 9/15 and 10/1 minutes. Rosenbaum seconded with incorporation of changes. No further discussion. 3 ayes, 0 nays, motion carried.
- 5. Public input/non-agenda items**

Fagan unmuted participants and opened for public comment; none spoke. Public input closed.
- 6. Taylor Maurer, 2122 Bridge Ln., holding tank**

Fagan - introduced Taylor Maurer. Holding tank for tack room bathroom in horse barn was originally allowed back in 2017 as a hardship situation by Dane Co and Springdale with three year review set for re-evaluation in 2020. Maurer's now back to find out next steps. T. Maurer - understanding is that they could use holding tank until septic system fails, then combine the stable bathroom and house into one system at that time. Fagan - holding tanks are not encouraged by Town or County, up to the board if we want to extend for another 3 years, current system approx. 30 years old. Don't have problem with holding tank for horse barn if not used frequently. Maurer - tank emptied 6 times total, 2 were because toilet was stuck on, 4 due to regular usage. Have to pump once a year regardless. Rosenbaum - so, is this a request for extension? Maurer - whatever we can get, another 3 years seems reasonable, septic system is currently functioning fine, don't see the need to replace it now. Fagan - Town doesn't want to set a favorable precedent for future holding tank applicants. Tanks are potentially risky and unconventional. However, for this type of use, easy to explain to any future applicants. Schwenn/Fagan, no problem extending.

MOTION (Fagan) to extend holding tank agreement for another 3 years with Maurers, or until septic system fails. Schwenn seconded.

T. Maurer - if house system fails before 3 year review, do we need to bring that back to the board? Fagan - yes, we will make a note at that time. Rosenbaum - struggling with precedent. If there is a spot identified with acceptable soils, concerned with how we explain to next resident. Fagan - we're OK'ing for a non-residential barn use; waste of money to destroy a perfectly good, working system to make them combine the two. Rosenbaum - clarify in the minutes that we're voting to approve for another 3 years for barn use only, not residential. Not Board's intent to approve residential holding tank agreements.

No further discussion, 3 ayes, 0 nays, motion (above) carried.
- 7. John Van Ooyen, CEO/GM of MHTC, broadband grant request for 2021**

Fagan introduced Mr. Van Ooyen from Mt. Horeb Telephone Company (MHTC). Van Ooyen provided the following details regarding the request:

Grant would identify service area as underserved. Grant not received last time. This is a proposal to expand broadband to make service up to 1 gigabyte available to all in the area identified on the submitted map. By entering the agreement, the Town agrees that the project is in the public interest. MHTC, with

the Town as its public partner, apply to the state grant program for 2021 to obtain monies to fund a portion of constructing the project. Town agrees to waive any fees related to the project and cooperate with MHTC in the application process. MHTC estimates project cost of \$2,961,700 and agrees to be responsible for the remainder of the cost above and beyond the Town contribution. Town's contribution is only payable if the grant is awarded and other conditions are met. This agreement clarifies that the Town does not own any portion of this project, with ownership and liability for claims, damages, etc. belonging to MHTC. MHTC shall provide the Town with a copy of its application to the Grant Program when it is submitted to the PSC and shall keep the Town apprised of all project progress.

Fagan - supportive of offering \$500 towards the project as was offered the last time. Rosenbaum - have to be sensitive to MHTC coverage of only ¼ of our town, have to balance that most of the Town wouldn't benefit. Van Ooyen - also encourage the Town to adopt the submitted sample ordinance in addition to this agreement. Fagan - received cautionary legal advice, could open the Town up to other environmentally undesirable things like cell towers.

MOTION (Fagan) to approve agreement to establish public/private partnership for applying for broadband expansion under Wis. Stat. 196.504 with same \$500 contribution that Town promised last year. Rosenbaum seconded. 3 ayes, 0 nays, motion carried.

Van Ooyen - application due in December, need to submit last week in November.

8. Randy Kahl, Lust Rd. upgrade

Fagan introduced Randy Kahl and his intent to develop 3 lots on Lust Rd. Original concept plan agreement was if lots were to be developed, road would need to be upgraded. Lust Rd. is currently a town road with a turnaround. Lots to hook into cul-de-sac. Fagan - developer (Kahl) obligated to bring Lust Rd. and cul-de-sac up to code if that many homes are to be added. Current residence, the Hollanders, would also benefit from road upgrade; Board will need to discuss how much they will have to pitch in. Don't have a current policy for this exact situation as Town has never encountered it before. Prior similar situations were only proposals, never built. Must be Town road, can't be driveway as cul-de-sac isn't adequate for that many homes and homes can't be shut off from main roadway. Rosenbaum - is Lust Rd. wide enough? Fagan - engineer will need to take a look; asked Kahl about timeline. Kahl - just had realtor out, they suggested road is settled out first. Fagan - decide when you want this to be done, engineer give you the specs, estimate and bill you. Decision to follow about when work will take place, for how much, which homeowners pay how much, etc. Kahl - probably in next year to two. Looking to get idea of cost. Schwenn - recalled that when 3rd lot was sold, road had to be upgraded. Kahl - third lot already sold. Rosenbaum - suggested that Kahl research state regulations on road width and trips per day, reach out to Town engineer to determine requirements. Kahl - can't Town reach out to the engineer? Fagan - Town and Country engineering, Brian Burquist (town engineer) is involved at your expense. Unfortunately cannot provide free engineering services. Fagan - Kahl request engineer's email from Clerk. Can certainly hire your own engineer, but Town's will be more familiar with our standards. No further discussion, tabled until Kahl decides what he wishes to do.

9. Gammeter Road proposed lot frontage, turn-around for plowing now and in future/Sec. 36

John Halverson, surveyor representing landowner, Thomas Cherpes (not present), looking to create another lot. Gate currently erected across Gammeter prevents Town plow, school buses and emergency vehicles from turning around. Lot requires 66' of frontage to what is now a private driveway, used to be Town farm to market road. Halverson - steep bank off to the right side of the driveway. 6' rise from private drive from drive to bank in 35'. Fagan - Where gate is currently, we would ask for turnaround. Don't think this requires a cul-de-sac. Halverson - would town consider wider area to pull in and back up where gate is now? Patrolman Dahlk - that's what we had talked about before discussion of another lot came up. Area where gate currently is offers better terrain, fairly flat. Fagan - look at what PC approved for concept plan, aim to keep it as close to 3 acres as possible. No motions tonight, think this works with proposed CSM for next PC meeting. Turnaround would not require any extension of Town portion of Gammeter, gate is on or close to the end of the Town Rd. Halverson - turnaround have to be on Town

land, otherwise you'll be on Roberta's land. If you're not going to extend the road, the Town will want an access easement. Fagan - requested that Halverson let Thomas Cherpes know that for snow plowing, we'll need the gate and posts out so plow can pass through. No motions or further discussion.

10. CUP #2504, Scott Niebuhr, transient/tourist lodging

Scott Niebuhr present to discuss CUP application after violation reported to Dane Co. PC came up with a set of conditions for this transient/tourist lodging. Fagan - suggested Niebuhr update his operational plan to reflect PC's recommendations as original plan no longer applicable. Send Town a copy before Dane Co. meeting, TB will review and make sure it's consistent. Fagan - contact Dane Co. to see what exactly they want him to include in the plan. Rosenbaum - late today received email from PC member with opinion on CUP # of allowed visitors. Wanted to mention for sake of the minutes to provide a complete record. Fagan - people can mail in info or questions, but because they aren't here to discuss, will not affect tonight's decision. Fagan read aloud the 8 standards in obtaining a CUP (as can be viewed on Dane County's Zoning website), 3 ayes for each of the 7 standards (#8 not being applicable as it is for farmland preservation). No further discussion.

MOTION (Fagan) approve CUP #2504 with conditions recommended by Springdale PC to the TB with Niebuhr getting operational plan revised to reflect everything agreed upon and copy given to Town before Dane Co. meeting. Rosenbaum seconded. 3 ayes, 0 nays, motion carried.

Fagan clarified copy sent to Clerk a few days before meeting so TB can review with enough time.

11. Clarified land use policy recommendation; residential lots on ag land

Rosenbaum - PC has been talking about ways to clarify how we look at residential lots on ag land. Current practice is to minimize residential lots on ag land, one of primary goals of land use plan. We don't indicate what recommended or default size lot when ag land is only land available. General rule, try to keep residential lots in woods or non-productive land. Trying to codify what PC has been doing for many years. Saying in item b, that "if density units must be located on ag land because other locations are not possible, new density units for non-farm uses on ag land shall be the minimum size necessary for the residential use proposed. The goal is for such residential density units to be 1-2 acres maximum in size." Recommended that this be added to next revision of land use plan, probably in spring. Fagan - this isn't set in stone, but the goal is to have us work towards this size. Always exceptions, can't anticipate every possible exception, but good guideline for those looking to develop in the town. No public comments.

MOTION (Fagan) approve proposed policy regarding residential lots on ag land. Schwenn seconded. No further discussion. 3 ayes, 0 nays, motion carried.

12. Discussion and possible action on Weed/Lawn Height Ordinance

Eric, volunteer Town Weed Commissioner present. Recent lawn height complaint from Town resident prompted evaluation of Town's noxious weed and lawn height ordinances (Springdale Code Sections 6-1-2, Destruction of Noxious Weeds & 6-1-4, Regulation of Length of Lawn and Grasses). Fagan - only 3-5 noxious weeds on state of Wisconsin's list, what do we do with Town ordinance? Eric - intent of noxious weed law was to prevent weeds from taking hold and getting established. Eric - didn't see any thistles, field bindweed or leafy spurge on the property subject to the complaint. Saw giant ragweed, burdock, and perennial weeds. Fagan - had Dane Co. go look, can't do anything about the weeds. Only get involved if it was a danger to people around it. Rosenbaum - feel that the lawn is atrocious, neighbors shouldn't have to deal with that. If we have an ordinance about length of lawns, these folks need a warning. Should send a letter stating complaint has been received, 2021 growing season those must be remedied to comply with ordinance. No threats or anything now. Schwenn, agree with Rosenbaum. Fagan - fine with sending letter, not fine with ordinance. Feel that we are opening up a can of worms by enforcing it. Rosenbaum - volunteer to write the letter. Fagan - propose that we spend time re-writing the ordinance, completely eliminate a lot of it. Clerk directed to check with WTA on how to eliminate an ordinance, can it happen by motion? Find model ordinance through WTA perhaps. Propose that Clerk research getting this off the books, replace with state statutes until we can find something more plausible and enforceable.

13. Discussion on deadlines for meeting agenda submittals to TB

14. Fagan - both PC Chair and Clerk need to have strict guidelines for agenda items, complexity shouldn't determine timeframe. Rosenbaum - add to website under meetings that 14 days' notice is required to be added to agenda, 7 days required to submit all info. No further discussion.

15. BOR reconvene; date and time discussion

Benz family submitted appeal form on 9/17 (BOR date) *after* Clerk checked the box, thus the BOR adjourned thinking we had no appeals. Spoke to Town's attorney who suggested we reopen the BOR. Will reopen with TB vote.

MOTION (Fagan) to give BOR permission to reconvene for a hearing under unusual circumstances with the advice of town attorney. Date TBD after motion. Rosenbaum seconded. 3 ayes, 0 nays, motion carried.

Fagan - date will be Tuesday 10/27. Rosenbaum - suggest 10 or 11 a.m.

16. Discussion on conversation with attorney concerning annexation of Baker property

Rosenbaum - annexation for Kwik Trip, Town attorney has conflict with Mt. Horeb so cannot weigh in. Other attorney recommendation said Town probably doesn't need legal assistance, but he's happy to be there if we need it. Explained road adjacent to property involved, need to make sure Village takes responsibility for maintaining it. If Town encounters legal trouble we can reach out at \$215/hr.

17. Alliant Energy, relocation of overhead power lines in ROW for Twin Rock Subdivision

Town ROW permit application requires TB approval for overhead power line relocation.

MOTION (Fagan) to approve ROW request from Alliant for Twin Rock overhead power line relocation. Rosenbaum seconded. 3 ayes 0 nays, motion carried.

Remove TB review of overhead power line moves? Patrolman Dahlk - big thing with past board chair was how a move would sit with the neighbors; was a pole going to block a view? Fagan - Clerk to amend application with a red box around text, "new or relocated overhead utility lines may require TB review."

18. Calendar of upcoming events

* 11/3, General Election

19. Bills/Treasurer report

Treasurer - had truck projected to sell for \$30K, sold for \$39,500. Gives Town some leeway. Will write up budget amendment for next month for clerk monies, include Primrose bridge. Town in pretty good financial shape.

MOTION (Schwenn) to pay bills, including paying for seal coating. Fagan seconded. No further discussion. 3 ayes, 0 nays, motion carried.

20. Adjourn.

MOTION (Fagan) to adjourn. Schwenn Seconded. 3 ayes, 0 nays motion carried.