

# MINUTES

## SPRINGDALE TOWN BOARD

TUESDAY, DECEMBER 20, 2022 AT 7:00 PM

1. **Call to order and certification of compliance with open meetings law** at 7:00 by Chair Rosenbaum. Quorum of Rosenbaum, Hefty and Schwenn present at Town Hall along with Treasurer Boelhower-Santi and Admin/Clerk Arthur. Patrolman Dahlk present via Zoom.
2. **Approval of the agenda.** Approval by unanimous consent to reorder the agenda and move item 19, Liberty St. updates, to number 8 so that Patrolman Dahlk doesn't have to stay for the whole meeting.
3. **Minutes of previous Town Board meetings**
  - 11/15 TB meeting – **MOTION** (Schwenn/Hefty) to approve the minutes with Rosenbaum's edits: item 14, Lust Rd. Update, is blank, insert minutes; #15, grant award, has little detail - specify what the grant was for (old town hall steps). No further discussion. 3 ayes, 0 nays, motion carried.
  - 12/13 TB meeting (Johnson Inspection insulation meeting) **MOTION** (Hefty/Schwenn) to approve with no edits. 3 ayes, 0 nays, motion carried.
4. **Public comment.** No members of the Springdale public present at Town Hall or online.
5. **Treasurer report and payment of bills.** Boelhower-Santi – before taxes were accepted, \$101,000 was transferred to the checking account. Still have approximately \$98,000 left in checking for plow help payroll before the end of the year. We have more than anticipated for cash. Accepted ~\$500,000 worth of taxes so far because tax bills were received early. If everything still looks good financially in January, we can transfer a significant amount for future capital purchases. Schwenn – maybe wait to transfer any monies before getting bids on the insulation project for Town Hall garage/office area.
  - Payne + Dolan Witte Rd. bill/ ATC reimbursement update for overweight trips on Town roads. ATC will reimburse the Town for 80% of the Witte Rd. repair. Patrolman Dahlk mentioned the Wally Rd. repair will take place in spring – we will need to pay 20% of that bill as well. Admin/Clerk reported that the \$47,000 check for overweight trips by ATC arrived today. Jon Callaway at ATC helped expedite that money to the Town to help offset some of the unbudgeted cost of repairing Witte Rd. late in 2022.  
**MOTION** (Schwenn/Hefty) to pay the bills. No further discussion. 3 ayes, 0 nays, motion carried.
6. **Paulson and Spring Rose Rd. bridge reports from CEDP.** Dahlk discussed that the stream under the Paulson Rd. bridge is washing the edge out. Lots of handwork, can't get any equipment under the bridge, will need a quote. Hefty suggested dropping riprap/clearing brush with a backhoe from the road. Will be addressed in spring, no further action taken.
7. **Town Hall insulation project – 12/13 board meeting update.** Rosenbaum – professional project design and state review will be required if major alterations to the systems occur. Two companies are set to view the building – Zander on 12/27 at 1 PM and Rockweiler on 1/20 at 9 AM. May not be available until May or June so get on the schedule as soon as we can, project will exceed \$5,000 so we may need to publish the bid advertisement.
8. **Liberty St. update.** Rosenbaum - Foundation of the feed mill has been caved in for quite a while and only rickety, temporary boarding has been covering the hole, concerned that it is an attractive nuisance. Schwenn – remembers owner (Steve Sherven) calling him after the 2018 flood that washed out the wall. Hefty – this property is almost identical to the old Steinhauer property (1718 Washington St.) on Hwy G. Clerk to research Steinhauer property in the minutes and see what procedure was used then. Also on Liberty St., the years-long issue of the arborvitae planted by L. Lester in the ROW persists. This time, the mail cannot be delivered to Jai Haack due to overhanging branches on the bank of mailboxes across

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from the feed mill. Dahlk will try to cut back the branches tomorrow as he received a text from the mail carrier as well.

**9. BIL FFY24 Surface Transportation Program-Local and FFY24-FFY26 Local Bridge Improvement Assistance Program project solicitations.** General discussion on Town Hall Rd. bridge not eligible for BIL assistance due to less than 20' span. Dane County bridge aid is likely the Town's only option, at 50% reimbursement for project costs. Repair of this bridge will be costly, and Dane Co. bridge aid requires an \$8-10K engineering report just to apply for consideration. Hefty – would hate to spend that amount on an engineering report if we are ultimately not selected. No further discussion.

**10. Offerdahl road damage by Hottmann Construction/Lycon – update.** In 2021, new home was constructed on Offerdahl. Hottmann Construction and Lycon did the foundation, damaging the road. The Town contracted Fink's to repair the damage to Offerdahl and subsequently tried to collect the repair amount from Hottmann. After months of no success, the Town paid Fink's. After a few more months of attempting to collect from Hottmann, Admin/Clerk Arthur sent an email on 12/16/22 stating that this was our final attempt to collect and that \$3,500 must be remitted by 3 PM today (12/20) or be subject to legal action pursuant to Wis. Stat. 86.02. Check received by deadline from Hottmann.

**11. ROW permit extension request from MHTC.** MHTC is requesting extension into May 2023 for a permit obtained in June 2022. Current ordinance (Chapter 3, Section 5-3-4(f)) states that work must commence within 30 days of issuance to remain valid but does not address stalled/ongoing permits. Discussion that MHTC is laying fiber and we should be as flexible as possible.

**MOTION** (Rosenbaum/Schwenn) to grant requested extension from MHTC for project completion by 5/31 as requested. No further discussion. 3 ayes, 0 nays, motion carried.

**12. Ordinance 2022-12-1, amending Title 5, Chapter 3 of the Springdale Code concerning Excavations of Streets, Alleys, Public Ways and Roads and Regulations governing Excavations and Openings (ROW ordinance).** Proposed amendments:

- To require large applications (like the ongoing MHTC application above) to be broken up into smaller periods of time/phases. Any project that will not be finished before ground freezes must be broken up into multiple phases and a new application for each phase. Reasoning: 1. Open-ended applications clutter staff workflows. If applicant fails to notify/self-report along required timeline, it may fall off our radar (for final inspection of project, required yearly indemnification form and proof of insurance filings for projects spanning into next calendar year). 2. Cost - large, ongoing projects cost the same for the applicant, even though more staff time (clerk/deputy for processing and patrolman for inspections) is required.
- Updating required insurance and bonding amounts. Ordinance was never updated; current required amounts are from 1985. Admin/Clerk contacted Rural (town's insurance company) to update with current industry standards.
- Updated fee. Ordinance contained the original 1985 fee of \$5. The Town at some point increased the fee to \$50 to more accurately reflect the staff cost to process these applications.

**MOTION** (Hefty/Schwenn) to approve Ordinance 2022-12-1, which reflects the application fee of \$50, public liability insurance of not less than \$1,000,000 for one accident/\$2,000,000 aggregate and property damage coverage of not less than \$100,000, a written surety bond amount of \$5,000 and under "F", validity of permit, adopting multi-phase permits for those that will not finish within the calendar year. No further discussion. 3 ayes, 0 nays.

**13. Ordinance 2022-12-2, amending Title 5, Chapter 3 of the Springdale Code, shared driveways.** Plan Commission voted in favor of granting exceptions to the 66' frontage/flagpole rule in order to preserve

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ag land. In consultation with Dane County and Town Attorney Chris Hughes, the following language will be added to the ordinance: *(e) The Town Board may approve, upon recommendation of the Town Plan Commission, exceptions to the 66-foot frontage requirements of county ordinance section 75.19(6)(b) where the Board and Plan Commission find that the exception preserves agricultural land, is consistent with the goals of the land use plan, and protects the public's health, safety, and welfare, provided the approved exceptions meet the requirements of Dane County Ordinance 75.19(8).*

Concerning dispute resolution, the ordinance will be amended to require driveway agreements to contain language that “does not require the Town to become involved in any dispute or conflict unless the Town Board, the Town Engineer, or the local fire department and EMS service determines the dispute or conflict relates to the safety and/or adequate access for emergency vehicles, school buses, and other emergency or Town equipment.”

Hefty – to be clear, the Town is not completely *eliminating* flagpole lots; rather, we are making room for exceptions when ag land can be preserved and if other Town/County requirements are still met. Town should carefully apply these exceptions.

**MOTION** (Hefty/Schwenn) to approve the changes as presented in Ordinance 2022-12-2. No further discussion. 3 ayes, 0 nays, motion carried.

**14. Ordinance 2022-12-3, amending Title 7, Chapter 1 of the Springdale Code, Licensing of Dogs.**

Treasurer Boelhower-Santi – ordinance currently says we are supposed to charge a \$5 late fee for licenses received after April 1, but don't want to discourage people from getting licenses after April. We should either remove the late fee provision or add it to our fee schedule. Also, Town now has a kennel operating so we should adopt language to allow for reduced fees for multiple dog licenses. Last, fees in ordinance are out-of-date, need to update them to reflect current Town fees (\$17 for spayed females/neutered males, and \$22 for unspayed/unneutered). Rosenbaum/Hefty agree that we should leave the April 1 late fee in the ordinance and begin charging it to residents.

**MOTION** (Hefty/Rosenbaum) to accept the ordinance addition for multiple dog/kennel licenses, as well as the revision to update the outdated fees. No further discussion. 3 ayes, 0 nays.

**15. Resolution 2022-12-1, adopting a Town procurement policy.** Months ago, when ARPA was thought to require governments to have a procurement policy, the Wisconsin Towns Association, in conjunction with Stafford Rosenbaum LLP, put together a model procurement policy for adoption by towns. While ARPA no longer requires this, it may be necessary for future federal grants so adoption now is prudent.

**MOTION** (Hefty/Schwenn) to approve the policy as drafted by WTA in Resolution 2022-12-1. No further discussion. 3 ayes, 0 nays, motion carried.

**16. Amending Town Public Records Policy to more accurately reflect the cost of copying.** Admin/Clerk Arthur recently read an article concerning charges for copies of government records. While Springdale does not receive many records requests each year, it is important that we do not overcharge requestors as per Wis. Stat. [19.35\(3\)\(a\)](#), which states you may only charge “the actual, necessary and direct cost...” Current per-page costs for Springdale copies are around \$.08. The Town has charged \$.25/page for a long time; should consider bringing the copy charge down. Clerk suggests \$.10/page for printed copies.

**MOTION** (Hefty/Schwenn) to approve the fee reduction for Town copies from \$.25/page to \$.10/page. 3 ayes, 0 nays, motion carried.

**17. Amending Town Hybrid Meetings Policy for annual and other special Town meetings.** At the suggestion of WTA, town elector (annual meeting and levy approval) meetings should *not* allow for virtual participation due to the logistical challenges of verifying age/residency of meeting attendees over Zoom. Add language as shown in PowerPoint to be in place for next annual meeting. Hefty – regarding

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chair discretion over allowing/disallowing virtual attendance, feel strongly that folks on the agenda need to make it to the meeting. Could add “for justifiable cause” individuals could be allowed to participate via Zoom. Rosenbaum – table for now and Hefty should prepare sample language for next month.

- 18. Dane Co. Ordinance Amendment RE: CUP Appeals.** Dane Co. asked that town boards be aware that if a CUP is declined by the County, it can be appealed to circuit court. No further action.
- 19. Assessor feedback from Dane County Towns and update on PA-098, Request for Review of Assessor’s Practices filed with DOR on 11/28.** As a result of the Town’s problematic 2022 with Accurate Appraisal (double open book and BOR due to 25 missed properties), Admin/Clerk Arthur conducted a survey of all towns in Dane County to determine who uses what firms and their level of satisfaction with their firm, should the Town wish to begin searching for a new assessor. Only 5 towns reported *dissatisfaction* with their assessor – 4 were dissatisfied with Accurate, and 3 Towns who previously contracted with Accurate also shared their dissatisfaction. It is difficult to truly gage assessor satisfaction because most Dane County towns do *not* do thorough checks at BOR, and thus may not be aware that the assessor is missing properties in the process. 39% of Dane County Towns use Associated Appraisal; 36% use Accurate; 14% use Equity Appraisal; and 11% use Gardiner. Arthur submitted PA-098 (Request for Review of Assessor Practices) to DOR on 11/28. Reviews take 3-6 months to complete. A letter is sent to the Town at the end of DOR’s review outlining any issues found and instructions or action taken against the assessor. No Board action taken.
- 20. Partnering with TDS and/or MHTC for broadband grant & consideration of broadband committee.** Rosenbaum spoke with John Van Ooyen at MHTC regarding expanding fiber to more people in the Town. In Fall of 2023, a large grant as part of the BIL will be coming to the states. At that time more companies may be interested in expanding further. As there is not much for a committee to do at this point, Rosenbaum tabled the discussion for a later date.
- 21. Deputy/elections clerk vacancy – update.** Admin/Clerk sent out town-wide email blast with the job posting, as well as published in the Mount Horeb Mail/shoppers and on Craigslist. It is also on our Town website under employment.
- 22. Calendar of upcoming events**
- **12/23** – 5 PM deadline to file noncandidacy with filing officer
  - **12/23** – Treasurer office hours for tax bills, 4-6 PM
  - **12/26** – Treasurer office hours for tax bills, 10-2 PM
  - **12/30** – Treasurer office hours for tax bills, 4-6 PM
  - **1/3/23** – 5 PM deadline for candidates to file ballot access papers
  - **1/30/23** – Treasurer office hours for tax bills, 10-2 PM
- 23. Adjournment**  
**MOTION** (Schwenn/Hefty) to adjourn at 8:41 p.m. No further discussion. 3 ayes, 0 nays, motion carried.

*Minutes taken and submitted by Jackie Arthur, Administrator/Clerk.*