MINUTES OF THE SPRINGDALE TOWN BOARD MEETING, May 23, 2016

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, 6 p.m.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. By 5/19/16 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 5/19/16*.* In addition, the more extensive publication requirements for Town Board action on road discontinuances were met.

MINUTES: MOTION by Fagan/Schwenn to approve the minutes as distributed of 4/11/16 and 4/19/16. MOTION carried 3-0.

PUBLIC INPUT: NON-AGENDA ITEMS:

a. Upcoming events: \*The Spring Clean-up will be held on Saturday, June 11. Unlimited trash for disposal should be placed at the roadside by 6:30 a.m. \*Open Book will be held on Tuesday, June 21 from 4-6 p.m. \*Board of Review will be held on Tuesday, June 28 from 5-7 p.m.

b. Supervisor Richard Schwenn reported on two events since April TB meeting. He attended the Town of Primrose Town Board meeting re: development in Primrose to be accessed by Liberty Street which starts in the Town of Springdale. At the meeting he briefly explained a sample special assessment calculation which could be used to levy the road improvement costs triggered by the development on the benefitting property owners. The Primrose Town Board has been invited to attend the next Springdale TB meeting. Also, he authorized the necessary purchase of a replacement culvert since a rusted-out culvert was uncovered during the road work on Klevenville Riley Rd.

CALL TO ORDER THE 2016 BOARD OF REVIEW SINCE THE ASSESSMENT ROLL IS NOT COMPLETE AT THIS TIME AND ADJOURN UNTIL JUNE 28, 2016, 5 P.M. MOTION by Fagan/Schwenn to call to order and adjourn the BOR until the set time, June 28, 2016, 5 p.m., since the assessment roll is not complete at this time. Discussion: Open Book is June 21, 4-6 p.m. Motion carried 3-0.

PUBLIC HEARING: PLAN COMMISSION RECOMMENDATION:

A. B. AND M. STEINHAUER/CSM/STATE ROAD 92/SEC. 29:

MOTION by Fagan/Schwenn to approve the two-lot CSM as submitted. Discussion: This is an Option 2 land division creating a 9.84 acre lot with the existing residence and outbuildings and garden area and a new lot of 5.95 acres. There shall be no further divisions of the lots per the Town of Springdale Land Use Plan and a town-approved building envelope is on file in the Town Hall. The PC recommended approval. The landowners worked with the PC to keep as much of the contiguous ag land together and to share a portion of the existing driveway to access the new lot. Motion to approve carried 3-0.

MOTION by Fagan/Schwenn to approve the Driveway Permit Part 1 and 2 with the requirement that it shall be constructed in compliance with the Town Driveway Construction Guide and a shared driveway agreement shall be submitted to the Town. Discussion: The shared portion of the driveway from State Road 92 over the creek is described as at least 18’ wide to meet the driveway construction guide for the shared portion to have a base width of 18’ and the driving surface width of 16’. The driveway does not have to be of asphalt or paved. Motion to approve conditionally carried 3-0.

B. G. HENDERSON/CSM/CTH J/SEC. 11, 12, 13:

MOTION by Fagan/Schwenn to approve the new CSM lot 1 of 1.79 acres on the east side of CTH J with the existing farmhouse with the following conditions: \*There shall be no further divisions of Lot 1 per the Town of Springdale Land Use Plan. \*A 66’ wide easement for farm equipment shall be permitted to clarify the statement on a previous CSM which stated ‘no vehicular access except over joint driveway & ingress-egress easement.’ Discussion: The PC recommended approval of the CSM. This CSM with the farmhouse is adjacent to Lot 1 CSM 12788. Motion to approve carried 3-0.

MOTION by Fagan/Schwenn to approve the new CSM lot of 5.59 acres on the west side of CTH J. (Two tax parcels are combined into one parcel via this CSM.) Discussion: This lot contains two density units for development. The entire area may serve as building envelopes. A shared driveway off of CTH J is recommended if two lots were to be developed. The PC recommended approval. Motion carried 3-0.

C. J. WELCH/RAB/CTH/SEC. 5: MOTION by Fagan/Schwenn to approve the 45’ x 50 ‘ RAB proposed to be constructed behind the existing residence. Discussion: The PC recommended approval – It will not be used for business. Only a cold water spicot into the building is planned. The structure is surrounded by the existing residence and farmland with minimal impact on neighboring property owners.

DRIVEWAY PERMITS:

A. R. WIPPERFURTH/GETZ RD./SEC. 6: MOTION by Schwenn/Fagan to approve the Driveway Permit Part 1 and 2 for the 20 acre lot on Getz Rd. Discussion: The driveway shall be constructed in conformance with the Driveway Construction Guide. Motion carried 3-0.

B. B. ROWE-AGENT FOR DVORAK TRUST/CORAY LANE/SEC. 1: MOTION by Fagan/Schwenn to approve Driveway Permit Part 1 and 2 for the lot on Coray Lane with the conditions that the driveway be constructed as depicted on the engineered plan and erosion control plan by Rowe Design and Construction, Inc. dated 5/11/2016. Motion to approve carried 3-0.

FIRE DISTRICT UPDATE/FIRE DISTRICT FUNDING QUESTION ON NOV. 8, 2016 BALLOT: Fire Board Representative Mike Lamberty provided a little more information on the funding for the proposed new fire station/police station. New information presented since the April, 2016 meeting includes, but may not be limited to the following:

a. The Clerks from municipalities in the fire district are invited to attend an informational meeting on June 2, 2016, noon, at the current fire station in Mt. Horeb, to learn more about a possible Nov. 8 ballot referendum. At this time, it appears that the Village of Mt. Horeb will prepare the wording of the referendum for the ballot. Springdale Town Board must decide by Aug. 30 whether or not the matter will be placed on the Springdale Nov. 8, 2016 ballot. Some municipalities have stated that they will not place the referendum on the ballot because such a small portion of their municipality is in the fire district. Springdale constitutes approximately 22% of the fire district. The Village of Mt. Horeb comprises 46.8% and the Town of Blue Mounds is 10.5%.

b. The Fire District Board is discussing their interpretation of voting results. It is suggested that if two municipalities would vote ‘no’ to the funding referendum, the Board might not go forward with the new building. (The actual voting percentages in favor or opposed would have to be analyzed.) Most municipalities seem to view the vote as an advisory referendum vs. binding referendum. The question was posed – What if a municipality did not support the funding referendum and the building was built, where would this municipality receive fire and emergency services for its residents?

CITIZENS UNITED QUESTION ON NOV. 8, 2016 BALLOT: MOTION by Fagan/Schwenn that if 15% of the voters who voted in the 2014 gubernatorial election sign a petition requesting the Town Board to place the referendum on the Nov. 8, 2016, ballot, the Town Board would support the request with the understanding that the Town Board is not obligated to pass a resolution of support for the referendum.

Discussion: Precedent: In the past, citizens have submitted petitions with signatures regarding a matter not under the responsibility of the town board/town government. The TB has the authority to determine whether a referendum is placed on a ballot. Even though direct legislation law applies to cities and villages, not towns, the TB has used the procedure in that law to require signatures on a petition as the basis for the TB action. The standard is: “A number of electors in a city or village equal to at least 15 percent of the votes cast for governor at the last general election in the city or village may sign and file apetition with the city or village clerk requesting that an attached proposed ordinance or resolution, without alteration, either be adopted by the common council or village board or be referred to a vote of the electors.” In Nov. 2014, 1114 voters cast their vote in the governor race in Springdale. 15% of 1114 =167 signatures.

Language of the Citizens United Petition: PETITION FOR REFERENDUM FOR NOV. 8, 2016 BALLOT

“I, the undersigned, a qualified elector of the Town of Springdale, Dane County, Wisconsin, request that the following proposed resolution, without alteration, be referred to a vote of the electors pursuant to the provisions of Section 9.20 of the Wisconsin Statutes: Shall the Town of Springdale electors adopt the following resolution?

Resolved, that “We the People” of the Town of Springdale, Dane County, Wisconsin, seek to reclaim democracy from the expansion of corporate personhood rights and the corrupting influence of unregulated political contributions and spending. We stand with communities across the country to support passage of an amendment to the United States Constitution stating:

1. Only human beings are endowed with constitutional rights – not corporations, unions, nonprofits or other artificial entities,

and

2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

Be It Further Resolved, that the Town of Springdale Clerk is directed to forward a copy of this resolution to our state and federal representatives with instructions to enact resolutions and legislation to advance this effort.”

Next Steps: The signed petitions shall be submitted to the Town Clerk by Aug. 15, 2016. The Clerk shall certify the number of signatures received and submit the petitions to the Town Board for their August business meeting, tentatively scheduled for Aug. 22, 2016. If the necessary signatures have been collected the Town Board must act on and submit the referendum language to the Dane County Clerks Office by Aug. 30, 2016 for inclusion on the Nov. 8, 2016 ballot. Motion to approve carried 3-0.

ATC PRELIMINARY ROUTE FOR TRANSMISSION LINE IN SPRINGDALE/COMMITTEE: NO ACTION-INFORMATION ONLY:

Project: The Town of Springdale has been notified by American Transmission Company, ATC, that ATC, ITC Midwest LLC and Dairyland Power Cooperative are proposing to build an approximately 125-mile, 345-kilovolt Cardinal-Hickory Creek Transmission line from the Madison, Wis. are to Dubuque County, Iowa. The ATC map of preliminary corridors for the project include two routes running South from the Town of Middleton Cardinal Substation to US HWY 18/151 through the Town of Springdale.

Committee: The Town Board will form a committee to respond to the proposed corridors and requests volunteers to submit their names to the town hall office if interested in serving on the committee. It is suggested that ATC will complete their corridor selection in approximately 18 months.

General Overview: A few years ago, the Town formed a committee of volunteers to respond to the proposed corridors for what is now the Rockdale to Middleton transmission line. It was unanimously agreed that that committee did an excellent job and the Town Board wishes to continue that tradition. It was generally agreed that the Town approach should include, but not necessarily be limited, to the following: 1. The lines will be built; we can’t stop this line because the renewable sources of energy at this time are spotty, intermittent, and locationally-driven suppliers of electricity. Technologically, we require power to move back and forth between suppliers and users. 2. The power lines should be located along existing power lines, roadways, shorter routes and efficient routes, and away from population centers, natural resources, unique resource areas, etc. The ‘not in my backyard’ defense is the defense used by all citizens in proposed corridors and will not prevail. 3. The committee can insure that Springdale is not the path of least resistance; and point out to the selection committee the facts and unique features in Springdale to be taken into consideration when evaluating a corridor here. For example, the bike trail, natural vistas, rustic roads, extraterritorial jurisdictional area of the Village of Mt. Horeb, school property, proposed location for school, etc.

Next step: The Town Board will appoint a committee at their June TB meeting tentatively scheduled for June 20, 2016.

PUBLIC HEARING: RESOLUTION TO DISCONTINUE DEAD-END ROADS OR PORTIONS OF DEAD-END ROADS: ALLEN DRIVE, FARGO ROAD, LINGARD ROAD AND WEEPING WILLOW BEND: MOTION by Fagan/Schwenn to adopt the following resolution: RESOLUTION NO. 16041 TOWN OF SPRINGDALE DANE COUNTY, WISCONSIN

A RESOLUTION TO DISCONTINUE WEEPING WILLOW BEND AND PORTIONS OF ALLEN DRIVE, FARGO ROAD, AND LINGARD ROAD LOCATED IN THE TOWN OF SPRINGDALE, DANE COUNTY, WISCONSIN

 RECITALS:

A. It is in the public interest that Weeping Willow Bend and portions of Allen Drive, Fargo Road and Lingard Road, shown and described on the diagrams and legal descriptions attached hereto and incorporated herein are 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 or a portion of the Right-of-Way.

C. The discontinuance of the Right-of-Way or a portion 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 April 11, 2016. A Notice of Pendency of Application to vacate the entire or portions of the Right-of-Way was filed with the Registry of Deeds for Dane County

 on April 8, 2016. 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 May 23, 2016.

E. This matter was referred for consideration and report to the Town of Springdale Plan Commission which considered and reported on this matter on April 25, 2016.

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

G. The public interest requires that the entire or portions of 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. When necessary, Town Driveway Permits shall be issued for the vacated town road or vacated portion thereof. The vacated town road or vacated portion thereof shall continue as a 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.

Discussion: The Town has been involved in this process since 2013. It has been the intent of the Town Board to review the possible discontinuance of those dead-end or loop roads or those portions of dead-end roads that basically serve as a private driveway. For liability purposes and well as fairness purposes, it is generally agreed that the Town taxpayers should not be paying for snowplowing and maintenance services for private driveway-like dead-end roads. Since the Town has discontinued portions of 25 roads, it is estimated that the Town has saved $20,000.00 in road maintenance and repair costs with minimal decrease in road aids since the road aids are calculated on a mileage basis. In addition, the Wisconsin Towns Association originally recommended to towns to discontinue this service. Before a road is reverted to a private driveway, the Town will complete basic maintenance to leave the surface in reasonable shape. It was reiterated that in the case where a town road has been converted to a private driveway by action of the Town Board after Sept. 29, 2013, and development of permitted new lots cannot proceed without a town road, the Town Board will consider reestablishing the private driveway as a public right-of-way.

Questions: Each road is different.

Allen Drive Resolution #16041-2– The DNR has determined that Allen Drive shall be retained as a town road over the navigable stream to serve as a public access point. The Town Board will research whether it makes sense to discontinue the road and create a reverse-direction area for snow plowing equipment after that access point. A DNR professional will meet with Town Patrolman Devin Dahlk at the site. If reasonable, the road work would be scheduled for 2017.

Fargo Rd. Resolution #16041-4- There is no navigable stream along Fargo Rd. per the DNR. The Town will research installing a small cul-de-sac within the road right-of-way near the Wittman property line in 2016.

Lingard Road. Resolution #16041-3– The DNR has identified a navigable stream accessible via Lingard Road. The DNR will determine whether there is another acceptable public access point to the stream so that a portion of the road could be discontinued. In case the portion of the road could be discontinued, the DNR professional will meet with Town Patrolman Devin Dahlk at the site, to evaluate the DNR requirements to construct a reverse direction area in the vicinity of the creek in 2017.

Weeping Willow Bend Resolution #16041-1– There is no navigable stream served by this public road access. The discontinued right-of-way will revert to the adjacent property owners. Basic maintenance roadwork is scheduled for 2017. Motion to adopt the resolutions with the conditions carried 3-0.

PLAN COMMISSION APPOINTMENT: MOTION by Eloranta/Fagan to approve the appointment of Ellen Bunn to the standard three –year term dependent upon her acceptance of the appointment. Motion carried 3-0.

CLERK AS APPOINTED OR ELECTED POSITION: NO ACTION-INFORMATION ONLY: Clerk Vicki Anderson has asked the Town Board to consider placing on the Nov. 8, 2016 ballot a referendum to change the office of elected clerk to appointed/hired clerk.

Anderson will retire from the office of clerk in April, 2017. Due to the increase in responsibilities and the ever-changing state laws, whether the position is elected or hired, the next clerk needs to work at least three-quarter time and receive appropriate compensation and benefits. The pros and cons of the hired vs. elected position will be discussed at the summer TB meetings. To place the referendum on the Nov. 8, 2016 ballot, the Town Board must act on and submit the referendum language to the Dane County Clerks Office by Aug. 30, 2016.

PLAN AMENDMENTS: Due to the length of the meeting, no discussion at this time.

BILLS/CHANGE OF WORK ORDER –FARGO ROAD:

MOTION by Fagan/Schwenn to approve the Standard Professional Services Agreement submitted by Snyder & Associates, Inc. dated May 19, 2016, to identify the Wittman property line and road right-of-way width in this section of Fargo Road, for a cost not to exceed $3000.00. Discussion: The location of the reverse-direction area and the portion of Fargo Road to be discontinued has to be accurately identified. Motion carried 3-0.

MOTION by Schwenn/Fagan to approve the bills as submitted. Motion carried 3-0.

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

Respectfully submitted, Vicki Anderson, Town Clerk