MINUTES OF THE SPRINGDALE TOWN BOARD MEETING – June 15, 2015

IN ATTENDANCE: Town Board Chair Ed Eloranta, Supervisor II Richard Schwenn (A quorum is present.) Clerk Vicki Anderson.

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

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. By 6/11/15 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* on 6/11/15*.* An additional publication was required for the renewal of liquor licenses, too.

MINUTES: MOTION by Schwen/Eloranta to approve the minutes as distributed: 5/18/2015, 5/21/2015 and 6/1/20/15. Motion carried, 2-0.

LIQUOR LICENSES/OPERATORS’ LICENSES FOR MARCINE’S AND RILEY TAVERN AND SPECIAL PERMITS FOR AMPLIFIED SOUND OR MUSIC IN OUTSIDE CONSUMPTION AREA FOR RILEY TAVERN ON JULY 17 AND AUG. 15:

MOTION by Schwenn/Eloranta to approve the renewal of Operators’ Licenses for the following individuals at Marcine’s:

Krystal Babock, Sandra K. Berg, Lacy Gilbertson, Lanny Gilbertson, Melissa Johnson, Justina J. Morgan, Desyra Ott, Holly Schoenmann, Peggy J. Halverson Taylor, Renee Tollefson, Brittany Walls. Discussion: The paperwork and fees are in order. Motion to approve carried 2-0.

MOTION by Schwenn/Eloranta to approve the Class B and B liquor license renewal for July 1, 2015 – June 30, 2015 for Marcine’s. Motion to approve carried 2-0.

MT. VERNON PARK ASSOCIATION PICNIC PERMITS-JULY 4TH AND AUG. – SEPT. BALL TOURNAMENTS AND TEMPORARY OPERATORS’ LICENSES/FIREWORKS PERMIT:MOTION by Schwenn/Eloranta to approve the Temporary Operators’ Licenses for Craig Judd and James Graham for the Mt. Vernon Park Association. Discussion: The paperwork and fees are in order. Motion carried 2-0. MOTION by Schwenn/Eloranta to approve the Picnic Permits for the Mt. Vernon Park Association for a July 4th Fireworks and for Aug. 29-30, Sept. 5-6 for the annual ball tournament. The paperwork and fees are in order. Motion carried 2-0. MOTION by Schwenn/Eloranta to approve the Fireworks Permit for the July 4th event at the Park. The fireworks will be displayed by Cornellier Brothers LLP, represented by Christian Cornellier, 1028 N. Lexington Dr., Janesville, WI 53545. Only consumer product classified fireworks will be used, the same class of fireworks used in backyard fireworks displays. The fireworks will be troughs to prevent tipping. Proof of insurance was provided. This company provided the fireworks in 2014 without incident. Motion to approve carried 2-0.

LIQUOR LICENSES/OPERATORS’ LICENSES FOR RILEY TAVERN AND SPECIAL PERMITS FOR AMPLIFIED SOUND OR MUSIC IN OUTSIDE CONSUMPTION AREA FOR RILEY TAVERN ON JULY 17 AND AUG. 15

MOTION by Schwenn/Eloranta to approve the renewal of Operators’ Licenses for the following individuals at Riley Tavern:

Julie Ann Brice, Becky Byrnes, Danette Dahlk, Guy C.Evans III, Caana Heibel, Kimberly Judd, Ryley O’Brien, Katherine Redican. The paperwork and fees are in order. Motion to approve carried 2-0.

MOTION by Schwenn/Eloranta to approve the Class B and B liquor license renewal for July 1, 2015 – June 30, 2015 for Riley Tavern. Discussion: A neighboring property owner and friends attended the meeting to express concerns about the behavior of bar patrons and workers at Riley Tavern, in particular on the dates of June 11 and June 13, 2015. Since the Town had not heard of any concerns/complaints at Riley Tavern for over a year, and the Town was unaware of the complaints re: June 11 and June 13, 2015, and the Dane County Sheriff’s office had not provided any documentation to the Town Board of these concerns, the Town Board did not believe there was an adequate basis to deny the liquor license at this time. If at any time during the 2015-2016 license period the Town receives documentation of illegal activity at any bar, the Town shall investigate and act accordingly. Town Chair Eloranta suggested to the neighbors that they contact Dane County Sheriff’s Office with concerns because the Town has to have verification of their concerns. And, the owner and operators of Riley Tavern were advised to run a tight ship. Motion to approve the liquor license renewal carried 2-0.

MOTION by Schwenn/Eloranta to approve the two scheduled events for amplified sound or music in outside consumption area for July 17 and Aug. 15. With the same conditions as in the past and additional fencing for the Riley Fest:

1. All amplified sound and music shall be discontinued at midnight, 12:00 a.m., for the events other than the Riley Fest.

2. All amplified sound and music shall be discontinued at 1:30 a.m. for the Riley Fest. The Riley Fest is the only outdoor music event at Riley Tavern at which amplified sound or music shall continue past midnight.

3. Access for emergency equipment shall be maintained at all times on all roadways in the vicinity of Riley Tavern that are being used for parking by the patrons of the Riley Fest and other events. It shall be the responsibility of Riley Tavern to request “no parking” signs if necessary.

4. Riley Tavern, Inc. shall continue their policy of employing adequate security for the event.

5. Riley Tavern, Inc. shall install temporary snow fencing along the Deneen property line on the south side of Klevenville-Riley Rd. from the easterly edge of the tavern property to the easterly edge of the Deneen driveway for the Riley Fest.

6. Riley Tavern, Inc. shall install temporary snow fencing along the Deneen property on the north side of Klevenville-Riley Rd. from CTH J to the westerly edge of the Deneen garden for the Riley Fest. The purpose of the snow fencing is to prevent Riley Fest participants from trespassing on Deneen property.

7. Riley Tavern, Inc. shall install “no parking’ signs on the west side of N. Station Rd. for the Riley Fest.

8. Riley Tavern, Inc. shall install temporary snow fencing on the south side of Klevenville-Riley Rd., on the tavern property between the Deneen and tavern property, to prevent tavern patrons from entering the Deneen side yard.

DISCUSSION: Seven outdoor music events, in addition to the Riley Fest, are permitted annually at Riley Tavern.

As of 6/15/15, only a single event and the Riley Fest have been scheduled. As other events are scheduled, Riley Tavern is to notify the town so that the permit event can be discussed at a TB meeting and neighbors may be informed of the dates. The events shall comply with Town of Springdale Code of Ordinances, Sec. 7-2-17 © “SPECIAL PERMITS FOR EVENTS WITH AMPLIFIED SOUND OR MUSIC IN THE OUTDOOR CONSUMPTION AREA. Special permit(s) for event(s) with amplified sound or music in the outdoor consumption area may be granted by the Town Board. The Town Board shall approve each event and/or events by permit(s) and may impose specific conditions such as date of event, duration of event, hours of operation, hours of sale, notification requirements, and/or any additional conditions they deem necessary.” The Town will research the original conditions of the CUP for the tavern. It is questioned whether the condition to install a fence by Riley Tavern, Inc., between the Deneen and Riley property, is required. Motion carried 2-0.

PUBLIC HEARING-PLAN COMMISSION RECOMMENDATIONS:

A. J. NICHOLSON/A-1 WITH CUP FOR LIMITED FAMILY BUSINESS TO BRING EXISTING LANDSCAPING BUSINESS IN EXISTING ACCESSORY BUILDING INTO COMPLIANCE WITH DANE COUNTY ZONING/DAVIS ST./SEC. 34:

MOTION by Schwenn/Eloranta to approve the CUP with the following conditions as recommended by the PC:

1. The limited family business shall be limited to landscaping, lawn care and snow plowing business.

2. The business shall be conducted within the existing 2400 square foot accessory building. The building shall not be expanded; and no improvements of plumbing and office space shall be added.

3. The hours of operation shall be Monday through Friday, from 7:30 a.m. to 4 p.m.

4. Outside loudspeakers are prohibited.

5. Outside signs are prohibited.

6. All employees except one or one full-time equivalent, shall be a member of the family residing on the property.

7. The conditional use permit shall become null and void upon sale of the property to an unrelated third party.

8. No customers shall conduct business at the site. No retail sales shall be conducted on the property.

9. Up to three trucks and three trailers, not to exceed 16’ in length, shall be parked on the property.

10. No open burning of material brought in from job sites shall be permitted.

11. Outdoor lighting, except for required security lighting, shall be operational only during hours of operation. All lighting shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixtures shall use full cut-off fixtures which prevent all upward transmission of light.

Note: On 6/1/2015, the calculation of the number of employees is based on information reported by J. Nicholson: J. Nicholson lives on the site and is co-owner. His brother lives off-site and is co-owner. His brother comes to the site approximately 3 hrs./week. One non-family member lives off-site and comes to the site approximately 2 hrs./week. The total number of hours per week worked by employees who do not reside on the premises is: 5 hours/week. Motion carried 2-0.

MOTION by Eloranta/Schwenn that all six standard considerations for all CUP application has been met:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare;

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

6. That the conditional use shall conform to all applicable regulations of the district in which it is located. Motion carried 2-0.

B. D. BOWAR AND T. RINGGENBERG/A-1 WITH CUP 2311 FOR RENEWAL OF EXISTING CUP FOR QUARRY/ERB RD./SEC. 23: MOTION by Schwenn/Eloranta to approve with conditions as recommended by the PC.

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing further extraction operations.
2. There shall be an additional element of this particular erosion control plan to be called a “dewatering plan” that will outline how water will be: stored and treated on-site (e.g. via an on-site catchment basin that would filter out large particulate matter from the water prior to pumping it off-site); removed from the site; and drained into and across the Ringgenberg field to the south. The applicant will need to demonstrate how any water to be pumped or otherwise removed from the site will be of a quality that meets with the Dane County Land Conservation Department’s approval.
3. On the site plan (dated 12/14/98), there is a discharge pipe indicated in the south of the site that directs water, via a culvert under the lateral road running between Erb Road and Ringgenberg Drive, into Ringgenberg’s field to the south. The prevailing surface water drainage course directs this water flow toward an intermittent stream course further to the south. This water discharge location shall be the only location from which water will be pumped or otherwise removed from the site.
4. The applicant shall apply for and receive all other required local, state and federal permits. In particular, the applicant shall contact Tom Harpt of the Wisconsin Department of Natural Resources (DNR) South-Central Region Office in Fitchburg at (608) 275-3285 and acquire the appropriate permit to discharge water from a non-metallic mining operation under the Wisconsin Pollutant Discharge Elimination System (WPDES).
5. The operator shall develop and operate the site according to the submitted site/operations plan, dated 12/14/98.
6. Operators shall cease no later than 15 years from the date of CUP approval, with a site inspection by Dane County Zoning in 7.5 years.
7. Reclamation shall be completed within one year after operations have ceased, and shall follow the operator’s submitted reclamation plan. As each phase is completed, the restoration of that phase must be completed as much as possible before extracting in the next phase. Final reclamation of the 5.4 acre CUP area must be up to NR 135 standards and pertinent ordinances/regulations governing reclamation. A copy of the required reclamation plan shall be filed with both the Town of Springdale and Dane County Zoning.
8. To ensure compliance with the reclamation plan, the operator shall post and maintain a bond or irrevocable letter of credit in favor of Dane County in the amount of $8,100 ($1,500 per acre of subject site) until reclamation is satisfactorily completed.
9. The driveway accessing the subject site shall be paved. The operator shall maintain the driveway in a dust free manner in accordance with local, state and federal regulations, and shall clean any dust or mud tracked onto public roads.
10. The operator and all haulers shall access the CUP site only through the existing access point onto the nameless road south of the site running perpendicularly between Erb Road and Ringgenberg Drive, locally known as Ringgenberg Drive.
11. The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed “no trespassing.”
12. Hours of operation shall be from 6 a.m. to 6 p.m., Monday through Friday. Saturday and Sunday operations are prohibited except for general maintenance and occasional trucking of material out of the quarry on Saturdays only. No operations of any kind shall take place on Sundays or legal holidays.
13. The operator shall comply with Subchapter VII – Blasting Resultants of the State of Wisconsin Department of Commerce Administrative Code and pertinent ordinances/regulations governing blasting.
14. In particular, blasting levels shall be kept below 0.5 inch/second peak particle velocity at frequencies below 40 Hz., as per the State of Wisconsin Department of Commerce Administrative Code, s. 7.64, Table 7.74-2.
15. The operator shall keep on file a seismographic record for every blast: This record shall be provided upon request (this is already the operator’s practice).
16. There shall be a safety fence around the entire extraction area at all times. The safety fence shall be a minimum of 5 feet in height with a single strand of barbed wire on the top.
17. The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.
18. There shall be no bulk fuel stored on site. (In cases where the operator wishes to have bulk fuel stored on site, the operator should indicate why and provide a plan for spill containment that meets state regulations.)
19. All excavation equipment, plants and vehicles shall be fueled, stored, serviced and repaired on lands three (3) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.
20. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
21. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076 and pertinent ordinances/regulations governing particulate emissions.
22. Dane County and the Town of Springdale shall be listed as additional named insureds on the operator’s liability insurance policy, which shall be for a minimum of $1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete. Copies of appropriate insurance policies shall be filed with the Town of Springdale.
23. The zoning administrator or designee may enter the premises of the operation to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. If the operation is not in reasonable compliance with the terms of this approval, such approval is subject to amendment or revocation. Motion to approve carried 2-0.

MOTION by Eloranta/Schwenn that all six standard considerations for all CUP application has been met:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare;

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

6. That the conditional use shall conform to all applicable regulations of the district in which it is located. Motion carried 2-0.

FARLEY CENTER/PICNIC PERMIT AND TEMPORARY OPERTORS’ LICENSE FOR AUG. 15 EVENT: MOTION by Schwenn/Eloranta to approve the Picnic Permit for the Aug. 15, Feast of the Field and a Temporary Operator’s License for Caroline Farley for this event. The paperwork and fee are in order. Motion to approve 2-0.

CLARIFICATION REGARDING ABOVEGROUND MARKERS: NO ACTION AT THIS TIME. Shedd Farley of the Natural Path Sanctuary attended the meeting to hear from some neighbors their concerns about grave markers observed on some graves contrary to CUP 2143 Condition 5. It states “Headstones and aboveground markers are prohibited.” During the discussion, it was generally agreed that:

a. Gene Farley, Shedd’s father, had stated in a meeting in the Town Hall during consideration of the CUP, that the graves would be unmarked and identified by GPS locators. (It was stated that GPS does not work in all parts of the sanctuary due to tree cover.)

b. After approval of the CUP and upon receiving the request of burial plot owners, G. Farley and the Natural Path Sanctuary Board agreed to allow markers “flush with the ground.” It was assumed that the Board considered markers “flush with the ground” to meet the prohibition of “aboveground markers.” It was agreed that this is a matter of semantics and not in keeping with what is believed to be G. Farley’s original intent.

c. At this time, on the graves, there are approximately two wooden markers and four polished, engraved markers that are all flush with the ground. The lawn mower can pass over the grave sites without touching the markers.

d. To consider an amendment to CUP 2143 Condition 5 to permit grave markers flush with the ground, made up of a small natural stone and not to exceed a certain size. The Farley Center and the neighbors agreed to collaborate to draft language to discuss with the Springdale Plan Commission/Town Board and Dane County Zoning.

REQUEST TO AMEND THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE TOWN REGARDING THE PRICE OF BURIAL SITES: MOTION by Eloranta/Schwenn to modify the MOU between the Linda and Gene Farley Center for Peace, Justice and Sustainability, Inc. to divide the $1000.00 burial fee with 50% for the grave and 50% for burial costs with 15% of the grave cost deposited in the permanent care fund. The attorney for the Farley Center will submit the revised MOU to the Town for review and approval. Discussion: The MOU dated June 9, 2011, stipulated 80% for the grave and 20% for burial costs with 15% of the grave cost deposited in the permanent care fund. Motion to approve conditionally carried 2-0.

DRIVEWAY PERMIT:

A. ROBERT HELM/CORAY LANE/SEC. 1: MOTION by Schwenn/Eloranta to approve Driveway Permit Part 1 and 2 as depicted. Discussion: The driveway shall be constructed in conformance with the Town Driveway Construction Guide with special attention to the 10% slope requirement. Motion carried 2-0.

B. D. ANDERSON/SHARED DRIVEWAY EASEMENT AGREEMENT AND PERMITS/GETZ RD./SEC. 6: MOTION by Eloranta/Schwenn to 1. Obtain the redline copies of the two amended documents for review and approval by the Town Attorney (First Amendment and Restatement of Declaration of Joint Driveway and Utility Easement and First Amendment and Restatement of Declaration of Covenants, Restrictions and Conditions); 2. The documents shall be signed by required parties, specifically the Jochimsens, owners of Lot 2 of the Plat, because the joint driveway and utility easement impacts their driveway and 3. Plan Commission and Town Board approval of the changes to the building envelopes for two of the four lots in this CSM. Discussion: The PC will address the building envelope changes at the 6/22/15 PC meeting. The TB will address the building envelopes and other matters at the 7/20/15 TB meeting. Motion to approve carried 2-0.

ONGOING DISCUSSION/PROPOSED DISCONTINUANCE OF A PORTION OF SINGLE-RESIDENCE DEAD-END ROADS: CRABB LANE, GRIMSTAD RD., HOLLFELDER DRIVE, RINGGENBERG DRIVE AND THE DISCONTINUANCE OF RENNEBOHM RD.: NO ACTION: In continuing the process to discontinue dead-end town roads, those portions serving a single residence, basically serving as a private driveway, the TB has learned that every road is unique.

A. Hollfelder Drive - at the point where the road branches off to a single property owner, the embankment on private property, outside of the town right-of-way, is problematic for construction of a reverse-direction area for the snow plow. Seeing no other reasonable alternative, the snow plow may have to reverse direction in a portion of a private driveway. The plow would no longer plow around the circle near the farmhouse. The Town Attorney would prepare an agreement between the Town and property owner to allow the Town to turn around on private property without incurring any liability.

B. Rennebohm Road – The access point for Rennebohm Rd. is within a large right-of-way owned by the State Department of Transportation, U.S. Hwy. 18/151. Both properties served at this access point would assume their own driveway with one going in a northerly direction and the other in a westerly direction.

C. Ringgenberg Drive – The public road named Ringgenberg Drive extends in a “T” shape from its intersection with Erb Rd. Only the northern portion of the road, serving the single residence with frontage on US Hwy. 18/151, is considered for discontinuance. The section serving the three Ringgenberg residences will not be discontinued.

D. Grimstad Road – As part of the review of the Bella Vista Plat, the property owners served by the northern section of Grimstad Road are considering the discontinuance of the town road by their property. Because this would require a shared driveway for the Banik, Oglesby and Bella Vista Plat owners, the property owners must agree to the discontinuance.

FEE SCHEDULE AND FIRE DISTRICT PLANS WILL BE DISCUSSED AT FUTURE MEETINGS – NO INFORMATION AVAILABLE AT THIS TIME.

BILLS: MOTION by Schwenn/.Eloranta to approve all the bills and specifically, lock in the price per gallon for 2900 gallons of LP with Premier Cooperative. Motion carried 2-0.

ADJOURN: MOTION by Schwenn/Eloranta to adjourn. Motion carried, 2-0.

Respectfully submitted, Vicki Anderson, Town Clerk