MINUTES OF THE SPRINGDALE TOWN BOARD MEETING, Aug. 17, 2015

IN ATTENDANCE: Town Board Chair Ed Eloranta and 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 8/13/15 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 notice of a meeting was published in the *Mt. Horeb Mail* on 8/13/15*.*

MINUTES: MOTION by Schwenn/Eloranta to approve the minutes of 7/20/15. MOTION carried 2-0.

DANE COUNTY DEPUTY SHERIFF/JAKE BRAKES/TAVERN RESPONSIBILITIES: Community Deputy Brooke Gagner, 267-4936, attended the TB meeting to address general questions. 1. Tavern owner responsibilities. Gagner explained that in order for an officer to enforce the laws regarding open intoxicants in vehicles, parking lots, etc.; overserving alcoholic beverages to tavern patrons, etc.; the officer has to be able to observe the activity. Citizens are encouraged to call the sheriff’s department. 2. Complaints filed regarding Town of Springdale taverns. Deputy Gagner reported that one or two complaints about Riley Tavern were called into the sheriff’s department in the July 2014 – June 2015 liquor license year. These one or two complaints did not constitute a legally sufficient basis for the Town to refuse to renew a liquor license. 3. Sign on CTH P – no jake braking. A resident on CTH P requested the Town adopt a town ordinance prohibiting the use of jake brakes on the section of CTH P south of the intersection with Bakken Road and install a sign. Due to the hilly terrain on CTH P near this intersection, trucks traveling downhill from the South have to brake to reduce their speed from 55 m.p.h. to 35 m.p.h. Due to the heavy truck traffic, the residents complain about the jake braking sound at all hours of the day and night. Deputy Gagner explained that this would be a town ordinance and the sheriff’s department cannot enforce a town ordinance but may ticket for the failure to follow signage. Dane County Sheriff’s Department will complete a speed study on CTH P in September. Based on the results of the speed study, Deputy Gagner will contact the Town to readdress the complaint/solutions. It was questioned whether the 35 m.p.h. sign could be moved further South on CTH P to require the trucks to slow down sooner. Also, it was suggested that even though a ‘no jake braking’ sign may be difficult to enforce, it could increase the truck drivers’ awareness of the concern.

BARTENDERS’ LICENSE RENEWALS/MARCINE’S/PATTI AND WILLIAM LAWINGER: MOTION by Schwenn/Eloranta to renew the Bartenders’ License for Patti Lawinger and William Lawinger for Marcine’s. The application, record check and fees are in order. Motion carried 2-0.

DRIVEWAY PERMITS:

A. JOHN PATTERSON/DAVIS ST./SEC. 34: MOTION by Schwenn/Eloranta to approve Driveway Permit Part 1 and 2 for John Patterson subject to compliance with the Driveway Construction Guidelines, specifically the culvert and 10% slope requirement. Discussion: Patterson plans to construct a 1300 sq. ft. Residential Accessory Building on his property which cannot be sensibly accessed from his existing driveway due to the slope of the land. Usually, the Town does not support two driveways for a single property because it can create snowplowing and road intersection maintenance issues. In this unique case, a second driveway makes sense. Motion carried 2-0.

B. RYAN HANNA/CTH J/SEC. 23: MOTION by Schwenn/Eloranta to approve Driveway Permit Part 2 for Ryan Hanna subject to compliance with the Driveway Construction Guidelines, specifically the culvert and 10% slope requirements for all segments of the driveway. Discussion: Driveway Permit Part 1 and the shared driveway easement agreement were obtained by D. Midthun, the developer, and are on file in the town hall. Motion carried 2-0.

BELLA VISTA FINAL PLAT DOCUMENTS/GRIMSTAD RD./SEC. 10: MOTION by Schwenn/Eloranta to authorize an Early Start Agreement between the Town of Springdale and Bella Vista Plat for the construction of Bella Vista Ridge contingent upon final approval of the necessary documents by the Town Attorney, Town Engineer and Town Chair. Discussion:

Draft Agreement: The Town Attorney Chris Hughes has prepared a draft of the Agreement to submit to the landowners and developers. Items in the draft Agreement may include but may not be limited to the following:

1. Subdivider wants to install Bella Vista Ridge now in order to take advantage of favorable costs from its contractors. The only public improvement to be installed now will be the road improvements for Bella Vista Ridge (the “Work”).

2. The Work shall comply with the terms and conditions of the Development Agreement, including, but not limited to the Indemnification and Insurance of Private Contractor terms.

3. Subdivider shall immediately reimburse the Town for all outstanding legal and engineering fees related to the Plat and the Work.

4. Prior to commencing the Work, Subdivider shall provide the Town Clerk with all information and documentation required by the Development Agreement, including but not limited to names of contractors, insurance documentation, project schedule, and an irrevocable letter of credit in a form and substance acceptable to the Town Chair, Town Clerk and the Town Attorney in the amount of $336,000.00.

5. In the event that the Work is not completed and the Plat is not recorded with the Dane County Register of Deeds by on or before Nov. 1, 2015, the Town shall have the right to draw on the LOC in an amount necessary to complete the Work. This letter shall be deemed a conveyance to the Town of all the real property rights and right-of-way interest in the real estate covered by the Plat needed by the Town to complete the Work.

6. Subdivider shall be responsible to obtain all Town, Dane County, and State of Wisconsin permits and approvals necessary to perform the Work.

7. Subdivider understands and agrees that the Work is performed at Subdivider’s sole risk and cost, and in the event that the Work does not fully comply with the plans and specifications approved by the Town consisting of “Drawings for Bella Vista Development, dated May 20, 2015, and Project Manual for Bella Vista Development, dated April 10, 2015,” the Town will have no obligation to approve or accept such Work until the Work complies with the plans and specifications. The Town’s inspection or failure to inspect the Work does not relieve the Subdivider of its obligation to perform the Work in full compliance with the plans and specifications. This letter will supplement the Development Agreement. In the event of a conflict between a term and condition of this letter and a term and condition of the Development Agreement, Subdivider shall comply with the more restrictive and stringent term and condition.

8. The Town intends to make road improvements to Grimstad Road in 2016 to serve the Plat (the “Town Work”). The specifications for the Town Work are contained in the document “2015 Grimstad Road Reconstruction Bidding Documents and Technical Specifications” dated May 20, 2015, prepared by Town & County Engineering, Inc., Madison, Wisconsin, and in the plan “Grimstad Road Reconstruction” dated March 30, 2015, prepared by Vierbicher, Madison, Wisconsin. The Town intends to specially assess the cost of the Town Work to the Plat and other property adjacent to the Town Work. Subdivider agrees that it will pay the any special assessment levied by the Town to the Subdivider for the Town Work in the amounts based on the spreadsheet for calculation of special assessment attached as Attachment 3 and on the terms and conditions specified by the Town in any resolution to impose the special assessment. In addition, Subdivider, for itself and its heirs, successors and assigns, waives all special assessment notices and hearings and further agrees that the property covered by the Plat is benefitted by the Town Work. The Town Board had previously accepted a bid for the Town Work in the amount of $100,075.00. That bid expired because Subdivider was not prepared to move forward with the Work. Subdivider shall be responsible for the costs, including engineering and legal costs, to rebid the Town Work. Additionally, in the event that the cost of the Town Work is greater than $100,075.00, Subdivider agrees that it will be responsible for the payment of all cost increases.

9. Subdivider’s obligations under this letter shall run with the land and shall be binding on Subdivider’s heirs, successors and assigns. The Town may record this letter or a notice of this letter with the Dane County Register of Deeds.

Timeline: Noah and Becky Hurley, the developers, and Tim Schleeper, Engineer for Vierbicher, explained that the DNR and Dane County Erosion Control permitting had expired and the reapplication process for the permits should be completed in approximately 2-3 weeks. Motion to approve the Early Start Agreement with conditions carried 2-0.

TOWN OF PRIMROSE/SHARED RESPONSIBILITIES/LIBERTY STREET/SEC. 34 – DUE TO PROPOSED DEVELOPMENT IN PRIMROSE: DISCUSSION ONLY: Town of Primrose resident and landowner Bill Haack is considering creating four residential lots on his land in Primrose which is served by Liberty Street. Liberty Street, a dead-end road, intersects with CTH G in the Town of Springdale and serves a business and residence in Springdale and a residence and farm in Primrose. The Town Boards of Springdale and Primrose will discuss a process to specially assess the benefitting property owners in both towns for any road upgrade needs driven by the proposed new development. Springdale Town Board members have been invited to attend the Primrose Town Board meeting on Sept. 14, 2015, 8 p.m.

BILLS: MOTION by Schwenn/Eloranta to approve the bills. Motion carried 2-0.

ADJOURN: MOTION by Schwenn/Eloranta to adjourn. Motion carried 2-0.   
  
Respectfully submitted, Vicki Anderson, Town Clerk