MINUTES OF THE SPRINGDALE TOWN BOARD MEETING, Oct. 17, 2016

IN ATTENDANCE: Town Board Chair Ed Eloranta, Supervisor I Mike Fagan, Supervisor II Richard Schwenn and Clerk Vicki Anderson.in attendance.

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

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. By 10/13/16 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 9/15/16*.* In addition, the lengthy notice requirement for the adoption of the Lot Line Adjustment Ordinance was met.

MINUTES: MOTION by Schwenn/Eloranta to approve the minutes as distributed of 9/19/16. MOTION carried 2-0 (Fagan abstained since he was not in attendance on 9/19/2016.

Public Hearing: Adoption of Ordinance Regarding Lot Line Adjustments and Plan Amendments recommended by Plan Commission: MOTION by Fagan/Schwenn to adopt the ordinance, AN ORDINANCE REGARDING LOT LINE ADJUSTMENTS- RECITALS

1. The Town has expended considerable time and resources adopting a Land Use Plan. The Land Use Plan was adopted for the general purpose of guiding and accomplishing adjusted, coordinated, and harmonious development in the Town, which will, in accordance with the existing and future needs, best promote order, convenience, prosperity, public health, safety and general welfare, as well as economy and efficiency in the process of any development that occurs in the Town.
2. The Land Use Plan recognizes that unplanned development can occur in a way that conflicts with and intrudes upon the general purpose of the Land Use Plan and the general intent of preserving land for agricultural use.
3. Lot line adjustments have occurred in the Town that result in unplanned development that conflicts with and intrudes upon the general purpose of the Land Use Plan. Specifically, lot line adjustments have, on occasion, resulted in: (1) the fragmentation of contiguous land available for agricultural use; (2) inappropriate and unapproved changes in land division concept plans that had been approved by the Town pursuant to the Town’s Land Division and Subdivision Code; and (3) in a failure to fulfill the general purpose of the Land Use Plan.
4. In order to help avoid the issues identified in Recital C above, the Town intends to regulate lot line adjustments as provided in this Ordinance.
5. This Ordinance will also allow the Town to determine whether the exchange of land between adjoining property owners comes within the exception in Wis. Stat. § 236.45(2)(am)3.
6. The Town held a public hearing on this Ordinance with notice of the hearing given by publication of a Class 2 Notice under Chapter 985, Wis. Stats.
7. The Town Plan Commission has reviewed and recommended adoption of this Ordinance.
8. The Town Board believes that regulating lot line adjustments will promote order, convenience, and the public health, safety, and welfare of Town residents and owners of property in the Town.

ORDINANCE

Now, therefore, based on the above recitals, and pursuant to its police power authority and the authority granted in the Wisconsin Statutes, including, but not limited, to Wis. Stat. Sections. 60.10, 60.22, 61.35, 62.23, and 236.45, the Town Board of the Town of Springdale ordains as follows:

1. Title 9 Land Use Regulations, Chapter 6, Regulation of Lot Line Adjustments of the Town Code of Ordinances is created to provide as follows:
	1. Purpose. The Purpose of this Chapter is to regulate Lot Line Adjustments as defined in this Chapter, in order to support the Land Use Plan, the Land Division and Subdivision Code and to promote the public health, safety, and general welfare of Town residents and owners of property in the Town.
	2. Definition of Lot Line Adjustment. For purpose of this Chapter the phrase “Lot Line Adjustment” means the sale, conveyance or exchange of one or more parcels of land between owners of adjoining property. “Lot Line Adjustment” does not include the sale, conveyance or exchange of lots lawfully created by CSM or Plat.
	3. Town Approval of Lot Line Adjustments and Procedure. All Lot Line Adjustments in the Town must be approved by the Town Board taking into account the review and recommendation of the Town Plan Commission. Applications forms for approval of Lot Line Adjustments shall be obtained from and filed with the Town Clerk. Applications shall include the map of land to be sold, conveyed, or exchanged. The Plan Commission shall review and make a recommendation on an application within

45 days of the date a complete application is filed with the Town Clerk. The Town Board shall approve, conditionally approve, or deny the application within 45 days of the date of the Plan Commission meeting at which the Plan Commission made its recommendation on the application. If the application is approved by the Town Board, the Lot Line Adjustment may be engaged in and completed. If the application is conditionally approved by the Town Board, the applicant shall comply with the conditions of approval. If the application is denied by the Town Board, the Lot Line Adjustment shall not be completed and the applicant and/or property owners may not record a deed or other record of the proposed sale, conveyance, or exchange with the Dane County Register of Deeds.

* 1. Prohibited Lot Line Adjustments. The Town Board shall not approve a Lot Line Adjustment if:
		1. Additional lots are created;
		2. The parcels after the Lot Line Adjustment would be reduced below the minimum sizes required by Chapter 236 of the Wisconsin Statutes or as required to comply with other applicable laws and ordinances, including, but not limited to the Town’s Land Use Plan and the Town’s Land Division and Subdivision Code;
		3. The Lot Line Adjustment would result in the loss and/or breakup of land used for agricultural use;
		4. The Lot Line Adjustment would result in the conveyance or transfer of development rights; unless the development rights are prohibited from development via a deed restriction or conservation easement.
		5. The Lot Line Adjustment would result in a change to a concept plan approved pursuant to the Town’s Land Division and Subdivision Code.
		6. The Lot Line Adjustment would conflict with one or more purposes or provisions of the Land Use Plan.
	2. Remedies. In addition to all other remedies available to the Town, in the event a Lot Line Adjustment is performed without the Town Board approval required by this Chapter, the Town Board shall have the right to consider the Lot Line Adjustment to be a property split or division that reduces the number or splits or divisions otherwise available to the property owner(s) under the Town Land Division and Subdivision Code.
1. Severability. In the event that any term or provision of this Ordinance is found to be unenforceable by a court of competent jurisdiction, such enforceable term or provision shall be deemed severed from this Ordinance and the remainder of this Ordinance shall continue in full force and effect.
2. Effective Date. The Ordinance shall become effective upon passage and publication or posting.

Discussion: Based on State law, the Town cannot deny a lot line adjustment. However, the Town may consider the impact a lot line adjustment could have on the elaborate planning and detailed process of the Land Use Plan in preserving agricultural land, natural resources, etc. Through a lot line adjustment, property lines could be redrawn and defeat the goal of the Plan. If a lot line adjustment were to be completed without Town review and approval, the Town could reconsider the number of land divisions remaining on the property. The lot line adjustment should not circumvent the Plan. Motion to adopt the ordinance carried 3-0.

Request for Proposal – Assessor Services: INFORMATION ONLY/NO ACTION: Since the current contract for assessment services with Gardiner Appraisal Service is up for renewal on 12/1/2016, and there have been some complaints about the customer service, the TB has requested proposals from two other assessors. Mr. Wayne Koehler of Accurate Appraisal, LLC., 1428 Midway Rd., Menasha, WI 54952-0415, attended the meeting and submitted a proposal. The references listed are the Village of Mt. Horeb, the Village of Blue Mounds and the Town of Berry. Proposals from Gardiner Appraisal Service and Associated Appraisal Consultants, Inc. will be reviewed at the Nov. 14, 2016, TB meeting.

6. Plan Commission Recommendations:

a. Darin and Hope Connor/lot line adjustment/Bakken Rd./Sec. 10: MOTION by Fagan/Schwenn to approve the lot line adjustment as presented. Discussion: Due to a surveyor error, the single parcel was incorrectly recorded in two pieces. There is no further division of this lot per the current Town of Springdale Land Use Plan. Motion to approve carried 3-0.

b. Scott McGettigan/amendment to existing C-2 zoning #11056/CTH PD/Sec. 12:

MOTION by Schwenn/Fagan to approve the amended C-2 Zoning as recommended by the PC with clarification of #7 change to the signage in #11 – i.e. PC recommended approval.with the following restrictions and to remove all provisions for construction contracting business and construction equipment from the C-2 zoning on the property in petition #4963. New petition #11056.

1. The business shall be limited to an automotive repair shop with up to 20 vehicles on site (including personal vehicles and loaner vehicles for customers.

2. The sale of vehicles shall be prohibited.

3. The proposed building, parking, landscaping, etc. shall conform to the submitted “Turn Two Auto Repair Site Plan” dated 11/02/15.

4. Retail sales shall be prohibited except for incidental sales to automotive repair customers.

5. The hours of operation shall be 8 a.m. to 5:30 p.m., Monday – Saturday.

6. The number of employees shall be limited to six employees, not including the owner.

7. Outside storage of materials and vehicles is prohibited except for vehicles listed in #1 above.

8. Sustained outdoor activities are prohibited.

9. All new lighting shall comply with the Town of Springdale Dark Sky Lighting Ordinance.

10. Outdoor loudspeakers are prohibited.

11. Signage shall be limited to an area approximately 2’ x 14’ along the face of a rock wall where individual letters will be mounted. 12. Two dumpsters for the proper disposal of recyclables and trash shall be placed between the existing building and the proposed parking area. Discussion: Signage for the business is grandfathered since there was an auto repair shop located here in the past and the sign is necessary to notify customers of the location. The conditions are designed to reduce the potential C-2 uses since new C-2 uses are not supported in the current Town of Springdale Land Use Plan. Motion to approve with conditions carried 3-0.

Driveway Permit: Krishna Pradhan/Messerschmidt Dr./Sec. 27: INFORMATION ONLY/NO Action: Since K. Pradhan proposes a change to the lot lines of his two parcels, he will attend the 10/24/2016 PC meeting to revise the 2003 concept plan to preserve as much contiguous agricultural land.

SPRINGDALE COMMITTEE ON UTILITIES IN the RURAL ENVIRONMENT, SCURE: REPORT TO TB: Rod Hise, Chair of SCURE, provided a recap to the TB about the activities of the committee which include, but may not be limited to the following: \*The committee is enthused by the response to the special mailing/email to Springdale residents. Citizens attended the Oct. committee meeting and have submitted comments/concerns regarding the proposed preliminary corridor in Springdale. Citizen engagement is a key goal of the committee. \*The Town website includes a special section for information about the proposed corridor here. \*R. Hise has met with representatives from the Village of Mt. Horeb and the Town of Cross Plains and hopes to arrange a joint meeting with Springdale and the two neighboring municipalities since the proposed corridor would impact all three. \*The committee is following a lawsuit filed by the Town of Holland in LaCrosse County against the Wisconsin Public Service Commission because of the PSC decision to support a 345 kV line in Holland, even though a 345 kV line runs, already, on one side of the highway and the most recent approval, supports a different 345 kV line on the other side of the same highway. The complaint alleges insufficient need for the line and inadequate environmental assessment. \*The next meeting of the committee is scheduled for the third Tuesday, Nov. 15, at 7 p.m. in the town hall. The public is invited. Due to the Nov. 8 election on the second Tuesday, the meeting was moved to the third Tuesday.

Resolution to PROPOSE TO Exceed the Levy Limit if necessary: MOTION by Fagan/Schwenn to approve the Resolution of Town Board to Propose Exceeding the Levy Limit. Discussion: The Town Budget Hearing and Meeting of the Electors is scheduled for Nov. 10, 2016, 7 p.m. At that time, the electors will vote on the decision to exceed the levy limit but they must be provided at least 15 days notice of this possibility. Between now and Nov. 10, the TB will gather all revenue and expenditure figures to finalize a proposed budget. At this time, the TB would like to propose to increase the levy by approximately $25/household on a $300,000 home. This would allow the Town to increase the compensation for the Town Clerk position if it becomes a hired position and to stay on top of necessary road repairs before our budget is increased in 2018 with payments towards the new joint public safety building in Mt. Horeb. It is noteworthy that Springdale has one of the lowest mill rates in Dane County. The levy limit is $509,681. With an addition of $18,625, 3.65%, the total levy would be $528,306. Motion to approve the resolution carried 3-0.

NEW ELECTION INSPECTORS: MOTION by Fagan/Schwenn to approve the new election inspectors. Discussion: The Town is fortunate to have great volunteers to serve as election inspectors. Esther Esser, Gina Gessler and Sue Welch are appointed for the 2016-2017 term. Once training of two hours is completed, they are eligible to work at an election. Motion to approve carried 3-0.

ReferendUM for Nov. 8 ballot: Fire district project funding: INFORMATION ONLY/NO ACTION:

An Open House will be held in the Springdale Town Hall on Monday, Oct. 24 from 6-7 p.m. immediately preceding the PC meeting that night. The purpose of the Open House is to discuss the joint public safety building with representatives from the Mt. Horeb Area Joint Fire District.

Snow Plow Operator, Shawn Thompson: MOTION by Schwenn/Fagan to approve snow plow operator Shawn Thompson as recommended by Town Patrolman Devin Dahlk. Motion carried 3-0.

BILLS: MOTION by Schwenn/Eloranta to pay the bills. Discussion: This discussion is to document inferior workmanship by Scott’s Construction for two years in a row with the chipsealing on a portion of Town Hall Rd. In 2015, the material applied to the road surface did not adhere properly due to cold temperatures when the product was applied. In 2016, the contract required the company to complete the work by Aug. 15, to avoid cold temperatures. The work was completed by Aug. 15, but the chips were fine and dusty and did not adhere. The company returned to sweep off the dusty, fine chips. Then the company returned to remedy the situation and applied tar without any grit. This was too slippery and the company returned on 10/17/2016 and applied ‘slag.’ The representative for the company has stated that they will return until the road surface is acceptable. Motion to pay the bills carried 3-0.

ADJOURN: MOTION by Schwenn/Eloranta to adjourn. Motion carried 3-0. Respectfully submitted, Vicki Anderson, Town Clerk