

TOWN OF UNION BOARD MEETING

Minutes for June 7, 2007

The Town of Union Board regular monthly board meeting was called to order on June 7, 2007 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI at 7:00 p.m. by Chairman Kendall Schneider. Supervisors George Franklin and Don Krajeck were also present. Attorney Yde was present to represent the township in place of Matt Dregne from the Stafford Law Firm in Madison. The Pledge of Allegiance was recited.

Having read the minutes, Kendall moved to waive the public reading of the minutes. Second by Supervisor Franklin. The minutes of the May 3, 2007, May 21, 2007 and May 29, 2007 meetings were approved with the correction of the spelling of Jeff Roethe's name in the May 3, 2007 meeting minutes.

Sharon Franklin, Treasurer, reported balances as of May 31, 2007 as follows:

| | |
|--|--------------|
| Local Government Investment Pool General Fund | \$1,040.61 |
| Park and Recreation Fund | \$ 11,701.32 |
| UB&T Money Market Sweep Account | \$255,729.03 |
| Of which \$50,000 is Contingency Fund | |
| UB&T Checking Account | \$18,000 |
| Leedle Mill Bridge Certificate of Deposit | \$16,607.20 |
| Wayne Disch Memorial Park Fund | \$ 1,498.65 |
| Morning Ridge Stub Road Certificate of Deposit | \$17,455.84 |

Treasurer's report approved as read. Board recommended extending the certificate of deposit for another nine months for the Leedle Mill Bridge renovations. The CD comes due in July 2007.

Building Inspector's Report

Town of Union Building Inspector, Bob Fahey, reported issuing eleven (11) building permits last month:

| Date | Permit # | Parcel # | Name | Address | Description | Construction Cost | Permit Fee \$ | Inspector's Fee Due |
|-------------|----------|-------------|--|-------------------------------|--------------------------------|-------------------|---------------|---------------------|
| 2-May-2007 | 07-13-B | 6-20-224.3 | RaulGonzales/Becky Imhoff | 7600 N Hwy M | 24x30 Detached Garage | \$12,000.00 | \$180.00 | \$165.00 |
| 10-May-2007 | 07-14-B | 6-20-97 | Aggregate Produced Products | 10607 N East Union Rd | 24x30 Scale Building | \$13,000.00 | \$180.00 | \$165.00 |
| 10-May-2007 | 07-15-B | 6-20-158A | MageeConst./Prairie View Dairy Farm | 8837 N Evansville/Brooklyn Rd | New Home (1) | \$250,000.00 | \$ 1,005.62 | \$731.36 |
| 12-May-2007 | 07-16-B | 6-20-370.66 | Shawn Miller Const/ Troy Tofte | 7411 N Morning Meadow Ln | Deck | \$5,000.00 | \$120.00 | \$110.00 |
| 21-May-2007 | 07-17-B | 6-20-380.1 | Andy & Heidi Peart | 14135 W Northridge Dr | Deck | \$3,700.00 | \$120.00 | \$110.00 |
| 22-May-2007 | 07-18-B | 6-20-158A | Prairie View Dairy Farms | 8837 N Evansville/Brooklyn Rd | Demolition permit | | \$60.00 | \$55.00 |
| 22-May-2007 | 07-19-B | 6-20-70.4 | First General Services/ Glenn Severson | 15923 W Union Rd | Remodaling due to water damage | | | |

| | | | | | | | | |
|-------------|---------|------------|-----------------------------------|-------------------------------|------------------|-------------|----------|----------|
| 20-May-2007 | 07-20-B | 6-20-268.9 | D&D Builders/ Dale & Beth Schultz | 6615 N South 5th St | Addition to Home | \$25,000.00 | \$230.00 | \$220.00 |
| 29-May-2007 | 07-21-B | 6-20-133 | Templeton Farms | 9327 N Evansville/Brooklyn Rd | 60x80 Pole Barn | \$40,000.00 | \$175.00 | \$165.00 |
| 30-May-2007 | 07-22-B | | Magee Const./John Winburn | 10334 N East Union Rd | Remodeling porch | \$10,000.00 | \$120.00 | \$110.00 |
| 29-May-2007 | 07-3-D | 6-20-125 | Templeton Farms | W Butts Corner Rd | Field Driveway | | \$65.00 | \$55.00 |

Bob issued one field driveway permit.

Constable's Report

Kim Gruebling, Constable, reported one cat call and no dog calls. He was asked to mediate a dispute between two neighbors. Gruebling referred the neighbors to the Sheriff's Department as it's a civil matter over a lot line.

Brush Report

Supervisor Franklin had nothing to report.

Public Comment: 3 Minutes Max/Issue

No public comment.

Open Burning Report by DNR representative Brian Barbieur and Ordinance Development

Brian is the air compliance engineer for Rock County. He reported that residents can burn clean, dry wood and not any treated or glued or green wood. They can also burn dry rubbish (papers and cardboard) but no colored magazines. No businesses can burn anything without a license. You cannot burn plastic.

Buildings cannot be burned. Fire departments can do trained burns however with proper permits.

Chairman Schneider will provide a copy of a burn ordinance from the DNR to the board as a beginning place for developing an ordinance for the Town of Union..

Rock County Sheriff re: Level 8 Ordinance Violations

Deputy Mugnani of the Rock County Sheriff's Department reported increased patrol of Level 8 due to complaints received about underage drinking. He's noted problems with emergency vehicle access into a too full parking lot, capacity issues, safety, and the occurrence of 18-20 year olds mixed with 21years old and above who are drinking in the same area when bands are brought in. Mugnani was concerned about this mixing of ages. Mugnani shared a situation where Level 8 owner was arrested for obstruction of an officer and disorderly conduct.

Sarah Laufenberg, Level 8 owner, asked about other events such as Ducks Unlimited, and going away parties. Kendall said that was something to look at. Sarah wanted to know how many underage drinking citations have been issues for her premises. She states that to her knowledge there have been no citations since she took the bar over.

Bob Fahey, Town of Union Building Inspector, stated a need to have the owner involve an architect to determine the correct occupant load which is based on exiting and square footage.

Protest Petition Randy Shottliff Request for Subdivision/Zoning Change

A protest petition was presented to Chairman Schneider and the town board. David Gallman circulated the petition which the town's attorney deemed valid. It's validity would require a 3/4 vote to approve Randy's current request for a subdivision. Motion by Chairman Schneider to accept the petition. Second by Supervisor Franklin. Motion approved by unanimous voice vote.

Petition reads: Chapter 17.24 (7A & B) Ref. Protest to Proposed Change, Amendment, or Supplement to the Towns Zoning Ordinance Pursuant the Noted Chapter and Subsection: The under signed parties are against any changes to the zoning of the land located on Territorial Road and County M. (Currently Ag. I land). We oppose the 22 lots being requested at this time for developm,ent which is Phase I of a 100 lot subdivision.

Public Hearing and Board Decision on request from Randy Shottliff, 4215 Winnequah Dr. Monona, WI 53716 for a land division and zoning change to create 22 rural residential parcels (20 buildable lots and 2 outlots) using 41.65 acres of land from two A1 parcels (#6-20-212 (89.406 acres) & #6-20-211 (33.1 acres)). The remaining 80 some acres of parcels #6-20-212 and #6-20-211 will then be combined with the A1 parcel #6-20-210 (32.881 acres) to create one large A1 parcel of approximately 114 acres. This land is located in the NW 1/4 of Section 24 and part of the SW 1/4 of Section 24. (The Plan Commission recommended by a 4-3 vote to deny the request at the May 31, 2007 Plan Commission meeting.)

Public Hearing opened at 7:48 p.m.

Ron Combs reiterated all the information provided to the Plan Commission and showed the map of the proposed development and future development. He showed a map showing the Hwy M entrance as required by the county when additional lots are added beyond phase I.

In response to the Plan Commissions statement of denial because the property is agriculture, Combs noted the area along Hwy 14 to the north that the city plans to develop. He stated that the majority of land identified as future development on Map 19 is agriculture. He referenced the map in December 2005 that had short term and long term specifications. The same committee that had proposed that map approved a final map without the individualized specifications. Ron stated that this proposal is consistent with the Comprehensive Plan.

Kendall made reference to the 35 acre parcels created by Randy in the 1990s that have long driveways.

Neighbor, Heidi Deininger, commented on Eric Larsen's comment regarding the scoring system and referred to the verbiage still in the text of the Comprehensive Plan which still designates short and long term growth; She also expressed concerns with access to Hwy M and made reference to a 1995 town board decision to not allow further division.

Chairman Schneider clarified that only a portion of the land not to be further divided is in the proposed subdivision area. Nothing was recorded on the land division deed stipulating this condition. He added there are two references to map #19. One that is dated 12/07/05 which includes proposed long and short term development areas. The other is dated 10/06/2006 which shows existing zoning and future land use without time designation.

Randy Shottliff presented a petition of 69 plus town and city residents and business people who are in favor of the development.

David Gallman, the neighbor who circulated the protest petition, said he focused his signatures on the people within the 300 foot distance of the development (as required by the Zoning Ordinance 17.24) and most affected by the development.

Jeff Roethe stated that the plans are consistent with the Smart Growth Plan. He added that this is a well designed plan and he brought up the loss of town lands annexed to the City for development within the City. He also mentioned Heidi Carvin's comments from a previous meeting where he interpreted Ms. Carvin as saying that this proposed development would have no impact on the need for new schools.

Renee Exum asked what Shotliff's property is designated on the City's development map. Ron stated it's designated Agriculture and that the city has no new areas designated for the township to develop.

Judy Whalen, facilitator of the Smart Growth Planning Process, asked the board to consider if the Plan Commission is using the objectives of the Smart Growth or personal bias. She wanted to clarify the number of hours spent debating the criteria and strategy for smart growth including the factors of retaining the rural character of life, the need and understanding that housing is a significant factor that should be considered, and that planned housing is better than balloon growth. She brought up that prime farmland is identified as protected farmland and not developed. Another point she brought up was the continued annexation of town land to the City of Evansville and the loss of that tax base. She shared the need to balance the rights of individual land owners to manage and maximize their assets, along with the task of how to manage controlled growth and retaining the rural quality of life.

Mike Exum, Plan Commission member, felt the commission did a good job sorting through a somewhat confusing plan and that the decision made was based on the plan. He referred to the long term/short term development designation on the earlier map and the text still pertaining to it in the Plan.

Judy Whalen stated that the long term/short term designation on the map was not removed for an application of funding and that the map was approved after the text. Mike Exum disagreed.

Chairman Schneider read the 14 goals of the Smart Growth Plan development guide.

Ron Combs, land surveyor for Randy Shotliff, stated that Randy is willing to enter into a developers agreement specifying the number of lots that can be sold over a ten year period.

Public Hearing closed at 8:31 p.m.

Kendall noted two parts to the application: changing the zoning and approving the lots. The attorney noted that to negotiate a developer's agreement should be done prior to approving a land division.

Supervisor Franklin stated he disagrees with what Goethe stated about Heidi Carvin's comment regarding no impact on the school system and stated that the Plan Commission was slow in making a decision. Supervisor Franklin wanted to know why this development is good for the township and stated that he disagreed with the developer's logic. George stated he felt this development isn't good for the township.

Supervisor Krajeck asked how many lots are undeveloped in the City of Evansville. Attorney Goethe didn't know and added that the housing market has slowed down. Goethe stated that

past development in the area has enhanced the quality of life based on more services being available.

Motion by Supervisor Franklin to deny the request based on the comments of the Plan Commission. Second by Supervisor Krajeck. Motion approved by unanimous roll call vote. Chairman Schneider-Y Supervisor Franklin-Y Supervisor Krajeck-Y

Official Sign requests for three “Evansville - Soybean Capital of Wisconsin” sign locations from FFA Alumni, Evansville Chamber of Commerce and the Wisconsin Soybean Association.

Request presented by Marsh Dobbs to place 6'x4' “Evansville - The Soybean Capitol of Wisconsin” signs in three places in the township. Evansville was designated the Soybean Capital of Wisconsin in 1983. Alvin Francis, the current Plan Commission chairman had won the highest output for soybeans and will be the parade marshal. The Town of Union will be the responsible unit. The signs need no maintenance for ten years.

Chairman Schneider moved to accept the proposal for three official signs at various locations to be approved by the state DOT, knowing there is no cost to the township and that they can be removed at the town’s discretion. Second by Supervisor Franklin. Motion passed by unanimous voice vote.

Withdrawal of Design Homes LLC Request for Subdivision

Prairie Home, LLC, 5440 Willow Road, Waunakee, 53597 is withdrawing their request for a zoning change and land division to separate 73 acres from the 157 acre, A1, #6-20-32 parcel to create a 61 lot, Rural Residential zoned subdivision. This land is located at 17202 W. Holt Rd, on W. Holt Road with the north property line abutting Dane County. NW 1/4 of Section 5. This withdrawal was done in writing by Nick Ladopolis on May 11, 2007.

Motion by Supervisor Krajeck to accept withdrawal of subdivision application by Design Homes LLC on Holt Rd. Second by Chairman Schneider. Motion approved by unanimous roll call vote.

County Highway M Connectivity Agreement with City of Evansville

Township is awaiting agreement with all signatures. Chairman Schneider has already signed.

Francis Park Mowing Bid Award

Chairman Schneider and the board awarded the 2007 contract to Cliff Muchow who submitted the only bid for Francis Park mowing after last month’s meeting. The bid was for \$275.

2008 Roadwork Planning and Old 92

The Evansville-Brooklyn Rd S curve has crack filling that is loosening. Chairman Schneider proposes \$7,500 of crack filling. Supervisor Krajeck wanted to see final numbers for Old 92 project before committing to other projects. Chairman Schneider will provide figures to the rest of the board.

Territorial Rd Project Finalization and Trip Fund Request Form

Final bill received from McQuire. Punch list is pretty much complete, however Chairman Schneider still questions curve ahead sign heading east towards Cty Trk M.

Motion by Chairman Schneider to say that all the work has been completed with the only other work to be done would be warranties work so that the project is considered complete. Second by Supervisor Franklin. Motion passed by unanimous voice vote. Kendall is hoping to go down

to Rock County on Monday or Tuesday.

Park & Trails Committee Meeting Results

Because a quorum was not available a meeting was not held. Some residents were present. No date was set to meet again.

Cavalier Mobile Home Park License and Code Violations

No response received from the attorney Forbeck. Chairman Schneider will talk to attorney Forbeck regarding licensing and what to do with the check received from Cavalier without an application but intended for renewal of a mobile home park license which Cavalier hasn't had for over three years.

Approval of Liquor License

Supervisor Krajeck moved to approve a Class B Retailer's License for the sale of fermented malt beverages and intoxicating liquors for July 1, 2007 - June 30, 2008 for Evansville Golf Association, Paul G. Milz at Union Tavern, and Sarah Laufenberg at Level 8. Second by Supervisor Chairman. Motion passed by unanimous voice vote. The attorney commented that in order to deny a renewal, there needs to be notice of intent and hold hearings.

Supervisor Franklin moved to send a letter of warning to Level 8 that if there are any new issues of ordinance violations or other violations of law and non-cooperation with law enforcement that the board may deny renewal and/or suspend the license. And that she provide a letter within 60 days from a certified architect or engineer of the appropriate occupant load of the buildings. Second by Chairman Schneider. Motion passed by unanimous vote. Clerk O'Leary will write the letter.

Approval of Operator's (Bartender) License

Motion by Chairman Schneider to approve the operator license for the following people for July 1, 2007 through June 30, 2008. Second by Supervisor Krajeck. Motion approved by unanimous voice vote.

Evansville Golf Course

| | |
|-------------------------|------------|
| Deborah L. Grosz | EV-2008-1 |
| Derik D. Doescher | EV-2008-2 |
| Gary C. Grossman | EV-2008-3 |
| Jamie M. Shotliff | EV-2008-4 |
| Kelli J. Butts | EV-2008-5 |
| Nicole M. Crans | EV-2008-7 |
| Rebecca Peach | EV-2008-8 |
| Rita K. Stone | EV-2008-9 |
| Tammy L. Jones | EV-2008-10 |
| Stacey A. Hardy | EV-2008-11 |
| Katherine R. Hilgendorf | EV-2008-12 |
| Jessica J. Meier | EV-2008-13 |
| Cristy J. Steindl | EV-2008-14 |
| Nicole L. Hamaker | EV-2008-28 |
| Susan Armitage | EV-2008-29 |
| Jeannie Laube | EV-2008-30 |

Level 8, Inc.

| | |
|----------------------------|------------|
| Nicole Fiez | L8-2008-20 |
| Scott W. Sickels | L8-2008-21 |
| Becky M. Rossiter-Trujillo | L8-2008-22 |
| Lisa R. Rivers | L8-2008-23 |
| Erik D Bradley | L8-2008-24 |
| Angel Garthwaite | L8-2008-25 |
| Susanne L. Kuhl-Tucker | L8-2008-26 |

Union Tavern

| | |
|--------------------|------------|
| April M. Golz | UT-2008-15 |
| Chad M. Butts | UT-2008-16 |
| Daniel G. Milz | UT-2008-17 |
| Mary A. Brzezinski | UT-2008-18 |
| Melvin R. Arnold | UT-2008-19 |

Independent

| | |
|-------------|-------------|
| Robert Hall | IND-2008-27 |
|-------------|-------------|

Approval of Cigarette License

Supervisor Krajeck moved to approve a Cigarette License for July 1, 2007 - June 30, 2008 for Evansville Golf Association, Paul G. Milz, and Sarah Laufenberg. Second by Supervisor Franklin. Motion passed by unanimous voice vote.

Approval of Mobile Home Park License

Due to a delay in the mailing of the mobile home park license application, this item will be addressed at a special board meeting ahead of the Plan Commission meeting on Thursday, June 27, 2007.

Attorney Retainer

Motion by Chairman Schneider to approve new legal counsel with Stafford Rosenbaum LLP. The contract is open ended and may be terminated at any time. Second by Supervisor Franklin. Motion passed by unanimous roll call vote.

Moratorium on Large Wind Generation

There was found to be no matter of conflict of interest by Stafford Rosenbaum LLP to represent the township on this topic. A Moratorium can be enacted so that an ordinance can be developed without pressure of applications. Chairman Schneider wondered if there should be a moratorium on other towers.

Motion by Chairman Schneider to have the attorney draft a large wind generation moratorium language.

Second by Supervisor Franklin. Motion passed by unanimous voice vote.

Seeking Legal Counsel for: Model Ordinance for small wind generation; Tower Ordinance and Growth management Allocation Plan

Attorney Yde stated to address the wind tower issue within the zoning ordinance and with a permit ordinance.

Supervisor Krajeck moved to submit draft #3 of the small wind generation ordinance to legal counsel for review. Second by Chairman Schneider. Motion carried by unanimous voice vote.

Motion by Chairman Schneider to ask Greg Hofmeister to gather models for tower ordinances. Second by Supervisor Krajeck. Motion passed by unanimous voice vote.

Motion by Chairman Schneider to ask Attorney Matt Dregne for examples to be gathered and given for the next Plan Commission meeting. Second by Supervisor Franklin. Motion passed by unanimous voice vote.

Treasurer's Bond

Awaiting renewal of the treasurer's bond.

Clerk Position Opening and Interview Committee

Motion by Chairman Schneider, second by Supervisor Krajeck to accept Clerk O'Leary's resignation effective August 10, 2007 and to establish an Interview Committee of Kim Gruebling, Doug Zweizig, Linda O'Leary, Karen Krajeck, and Judy Whalen.

Building Permit Ordinance Rewriting

Chairman Schneider and Building Inspector Bob Fahey will continue to working on the rewrite.

Joint Fire District Meeting June 21, 2007

Meeting changed to June 25, 2007 at the Evansville Fire Station.

Pay bills

There being no further business to come before the board, a motion was made by Chairman Schneider, second by Supervisor Franklin to adjourn the meeting. Bills were approved for payment and the meeting was adjourned.

Linda A. O'Leary, Clerk