

## TOWN OF UNION MONTHLY BOARD MEETING Minutes for June 5, 2008

The Town of Union Monthly Board Meeting was called to order at 7:00 p.m. on Thursday, June 5, 2008 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI by Chairman Kendall Schneider. Supervisors George Franklin and Don Krajeck, and Clerk Regina Ylvisaker were also present. Treasurer Sharon Franklin was absent. The Pledge of Allegiance was recited.

### Clerk's Minutes (May 1, 2008)

The minutes of the May 1, 2008 meeting were reviewed. Motion to approve the minutes of the May 1, 2008 meeting as written made by Don Krajeck. Second by George Franklin. Minutes of May 1, 2008 approved.

### Treasurer's Report

In the absence of Treasurer Sharon Franklin, the Treasurer's report was presented by Supervisor Franklin.

It was noted that the Morning Ridge CD will be up for renewal on June 20, 2008; following discussion it was agreed that the funds would be put in a short term, 6 month CD until interest rates go up. Treasurer Franklin will handle this move.

Clerk Ylvisaker stated that the Conifer Hills escrow account is short funds; the Board approved requesting \$1,000 from the Rohloffs for deposit into the account to cover costs incurred. Additionally, the Bakers Crossing Estates escrow account is short funds; the Board approved requesting \$4,000 from Robert Janes for deposit into the account to cover current costs incurred, and any future costs related to the development.

### Building Inspector's Report

Building Inspector Bob Fahey presented the report.

Permit #	Parcel #	Name	Address	Description	Construction Cost	Permit Fee	Inspector's Fee
08-2-D	6-20-5	Tom Hatten/Will Heritage	N East Union Rd west of Hwy 59	Residential driveway		\$400.00	\$110.00
08-3-D	6-20-38.?	Classic Custom Homes	Teresa Ln Lot #3	Residential driveway		\$400.00	\$110.00
08-4-D	6-20-176.3	John Townsend/Gordon Andrews	15249W Elmer Rd	Field Drive		\$60.00	\$55.00
08-5-D	6-20-67.5	Pat Shea & Gary Taylor	N Harold Dr	Residential driveway		\$400.00	\$110.00
08-9-B	6-20-67.5	Pat Shea & Gary Taylor	N Harold Dr	24x36 Garage/Shed	\$10,000.00	\$180.00	\$165.00
08-10-B	6-20-29A	Jerry Eiling	15907 W Holt Rd	12x14 deck	\$1,000.00	\$120.00	\$110.00
08-11-B	6-20-218.?	Craig Hurda/Premier Builders	13506 W Travis Trace Lot 13	New Home (2)	\$470,000.00	\$1,309.66	\$952.48
08-12-B	6-20-162.2	Elaine Strassburg/Gary Hoff	16826 W Hwy C	160 sq ft addition of screen porch & remodel existing porch	\$24,000.00	\$230.00	\$220.00
08-13-B	6-20-29B	Rick Clayton	15839 W Holt Rd	12x12 Shed	\$1,500.00	\$120.00	\$110.00
08-14-B	6-20-5	Tom Hatten/Will Heritage	11165 N East Union Rd	New Home (3)	\$268,000.00	\$750.00	\$550.00
08-15-B	6-20-38.?	Classic Custom Homes	17626 W Teresa Ln	New Home (4)	\$250,000.00	\$958.32	\$696.96
08-16-B	6-20-3.1	Peter & Barbara Eagan, Excel Electric	12818 W Leedle Mill Rd	New Electrical service	\$2,500.00	\$60.00	\$55.00

08-17-B	6-20-305E	Schlittler Const/Midway Village	6909 N Hwy M	Electric for septic system	\$40,000.00	\$60.00	\$55.00
08-18-B	6-20-149.1	Mike Miller	17730 W Emery Rd	Remodel Home	\$25,000.00	\$375.00	\$330.00
08-19-B	6-20-89A	George & Richard Franklin	13847 W Hwy 59	Grain Bin	\$70,000.00	\$60.00	
08-20-B	6-20-370.13	Steve & La Vae Flemke	13208 W Forest Hollow Ln	Deck 16x27	\$2,700.00	\$120.00	
	6-20-172	Ed & Diane Hoerler	Evansville/Brooklyn Rd	Rezoning petition			\$80.00
	6-20-90	Don Elmer	Donna Ln & Hwy 59	Conditional Use and land Division request			\$80.00

Franklin inquired about the status of the Eager driveway, if it was up to required specifications yet. Fahey stated it is not, and he is in the process of working with Town Engineer Greg Hofmeister to outline condition issues and putting together a letter to the owner listing issues to be corrected.

#### **Constable's Report**

Constable Kim Gruebling reported receiving one call; the dog was returned to its owner.

#### **Brush Report**

Franklin reported that some brush had been cut on Holt Road and at the end of W. Union Road. Brush remains to be cut on Emery, Bullard, Holt and W. Union Roads.

Franklin also reported a culvert on North Union Road, just north of Holt Road, is in need of repair, dirt has washed out from underneath the culvert. Schneider will follow up on the repair.

#### **Citizen comment: 3 minutes max/issue**

No comments.

#### **Wind Turbine Study Committee Status Update, following public hearing held at May 29 Plan Commission Meeting**

The Plan Commission will hold a working meeting on June 9, 2008 to discuss issues and questions related to the current draft Large Wind Energy Ordinance. The public is welcome to attend; it will be an open meeting.

**Public Hearing: Review and approval of request made by Edward & Diane Hoerler, 8103 N. Evansville-Brooklyn Rd., Evansville WI to separate off 3.1 acres from the existing 14.2 acre parcel, #6-20-172, located at the corner of N. Evansville-Brooklyn Rd. and Cty. Rd. C. The existing 14.2 acre parcel is zoned A-2; the zoning for the requested 3.1 acre parcel would change to A-3, and the remaining 11.1 acre parcel would retain A-2 zoning.**

Public hearing opened at 7:15 p.m.

Daria O'Connor stated that the parties involved would like to build a home on the north corner of the field in question. No part of the request has changed since the Plan Commission recommended approving the request at their May 29, 2008 meeting.

Public hearing closed at 7:16 p.m.

Motion to approve the request, as recommended by the Plan Commission as follows, made by George Franklin:

*"Motion to recommend the approving the request made by Edward & Diane Hoerler, 8103 N. Evansville-Brooklyn Rd., Evansville WI to separate off 3.1 acres from the existing 14.2 acre parcel, #6-20-172, located at the corner of N. Evansville-Brooklyn Rd. and Cty. Rd. C. The existing 14.2 acre parcel is zoned A-2; the zoning for the requested 3.1 acre parcel would change to A-3, and the remaining 11.1 acre parcel would retain A- 2 zoning made by Kim Gruebling. Motion amended to include statement: conditioned on the approval of the Town Board and the City of Evansville."*

Second by Kendall Schneider.

Roll call: Kendall Schneider – Yes; George Franklin – Yes; Don Krajeck – Yes. Motion carried 3-0.

**Public Hearing: Review and approval of request made by Donna Dillman, Lavonne Rowley, and Donald & Carol Elmer, 3399 Jeaness Ave., McFarland, WI to separate off 1 acre and existing home from the existing 148 acre parcel, #6-20-90, located at the corner of Hwy. 59 and N. Donna Ln. in the NE ¼, NW ¼ of Section 11. The existing 148 acre parcel is zoned A-1; requested resulting parcels would be 1 acre zoned A-1 and 147 acres zoned A-1.**

Public hearing opened at 7:17 p.m.

Donna Dillman stated that no part of the request has changed since the Plan Commission recommended approving the request at their May 29, 2008 meeting.

Public hearing closed at 7:18 p.m.

Motion to approve the request made by Donna Dillman, Lavonne Rowley, and Donald & Carol Elmer, 3399 Jeaness Ave., McFarland, WI to separate off 1 acre and existing home from the existing 148 acre parcel, #6-20-90, located at the corner of Hwy. 59 and N. Donna Ln. in the NE ¼, NW ¼ of Section 11. The existing 148 acre parcel is zoned A-1; requested resulting parcels would be 1 acre zoned A-1 and 147 acres zoned A-1. Additionally, approval of a conditional use separation to allow for the 1 acre parcel to be zoned A1 made by Don Krajeck. Second by George Franklin.

Roll call: Kendall Schneider – Yes; George Franklin – Yes; Don Krajeck – Yes. Motion carried 3-0.

**Public Hearing: Review and approval of request made by Donna Dillman, Lavonne Rowley, and Donald & Carol Elmer, 3399 Jeaness Ave., McFarland, WI to separate off 37.5 acres and buildings from the existing 148 acre parcel, #6-20-90, located at the corner of Hwy. 59 and N. Donna Ln. in the NE ¼, NW ¼ of Section 11. The existing 148 acre parcel is zoned A-1; requested resulting parcels would be 37.5 acres zoned A-1 and 109.5 acres zoned A-1.**

Public hearing opened at 7:20 p.m.

Plan Commission member Doug Lee informed the Board that the Plan Commission had discussed deed restricting the 109.5 acre parcel.

Public hearing closed at 7:21 p.m.

Motion to approve the request made by Donna Dillman, Lavonne Rowley, and Donald & Carol Elmer, 3399 Jeaness Ave., McFarland, WI to separate off 37.5 acres and buildings from the existing 148 acre parcel, #6-20-90, located at the corner of Hwy. 59 and N. Donna Ln. in the NE ¼, NW ¼ of Section 11. The existing 147 acre parcel is zoned A-1; requested resulting parcels would be 37.5 acres zoned A-1 and 109.5 acres zoned A-1. The approval includes a deed restriction that the newly created 109.5 acre parcel not be further developed and no residential structures be constructed on that parcel made by George Franklin. Second by Kendall Schneider.

The deed restriction will be given to Clerk Ylvisaker by Dillman for review and approval by Town Attorney Matt Dregne.

Roll call: Kendall Schneider – Yes; George Franklin – Yes; Don Krajeck – Yes. Motion carried 3-0.

**Public Hearing: Review and approval of extension of existing Conditional Use Permit held by Tom & Connie Davis 10608 N. East Union Rd. Evansville, WI 53536 to operate a pheasant shooting preserve on parcel 6-20-94 located along North East Union Rd. in the SW 1/4, NE 1/4 of Section of the Town of Union. The pheasant preserve may be open by appointment only between the hours of 8 a.m. and 5 p.m. Monday through Friday and from 8 a.m. - 5 p.m. on Saturdays and noon to 5 p.m. on Sundays beginning October 1<sup>st</sup> and ending April 30<sup>th</sup>. Hunting may commence at the east-west property line which is approximately 1,400 feet from the south property line.**

No action will be taken tonight; the issue will be addressed again at the next regular Plan Commission meeting on June 26, 2008

**Public Hearing: Review and approval of extension of existing Conditional Use Permit held by Candace Phelps, 13222 W. East Union Rd, Evansville, WI 53536 to operate a mining operation on her 138 acre parcel (6-20-97) located south of State Hwy 59 on the west side of N. East Union Road, Fire #10607. The gravel pit is currently operated by Aggregate Produced Products, Inc.**  
Public hearing opened at 7:27 p.m.

Brett Frank discussed the financial assurance issue; originally it was agreed that APPI would have financial assurance to the Town Clerk within 60 days, however the Plan Commission moved to have the Town Board make any decisions regarding financial assurance. Frank stated that he will pay \$1,000 every year for the bond, and he is wondering if another arrangement could be made so that he's not "throwing his money away."

Plan Commission member Kim Gruebling clarified that the Plan Commission did not know how the Board wanted the financial assurance issue handled, and they were not comfortable making a decision without knowing the Board's intent and desired outcome.

Plan Commission member Doug Lee felt that the original Conditional Use Permit was issued when N. East Union Road was a Class B road. Following the recent road repairs, it is now a Class A road and given that there shouldn't be any problems with road condition in the future.

Public hearing closed at 7:31 p.m.

Franklin felt that Frank has done and is doing a good job, he would be inclined to take him at his word and see what happens in the future. He pointed out that the Conditional Use Permit will be back before the Board for review in 2 years, any issues can be handled at that time.

Motion to approve extending the existing Conditional Use Permit held by Candace Phelps, 13222 W. East Union Rd, Evansville, WI 53536 to operate a mining operation on her 138 acre parcel (6-20-97) located south of State Hwy 59 on the west side of N. East Union Road, Fire #10607. (The gravel pit is currently operated by Aggregate Produced Products, Inc.) for a period of 2 years, with the stipulation that prior to renewal there be a joint inspection of the road including members of the Town Board, Plan Commission, and the pit operators made by Don Krajeck. Second by Kendall Schneider.

Roll call: Kendall Schneider – Yes; George Franklin – Yes; Don Krajeck – Yes. Motion carried 3-0.

Regarding the issues with incomplete shouldering of N. East Union Road, Frank stated that he plans to do it even though it is not in the original road repair agreement. Schneider stated that Finn Road needs to be shouldered as well, it wasn't done last year. A quote for shouldering N. East Union Road from the pit drive to Murray Road was given to Board from Frank Brothers. Frank will provide an estimate on shouldering both Finn and the remainder of N. East Union Road to the Board, and they will proceed from there.

**Public Hearing: Possible adoption of the Draft Large Wind Turbine Siting Ordinance. During the current moratorium the Large Wind Turbine Citizens Committee has developed a recommended ordinance to protect the public health and safety of residents. *Please note: Those individuals wishing to speak during this public hearing are asked to submit their name and address on a list which will be available before the meeting. This action is being taken to ensure all who wish to comment on this issue are given the opportunity to do so. A three minute limit per individual comment will also be adhered to.***

The opportunity was presented for anyone not at the May 26, 2008 Plan Commission meeting to speak tonight.

Public hearing opened at 7:38 p.m.

Joanne Van Norman, State Road 104: has been reading meeting minutes, etc. to stay informed on the issue. However, today they were given a DVD and notified that turbines could be located close to their backyard. Would like to know if there is a proposed site for the turbines. Schneider stated that there are proposed sites. He suggested attending the Plan Commission working meeting on June 9, which may be a good opportunity to get additional information on proposed sites. Van Norman believes it is good the Town is taking steps to investigate the turbines. She has heard there have been contracts signed

between landowners and energy companies. Schneider's understanding is that they are preliminary contracts, and he has not seen copies of any of the contracts.

Renee Exum asked if there will be more public hearings on the Large Wind Energy Ordinance. Schneider felt there should be one more at the Plan Commission level and one at the Town Board level prior to adoption. Gruebling felt that it was only necessary to have a public hearing at the Town Board level at this point in the process. Following discussion, the Board agreed that once there is a final product from the Plan Commission following their working meeting, there should be another public hearing at the Plan Commission level prior to holding a public hearing at the Town Board level.

Charles Knight, Croft Road: would like to know if there are maps or other documents that he could review to see where the proposed turbines would be located. Exum stated that a map should be located within the documents from the Citizens Committee located at the library.

Public hearing closed at 7:45 p.m.

No further action was taken on this issue at this meeting.

**Appointment of Plan Commission member to fill current vacancy**

Two citizens have expressed interest in serving on the Plan Commission: Harold Abey Jr. and Renee Exum. Schneider recommended appointing Exum; he felt that she would be a good choice, as she has served many hours on the Smart Growth Committee, was the recording secretary for the Citizens Committee, and has done a lot of work for the Town overall. Krajeck stated he would like to have someone with a farming background on the Plan Commission; if Alvin Francis were to leave there would be no one on the Commission that is actively farming. Farming is still an important part of the community and needs to be represented in the government.

Schneider stated that Exum has a strong background in Smart Growth and Comp Plan issues, and he feels having someone on the Commission with that background is important.

Krajeck stated his unhappiness that Schneider's recommendation was presented to the Board before they had an opportunity to discuss the merits of both candidates. Schneider explained that is the way appointments are handled.

Krajeck seconded Schneider's recommendation to appoint Exum to the current vacancy on the Plan Commission, to force a vote.

Roll call: Kendall Schneider – Yes; George Franklin – Yes; Don Krajeck – No. Motion carried 2-1.

Kim Gruebling's term on the Plan Commission expired; he indicated he would like to serve another term.

Motion to reappoint Kim Gruebling to a 3 year term on the Plan Commission made by Don Krajeck. Second by Kendall Schneider. Motion carried by unanimous voice vote.

**Board Action: Appointment of Brooklyn Fire District alternate. Approval of any actions voted on by alternate at May 14, 2008 Brooklyn Fire District meeting.**

Recommendation was made by Schneider to appoint Bill Thomas as the Brooklyn Fire District alternate, and to approve actions taken by Thomas on behalf of the Town of Union. Thomas voted at the last Fire District meeting to add additional monies for the purchase of a new fire truck. Van Norman, Brooklyn Fire District Secretary/Treasurer, stated that the total cost for the new truck is \$480,700.

Second by George Franklin.

Motion carried by unanimous voice vote.

**Update: Status report of repair efforts on N. East Union Road and Weary Road.**

Schneider reported that overall Weary Road looks good; there has been some settling of the gravel/rock. Jerry Krueger stated he was on the road this morning during the storm, and the curve is very slippery. He felt more gravel should have been put in. However, the water was running well off the road and there were no washouts.

**Update: Refuse & Recycling Center Issues. Includes obtaining a port-a-john for the site, purchase of cement blocking for storage of sand for residents**

Cement blocking/sand issue needs further investigation.

No roofing issues have been addressed yet. Krueger stated that a new shed door may be needed in the near future, and some areas of the blacktop drive should be addressed before next winter.

**Approval of Liquor Licenses**

The following requests for liquor licenses were reviewed by Schneider:

Evansville Golf Association  
Paul G. Milz (d.b.a. Union Tavern)  
Gene Heiman (d.b.a. Geneo's Red Barn)

Motion to approve liquor licenses for Evansville Golf Association, Paul G. Milz, and Gene Heiman for the period of time from July 1, 2008 through June 30, 2009 made by Don Krajeck. Second by George Franklin. Motion carried by unanimous voice vote.

**Approval of Operators (Bartender) Licenses**

The following applications for operator licenses were reviewed by Schneider:

**Evansville Golf Course**

Deborah L. Grosz  
Derik D. Doescher  
Gary C. Grossman  
Jamie M. Shotliff  
Kelli J. Butts  
Bradley J. Smith  
Susan Crans-Hunt  
Rebecca Peach  
Rita K. Stone  
Tammy L. Jones  
Leslie D. Rasmussen  
Katherine R. Hilgendorf  
Jessica J. Meier  
Nicole J. Freeman  
Alyssa R. Keister  
Nicole L. Hamaker  
Jeannie Laube

**Geneo's Red Barn**

Diane Draper  
Chelsea Arndt  
Becky M. Rossiter-Trujillo  
Erik D Bradley

**Union Tavern**

April M. Golz  
Courtney Collins  
Daniel G. Milz  
Mary A. Brzezinski  
Melvin R. Arnold  
Robert Hall

Motion to approve operator licenses for the applicants reviewed for the period of time from July 1, 2008 through June 30, 2009 made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote.

### **Approval of Cigarette Licenses**

The following requests for cigarette licenses were reviewed by Schneider:

Evansville Golf Association  
Paul G. Milz (d.b.a. Union Tavern)  
Gene Heiman (d.b.a. Geneo's Red Barn)

Motion to approve cigarette licenses for Evansville Golf Association, Paul G. Milz, and Gene Heiman for the period of time from July 1, 2008 through June 30, 2009, contingent upon receiving license signature from Paul Milz, made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote.

### **Approval of Mobile Home Park Licenses**

Clerk Ylvisaker stated that all applications were complete, with the exception of the application fee check for Birchwood Trailer Court/Jim & Cindy Brzezinski.

The following applications were reviewed by Schneider:

Birchwood Trailer Court/Jim & Cindy Brzezinski  
Midway Village Mobile Home Community/Scott A. Hoecker  
Fair Street Village/Pleasy R. Berg Trust  
Valhalla Mobile Home Park/James M. Schoenenberger

Schneider stated that the Town has been working with the Town's attorney on the issue of licensing Cavalier Village Mobile Home Park; they have been trying to schedule a meeting with the owners of Cavalier Village and their attorney but have not received requested information from Cavalier yet, and they want to have it prior to any meeting. Town Attorney Bryan Kleinmaier wants to be sure all mobile home parks are treated the same.

Motion to approve mobile home licenses for Birchwood Trailer Court, Midway Village Mobile Home Community, Fair Street Village, and Valhalla Mobile Home Park, upon final inspection of the mobile home parks and receipt of application fees check from Brzezinskis, made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote.

### **Evansville-Union Implementation Committee Update**

Krajeck reported that the Committee has been talking with the Evansville Parks & Trails Committee. Feels it may be a good idea to have a meeting between the City of Evansville's Parks & Trails Committee and the Town of Union's Parks & Trails Committee. Schneider stated he would talk with Janice Ringhand about scheduling a meeting.

### **Pay Bills**

A motion was made by Kendall Schneider to move \$15,000 from the contingency fund to the checking account to cover invoices for the month of May, 2008. Second by George Franklin. Motion carried by unanimous voice vote.

There being no further business to come before the Board, a motion was made by Kendall Schneider, second by Don Krajeck, to adjourn the meeting. Bills were approved for payment and the meeting was adjourned at 8:11 p.m.

*Respectfully submitted by:*  
*Regina Ylvisaker, Clerk*

Note: minutes are considered draft until reviewed and approved by the Town Board at a properly noticed meeting.

