

TOWN OF UNION MONTHLY BOARD MEETING Minutes for September 4, 2008

The Town of Union Monthly Board Meeting was called to order at 7:02 p.m. on Thursday, September 4, 2008 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI by Chairman Kendall Schneider. Supervisors George Franklin and Don Krajeck, Constable Kim Gruebling, Building Inspector Bob Fahey, Treasurer Sharon Franklin, and Clerk Regina Ylvisaker were also present. The Pledge of Allegiance was recited.

Clerk's Minutes (August 7, 2008)

Motion to approve the minutes of the August 7, 2008 Town Board Meeting minutes made by Don Krajeck. Second by George Franklin. Motion carried by unanimous voice vote.

Treasurer's Report

The Treasurer's Report was presented by Sharon Franklin.

Local Government Investment Pool General Fund	\$.67
Park and Recreation Fund	\$	12,266.79
UB&T Money Market Sweep Account	\$	55,427.14
Of Which \$0 is Contingency Fund, And \$5,000 is Re-Valuation Fund		
UB&T Checking Account	\$	15,000.00
Leedlemill Bridge Certificate of Deposit	\$	17,543.72
Wayne Disch Memorial Park Fund	\$	2,009.98
Morning Ridge Stub Road Certificate of Deposit	\$	18,807.19
Escrow Accounts:		
Robert Janes/Bakers Crossing	-\$	3,284.23

Building Inspector's Report

Building Inspector Bob Fahey presented the August report.

Date	Permit #	Parcel #	Name	Address	Description	Construction Cost	Permit Fee	Inspector's Fee Due
2-Aug-2008	08-28-B	6-20-269.1AD	Roger & Nancy Braberg/ Shawn Miller Const	6702 N South 5th St	Remodel basement/kitchen	\$25,000.00	\$230.00	\$220.00
13-Aug-2008	08-29-B	6-20-290.5	Ione Bagley/Roger Schmidt Const	5401 W Fair St	Porch roof remodel		\$120.00	\$110.00
14-Aug-2008	08-30-B	6-20-67.2	Ray Hendrickson	10413 N Harold Dr	Addition to pole barn	\$ 23,899.00	\$175.00	\$165.00
16-Aug-2008	08-31-B	6-20-64.1	Daniel Butz Jr. /Caviler Village Trailer Park	10808 N Hwy 14	New electric service/panels for 3 lots	\$1,000.00	\$240.00	\$220.00
23-Aug-2008	08-32-B	6-20-89A	George & Richard Franklin	13847 W Hwy 59	Electric service	\$4,000.00	\$60.00	\$55.00
25-Aug-2008	08-6-D	6-20	Ed Hoerler/Jason O'Connor	Evansville/Brooklyn Rd	Driveway		\$400.00	\$110.00
		6-20-64.01	Sig Vilagi	15830 W Union Rd	Zoning change			\$80.00
		6-20-29.1	Jerry Marshall	15933 W Holt Rd	Zoning change			\$80.00
		6-20-230.1	Mark Schwengels	15815 W Cty Hwy C	Variance request			\$80.00

	08-15-B		Classic Custom Homes	17626 W Teresa Ln	Occupancy issued for new home			
	08-11-B		Premier Builders/Craig Hurda	13506 W Travis Trace Ln	Occupancy issued for new home			

Constable's Report

Constable Kim Gruebling reported receiving one call from the Rock County Humane Society, regarding strays that were in fact from the Town of Magnolia. There were no charges to the Town of Union for this call.

Brush Report

George Franklin reported that he had lined up some individuals to assist with brush cutting. Kendall Schneider stated that in order to charge back to the landowner for the cost of brush cutting, an ordinance must be in place. There is a nuisance ordinance in the State statutes that could be used, or a resolution would need to be adopted by the Town.

Franklin stated he has not sent any letters out to landowners yet, as that approach has not worked in the past. Schneider suggested putting an ad in the paper, abbreviating the letter sent to landowners.

Motion to put an ad in the paper notifying landowners of their responsibility to keep brush cut made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote. Schneider will draft the ad; it will appear in the paper in approximately 2 weeks.

Citizen comment: 3 minutes max/issue

Tonto Abey stated that he was recently on vacation and went out west on I90 and came back east on I80. In Stewart, Iowa he visited a wind turbine 300 feet from a hotel and 500 feet from the highway. There were no complaints from residents he spoke to about the turbine. In Adair, Iowa, a factory along I80 had a wind turbine located 3 feet from their building. The turbine takes care of the electricity needs for the whole factory, including computers and lights. Abey spoke with people from the factory who stated that the turbine had been located there since 1999, and they have had no problems, no shadow flicker, and no dead birds. No health problems had been reported. Abey questioned why it is taking the Town of Union so long to get an ordinance completed? He also visited a town in Nebraska that has 28 turbines located on the top of a hill, 500 feet above the town, and residents he spoke to reported no problems or concerns. Everyone was happy with them. With wind speeds of 30-35 mph, the residents stated that they heard only a whisper sound from the turbines.

Public Hearing: Review and approval of request made by Sigmond Vilagi, 15830 W. Union Rd., Brooklyn, WI for a land division and zoning change to separate off 25.9 acres of the existing 52.5 acres located in the W1/4, NE ¼ of Section 9, parcel #6-20-28. The current parcel is zoned A-1; the resulting 26.6 acre and 25.9 acre parcels would both be zoned A-2. The newly created parcel would continue in its present use as agricultural land only.

Public hearing opened at 7:18 p.m.

Schneider asked if there were any new comments to be heard since the Plan Commission meeting on August 28. Ron Combs stated that at the meeting, questions came up regarding the rezoning issue. One specific concern was the issue of driveway access onto Highway 14; Combs has talked to Scott Henkel from the DOT who confirmed that there is a driveway to the parcel that can be used as an Ag driveway only. Mr. Vilagi is willing to put a deed restriction on the property stating that it would be used for Ag purposes only, and the DOT stated that the driveway can be used for Ag purposes only.

Schneider noted that the driveway issue was only part of the reason that the Plan Commission recommended denying the request.

Combs stated that the purchaser and seller are both willing to agree to a deed restriction on the property stating that no further residential development would be allowed, as this was one concern of the Plan Commission. The Commission was also concerned about the size and shapes of the resulting parcels; Combs clarified that the existing fence lines are the reason for the shapes of the parcels. Schneider stated that the Plan Commission's had an issue with the parent parcel remaining so large; they felt it would be a better land division if the house was split off with only a few acres and rezoned to RR, and the second parcel was a larger A1 parcel. Combs stated that either way, there will be two parcels in the end. Schneider explained that with the RR/A1 land division option, the large parcel would retain A1 zoning and it would all stay in Ag land. Combs stated that the applicant did not believe that the Town would rezone a parcel to RR in that area, which is one reason the land division was done the way it was. Also, Vilagi wants to keep the parent parcel larger to allow for space to train his dogs.

The intended purchaser of the second lot, Kevin Klahn, was in attendance and stated that he has farmed the land for years, and it is his intention to farm it as Ag land and continue to operate it as it was. He also farms the adjoining land owned by Don Cornwell, and Larson's land on the south side of the property.

Public hearing closed at 7:25 p.m.

Schneider reviewed the Plan Commission motion and basis for the denial:

"Gruebling stated that considering the low score on the scoring sheet, the odd size of the proposed lots, and the fact that the request does not fit with the Smart Growth Plan, he would make a motion to recommend denying the application submitted by Sigmond Vilagi for land division and zoning change. Second by Eric Larsen."

Combs stated that the parcel would be access controlled for any new driveway access. Schneider expressed concerns with runoff from a driveway if it was relocated.

Gruebling stated that the deed restriction was an issue for the Plan Commission, who also felt that continuing to divide up farm land was setting a bad precedent and this proposed division did not fit in with the Smart Growth Plan. Additionally, the surrounding neighbors didn't like it. He stated that past practice has been to split off 3-5 acres with houses.

Schneider asked if all current Ag access to the property is off of West Union Road; Klahn stated that he is currently entering the property off Highway 14, right next to the tree line across from Jerry Marshall's old farm. The access amount won't be changing or increasing. Current driveway is less than 1000' from Stewart Road. Combs explained that the DOT stated the driveway could be left where it is and used for Ag, but could also be moved to a better location which the DOT would prefer for an Ag driveway. DOT was unclear on where exactly the better location would be.

Gruebling also stated that the scoring sheet score was below 50%, which was very low. Franklin doesn't agree with that, it's still Ag land and they are not building a house. With a deed restriction, he doesn't think the division is against the Smart Growth Plan. Don Krajeck would rather see an A1 and A3, instead of two A2s. Doesn't make sense to him. Klahn stated that the remaining land on the parent parcel has been alfalfa for a long time; Vilagi trains his dogs there and is very active in that field. Vilagi would like to have the land available to him at all times. Schneider agreed with Krajeck that the lots are an awkward split, would prefer a large A1 and smaller house lot.

Combs suggested some changes, to a 35 acre lot and a 16 acre lot. The 35 acre lot would remain A1, and the 16 acre lot would not be able to be split again without Town Board approval. The application would need to be revised and go back to the Plan Commission, but the fees could be waived, per Schneider. Bob Fahey would like to be sure that the application is redone, neighbors notified again and published.

The request withdrawn at this time. It will be resubmitted by Combs tomorrow for inclusion on the September 25 Plan Commission meeting agenda.

Approval of request made by Dan and Kelly Gildner, 8409 N. Hwy. 14, Evansville to continue to occupy their existing home while building a new one on the same parcel.

Kelly Gildner was in attendance, and explained that they will be moving a house in. They will be putting in basement in the hill; the home they are moving in is a ranch house, and the basement will be additional living space. Schneider explained that in the past, the Town approved a similar request from the Trumpys, who were given 60 days after occupancy to remove their old home. Gildner requested allowing them 90 days to move their belongings and remove the old house.

Motion to approve request by Dan and Kelly Gildner, 8409 N. Hwy. 14, Evansville to continue to occupy their existing home while building a new one on the same parcel, and to occupy the home for 90 days after occupancy of their new home made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote.

Approval of request made by Bob Janes to extend the deadline for satisfying the requirements set forth in Ordinance 2008-03. The current deadline is October 8, 2008.

Bob Janes is requesting an extension of 6 months to gain approval for this development from the City of Evansville, with the allowance that he could request another 6 months if needed. Schneider suggested that perhaps an initial extension of 8 months would be better; Janes agreed.

Motion to extend the deadline for satisfying the requirements set forth in Ordinance 2008-03 to 8 months from October 8, 2008 made by Don Krajeck. Second by Kendall Schneider. Motion carried by unanimous voice vote.

Review and approval of property transfer between Larson Farms Partnership and George Bros. Farms Inc.

Kent Larson was in attendance, and explained that the boundary issues are with land that he didn't know he had. The transfer is essentially just cleaning up a fence line between two fields, Larson's and George's. At some point some portion of the land will be sold and the property line will be an issue.

The Board has reviewed the map and Quit Claim Deed, and has no objection to it. There will be no zoning change or change in land use.

Discussion of possible referendum and related language to increase the Town's tax levy for 2009, with referendum to be included on November 2008 ballot.

The Town can approve a higher levy limit at the annual Town Meeting, which will be in November. It was agreed by the Board that this would be the best approach, as the budget would be done by then and the Board will have a better idea what has been spent on roads.

Franklin thinks the quicker the Town gets into doing its own road maintenance, the better off it will be in the long run.

Adoption of Amendment to Ordinance Section 5.02, Alcohol Beverages: Fermented Malt Beverages, Intoxicating Liquor and Wine Ordinance.

Motion to amend Ordinance Section 5.02, Alcohol Beverages: Fermented Malt Beverages, Intoxicating Liquor and Wine Ordinance to include changes recommended by the Town Attorney and taken from state statutes concerning issuance of operator's licenses made by Kendall Schneider. Second by Don Krajeck. Motion carried by unanimous voice vote.

Update on local road maintenance

There are still some bad culverts, including one on Croft Road with plate over it. Schneider stated that the Leedle Mill Bridge was discussed at yesterday's meeting with Rock County, and they are talking about doing it in 2010. Talked about maintaining brush around it, it was brought up that it may be best to leave the brush to grow so that people are less inclined to drive on it. Unsure of what the costs will be in 2010; the last estimate from 2006 was \$360,000 – \$380,000. Rock County pays ten percent, the Town

pays ten percent, and Federal government picks up the rest of the cost. The 2006 estimate did not include engineering costs or approach work, they are also split 80-20.

Update of Application, Possible Approval of Mobile Home Park License – Cavalier Village Mobile Home Park

Schneider talked to Bryan Kleinmaier; it was agreed that Clerk Ylvisaker will send another letter to Cavalier Village requesting a survey map and will include copies of maps submitted by other mobile home parks.

Operator License Approvals –Nicole Ellsworth, Kevin McNeal; Geneo’s Red Barn

Motion to approve operator’s license for Kevin McNeal and deny operator’s license for Nicole Ellsworth based on arrest and conviction findings and their nexus to the position made by Don Krajeck. Second by Kendall Schneider. Motion carried by unanimous voice vote.

Evansville-Union Implementation Committee Update

Krajeck had nothing to report.

Pay Bills/Other Business

Schneider notified the Board of upcoming WTA budgeting workshops; the two close to Union are Barneveld and Waukesha. It was agreed to obtain a materials packet from the meetings.

Meeting adjourned at 8:30 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.