

TOWN OF UNION MONTHLY BOARD MEETING Minutes of Thursday, October 2, 2008

The Town of Union Board monthly board meeting was called to order at 7:00 p.m. on Thursday, October 2, 2008 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI by Chairman Kendall Schneider. Supervisors George Franklin and Don Krajeck, Treasurer Sharon Franklin, Clerk Regina Ylvisaker, Building Inspector Bob Fahey, and Constable Kim Gruebling were also in attendance.

Prior to calling the meeting to order, a moment of silence was observed in memory of Art Phillips.

Clerk's Minutes (August 20 & September 4, 2008)

Motion to approve the minutes of the August 20, 2008 and September 4, 2008 Board meetings as written was made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote.

Treasurer's Report

Treasurer Sharon Franklin noted that the road aid payment should be received in the near future. The treasurer's report was presented as follows:

Local Government Investment Pool General Fund	\$.00
Park and Recreation Fund	\$	12,266.79
UB&T Money Market Sweep Account	\$	13,316.06
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	\$	2,012.51
Morning Ridge Stub Road Certificate of Deposit	\$	18,807.19
Escrow Accounts:		
Robert Janes/Bakers Crossing	\$	813.77

Building Inspector's Report

Schneider requested that Bob Fahey check into a driveway that appeared to be put in on Holt Road, near Trumpy's. There was no permit issued for it, and it appears a culvert was filled in by the driveway. Sharon Franklin questioned the need for a separate address number for the restaurant next to Geneo's Red Barn; following discussion it was decided that it would need its own address number. Steve Schraufnagel will be contacted to obtain the sign.

Date	Permit #	Parcel #	Name	Address	Description	Construction Cost	Permit Fee	Inspector's Fee Due
9-4-2008	08-33-B		Mike Kipp	17626 W Teresa Ln	Pool wiring	\$ 3,000.00	\$120.00	\$ 110.00
9-6-2008	08-34-B	6-20-236.1	Roger Phalin	16443 W Porter Rd	Shed	\$900.00	\$60.00	\$55.00
9-8-2008	08-35-B	6-20-24.2	Joe Busche	11367 N Hwy 14	Detached Garage	\$25,000.00	\$180.00	\$165.00
9-8-2008	08-36-B	6-20-212	AT&T/Carroll Electric	South of 8808 N Hwy M located in ROW	AT&T Communication Box	\$1,000.00	\$60.00	\$55.00
	04-34-B	6-20-210.2	Fred Schoepp	12944 W Hwy M	Occupancy Inspection for new home			
	08-7-B	6-20-173.01	RM Berg/ Declan Every	8136 N Evansville/Brooklyn Rd	Occupancy Inspection for new home			

Constable's Report

Constable Kim Gruebling reported one stray on Hwy 14 which was picked up by its owners, two dogs picked up on Forest Hollow Road that were turned in to the Humane Society, and one stray from Bullard Road whose owners retrieved it from the Humane Society.

Brush Report

Franklin reported that he will not have time to cut brush this year. He is attempting to find another place to do the cutting, but has had no luck thus far. Schneider is working on an ordinance that will require owners to pay for brush removal. Sharon Franklin has put together a list of all areas that need to be cut throughout the Town.

Citizen comment: 3 minutes max/issue

Gruebling expressed concerns that both Plan Commission members and Town residents have been contacting the Town attorney via email, which he has been cc'd on. He is concern that there is little oversight of the process to contact the attorney, which may ultimately result in charges to the Town for his time. Schneider stated that there should be oversight, and it is expected that questions for the attorney should be going through the proper channels. All email conversations/questions should come to the Plan Commission or Town Board, and the appropriate chairman will handle contacting the attorney.

Jerry Krueger reminded the Board that snowplowing bids for the Recycling Center need to be obtained. Additionally, he would like some gravel spread around at the Center, to eliminate the water pockets before winter. Sand for residents and the related storage materials also need to be obtained. Sharon Franklin notified the Board that there were road signs on Union Dane Road that needed to be reinstalled. Sign work is also needed on Croft and Finn Roads.

Tonto Abey expressed his opinion that following the outcome of the recent Plan Commission meeting, he believes that the Plan Commission needs to use common sense when it comes to families wanting to have their son/daughter build a home on their property. He felt that if someone wants to build a house on their farm, they should be allowed to do it. Regarding the MET tower, less farm land was being disrupted when the tower was located on the Maas/Abey property line than what will be disturbed now that it is being moved entirely onto the Maas property. Schneider explained that the Plan Commission was following state law when they made their decision regarding the location of the tower. The applicants were given the option of requesting a variance to locate the tower on the property line instead of moving it. Don Krajeck noted that he had asked about the two parties agreeing to waive the setback, but Attorney Dregne stated that they could not waive the setback per state law. Gruebling stated that the Plan Commission was following the Town's zoning ordinances as they are laid out when making their decision; he agrees that locating the tower on the property line was a good option but had to follow the ordinance. Fahey does not view the setback as being required for towers, but he was not at the Plan Commission meeting.

Public Hearing: Review and action on request made by Sigmond Vilagi, 15830 W. Union Rd., Brooklyn, WI for a land division and zoning change to separate off 35 acres of the existing 54 acre parcel located in the W1/4, NE ¼ of Section 9, parcel #6-20-28. The current parcel is zoned A-1; the resulting 35 acre parcel would retain A-1 zoning, and the parent parcel would be rezoned A-2.
Public hearing opened at 7:26 pm.

Ron Combs was in attendance, representing the applicant. The deed restriction and ordinance were reviewed by Combs as drafted by Dregne. Combs clarified that a two lot CSM will be recorded. The motion made by the Plan Commission motion was:

"Motion to recommend to the Town Board approval of the request made by Sigmond Vilagi, 15830 W. Union Rd., Brooklyn, WI for a land division and zoning change to separate off 35 acres of the existing 54 acre parcel located in the W1/4, NE ¼ of Section 9, parcel #6-20-28; the current parcel is zoned A-1; the resulting 35 acre parcel would retain A-1 zoning, and the parent parcel would be rezoned A-2, provided that there is a driveway easement granted along the east edge of the parent parcel and that a deed restriction be placed upon the A1 parcel stating that there would be no residential development upon the property. The easement will be for ingress and egress onto lot

one, and the deed restriction will be in a form approved by the Town Attorney and will be similar to the one prepared for the Dillman/Elmer property by Attorney Dregne. Motion made by Doug Zweizig. Second by Eric Larsen.

Combs and Vilagi have reviewed the deed restriction, and they have no problems with it. It can only be vacated by mutual agreement between Town and owner. Franklin questioned why the easement was needed. Gruebling explained that an email from DOT seemed to strongly suggest that they wanted an easement onto the property from West Union Road. The ag driveway cannot be used for anything other than ag. Schneider asked if there were any plans for a driveway onto Highway 14; Combs stated there was not. His understanding was that an access control permit would be needed if there were any changes made to the current ag driveway.

Regarding the ordinance, the expiration date was determined to be December 4, 2008, the date of the regular Town Board meeting.

Public hearing closed at 7:40 p.m.

Franklin commented that keeping the ag driveway on Highway 14 keeps the large trucks off Town roads, and having the easement onto W Union Road allows access in case the Highway 14 access is ever unavailable.

Motion to approve the request made by Sigmond Vilagi, 15830 W. Union Rd., Brooklyn, WI for a land division and zoning change to separate off 35 acres of the existing 54 acre parcel located in the W1/4, NE 1/4 of Section 9, parcel #6-20-28; the current parcel is zoned A-1; the resulting 35 acre parcel would retain A-1 zoning, and the parent parcel would be rezoned A-2, provided that there is a driveway easement granted along the east edge of the parent parcel and that a deed restriction be placed upon the A1 parcel stating that there would be no residential development upon the property. Motion made by Kendall Schneider. Second by Don Krajeck.

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

Public Hearing: Review and action on request made by Jerry & Teresa Marshall, 15933 W. Holt Rd., Brooklyn, WI for a land division and zoning change to separate off 2 acres from the existing 120 acre parcel located in the NE 1/4, SE 1/4 of section 4, parcel #6-20-29.1. The current parcel is zoned A-1; the resulting 2 acre parcel would be zoned RR, and the parent parcel would retain A-1 zoning. The purpose of the request is to allow their son to build a house.

Public hearing opened at 7:43 p.m.

Teresa Marshall stated that she believes her son should have the right to build a home on the land he grew up on, the home farm. She does not understand the restrictions imposed. Per Jerry Marshall, the land in question is currently being farmed. He too believes they should be able to build a home and live there, as they will inherit the land eventually. Schneider explained that the issue came down to the Town's Comprehensive Plan and the restrictions laid out within it. If they added one more acre to the requested lot, the division would be more likely to be approved as it would meet the requirements set forth in the Comp Plan. Jerry Marshall stated that the Plan Commission had discussed requiring a deed restriction for the remaining 118 acre parcel; what are they supposed to do if their other two children want to build a home?

Abey believes that there should be common sense used; it makes sense that parents would like their children to be close to them as they get older.

Krajeck stated that he was not in disagreement with Marshalls' opinion; however the issue is with the Comp Plan. It needs to be followed or there's no use in having a plan at all. The process for reviewing the Comp Plan and amending it will hopefully start in November or December, and Krajeck would hope that those people with comments would be in attendance at those meetings.

Public hearing closed at 7:52 p.m.

Franklin asked for clarification as to why an RR parcel can't be located there, as there are several on Holt Road already. The existing RR lots were there prior to the implementation of the Comp Plan.

If they so chose, the Marshalls could adjust their request and resubmit the application by October 10, 2008 to get on the agenda for the October 30, 2008 Plan Commission meeting.

Bob Janes stated that they could wait until the Comp Plan is reviewed, and perhaps make some changes then and see what comes of that.

The applicants decided to wait for the Comp Plan review, not withdraw their request and resubmit.

Motion to deny the request made by Jerry & Teresa Marshall, 15933 W. Holt Rd., Brooklyn, WI for a land division and zoning change to separate off 2 acres from the existing 120 acre parcel located in the NE ¼, SE ¼ of section 4, parcel #6-20-29.1. The current parcel is zoned A-1; the resulting 2 acre parcel would be zoned RR, and the parent parcel would retain A-1 zoning. The denial is based upon the recommendation of the Plan Commission made at their September 25, 2008 meeting, and upon Comprehensive Plan restrictions. Motion made by Kendall Schneider. Second by George Franklin.

Should a future request have fees waived or lowered? Krajeck felt that if they came back with an application for multiple lots, it would be a new application and would require new fees.

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

Update on local road maintenance

There was a request for a three way stop at Porter and Pleasant Prairie road; Schneider stated that he usually requires such requests to have a petition signed by local residents.

Rich Templeton had contacted Schneider, stating that his grandchildren get on the bus between their house and barn; he requested a "school bus stop ahead" sign. Doug Zweizig reported a stop sign and road sign down; Schneider clarified that missing or down stop signs need to be called into the appropriate County Sheriff's Department for immediate replacement due to safety concerns.

Schneider reported that the cracks on Territorial Road between County M and Highway 14 should be filled, he was quoted \$4,000. They need to be filled prior to winter, as over winter water will get into them, freeze and expand, causing the cracks to expand and bust up. The crack filling must be done within the next few weeks, or the company will be done for the year. Franklin brought up shouldering work that needs to be done on N. East Union Road, Long Road and Finn Road. He noted that the edges of Long Road are starting to crack.

Motion to perform crack filling on Territorial Road between County M and Highway 14 and fill one crack on the new section of Territorial Road near Cemetery Road for a total cost of \$4000, with the work to be performed by Crack Filling Services made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote.

Regarding the request for bids for snowplowing at the Recycling Center, Clerk Ylvisaker will advertise for bids so they are available for review and selection at the next regular Board meeting on November 11, 2008. Krueger stressed the importance of having the contractors push the snow out as far as possible to avoid snow pileups; this will be addressed in the request for bids.

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

Ylvisaker updated the Board on the receipt of forms listing the names of the occupants of the trailers located in the Park. This is not the information that is needed to complete the application; Ylvisaker will share the information with legal counsel and send a letter to the park owners requesting the needed information. She noted that the address listed on the forms received was on Hiawatha Road in Madison, not the Schneider Road address the park had listed previously as the address of the owners.

Evansville-Union Implementation Committee Update

Krajeck reported that at the last meeting, the City of Evansville stated they are in a position to start negotiating a boundary agreement. Krajeck will not go ahead until he has authorization from the Board to proceed. Schneider questioned what the advantages of a boundary agreement would be; Krajeck explained that the agreement would fix annexation issues for the life of the agreement, probably 10 years, and might eliminate "islands" of Town land located in City limits. Schneider would like to see what the benefits would be, outside of fixing boundaries. Krajeck is unsure of other benefits; however, he thinks that the Town should be looking at purchasing development rights. Another option, per Krajeck, is resurrecting the Extraterritorial Zoning Committee. Janes stated that the Committee also talked about a more inclusive agreement that would cover EMS, fire district, snowplowing, etc. The Town and City are already in a joint fire district, but this would put it all in one document. Schneider would like to see the Extraterritorial Zoning Committee again. He would like the process started, but any final decisions to come back to the Board for review prior to approval.

Krajeck reported that the City has come up with a 50 year plan. Additionally, per Janes, the City is looking for a new City Planner.

Krajeck reported that the Committee has talked about snowplowing on Old 92 and adjacent areas, and thus far the City has not come back with a price. They had no major objections, but didn't think they could do it for what the Town was currently paying the County. A number should be settled on at the City's next Public Works meeting.

Summer recreation fees were also discussed, specifically implementing higher non-resident fees for people not living in the City. No decision had been made on that issue.

It was agreed that the Board would like to pursue the boundary agreement issue, and review possible terms. They request that the issue be brought back to the Board for further consideration.

Scheduling of working budget meeting(s)

A working meeting of the Board to work on the 2009 budget was scheduled for October 21, 2008 at 6 pm, at the home of George and Sharon Franklin.

Pay Bills

Upon appeal by the applicant, it was agreed by the Board that the application for an operator's license made by Nicole Ellsworth and denied by the Board at the September 4, 2008 Board meeting would be reconsidered at the October 21, 2008 meeting.

Motion to adjourn made by Kendall Schneider. Second by George Franklin. The meeting was adjourned at 8:38 p.m.