

TOWN OF UNION SPECIAL BOARD MEETING

Minutes of November 13, 2008

The Town of Union Special Board Meeting was called to order at 6:30 pm on Thursday, November 13, 2008 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI by Chairman Kendall Schneider.

Adoption of the Resolution of the Town Board to Exceed the Tax Levy Limits.

Kendall Schneider reviewed the requirements for exceeding the allowable tax levy limits. Towns under 2,000 in population have the option of asking the town electors to authorize the town board to exceed the levy limits that are in place for 2008 at a special town elector meeting (see s. 66.0602(5), Wis. Stat.). In order to obtain this approval, the town board must first adopt a resolution in support of the increase. Next, a special town elector meeting must be called where the question will appear on the agenda. At that meeting, the electors must then adopt a resolution in support of the town board's resolution. Finally, the electors set the final levy for the town by resolution.

Schneider read in the Resolution of the Town Board to Exceed the Tax Levy Limits:

Resolution of Town Board to Propose Exceeding Levy Limits

Whereas, the State of Wisconsin has adopted levy limits on town, village, city and county levies for 2007 and 2008 under Sec. 66.0602 of Wis. Statutes;

Whereas, Sec. 66.0602 of Wis. Statutes limits the local levy for 2008 to a percentage increase to no more than the greater of (a) 2% of the maximum allowable limit for the immediate preceding year or (b) a percentage equal to the percentage change in equalized value due to new construction less improvements removed; which for the Town of Union is 1.066 %;

Whereas, the Town Board of the Town of Union, Rock County believes that for the 2008 tax levy (collected in 2009) it is in the Town's interest to exceed the state levy limit as described above by a greater percentage than 2%.

Whereas, the Town of Union levy was \$187,289 for 2007 (collected in 2008); And further whereas the state law would limit the increase to \$3,944 for a total allowable Town tax levy of \$191,233 for 2008, collected in 2009.

Now Therefore the Town Board of the Town of Union, Rock County does hereby resolve and order as follows:

1. The Town Board supports an increase in the Town tax levy for 2008 (to be collected in 2009) that will exceed the state levy limit.

2. The Town Board directs that the question of increasing the Town tax levy for 2008 (to be collected in 2009) by 31.63%, which would increase the town levy by \$59,230.65 over the past year's levy, for a total town tax levy of \$246,519.65, shall be placed on the agenda for the special town meeting to be held on November 13, 2008.

Motion to approve the Resolution of the Town Board to Exceed the Tax Levy Limits made by Kendall Schneider. Second by George Franklin.

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

Motion to close the special town board meeting made by Kendall Schneider. Second by George Franklin. Motion carried. Meeting closed at 6:38 p.m.

The Public Budget Hearing and Special Town Meeting of the Town of Union Electors was called to order at 6:39 p.m. on Thursday, November 13, 2008, at the Eager Free Public Library, 39 W. Main Street in Evansville, WI by Kendall Schneider.

To consider the adoption of a resolution by the town electors endorsing a town board resolution which proposes that the town levy will exceed the state allowable levy limit under Sec. 66.0602 of Wis. Statutes, specifically a proposed tax levy which would exceed the town tax levy for the past year by 31.63%, which would be a dollar increase of \$59,230.65 over the town tax levy for 2007 of \$187,289;

Schneider reviewed the budget, noting several factors contributing to the tax levy increase. These are the loan for road work on N. East Union Road (\$85,350 due February 1, 2009), a significant increase in fire department dues for the Evansville Fire Department resulting from their costs for a new fire station (\$36,326 increase over 2008), and an increase in road maintenance costs contracted through Rock County. The amount of the allowable tax levy increase, the larger of 2% or the percentage of net new construction in Union (1.066%), will not be enough to cover the increases in costs outlined above.

The Resolution was read in:

Resolution for Electors to Exceed the Levy Limits at Special Town Meeting of the Electors

Whereas, the State of Wisconsin has imposed levy limits under Sec. 66.0602 of the Wis. Statutes for the tax levies in 2007 and 2008;

Whereas, sec. 66.0602 (5) of Wis. Statutes allows the town electors in towns under 2,000 in population to exceed the maximum allowable levy limit by adoption of a resolution at a town meeting of the electors;

Whereas, the town board has adopted a resolution supporting an increase in the town tax levy which would exceed the maximum allowable state levy limit for the Town of Union;

Whereas, this Special Town Meeting of the electors has been called and noticed to consider the adoption of a resolution to endorse the town board's resolution to exceed the state levy limits; specifically by increasing the town tax levy for 2008 (collected in 2009) by 31.63% increase over the last year's levy;

Now, therefore, the special town meeting of the Town of Union, Rock County, Wisconsin, by a majority vote of the eligible electors voting on this 13th day of November, 2008 duly assembled and voting resolves and orders as follows:

BE IT RESOLVED, the town electors of the Town of Union, Rock County, Wisconsin endorse the town board resolution to increase the town tax levy for 2008 (collected in 2009) by 31.63% over the past year's levy, which is an increase of \$59,230.65 over the 2007 town tax levy for a total town tax levy of \$246,519.65 for 2008.

Motion to accept the Resolution by the Town Board to Exceed the Tax Levy Limits made by Bill Thomas. Second by Irwin Ober. The motion carried by a vote of 10 – aye; 2 – nay; 0 – not voting.

To approve the 2008 town tax levy to be paid in 2009 pursuant to Sec. 60.10 (1) (a) of Wis. Statutes.

The Resolution was read in as follows:

Resolution for Electors to Adopt the Town Tax Levy at Special Town Meeting of the Electors

Whereas, Sec. 60.10 (1)(a) of Wis. Statutes authorizes the town electors of a town to adopt the town tax levy at a town meeting of the electors;

Whereas, a special town meeting of the electors has been called for this 13th day of November, 2008;

Whereas, the electors, after proper notice, have at a special town meeting vote authorized the Town of Union to exceed the maximum allowable state levy limit;

Now, therefore, the special town meeting of the Town of Union, Rock County, Wisconsin, by a majority vote of the eligible electors voting on this 13th day of November, 2008 duly assembled and voting resolves and orders as follows:

BE IT RESOLVED, the town electors of the Town of Union, Rock County, Wisconsin hereby adopt the town tax levy for 2008 to be collected in 2009 at \$246,519.65

Motion to approve the 2008 Town tax levy to be paid in 2009 made by Bill Thomas. Second by Jim Bembinster. The motion carried by a vote of 10 – aye; 0 – nay; 2 – not voting

Motion to close the Special Town Meeting of the Town of Union Electors by Bill Thomas. Second by Cathy Bembinster. Meeting closed at 6:46 p.m.

The Monthly Town Board Meeting was called to order at 6:47 p.m. on Thursday, November 13, 2008, at the Eager Free Public Library, 39 W. Main Street in Evansville, WI by Kendall Schneider. Board members Kendall Schneider, George Franklin, and Don Krajeck were in attendance. Also in attendance were Treasurer Sharon Franklin, Clerk Regina Ylvisaker, Constable Kim Gruebling, and Attorney Matt Dregne.

Clerk's minutes (October 2 and 21, 2008)

Motion to approve the minutes of October 2 and 21, 2008 as written made by George Franklin. Second by Don Krajeck.

Treasurer's Report

The Treasurer's report was presented by Sharon Franklin. Balances as of October 31, 2008 were as follows:

Local Government Investment Pool General Fund	\$.00
Park and Recreation Fund	\$ 12,308.58
UB&T Money Market Sweep Account	\$ 18,967.01
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

Constable's Report

Kim Gruebling reported 3 dogs were picked up, 2 authorized by Schneider and 1 authorized by Gruebling. One lab was picked up from Territorial Road. Gruebling reported receiving an informational call from the Rock County Sheriff's Department regarding 30+ cats living in one trailer in the Cavalier Village Trailer Park. The cats were removed and taken to the Rock County Humane Society. Gruebling reported increases in fees from the Humane Society are planned – Clerk Ylvisaker received a new contract from the Humane Society outlining the changes and it will be reviewed and approved at the December 4, 2008 Town Board meeting. Gruebling believes the Board needs to look at their ordinance, thinks that most dogs are not licensed, as he hasn't yet come across any loose dogs that are licensed. More follow up is needed, including possibly placing Humane Society costs on the

owner's property taxes. Gruebling also requested that his cell number be used as his contact information in the 2009 Town newsletter.

Building Inspector's Report

Building Inspector Bob Fahey was not in attendance; Schneider reviewed the report.

Date	Permit #	Name	Address	Description	Construction Cost	Permit Fee	Inspector's Fee Due
9-24-08	08-7-D	US Fish & Wildlife Service	W Union - Dane Rd	Field driveway		\$60.00	\$55.00
9-19-08	08-37-B	William Norby	8036 N Hwy M	Remodel shed	\$11,000.00	\$165.00	\$150.00
9-29-08	08-38-B	Richard Kerston	16536 W Union Rd	Ag Shed	\$23,900.00	\$175.00	\$165.00
10-2-08	08-39-B	Gordon Uhe/Jill Franklin	10318 N Hwy 14	Addition to Detached Garage	\$2,000.00	\$180.00	\$165.00
10-8-08	08-40-B	RA Heating/Julie McLaughlin	6633 N south 5th St.	Furnace replacement	\$3,500.00	\$60.00	
10-17-08	08-41-B	Arch Heating/Don Hale	6909 N Hwy M, Lot 61	Furnace replacement	\$2,500.00	\$60.00	
		John Schneider	15542 W Francis Rd	Variance request			\$80.00

Review and Action on Speed Limit Sign Petition – Croft Road

Bill Thomas requested that the Croft Road speed limit sign petition be moved up on the agenda.

The petition presented by Thomas included 15 signatures from residents on Croft Road, requesting that the speed limit be lowered from 55 mph to 45 mph from the intersection of Croft Road and Old 92 to the box culvert located on the Flood farm. The total length of road affected is less than ½ mile. Thomas explained that many people bike, walk, and ride horses along the road and there is no shoulder. Additionally, the high school cross country team practices along the road. There has been drag racing on the road in the mid afternoon after school is out.

Motion to accept the requested change in speed limit from 55 mph to 45 mph on Croft Road from the intersection of Croft Road and Old 92 to the box culvert located on the Flood farm made by Kendall Schneider. Second by George Franklin. Schneider noted that two signs will need to be installed, one on either side of the road. The City of Evansville should have the authority to enforce the speed limit there and issue tickets.

Motion carried by unanimous voice vote.

Public Hearing: Adoption of Ordinance #2008-06, Wind Energy Systems Licensing Ordinance

Public hearing opened at 7:02 pm.

Harold Abey Sr.: Regarding the ½ mile setback in the ordinance, wonders where wind turbines could be sited in Union with this restriction? Schneider explained that there are allowances within the ordinance for neighbors to waive the setback, down to 1,000 feet. Abey stated that at a meeting in October 2007, an attorney from Fond du Lac cited a statute which stated that towns may not enact provisions that increase cost, decrease efficiency, or prevent siting of wind turbines. Attorney Matt Dregne clarified that the statute does not exactly say that, it states that any ordinance must be health and safety related, or not substantially increase cost, or allow for an alternative system. Abey asked if the ½ mile prevent installation; Dregne stated that it does not, as neighboring landowners can enter into agreement with the wind developer to reduce the setback to 1,000 feet. Schneider noted that the sound modeling outlined in the ordinance has to be complied with as well, regardless of the setback distance.

Alvin Francis: Believes that the provision allowing participating landowners to agree to have turbines sited within 1,000 feet is misleading, as the sound modeling still has to prove that the sound is not excessive even if it's closer to a residence.

Dregne confirmed that the statute Abey was referring to is Wis. Stat. s. 66.0401. He provided a copy for review. Dregne agreed that the Statute is confusing,

Harold Abey Sr.: Regarding the recent request to site a MET tower on the property line of two property owners, both neighbors agreed to the siting location of the tower, but the Town Board overruled the neighbors agreement and said that the tower could not be sited in that location. Dregne clarified that the reason the request was not approved as submitted was not within the Large Wind Energy ordinance, it was the Town's zoning ordinance which has minimum setback requirements which require that a MET tower must meet side yard, rear yard setbacks. Abey noted that although both parties agreed on the location, the Board still overrode it. He believes this could happen again with the large wind energy ordinance. Dregne stated that under the Large Wind Energy Ordinance, property owners will be able to enter into those agreements and the agreements will be binding; the Town has no control over the agreements.

Harold Abey Jr.: Stated that Town Building Inspector Bob Fahey said that the MET tower was considered an antenna, and it could be put anywhere they wanted to. Dregne stated that the Plan Commission addressed the issue at their meeting, which Fahey was not present at, and their decision at that time was that the tower was subject to the side and rear yard setbacks outlined in the Town's zoning code, and the applicants could get a variance to locate the tower in the location they desired or move it to a location that conformed to the setback requirements.

Linda Kawula: Has talked to a lot of people around Wisconsin, and feels that the Town's proposed ordinance is the most solid ordinance in Wisconsin that she has read. Supports the ordinance as written, allows land owners to sign off for shorter setbacks. Has talked extensively with individuals living in the Fond du Lac area near a wind farm, who are having problems with the wind farm and wish that their town boards had been more proactive in developing an ordinance for them.

Schneider read in a letter received from Doug Zweizig supporting the ordinance. Schneider then read in a letter from Gary Haltaufderheide.

Keith Henning: Stated that many people support and do not support this ordinance. Gas prices went up during the last year, they may go up again and if they do, we may be more willing to put up turbines closer to homes if it would reduce energy costs. Sound appears to be the major issue regarding these turbines.

Schneider stated that the Town's Comprehensive Plan was just completed in October 2006, and there was an opportunity to address the issue of wind turbines then and have it included in the Plan. No one addressed the issue. The issue was then brought up immediately after the Comprehensive Plan was approved; felt this was a "backdoor" way to address the issue.

Dregne expressed his opinion that the Plan Commission did the absolute best they could to get the best information possible and draft a comprehensive ordinance. He has never seen a process so thorough, or a Plan Commission work so hard on an issue, in the 15 years he's practiced law and worked with local governments. He believes the issue will not go away, and hopes we get to a point where all objectives can be met together.

Kevin Kawula: Is hoping their town adopts an ordinance like the Town of Union is considering. Believes that allowing land owners to sign off on the setbacks is a good option. Surprised that Gary Haltaufderheide didn't provide a copy of the contracts the landowners are given to sign; believes they are not good contracts. Noted that wind turbines don't work if there is no power.

Public hearing closed at 7:32 p.m.

Adoption of Ordinance #2008-06, Wind Energy Systems Licensing Ordinance

Schneider stated that the Board has seen the process, and extensive commitment made by citizens to the process. It is clear that the ordinance protects residents and provides for some possibility of putting up a tower within the Town.

George Franklin stated that he went up to the Fond du Lac wind farm, and talked to people who owned them. One turbine was located within 500 feet of a house, and the landowner was compensated for being that close. Drove up to one and stood there, sounded like if you had your car running. He noted that there was some shadow flicker. Franklin believes that the sound would bother some people, and not others. As an example, he noted that he built grain bin a few years ago with brother, and the sound of the dryers running drove one neighbor nuts. They tried to muffle the sound, but couldn't make it better for her. It is his understanding that there are other styles of turbines available that may be a better design, a horizontal type, doesn't know why they're not being proposed here. Franklin believes that the ordinance does allow for setbacks to be adjusted, and overall it's a good ordinance.

Schneider stayed at wind farm in Germany during the past summer for two days. He noted that the turbines don't produce electricity until 14 mph wind speed is reached, and don't even turn until 9 mph wind speeds are reached. At the farm he stayed at, the lighting on all 100 of the turbines all came on at one time. During his visit, he spoke to people living in Freiberg, Germany, at the base of Alps, who stated that the wind towers aren't paying for themselves, and they are now starting to look at solar power as a better alternative.

Motion to adopt Ordinance 2008-06 Wind Energy Systems Licensing Ordinance 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: Adoption of Ordinance #2008-01 Small Wind Energy System Ordinance

Public Hearing opened at 7:47 p.m.

Harold Abey Jr.: Regarding setbacks, what are they in this ordinance? The ordinance currently states 5 times the rotor diameter from all property lines.

Jim Bembinster: Stated that Section 6, (A) (3) was changed from 1.1 times tower height to 5 times the rotor diameter. It should be changed back to 1.1 times tower height, as 5 times the rotor diameter would potentially fall over property line.

Gruebling: Believes that the setback should be either 5 times the rotor diameter or 1.1 times height, whichever is higher.

Public hearing closed at 7:55 p.m.

Adoption of Ordinance #2008-01 Small Wind Energy System Ordinance

Motion to approve Ordinance #2008-01 Small Wind Energy System Ordinance with an amendment to Section 6 (A) (3), which will revert to "a distance equal to 1.1 times the total height from all property lines" made by Kendall Schneider. Second by George Franklin.

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

Dregne recommended that the Board extend the moratorium until November 20, following publication of the notice of publication/posting in the Evansville Review.

Motion to extend the moratorium on construction of wind energy systems in the Town of Union until November 20, 2008 to allow for publication of a notice of publication and posting of ordinances 2008-01 and 2008-06 made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote.

Dismissal of the Large Wind Energy Citizens Committee

The Board expressed their gratitude to the members of the Citizens Committee for their hard work and dedication to the process of developing the Large Wind Energy Ordinance.

Motion to dismiss the members of the Large Wind Energy Citizens Committee from their appointments made by Kendall Schneider. Second by Don Krajeck. Motion carried by unanimous voice vote.

Approval of Evansville EMS/Fire Contracts

Contracts were not available for review and approval at this time.

Road Work 2009

Given the budget issues facing the Town in 2009, it appears that more repair and maintenance will have to be done in 2009, instead of replacement.

Board approval of 2009 budget

Motion to approve the 2009 budget as presented in the amount of \$553,982.50 made by Don Krajeck. Second by Kendall Schneider.

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

Recycling Center Issues

Jerry Krueger stated that more gravel is needed on the pad at the Center before winter. They are also in need of a new heater for the shed.

Ylvisaker will wait to receive the bill for patching the driveway from the Town of Center, and will let Krueger know how much money is left in the budget. At this time there is just under \$1,000 left in the budget for the Center.

Regarding TV and computer monitor recycling, Schneider reported that the DNR is not regulating them at this time; therefore they can be placed in landfills. No changes will be made at the Center at this time regarding acceptance and disposal of TVs and computer monitors.

Snow plow bid opening and selection

The bid received from Diversified Lawn and Landscape Service, N7093 State Rd. 104, Evansville was opened by Don Krajeck. The proposal was as follows:

Plowing of drive and circular landing:
Up to 6" of snow: \$70
Over 6" of snow: \$90
Call back for drifting or clean up, etc. \$80/hour
Salting: \$75 each salting

The bid received from Klitzman Mowing/Snowplowing, 6097 County Rd. D, Oregon was opened by Kendall Schneider. The proposal was as follows:

Plowing of drive and circular landing:
0" – 3" of snow: \$60
4" – 6" of snow: \$75
7" – 10" of snow: \$95
10" – 12" of snow: \$130
Over 12" of snow: \$175
Salting: \$100 each salting
Call back for drifting, extra clean-up: \$85
Skid loader charge: \$85/hour

Motion to approve bid provided by Diversified Lawn and Landscape Services for plowing the Recycling Center during the 2008-2009 winter season contingent upon receipt of proof of insurance made by George Franklin. Second by Don Krajeck. Motion carried by unanimous voice vote.

Krueger will speak with Diversified Lawn & Landscape to be sure they are available to plow during the week when needed. They will also need a key for access to the Center; Krueger will get the key back from Klitzman and provide it to Diversified.

Public Comment

Sharon Franklin requested that in the 2009 newsletter, it be stated that payments should be made out to "Town of Union" instead of "Sharon Franklin, Treasurer." Additionally, she plans to request self addressed stamped envelopes from individuals who want a receipt of their property tax payment.

Schneider mentioned the issue of brush overgrowth on private drives, which can prevent or and delay fire trucks from getting to homes for fires. The Town needs to address this issue, perhaps through a statement releasing the fire districts from liability in these instances.

Bob Fahey requested that the newsletter include information on whom to contact to get new fire number signs: Steve Schraufnagel at Rock County Planning & Development.

Pay Bills

There being no further issues to come before the Board, a motion to adjourn was made by Kendall Schneider, second by Don Krajeck, to adjourn. The meeting was adjourned at 8:45 p.m. and bills were approved for payment.

*Respectfully submitted by:
Regina Ylvisaker, Clerk*

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

Town of Union 2009 Budget Summary

BUDGET SUMMARY	Actual Jan - Oct 2008	Estimated Nov - Dec 2008	Estimated Yearend 2008	Approved Budget 2008	Proposed Budget 2009	% Budget Variation
Expenditures:						
General Government	81,182.59	11,371.93	92,554.52	101,848.85	90,223.58	-11.41%
Public Safety	109,675.83	23,016.57	132,692.40	130,019.95	162,367.79	22.88%
Public Works	190,741.74	95,072.06	285,813.80	179,053.28	190,387.13	6.27%
Health & Human Services	195.00	0.00	195.00	600.00	400.00	-33.33%
Culture, Recreation & Education	0.00	275.00	275.00	900.00	900.00	0.00%
Conservation & Development	39,685.08	2,500.00	42,185.08	12,900.00	17,600.00	36.43%
Other	0.00	0.00	0.00	2,500.00	10,000.00	300.00%
Intergovernmental Revenues Redistribution	72,624.85	0.00	72,624.85	82,005.00	82,104.00	0.12%
Total Budgeted Expenditures	384,429.26	109,218.99	493,648.95	509,827.08	553,982.50	8.64%
Revenues:						
Taxes	83,237.15	13,163.72	96,400.87	44,400	42,650.00	-3.94%
Intergovernmental Revenues	156,066.96	56,489.40	212,556.36	206,800.08	216,492.85	4.69%
Licenses & Permits	21,277.78	20.00	21,297.78	25,000.00	16,900.00	-32.40%
Fines, Forfeits & Penalties	49.30	0.00	49.30	0.00	50.00	
Public Charges for Services	9,133.16	2,225.22	11,358.38	11,400.00	11,200.00	-1.75%
Other	24,317.18	645.00	24,962.18	21,745.00	12,170.00	-44.03%
Total Budgeted Revenues	294,081.53	72,543.34	366,624.87	309,345.08	299,462.85	-3.19%
Additional Tax Levy Kept from Tax Collection	133,027.53		133,027.53			
Total Expenditures			493,648.95	509,827.08	553,982.50	25.38%
Balance: Surplus (+) Shortage (-)			-360,621.42	-200,482.00	-254,519.65	
Use of Unrestricted Fund Surplus from Previous Year				13,193.00	8,000.00	
Final Tax Levy				187,289.00	246,519.65	31.63%

