

TOWN OF UNION
JOINT TOWN BOARD/PLAN COMMISSION WORKING MEETING
Minutes of October 15, 2009

The Town of Union joint Town Board/Plan Commission working meeting was called to order at 6:04 p.m. on Thursday, October 15, 2009 by Town Chairman Kendall Schneider. Town Board and Plan Commission members in attendance included Kendall Schneider, George Franklin, Don Krajeck, Alvin Francis, Doug Zweizig, Kim Gruebling, Dave Pestor, Eric Larsen, Doug Lee, Town Engineer Greg Hofmeister, and Town Clerk Regina Ylvisaker. Renee Exum was absent.

Schneider announced that a Working Lands Initiative Workshop will be held in Janesville on November 5, 2009. Registration is online, and costs \$35 per person. Individuals should let Clerk Ylvisaker know if they are interested in attending.

Review of Legal Fees.

Kim Gruebling had requested this item be added to the agenda so the Plan Commission would have a better idea what the costs were on average to have legal counsel attend Plan Commission meetings. He does not feel that the fees are excessive; issues facing the Town are getting more complicated and none of us are experts. Feels it is money well spent to have legal counsel in attendance. Lawsuits can be as costly if not more costly than the cost of developing the wind ordinance, for example. Overall, the Town is looking at an approximate \$5,000 budget line item for meeting attendance. Schneider stated he likes having the option of having legal counsel attend meetings on a case by case basis, and noted that legal costs associated with land division requests are reimbursed thorough the application fees. Legal fees for meeting attendance during 2009 are \$170 per hour, and will remain the same for 2010. Doug Lee stated that more people appearing at the meetings are appearing with their attorneys, would make sense for the Town to have our attorney in attendance as well. Don Krajeck feels that legal counsel can become a crutch; if his attendance at a meeting is desired, there needs to be a plan to use him before he sets foot in the door. Specific questions need to be prepared, and if he needs to review an ordinance, the ordinance should be prepared and ready for his review. Krajeck thinks the Town should set policies, not the attorney, which he feels has been a problem in the past. Overall, Krajeck doesn't have a problem with legal counsel attending meetings, but his time needs to be used more efficiently when he is in attendance. Doug Zweizig feels that the time the Town need the attorney's input is often between meetings, that is the time to make the decision. Doesn't think that the delay in decision making that is sometimes caused by putting issues off one month for attorney review is a good practice. Zweizig disagrees with Krajeck that the attorney has set any Town policy, he has only recommended policy. George Franklin doesn't feel there are a lot of situations where an attorney is needed. He believes that it is our Township, and we can run our own business. Agrees that legal counsel can be used for reviews when needed. Mistakes have been made in the past and will probably be made again, with or without an attorney present; Franklin stated that mistakes can always be corrected at the next month's meeting.

Following discussion, a motion was made by Doug Lee to recommend the following procedure to the Town Board: 1) Plan Commission agendas will be drafted no later than 2 weeks prior to the date of the Plan Commission meeting, and no items will be added to the agenda following this cut off date; 2) deadlines for land division/zoning change/etc applications will remain 3

weeks prior to meeting to allow for publication; 3) the agenda will be sent out to the Town Board and Plan Commission 2 weeks prior to the meeting, and a decision will be made between the Town Board Chairman and Plan Commission Chairman whether legal counsel will be in attendance - dependent upon agenda items - no later than 1 week prior to the meeting date. Second by Eric Larsen. Land divisions, zoning changes, and new Conditional Use Permit applications should automatically require the attorney's attendance. Motion to approve statement as friendly amendment to original motion made by Doug Lee. Second by Eric Larsen. Motion carried by unanimous voice vote. Recommendation will be an agenda item on the November 12, 2009 Town Board meeting agenda.

Ordinance updates:

Attorney Matt Dregne had suggested that the Town's stormwater ordinance be updated to automatically allow for incorporation of updates to Rock County's stormwater ordinance. It was agreed by all that this update should be made. Schneider will check with the County as to how the Town is notified of updates to the County's ordinance. The Plan Commission can review the updated ordinance at its November meeting and recommend adoption to the Board if it so chooses.

Road widths: Greg Hofmeister believes this issue should be part of a separate road ordinance. The suggested language from Dregne includes a typo: Arterial Streets/ROW should be 80 feet, not 60 feet. The current ordinance includes the same information as suggested by Dregne, but is difficult to interpret; it should be changed to a table format as detailed by Dregne for ease of use. Schneider recommends comparing the numbers in the current ordinance to current DOT standards to ensure consistency. Overall, Schneider agrees with Hofmeister that a separate chapter of the zoning ordinance should be developed specifically addressing road issues. Additionally, arterial and collector streets are not subdivision streets, and shouldn't be part of the subdivision chapter. Schneider will assemble a draft ordinance, and the issue will be on the agenda for the October 29 Plan Commission meeting.

Subdivision code sec 16.18, page 35, (5) should not be bold.

Draft development agreement as suggested by Dregne: all agreed that the concept of a development agreement was something to consider further. Clerk Ylvisaker will update the draft development agreement sent out by Dregne to reflect "Town of Union" wording, and send out to the Plan Commission and Town Board. The issue will be on the agenda for the October 29 Plan Commission meeting.

Conditional Use Permit Issues

Schneider stated that in his opinion an elected official should ultimately be issuing conditional use permits, given issues with elected vs. appointed officials, conflicts of interest, insurance, etc. The Plan Commission should start the process with the initial review/public hearing, and then a recommendation to the Town Board to approve, deny, modify, etc. the application. If a CUP was denied at the Plan Commission level, and changes were made by the applicant prior to the Town Board review, it would need to be clear to the applicant that the Town Board would not take action on the changed application, only the original application. Such changes would require reapplication and payment of new fees by the applicant. It was agreed by all that this is a cleaner process. With this process, there would be no public hearing at the Town Board level, only at the Plan Commission level. Motion made by Kendall, second by Doug Zweizig, to adopt the process as outlined. Motion carried by unanimous voice vote.

The importance of a citation ordinance will come into play with CUPs. It is necessary to enforce the CUPs once they are issued, if they cannot be revoked under current language. Copies of sample citation ordinances and fee schedules will be ready for review at the October 29 Plan Commission meeting. Gruebling noted that the fee schedule will need to be acceptable to the municipal judge, therefore he should be included in the discussion of the ordinance at some point. The issue of the CUP review process as it relates to the citation ordinance is something that needs to be readdressed; it may be in our best interest to continue the review process simply as a way to have the public involved in what's going on and bring up any issues.

It was agreed that the issue of limitation on approved residential building lots would be tabled for the time being.

Motion to adjourn made by Eric Larsen, second by Doug Lee. Motion carried by unanimous voice vote. Meeting adjourned at 8:34 p.m.

Respectfully submitted by Clerk Regina Ylvisaker.

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