

TOWN OF UNION

MONTHLY BOARD MEETING

Minutes of Thursday, October 7, 2010

The Town of Union monthly board meeting was called to order by Chairman Kendall Schneider at 7:00 p.m. on Thursday, October 7, 2010 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI. Those in attendance included Chairman Schneider, Supervisors George Franklin and Don Krajeck, Treasurer Sharon Franklin, Clerk Regina Ylvisaker, Constable Kim Gruebling, and Building Inspector Bob Fahey. Plan Commission members Dave Pester, Alvin Francis, and Doug Zweizig were also in attendance. The Pledge of Allegiance was recited.

Clerk's Minutes (September 2 & 8, 2010)

Motion to approve minutes of the September 2, 2010 monthly Board meeting with corrected balance on Treasurer's report, and minutes of the September 8, 2010 Special Board meeting made by Don Krajeck. Second by George Franklin. Motion carried by unanimous voice vote.

Treasurer's Report/Schedule Budget Meeting

Treasurer Sharon Franklin reported balances as of September 30, 2010:

Local Gov't Investment Pool General Fund	\$	0.00
Park and Recreation Fund	\$	12,415.42
UB&T Money Market Sweep Account	\$	97,639.91
Of Which \$2,862 is A1 Conversion Fees, And \$25,000 is Re-Valuation Fund		
UB&T Checking Account	\$	15,000.00
Leedlemill Bridge CD	\$	18,322.04
Wayne Disch Memorial Park Fund	\$	2,146.26
Morning Ridge Stub Road CD	\$	19,941.66
Escrow Accounts:		
Robert Janes/Bakers Crossing	\$	813.77

Minimum balance amount in checking account has been raised to \$15,000.

A working budget meeting was scheduled for Tuesday, October 19, 6:30 p.m. at the home of George and Sharon Franklin.

Building Inspector's Report

Building Inspector Bob Fahey reported issuing two permits during September.

Date	Permit #	Parcel #	Name	Address	Description	Construction Cost
9.9.10	10-32-B	6-20-212.4	Andrew Dewar	8936 N Tupper Rd	10x10 shed	\$ 854.28
9.23.10	10-33-B	6-20-305C	Landmark Cooperative	6631 N Hwy M	150' x 284' Grain storage building	\$ 925,000.00

August permits were reviewed and approved as well.

Date	Permit #	Parcel #	Name	Address	Description	Construction Cost
7.1.10	10-21-B	6-20-124.2	Scott & Julie Ringhand	W Butts Corner Rd	Addition to home	
8.8.10	10-27-B	6-20-133.1B	Matt & Jaime Harris/ Ferguson Custom Homes	7329 N. Territorial Rd	Addition to home	\$50,000.00

8.10.10	10-28-B	6-20-224.6A3	Larry Wainright	Lot 3 Forest Ridge Trail	Temporary Electric Service	
8.21.10	10-29-B	6-20-39	Mary & Drew Mackendrick	17717 W Holt Rd	30x26 Detached garage	\$22,000.00
8.26.10	10-30-B	6-20-317.4	Buttchen Electric/Bill Krumwiede	N Weary Rd	Electric service	
8.25.10	10-31-B	6-20-305C	Landmark Co-op	6631 N Hwy M	Early start permit for grain storage facility	

Constable's Report

Constable Kim Gruebling received one report of a stray dog, no action was taken.

Brush Report

George Franklin reported picking up a limb on Holt Road two weeks ago. Also installed a stop ahead sign up on Crocker Road. Noted that the North East Union Road sign on Hwy. 59 is missing, and Franklin believes county broke it off the steel post when they were mowing. Kendall Schneider stated he would like the Town to move to using steel posts in cement, breakaway style, for mounting road signs in the future.

Roadwork

Clerk Regina Ylvisaker has received a map of Town fire numbers from Steve Schraufnagel, and will proceed with ordering missing signs. Six-inch lettering will be used on signs.

Schneider reported talking to the Rock County Communication Center and giving them and list of whom to call for Town issues. Schneider asked the Board for direction on responding to a letter received from Ben Coopman regarding the County bidding on Town roadwork; Don Krajeck stated he felt the Town could do work with the County next year if they wanted to bid on the work. Schneider will respond to Coopman and provide list of projects to bid on.

Board Action: Approval of Leedle Mill Road Bridge Construction Agreement w/ Rock County

Franklin questioned item #2 in the agreement, "The Town will pay to the County all costs incurred by the County in connection with the improvement which exceeds Federal/State financing commitments, or are ineligible for State financing." Franklin feels that Town should talk with Coopman before signing anything. Don agreed that #2 should be struck.

Motion to sign Resolution Regarding Bridge Replacement Project ID 5977-00—1/73 for Leedle Mill Road, estimated cost for project of \$546,000, state funds providing for 80% of estimated preliminary engineering and construction costs, or \$436,800, and Rock County and the Town of Union being responsible for the remaining 20% of the estimated preliminary engineering and construction cost made by Kendall Schneider. Second by George Franklin. Franklin would like to see all bills from the State in conjunction with the project.

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

Intermunicipal Agreement for a Highway Improvement Project: Motion to accept agreement with item #2 "The Town will pay to the County all costs incurred by the County in connection with the improvement which exceeds Federal/State financing commitments, or are ineligible for State financing" struck made by Kendall Schneider. Second by George Franklin.

Franklin questioned what work the County would do on this project. Schneider thinks an agreement ahead of time will be needed so any additional costs are known and approved by the Town, a blanket approval of extra costs is not a good idea. The State owns the current bridge, and would receive any money from the sale of the structure.

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

Krajeck clarified that he would like to know exactly what will occur with the old bridge before agreeing to proceed with the new bridge, to be sure it will be removed. Additionally, he would like to know if the cost for removing the old bridge is figured into construction costs.

Public Comment (5 minutes max per issue; no action will be taken on any issues)

Mike Kipp, Teresa Lane. Wondering about the status of the transfer of Teresa Lane from a private road to Town road. Ylvisaker stated she talked to Town Attorney Matt Dregne and he is aware that he needs to draft an agreement stating that the Kipps are responsible for payment of all costs related to the request.

Bob Janes, Territorial Road. Sent an email to the Town Board today about the Plan Commission's recommended 70% requirement for development on the short term/long term development plan. Janes also noted that he attended the City of Evansville's Plan Commission meeting on Monday, and their boundaries and serviceable area keeps changing, they now have the future city boundary going east of Territorial Road where it meets Highway 14, and to Tupper Road at M, north of Territorial. Janes states that the City is still thinking that Territorial Road is going to be the Highway 14 bypass at some point in the future, and he thinks that because of that the City views the surrounding land as high value land in the future.

Mobile Home Park License Status Update/Board Action if Necessary

Ylvisaker reported that the Town is still waiting on survey maps for Birchwood, Valhalla, and Cavalier. Per Fahey, there are still some outstanding zoning code violations at all three parks as well. Schneider stated he would talk to the Town attorney regarding how to proceed.

Board Action: Gildner Property, Removal of Second House

Schneider stated he would speak to the Town attorney regarding the Town's options including penalties and backdating the penalties to the date of the extension (July 15, 2010).

Public Hearing: Board Review and Adoption of Changes and Updates to Comprehensive Plan as Recommended by Plan Commission

Public hearing opened at 7:54 p.m.

Janes reiterated that the 70% of short term development prior to any long term development restriction is detrimental to the Town, given the City's current stance.

Doug Zweizig stated that the Plan Commission's recommendations are made on assumptions, and just because info has been received that implies that some assumptions may be wrong doesn't mean we should be changing our recommendations at this time. If the Town is serious about working with the City, Zweizig feels there should be a high level agreement between the Town and the City indicating that they want to work together. Dissolve the Evansville Union Implementation Committee if they do not want to work with us, and see what the options are then.

Janes has been attending City meetings, and stated that he has asked on many occasions that members of the EUIC be invited to be a part of the process and there has been no willingness on the part of the City to make that happen.

Alvin Francis stated that regarding the mapping, the Town is asking the Town engineer to make new maps for present zoning and future land use. He doesn't think it is wise to ask him to do a future land use map at the present time, even though it is part of the recommendations.

Kim Gruebling stated that the mapping issue came out of a recommendation made by the committee that Francis chairs, and it was voted on and recommended by a majority vote.

Public hearing closed at 8:00 p.m.

Motion to adopt the changes the Plan Commission has recommended to the Town of Union Comprehensive Plan dated 10.1.10 made by Kendall Schneider. Second by Don Krajeck.

Ylvisaker noted that, on the list of recommendations, the first item under "intergovernmental Cooperation" Section regarding right to farm statements on CSMs should be struck.

Friendly amendment to change "townships" to "municipalities" in the first statement under "Intergovernmental Cooperation."

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

Changes will be effective upon posting/publication.

Public Hearing: Board Review and Adoption of An Ordinance Changing the Zoning Classification of and Approving the Division of Certain Lands (Davis Property)

Public hearing opened at 8:06.

The background of the ordinance was explained. The zoning change and land division was approved but an ordinance making the change was not adopted at the time.

Hearing closed 8:12 p.m.

Krajeck would like to get the fees (attorney and ag land conversion) paid this year, doesn't feel the Town should be paying for legal fees and waiting 8 months for repayment.

Motion to approve ordinance 2010-02 An Ordinance Changing the Zoning Classification of and Approving the Division of Certain Lands (Davis Property) with change in payment date to December 1, 2010 made by Don Krajeck. Second by Kendall Schneider.

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

Public Hearing: Board Adoption of Resolution Changing Spelling of "Kyle Road" to "Kile Road"

Public hearing opened at 8:18 pm.

Janes inquired about the cost involved in changing the road name. The cost is minimal, and only includes replacing the sign which is missing and needs replacement anyway.

Closed at 8:20 p.m.

Motion to approve Ordinance 2010-03 Changin the Spelling of "Kyle Road" to "Kile Road" made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote, with Don Krajeck abstaining.

Board Action: Approval of Revaluation Agreement with Accurate Appraisal

Krajeck questioned item 6: "client's responsibility to supply adequate office space", and wonders what this means and what it requires of the Town. Ylvisaker will clarify. The revaluation process will run throughout 2011, for a total cost of \$39,500.

Motion to approve revaluation agreement with Accurate Appraisal pending clarification of office space issue made by Don Krajeck. Second by Kendall Schneider. Motion carried by unanimous voice vote.

Board Action: Plan Commission Request for Attorney Advice on Right-To-Farm Disclaimer

The Plan Commission would like Town Attorney recommendation on where best to locate the right-to-farm disclaimer requirement within the Town's ordinances.

Motion to approve the request made by Kendall Schneider. Second by Don Krajeck. Motion carried by unanimous voice vote.

Board Action: Plan Commission Request for Attorney Review of Citation Ordinance Draft

Krajeck thinks the request is acceptable but would like the citation ordinance codified with other ordinances. The Board would like to have them done by the next Board meeting for consideration and approval.

Motion to approve request, and have ordinances and codification ready for Board approval at the November Board meeting made by Don Krajeck. Second by Kendall Schneider. Motion carried by unanimous voice vote.

Board Action: Plan Commission Request to Have Legal Counsel Draft Noise Ordinance per Specifications

Gruebling explained that the Plan Commission would like to develop an ordinance similar to Madison's ordinance. Rock County doesn't have an official noise ordinance, instead uses disorderly conduct to enforce. The Town's current ordinance is expensive and difficult to enforce. Suggestions from Gruebling have been upheld by courts. The Plan Commission would like to use "unreasonable" as the benchmark. Schneider believes that there should be a nuisance chapter in the code of ordinances for this issue to be located under, but it could possibly be located in the zoning chapter. Tonto Abey asked if this ordinance will affect farms, and the use of dryer fans, mufflers on tractors, etc. Gruebling stated that farm noise is reasonable and that's the reason for the "unreasonable" wording - so the Town can allow things like farming which are reasonable in our Township. Fahey expressed concerns with ag noise as well, and felt that perhaps they should be addressed in the ordinance specifically.

Motion for legal counsel to draft ordinance to replace existing noise ordinance in zoning code made by Don Krajeck. Second by Kendall Schneider. Motion carried by unanimous voice vote.

Plan Commission Request for Clarification of Board Policy on Farmland Preservation Program

Renee Exum provided two questions that the Board should answer with regard to this issue. Krajeck thinks that area farmers should be brought in to talk to about the issue and provide their opinion on the program.

Question 1: Does the Town Board want farmers to continue to be eligible to claim the Farmland Preservation Tax Credit after 2010?

Question 2: Does the Town Board want to keep the current A-2 and A-3 zoning districts? Or does the Town Board want to allow non-farm residential construction under a conditional use permit with all land remaining in A-1?

Answers are yes and yes. Krajeck reiterated that property owners need to be involved, Exum suggested putting a notice in property bills to get meeting scheduled for January with someone from the County in attendance. Janes suggested a survey for landowners to mail back in the tax bills. Dave Pestor agrees it is important to get farmers involved, and thinks a meeting is a good idea.

Gruebling recommends having the Plan commission table the issue until further direction from Board.

A discussion item to schedule a meeting and develop a plan to identify landowners will be placed on the agenda for the November Board meeting. Clarification for the Plan Commission will be tabled until further direction. Motion as such made by Kendall Schneider. Second by Don Krajeck. Motion carried by unanimous voice vote.

Plan Commission Suggestion RE: Joint Township Effort to Update Wind Ordinance

Zweizig stated that four adjoining Towns have adopted ordinances similar to Union's: Spring Valley, Town of Janesville, Magnolia, Center.

Motion by Kendall Schneider to contact other Towns , and gauge interest in working together/sharing resources. Second by George Franklin. Motion carried by unanimous voice vote.

Operator License Approval: Becky Rossiter-Trujillo, Nadene Holland; Geneo's Bar
Motion to approve operator licenses for Becky Rossiter-Trujillo and Nadene Holland, both working at Geneo's Bar, made by Don Krajeck. Second by Kendall Schneider. Motion carried by unanimous voice vote.

Cavalier Village Status Update

Addressed under previous agenda item.

Recycling Center Update

Krajeck stated that the new building would be completed next week.

Franklin stated his son works at Town of Brooklyn recycling/refuse center, do we want him to come down and tell us how they do things and how they charge? Jerry Krueger agrees that there are a lot of changes that should be made but would like a plan for following through on changes if they are going to occur.

The Town will do the snowplowing at the Center this year.

Franklin is unsure what he should plant in the rented fields surrounding the Center next year, as the DNR didn't want corn or soybeans planted there. He needs to know because he doesn't need hay so he doesn't want to plant anything if he is unable to plant corn or soybeans.

Pay Bills

There being no further business to come before the Board, a motion to adjourn was made by Kendall Schneider, and seconded by Don Krajeck. Meeting adjourned at 9:06 p.m.

Respectfully submitted by Clerk Regina Ylvisaker

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