

**TOWN OF UNION  
MONTHLY BOARD MEETING  
Minutes of Thursday, December 2, 2010**

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The Town of Union Monthly Board meeting was called to order at 7:01 on Thursday, December 2, 2010 at the Evansville Fire Station, 425 Water St., Evansville, WI by Chairman Kendall Schneider. 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. Also in attendance were Plan Commission members Dave Pestor, Alvin Francis and Renee Exum. The Pledge of Allegiance was recited.

**Clerk's minutes (November 11, 2010)**

Kristi VanderArk noted that her name had been misspelled in the November minutes. She also clarified that her concerns voiced at the November meeting included trees down along her road, which she fears may be hit by a plow truck and spun into her property and hit her vehicle.

Motion to approve the minutes of the November 11, 2010 monthly Board meeting as amended made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote.

**Treasurer's report**

Treasurer Sharon Franklin reported the following balances as of November 30, 2010:

Local Gov't Investment Pool General Fund	\$	0.00
Park and Recreation Fund	\$	12,420.08
UB&T Money Market Sweep Account	\$	36,293.03
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	\$	18,875.23
Wayne Disch Memorial Park Fund	\$	2,392.14
Morning Ridge Stub Road CD	\$	19,941.66
Escrow Accounts:		
Robert Janes/Bakers Crossing	\$	813.77

**Constable's report**

Constable Kim Gruebling reported receiving one complaint within the last 10 days from Dave Tracy of a vicious pit bull at Birchwood Trailer court, did not have exact address. Gruebling instructed Tracy to contact the Rock County Sheriff and the owners of the trailer court.

**Building Inspector's report**

Building Inspector Bob Fahey reported no permits were issued during November.

**Public Comment (5 min max per item, no action will be taken on any issues)**

Kristi VanderArk has extensive background with dogs, rehabilitation, etc and is willing to assist with apprehension of dogs if needed.

Don Krajeck stated he would not be seeking reelection to the Supervisor position for the next term (April 2011-April 2013).

Sharon Franklin, Kim Gruebling, and Alvin Francis reported attending the PACE program presentation at the County Courthouse on November 30.

### **Cavalier Village Status Report**

Clerk Regina Ylvisaker updated the Board on the status of the suit per the most recent email from legal counsel. The judge assigned to the case has set a trial date of March 1, 2011 and has ordered the parties to do mediation by February 15. Tim Riley, currently representing the Butz', may be withdrawing as their attorney. At this point, the Town could 1) settle short of mediation or trial; or 2) schedule a mediation. Attorney Howard has reiterated the Town's expectations to the Butz' attorney so they may consider the option of settling again.

### **Approval of EMS/Fire Contracts**

Evansville EMS 2011 contract was reviewed by the Board. Fees are \$20 per capita. Motion to approve the 2011 Evansville EMS contract made by Don Krajeck. Second by George Franklin. Motion carried by unanimous voice vote.

### **Approval of 2011 Rock County Humane Society Contract**

Gruebling explained to the Board his concerns regarding the proposed contract language:

- The contract includes animals such as hamsters, fish, reptiles, birds, gerbils, deer.
- The contract does not indicate any approval of the Town is needed for RCHS to pick up animals, therefore there is no Town oversight of our expenses.
- Contract states that the RCHS will contact the Town for pre-approval of accepted animals when the number is "greater than ten at one occurrence." Seems the Town has no approval of animals taken in at the Town's expense if the number is fewer than 10 at one time.
- Regarding the statement: "RCHS will take calls concerning confined animals and will pick up the confined animals as appropriate." Who determines what is appropriate?
- Contract language seems to suggest that both the Town and the owners retrieving animals will pay for animals picked up, which doesn't seem right.
- The contract seems to require that the Town have a veterinary facility for treatment of animals, which we do not have nor wish to have.

Motion to table approval of the 2011 Rock County Humane Society Contract until the January Board meeting by George Franklin. Second by Kendall Schneider. Motion carried by unanimous voice vote.

In the interim, Gruebling will contact the Dane County Humane Society and see if they would offer a contract for services to the Town.

### **Appointment of Plan Commission Member to Fill Vacancy**

Plan Commission member Doug Lee has asked to resign from his position. Schneider stated he had spoken with Bob Janes, who is not interested in serving at this time. Jim Bembinster has indicated interest. Motion by Kendall Schneider to appoint Jim Bembinster to the remainder of the term vacated by Doug Lee. Motion died for failure of second.

Krajeck stated he has spoken to another individual interested in serving; he also suggested not filling the vacant position at this time in an effort to downsize the Plan Commission to 5 members when another position resigns or a term ends.

Franklin is in favor of moving to a five member Plan Commission.

Motion to add issue of changing the Plan Commission to a five member board to the January Board meeting agenda made by George Franklin. Second by Don Krajeck. Motion carried by unanimous voice vote.

### **Road Work**

Schneider reported receiving a call from Al Miller (Footville Trucking) who had received a call from Hal Meyer (Rock County) who wanted to work out an agreement for plowing Magnolia town line roads. They met with Miller tonight to work out details.

Franklin stated the plow truck is ready. The auger on the hydraulic pump for the sander was leaking, they discovered that installing a new pump was less expensive than repairing the existing pump so they purchased and installed a new one. The plow was put on today and the new radiator is in. Franklin went with Josh Wisner to purchase some necessary hand tools including shovels, fork, pick axe, step ladder, chain saw and chaps.

**Discussion: Agreement w/ Center on Plowing of Town Line Roads**

Deferred; Wayne Udulutch from Center was not in attendance.

**Status Update on Legal Proceedings in the Following Matters: Gildner Property/Removal of Second Home; Non-Licensed Mobile Home Parks; ATV Use and Damage to Town Property**

Krajeck suggested calling Kendall Wethal to assess the park damage. No updates on other matters.

**Public Hearing: Adoption of a Partial Code of Ordinances**

Public hearing for Ordinance 2010-05 opened at 7:40 p.m.

Kristi VanderArk: regarding the proposed noise chapter, wondered if section A applies to noise produced outside, and section B applies to noise inside buildings? Schneider stated that both sections would apply to any noise heard by an individual. VanderArk noted that the Town of Oregon's noise ordinance deals specifically with dogs, and specifies how many people need to be bothered. She questioned how the proposed chapter will be consistently and fairly applied?

Public hearing for Ordinance 2010-05 closed at 7:50 p.m.

Motion to approve Ordinance 2010-05, An Ordinance to Create a Town of Union Code of Ordinances made by Don Krajeck. Second by George Franklin.

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

Public hearing for Chapter 1 and Chapter 11 opened at 7:54 p.m.

Gruebling stated that the language in the noise chapter is specific to "persons" and therefore takes dogs out of the equation. He further explained that the language was taken from the City of Madison's Code of Ordinances, and has been upheld by the US Court of Appeals and the Wisconsin Supreme Court. The enforcing officer will determine what is reasonable. Dog related noise complaints would be handled by the Sheriff's department. It was the opinion of the Plan Commission and the Town Attorney that noise should not be part of the zoning chapter of the code. Enforcing the current noise language is very costly and cannot be done on short notice to effectively address immediate issues.

Public hearing for Chapter 1 and Chapter 11 closed at 8:07 p.m.

Motion to approve Chapter 1 General Provisions made by Don Krajeck. Second by George Franklin. Motion carried by unanimous voice vote.

Motion to accept Chapter 11 Offenses and Nuisances made by George Franklin, Second by Don Krajeck. Motion carried by unanimous voice vote.

The issue of repealing the noise language in the current zoning chapter will be addressed at the January Board meeting.

**Discussion: Farmland Preservation Landowner Meeting**

Alvin Francis believes there needs to be notification of landowners re: ag enterprise area issue.

Motion to table to January Board meeting made by Kendall Schneider. Second by George Franklin. Motion carried by unanimous voice vote.

**Recycling Center Update**

Jerry Krueger stated he would like to move the old shed back for ease of plowing. Signage was received to mount on the new office recognizing the Evansville High School Beginning Carpentry class for building the new office.

**Approval of 2011 Meeting Location**

The Board will tentatively plan to meet at the Fire Station in January, and Schneider will talk to Fire Board about moving meetings to the Station permanently prior to the January Board meeting. The issue will be on the agenda again for the January Board meeting.

**Pay Bills**

There being no further business to come before the Board, a motion to adjourn was made and seconded. Meeting adjourned at 8:22 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.*