

**TOWN OF UNION
MONTHLY BOARD MEETING
Minutes of Thursday, August 4, 2011**

The Town of Union Board monthly board meeting was called to order at 7:00 p.m. on Thursday, August 4, 2011 at the Evansville Fire Station, 425 Water St., Evansville, WI by Chairman Kendall Schneider. Members in attendance included Chairman Schneider, Supervisors George Franklin and Kim Gruebling, Treasurer Sharon Franklin, Clerk Regina Ylvisaker, and Building Inspector Bob Fahey. Constable Eric Larsen was not in attendance. Plan Commission members Renee Exum and Dave Pestor were present. The Pledge of Allegiance was recited.

Clerk's Minutes (July 7, 2011)

George Franklin clarified that the minutes should state that the Town is responsible for clearing brush more than 100' from the road edge at Leedle Mill Bridge.

Motion to approve the minutes of the July 7, 2011 meeting as amended made by Franklin/Gruebling. Motion approved by unanimous voice vote.

Treasurer's report

Treasurer Sharon Franklin reported balances as of July 31, 2011:

Local Gov't Investment Pool General Fund	\$	0.00
Park and Recreation Fund	\$	12,434.91
UB&T Money Market Sweep Account	\$	77,425.77
UB&T Checking Account	\$	15,000.00
Leedlemill Bridge CD	\$	19,158.19
Wayne Disch Memorial Park Fund	\$	2,394.66
Morning Ridge Stub Road CD	\$	20,352.56
Escrow Accounts:		
Robert Janes/Bakers Crossing	\$	813.77
Teresa Lane		
Bank of Monticello	\$	2,891.25
Michael Kipp	\$	963.75

Board Action: Budget Line Adjustments if Required

No action required.

Constable's report

Constable Eric Larsen was not in attendance but reported via email that no calls were received during July.

Building Inspector's report

Building Inspector Bob Fahey reported issuing the following permits in July:

Date	Permit #	Parcel #	Name	Address	Description	Construction Cost
7/8/2011	11-8-B	6-20-257.3	Scott & Lynae McElroy	18047 W Croft Rd	Addition to shed	\$ 4,000.00
7/30/2011	11-9-B	6-20-246	Donald Maas	7337 N Pleasant Prairie Rd	Remodel/Addition to Home	\$ 200,000.00
7/28/2011		6-20-152A	Eric & Marion Tong Zoning Application	18251 W Emery Rd		

Discussion/Update: Evansville Comp Plan Amendments

No updates.

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

Marie Messinger, Bullard Rd., informed the group that the Evansville Farmer's Market is located at Church and Maple Streets and open Saturdays from 9-1.

Kim Gruebling asked that the Plan Commission and Board agendas be rearranged to accommodate the attendance of the Town Engineer and others who come to report on specific topics.

Public Hearing: Review and Action on Request made by Eric & Marion Tong, 18251 W. Emery Rd., Evansville, WI 53536 for a land division and zoning change for parcel 6-20-152A, address above. The applicants request to divide off 25 acres of the existing 35 acre parcel; the resulting 10 acre parent parcel would be rezoned A2, and the newly created 25 acre parcel would be rezoned A2. The request was tabled by the Plan Commission at their July 28 meeting. No action taken by the Board.

Public Hearing: Review and Action on Changes to the Town of Union Code of Ordinances, Chapter 17, Zoning, Sections 17.04 (2), 17.05 (3), 17.05, 17.08, and 17.19.

Public hearing opened at 7:30 p.m.

Gary Messinger summarized the letter (attachment #1) he submitted to the Board and Plan Commission regarding the issue.

Fahey recommends no changes to the current zoning code, as he anticipates problems if more buildings are allowed. There will be no incentive for people to tear down older buildings in disrepair if they are able to build additional buildings.

George Franklin stated he felt that allowing up to 3 accessory buildings on parcels up to 7 acres was appropriate, while allowing a higher number of accessory buildings on parcels larger than 7 acres.

Public hearing closed at 7:45 p.m.

Kim Gruebling expressed concerns about the discrepancy between the sections of the ordinance that were posted/published and those that action was taken on by the Plan Commission. He also thought that more research should be put into the issue before any action is taken. Additionally, he was opposed to the idea of an unlimited number of accessory buildings below 80 square feet being allowed on A3 parcels. Gruebling noted that the tower and antenna moratorium expires in October and the Plan Commission has significant work left to do on the ordinance, which he felt they should be focusing on at this time instead of the accessory building issue.

Schneider also mentioned the percentage based approach for the number of buildings, citing other municipalities who utilize this approach.

Motion to send the issue back to the Plan Commission for further research and discussion made by Gruebling/Schneider. Motion carried by unanimous voice vote.

Board Action: Request made by Plan Commission for Attorney Advice RE: Conditional Use Permit vs. Licensing for Tower & Antennas

The Plan Commission ended its last discussion on the tower and antenna ordinance with a question regarding whether the conditional use permit process or the licensing process used for wind towers should be the approach used for towers and antennas. They requested attorney advice on the issue, preferably in writing (memo).

Motion to approve Town Attorney to provide legal advice in writing regarding conditional use permitting vs. licensing for towers and antennas made by Gruebling/Schneider. Motion carried by unanimous voice vote.

Board Action: Approval of Operator Licenses: Jennifer Patterson, Stacy Wilcox, Amy Arms, Matt Hill, Kadi Kleinschmidt – Geneo's Bar; Mandy Damm – Union Tavern

Motion to approve operator licenses for Stacy Wilcox, Amy Arms, Matt Hill, Kadi Kleinschmidt and Mandy Damm, and to approve operator license for Jennifer Patterson upon receipt of responsible beverage server training certificate made by Schneider/Franklin. Motion carried by unanimous voice vote.

Leedle Mill Road Bridge

Work is progressing; the bridge is scheduled to be removed in the near future.

Roadwork

Safety clothing has been ordered. Gruebling expressed concerns about the lack of lighting on the Town trucks, specifically the plow truck. He would like to get additional lights purchased and installed prior to winter. Josh Wisner also noted the need for a spotlight on the truck to assist when plowing. Further research will be done on the issue and available lighting options/costs.

Recycling Center Update

Jerry Krueger stated no issues at present.

Pay Bills

There being no further business to come before the Board, a motion to adjourn and pay bills was made by Schneider/Franklin. Meeting adjourned at 8:15 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.

ATTACHMENT #1

Dear Members of the Town Board and Planning Commission;

I am writing regarding the motions recommended to the Town Board modifying the Town of Union Zoning Ordinance for Chapter 17, Section 17.08 (2) (J) as it pertains to the number of allowed accessory buildings per lot on parcels zoned as Agricultural District A-3.

I'll start with a history of recent developments that have brought us to this point. We've been living at our home on our 5 acres at 14534 W. Bullard Rd. for the past two years. We have a horse and a steer and were planning on putting up a simple 3-sided run-in shed to provide them with shelter from the extremes of both summer and winter. We were surprised when we were told that even though this is a non-fixed portable structure that it nonetheless counts as an accessory building. As we already have a detached garage and a barn, we've already reached the maximum allowable number of two accessory buildings permitted on parcels zoned A-3 and as a result are not being permitted to provide this basic shelter for our animals. I was much more surprised though when told that even simple small structures such as a tool shed, chicken coop, rabbit hutch, and dog house also count as accessory buildings.

We brought this to the attention of the planning commission at their meeting this May as we were wondering if they felt this was actually the intent of the wording of the authors of this ordinance. We were met with understanding and it was the members of the planning commission who then suggested they take a look at this ordinance for consideration of possible changes. As a result they've recommended two motions for the town board to consider for change in the above mentioned section.

Motion #1) "There shall be no more than three (3) accessory buildings per lot"

Motion #2) "There shall be no more than three (3) permitted accessory buildings (80 sq ft or more) per parcel"

While I appreciate the effort towards change here I'd like to share my concerns.

Motion #1: This still counts the smaller structures such as a rabbit hutch or dog house towards the allowable limit of 3 accessory buildings. I want to make sure that the board and planning commission fully realize that even though our family started the conversation leading to this proposed change, this would do absolutely nothing to change our situation. In addition to our barn and detached garage we also have a chicken coop and rabbit hutch so we still would not be allowed to put up a simple portable structure to shelter our animals. In addition this would also put a quick end to another one of our goals, which is to put up a greenhouse or hoop house.

We also fully realize this issue is bigger than just our concerns, and while there are many scenarios for you to consider I'll just point out one as another example. Someone with 9 acres who has a tool shed, chicken coop, and rabbit hutch would not be allowed to put any additional structures on their land. I ask you to consider what the long term plans are for use of agricultural land in the township and whether this wording is truly in alignment with that vision.

Motion #2: While this adds the common sense approach that allows the smaller structures not to be counted against the number of allowed accessory buildings, I've heard a lot of concern being voiced that people who own A-3 parcels would take advantage of this and begin to litter their land with structures smaller than 80 square feet. (For simplicity sake I will refer to structures smaller than 80 square feet as small structures and those larger than that, that require building permits, as large structures.)

While I personally don't feel it would be fair that the person with 9 acres and 3 small structures wouldn't be able to put up any more structures regardless of size, I also understand the concern that a potentially unlimited number of small structures could be a potential detriment if indeed abused.

I'd like to propose an alternative compromise for consideration that I think addresses the issues of both small and large structures, as well as avoids changing any definitions of terms, which has also been a concern that I've heard voiced a lot in these discussions.

I'd like to propose that there be an increase in the limit of allowed accessory buildings on parcels zoned A-3, but with separate limits both on the number of structures that are of sufficient size to require a building permit as well on those structures that wouldn't require a building permit. This would keep the key element of Motion #2 that the small structures wouldn't be counted against the possibility of building a larger structure. In addition, the slight but significant change of also limiting the number of smaller structures would alleviate any concerns the town board or planning commission may have about these changes leading to unchecked building growth on the 3 to 10 acre parcels that are zoned A-3.

I'll also suggest that the number of smaller structures be higher than those requiring building permits as these smaller structures are of varied and important use for maximizing the potential agricultural use of the land and would do little to add to any concerns of clutter. The limit on the number of larger structures would take care of that issue.

As a frame of reference to consider I'll point out that parcels zoned as Rural Residential (from just under 1 acre to 3 acres) are currently allowed 2 accessory buildings, which is exactly the same as A-3 parcels of 3-10 acres, and the zoning for A-2 parcels 10 acres and over has no limit on the number of structures whatsoever. This creates rules which dictate that someone with 9 acres can not have any more buildings than someone with 1 acre, while a 10 acre parcel has no limit whatsoever. While I understand and respect the need for limits, this transition from RR to A-3 to A-2 seems out of balance.

Perhaps it helps if I offer some specific wording for a possible motion to consider for changing this ordinance. While the numbers are of course ultimately the result of your deliberation, I'll offer a starting point for the conversation. But regardless of the final numbers, the important thing is to take a look at the proposed wording.

“There shall be no more than five (5) permitted accessory buildings (80 sq ft or more) per parcel, and eight (8) accessory buildings that do not require a building permit.”

Part of the reason I'm suggesting higher numbers is to avoid the challenge of changing definitions or making exceptions for something like a detached garage, which has already been a point of discussion and debate.

I believe this proposal would be in alignment with what I understand to be the township's vision of promoting agricultural use on these parcels, while at the same time addressing the concerns of an unchecked number of structures. I appreciate your consideration and discussion of the merits of this proposal.

To be honest, I've felt the discussions around this issue have been driven by fears of abuse about what the A-3 landowners will do if this ordinance is changed. I ask you to consider the good in the people as well, and have faith that the vast majority of the people potentially affected will use wise judgement in their decisions relating to the land that they take pride in and they've worked hard to own. Ultimately, the vision and goals of the township's promotion of resourceful agricultural use is important to consider here. I feel that the wording of our ordinances can and should be in alignment with these goals. The township can help encourage people to use their land in ways that promote agricultural use on our ever shrinking farm land -- rather than creating more obstacles to doing so.

Thank you very much for your time and consideration on this matter.

Gary and Marie Messinger
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Evansville, WI 53536
882-9032