

## **TOWN OF UNION**

### **Minutes of Public Budget Hearing/Special Town Meeting**

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The Town of Union Public Budget Hearing was called to order by Chairman Kendall Schneider at 6:30 p.m. on Thursday, November 10, 2011 at the Evansville Fire Station, 425 Water St., Evansville, WI.

Clerk Regina Ylvisaker reviewed the proposed 2012 Town of Union budget and proposed tax levy. Overall, total budgeted expenditures are down 7.39% from 2011 to 2012, and total budgeted revenues are down 13.89% from 2011 to 2012. Areas of note in expenditures include General Government, where 2012 proposed expenditures are down 29% from 2011, due in large part to the revaluation which was conducted and paid for in 2011; Conservation & Development, where expenditures are down 63% from 2011 due to budgeting significantly less for attorney fees; and Intergovernmental Revenues Redistribution, down 28.75% from 2011 due to certain revenues not being passed through the Town for payment and the discontinuation of the ag use conversion fee program. It was noted that for the first time in several years, the Town has set aside funds in the contingency fund, in the amount of \$7,389. Regarding revenues, reductions in expected revenues are largely in the areas of taxes and "other." These areas encompass items such as the ag use conversion fee program, State shared revenues, recycling grants, and legal fee reimbursements, all of which will be reduced or eliminated in 2012.

The proposed levy amount is \$263,215.00, an increase of 0.64% from 2011. The allowable levy increase amount is equal to the amount of net new construction in the Town from 2010-2011, and therefore varies by municipality.

The Special Town Meeting of Town of Union Electors was held immediately following the Public Budget Hearing and was called pursuant to §60.12(1)(c) of Wisconsin Statutes by the Town Board. Electors in attendance included Kendall Schneider, George Franklin, Kim Gruebling, Regina Ylvisaker, Alvin Francis, Dave Pector, Jim Bembinster, Cathy Bembinster, and Bob Fahey.

**To adopt the 2012 Town tax levy of all or part of the sum needed to balance the budget with balance to be taken from the surplus pursuant to §60.10(1)(a).**

Motion to adopt the 2012 Town tax levy in the amount of \$263,215 pursuant to §60.10(1)(a) made by Bob Fahey. Second by Jim Bembinster. Motion carried by a vote of 9-0.

**To authorize the Town Board to hire Town officers as employees of the Town and set an hourly wage pursuant to §Sec. 60.10(1)(g).**

Ylvisaker explained the reason for the authorization. To hire Town officers to perform duties outside of their elected positions, i.e. roadwork, the Town electors must authorize the Board to do so and set an hourly wage. Historically the rate has been set at \$10 per hour.

Motion to authorize the Town Board to hire Town officers as employees of the Town and set an hourly wage of \$10 per hour pursuant to §60.10(1)(g) made by Cathy Bembinster. Second by Alvin Francis.

George Franklin would like to raise the hourly wage to \$15 per hour when individuals are working with specialized machinery, performing duties such as cutting brush or shouldering. Kim Gruebling agrees that a higher rate is reasonable due to the specialized skills needed.

Friendly amendment to original motion to change hourly wage at \$15 per hour when individuals are working with specialized machinery agreed to by Bembinster/Francis.

Motion carried 9-0.

Schneider requested the special Town meeting date for 2012 be set at this time; it was determined that the date of the meeting would be November 13, 2012. Motion to set the date of the 2012 special Town meeting for November 13, 2012 by Jim Bembinster, immediately following the public budget hearing. Second by Dave Pector. Motion carried 9-0.

Meeting adjourned at 6:49 p.m.

## TOWN OF UNION

### Monthly Board Meeting Minutes

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The Monthly Town Board Meeting was called to order at 6:50 p.m. on November 10, 2011 at the Evansville Fire Department, 425 Water St., Evansville, WI 53536. Members in attendance included Chairman Kendall Schneider, Supervisors George Franklin and Kim Gruebling, Clerk Regina Ylvisaker, Constable Eric Larsen, and Building Inspector Bob Fahey. Also in attendance were Plan Commission members Alvin Francis, Doug Zweizig, Dave Pestor, and Renee Exum. Treasurer Sharon Franklin was absent. The Pledge of Allegiance was recited.

#### **Clerk's minutes (October 6, 2011)**

Motion to approve the minutes of October 6, 2011 as written made by Gruebling/Franklin.  
 Motion carried by unanimous voice vote.

#### **Treasurer's report**

In the absence of Treasurer Sharon Franklin, George Franklin presented balances as of October 31, 2011:

Local Gov't Investment Pool General Fund	\$	0.00
Park and Recreation Fund	\$	12,438.65
UB&T Money Market Sweep Account	\$	32,405.11
UB&T Checking Account	\$	15,000.00
Leedlemill Bridge CD	\$	19,449.01
Wayne Disch Memorial Park Fund	\$	2,537.34
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

Franklin noted that the Leedle Mill Road Bridge CD matured and the funds were moved to the UBT account to cover bills related to the bridge project. Additionally, the Morning Ridge Road CD will mature on 12/23/11, and at the December meeting the Board can make a determination on the future use of the funds.

#### **Constable's report**

Constable Eric Larsen reported no activity or calls during the month of October.

#### **Building Inspector's report**

Building Inspector Bob Fahey reported issuing three permits during the month of October.

Date	Permit #	Parcel #	Name	Address	Description	Construction Cost
10/11/2011	11-22-B	6-20-174.1B	Doug & Victoria Johnson/ Shawn Miller Const.	8733 N Cemetery Rd	12x18 porch addition	\$ 15,000.00
10/13/2011	11-23-B		John Haakenson	8036 N Cemetery Rd	Furnace	\$ 3,300.00
11/3/2011	11-24-B		Clifford McGrath	18536 W Evansville/Brooklyn Rd	Remodel Home	\$ 25,000.00

Franklin mentioned that a neighbor of his farm on East Union Rd. cemented his driveway and the cement runs right out to the road. Questioned whether the neighbor needs to sign an agreement or otherwise absolving the Town of any responsibility to damage to the driveway from the snowplow or other road work equipment. Fahey stated that no driveway permit would have been needed, as it was an existing driveway. Schneider noted that there have been other similar instances in the past which have been dealt with in several ways; one individual moved his mailbox to the front side of the driveway so the snowplow wouldn't catch the cement with the wing. This might be a good solution to the situation on East Union Rd. Fahey will go out and discuss it with them. Schneider suggested amending the driveway ordinance to address this issue. Fahey agreed the issue is a problem and could be addressed in the ordinance.

Fahey noted that the new homes aren't adding up correctly in Excel worksheet used for the building inspector report; Ylvisaker will check the formulas in the worksheet and send a corrected copy to Fahey.

### **Public Comment**

Fahey asked what material will be used for ice control in the Town's subdivisions this winter, sand or gravel. He noted that gravel makes quite a mess in the subdivisions. Schneider explained that the gravel Fahey is referring to is actually chipped limestone. Franklin stated that Al Miller/Footville Trucking was going to crush the limestone chips more finely this year. Jerry Krueger stated that Center's subdivisions have requested sand for this year and Miller is checking on availability. Gruebling agreed with Fahey that he didn't like the chipped rock, it got into his driveway quite a ways as well as in his yard. Schneider noted that the limestone chips may have been laid more heavily last year after complaints were raised about the roads being too slippery, in an attempt to remedy the problem. Franklin stated that if Miller is looking for sand for Center we could request that he try to find some for Union as well. Josh Wiser noted that Miller does need more lead time if switching to sand, as it is difficult to find it at this time of year.

Franklin commented on the meeting notice published in the paper; the Town of Center had a very brief posting in the paper for their budget meeting, and Franklin would like Union to do the same to shorten up our publications and save additional funds. The recommendation to change will be added to the agenda for the December Board meeting.

Doug Zweizig stated that members of the Plan Commission have indicated that they would like more information in the publications, and if the amount of information is reduced the full posting should be published on the website. This is especially true if the Town is being critical of our neighboring municipalities for their posting publication methods.

Alvin Francis would like to see information in the published notice regarding what the meetings are about.

### **Rock County Planning Department Presentation**

Wade Thompson, Rock County Planning and Development Department, was in attendance regarding the Memorandum of Agreements discussed at the last Board meeting. Activities that could be included in an MOA include adjacent land sale/transfer and lot combination; road design, construction and maintenance; agricultural, natural and cultural resource protection; and building site permit issuance.

Thompson needs to know if the Town is interested in developing an MOA with the County, and if so what they would like included in it. He explained that the first public hearing on the county's updated land division ordinance will be next week and they hope it will be in place by January 1. They would like MOAs in place at the same time if possible. Gruebling asked if any

other Towns had agreed to MOAs yet; Thompson stated that the Town of Janesville will be the first to sign, and agreements with the Towns of Spring Valley, Porter, Center, and Magnolia are in the works. Thompson believes the majority of Towns in the County will be signing MOAs. Gruebling asked for more information regarding what the benefits of an MOA are to the Town. Thompson explained that some of the services that could be included in an MOA have already been provided to Towns for years, but the County would like to continue providing the services in a more formal manner via MOAs. There is no cost to the town and the MOAs can be terminated or amended at any time; the County would like to continue providing these services. Schneider agreed that there are some valuable services that the County has been providing; what he doesn't like is County Supervisors making decisions on land use issues when they represent mostly larger cities and there is little Town representation.

Thompson thinks the MOAs are a good idea because they allow the Town to dictate the terms and if there are things the County is doing that the Town would like to discontinue that can be handled in the MOA as well. Francis stated that in the past there have been transfers of property between adjacent land owners that the Town was not involved in but the County was. Schneider stated that per State law these types of transfers don't come to the Town at all. Thompson explained that these are the types of issues that the County is trying to address in their ordinance update and through MOAs.

Schneider would like to take a closer look at services that have been offered in the past, and noted that the Town does have its own engineer. As far as roadwork and driveway placement, he feels the Town has a good handle on those issues as well.

Thompson clarified that the County will continue to review and approve land divisions as they have in the past; the MOAs address issues that are outside of the land division process. If the Town decides not to enter into an MOA, then the types of activities outlined in the MOA draft would no longer be provided at all by the County. Gruebling would like to discuss the issue again at the next Board meeting, as there are some things that the County could perhaps continue to do for the Town.

Agreed by all to add the issue to the December meeting agenda. Agreed that Thompson doesn't need to attend the December meeting, and should plan to attend in January instead.

**Board Action: Plan Commission Request for Town Attorney and Town Engineer Attendance at Nov. 17 Plan Commission Meeting**

This request was made at the October Plan Commission meeting. The purpose of the request is to assist the Commission in finalizing the review of the tower and antenna ordinance in preparation for recommendation of adoption of the ordinance to the Board.

Schneider noted that there is a conflict that night with the Towns Association Unit meeting, which is scheduled for the same date at the Fire Station. There may be enough meeting space in the back room for the Plan Commission to meet.

Schneider agrees that there is a need for the attorney to attend, and it seems that the Commission is close to completing the document. He asked if the engineer could attend for one hour to address the issues requiring his input. Francis explained that it is hard to say how long the review would take at the meeting. Larsen stated that the group doesn't know what they don't know until they get to it, and as such it is hard to address all of the possible issues the engineer may need to provide input on in a set amount of time. He stated the Commission is not experts in any of the areas addressed in the ordinance. Schneider explained that the Town is faced with a 0% increase in levy amount per State law, which the Board is trying to deal with in their budgeting process.

Francis stated that the Commission hasn't had a big audience at the last few meetings, and attendance has dropped off. Regarding the whole procedure, in hindsight Francis feels it would have been simpler if the Commission would have adopted some of the things presented by the applicant last fall, or Magnolia's existing ordinance, but there were quite a few concerns brought forth by residents and a lot of material was reviewed. The Commission wants an ordinance that deals with the concerns of residents better than other existing ordinances they have reviewed. This is why the development process has become more time consuming. Francis would like to ask the engineer about the efficiency and feasibility of several issues, such as reviewing application materials and getting his recommendation on the best way to do a yearly performance review. At this time the Commission assumes that the engineer can perform such reviews but does not know for sure. Earlier in the process when he attended meetings the Commission didn't know what they wanted the engineer to address or what their questions for him were.

Schneider noted that what he has seen in the document thus far are things that are very specific to the Town, which he appreciates; such issues would not have been addressed so specifically if a boilerplate ordinance would have been used.

Larsen noted that there is a form or two that the engineer was to provide and hasn't provided yet.

Zweizig feels the process of the Board/Plan Commission working together in situations such as ordinance development needs to be thought through more thoroughly. He believes the Board is reactive and the Commission is looking for leadership. The Commission asks for resources such as attorney or engineer review/meeting attendance because they think they need them, and such requests are not made lightly. In his opinion, the Commission has done a lot of work that seems wasted as they have spent time without expert guidance working on the document. Additionally, Zweizig would like to know the outcome of the Commission requests to the Board immediately following Board meetings.

Larsen noted that this is the only level of government at which citizens are still allowed to be involved in the process of writing ordinances, and that is important to realize and capitalize upon. He recognizes that ordinance development is an expensive and time consuming process.

Gruebling agrees that a clear charge was not given to the Commission from the Board. They have done a tremendous amount of work on the ordinance and he appreciates that. However, there is currently a CUP in place that allows a tower to be placed within 20 feet of a lot line. The concept of different placement requirements for different height towers is perhaps outside the scope of what the Board wanted the Commission to do when developing the ordinance. Gruebling would like some of these issues addressed prior to the Board getting the final ordinance recommended for approval, as he doesn't agree with some of the decisions they have made. He thinks this issue needs to be discussed now to give the Commission a clearer charge on the rest of the ordinance development. Additionally, Gruebling does not think that developing a licensing ordinance was part of the direction given by the Board.

Motion to approve request for Town Attorney and Town Engineer attendance at the November 17, 2011 Plan Commission meeting made by Schneider/Franklin.

Franklin realizes the Town has many ordinances; he thinks that in creating an ordinance the group can get so involved in addressing so many things, sometimes the document is worthless in the end. A document can't be perfect and address every possible issue that may arise.

Franklin knows that the group spent a lot of time on it; however he thinks the end result may be so complicated that it doesn't achieve its original goal.

Gruebling agrees that they should be careful about getting things too complex. Additionally, he noted that while the Town's smart growth plan states that the Town should promote telecommunication, it also addresses the fact that the Town is run by part time employees and has a limited budget. An example of a complex ordinance that was unenforceable is the noise ordinance section of the zoning ordinance, which proved too expensive to enforce.

Ylvisaker noted that in the past the Board has required approval of material review by the engineer/attorney in addition to meeting attendance. The engineer has not yet seen the most recent version of the ordinance. She would recommend that the Board amend their original motion to include allowing the engineer to review the draft ordinance and questions prior to the November 17 meeting.

Amendment to original motion granting engineer review of draft ordinance and questions prior to the November 17 Plan Commission meeting agreed to by Schneider/Franklin.

Roll call: Schneider – yes; Franklin – yes; Gruebling – yes. Motion carried by unanimous voice vote.

The specific questions that the Commission would like the engineer to address are:

- Is the ordinance enforceable by him as the Town's agent?
- Is the ordinance and its requirements in line with industry practices?
- Is the information requested in the initial application and yearly review appropriate and enforceable?
- Can he provide copies of the forms as requested previously?

Francis noted that the review of the existing tower CUP in March 2012 should go more smoothly having completed the ordinance immediately prior.

#### **Discussion: Concealed Carry Law**

Last month Schneider had stated that he would speak with the Fire Board about posting at the Station. Gruebling thinks that individuals who have the intention to shoot someone will not be deterred by a sign, and the sign itself provides a false sense of security.

Motion that the Board take no action on the issue made by Gruebling/Franklin. Motion carried by unanimous voice vote.

#### **Discussion: Rock County Humane Society Stray Animal Contract 2012**

There have been significant changes to the agreement from the 2011 version. Gruebling stated that Chesterfield Kennels in Magnolia may be willing to take stray dogs for the Towns in the area, and should have an agreement ready for review by the next Board meeting. However, the kennel will only take dogs, which is all the State mandates the Town must handle. Larsen asked if the agreement with the kennel would include pickup of animals; Gruebling stated that there will be an additional fee for pickups but they are willing to do it. Gruebling noted that working with the RCHS has been extremely difficult for the Town and the Constable.

Motion to table the RCHS stray animal contract 2012 and possible agreement with Chesterfield Kennels until the December Board meeting made by Gruebling/Franklin. Motion carried by unanimous voice vote.

Larsen inquired if the Town has to contract with the humane society in Rock County, or if it could contract with another county such as Green or Dane. Gruebling had spoken to Dane County Humane Society in the past, and at that time they would not pick up animals.

### **Approval of EMS Contracts**

While no hard copies of contracts have been received yet, Schneider stated that the costs for both Evansville EMS and Brooklyn EMS have not changed since last year. Given that information, Schneider made a motion to approve contracts with Evansville EMS and Brooklyn EMS. Second by Gruebling. Motion carried by unanimous voice vote.

### **Road Work 2012**

The Leedle Mill Bridge is basically complete, but traffic control signs are still up so it is not “officially” open as of yet. Wisner has been told by engineer that no guard rails will be going up outside the bridge; Schneider will discuss this with Battermann. Franklin thinks the east side of the bridge may need to be paved next year, and Schneider has concerns about the quality of the base under the existing pavement.

Ylvisaker reported the following email received:

*Hi, Regina:*

*My name is Kris Pehl and I work at the Rock County 9-1-1 Center.*

*It has come to our attention that 18503 W. Croft Rd. is actually accessed off of N. Davis Rd. Is N. Davis Rd. acknowledged by the Town of Union? I believe there is a road sign at the W. Croft Rd. intersection that says N. Davis Rd.*

*If N. Davis is a town road, 18503 W. Croft Rd. should be changed to a N. Davis Rd. address in order to eliminate confusion for emergency responders.*

*Thank you for your help.*

*Kris Pehl  
Geo Application Specialist  
608.757.5181*

Schneider will respond to the inquiry.

Ylvisaker received the following email for Board consideration:

*Township of Union  
Rock County  
Wisconsin*

*October 29, 2011*

- Regina Ylvisaker- Clerk of Union Township*
- Regina, this is Steve Eckert from Morning Ridge Condo Owners Association on Brown School Rd.*
- Hello I am writing in regards to a on-going situation that involves the intersection of W. North Field Crossing and N. Orchard View Drive. This is a 90 degree turn area where many bikes, skateboards and walkers decide to take a shortcut right through the Morning Ridge Condo Owners back yards. The path is well pronounced as it is well traveled, you will see, and is very disturbing for the residents living here. Not long ago a young fellow on an electric skateboard zoomed past one of our residents sunbathing in her driveway. Many of these children and young adults have been told this is private*

*property but if no one is standing guard they come through anyway. It is very disturbing at 6:30 in the morning to hear kids talking outside our windows while they are on the way to school.*

*I am writing this because we had an Association meeting today and the residents here want to remedy the situation and asked that we contact the Town Of Union clerk and ask that our situation be presented to your Town Board to see if anything can be done to remedy this.*

*Please get back to us regarding this situation after your November meeting.*

*Thank you,  
Steve Eckert, Member of the Board of Directors  
Morning Ridge Condo Owners Association  
770 Brown School Rd  
Evansville, WI. 53536  
[Doeckerts@aol.com](mailto:Doeckerts@aol.com)  
608-438-9864*

Schneider will call Steve Eckert and discuss the issue. Gruebling noted that there is a path in the area, and that it is public property up to where private property starts, and felt that the property owners should put up a fence on their private property if they want to stop traffic crossing their property. He does not believe that the Town has any responsibility.

Gruebling asked if the Town's equipment is ready for snow. Wisser reported the plow and wing still need to be installed, otherwise the equipment is ready to go.

#### **Board approval of 2012 budget**

Motion to approve the 2012 budget and tax levy as proposed made by Franklin/Gruebling.  
Motion carried by unanimous voice vote.

#### **Recycling Center Update**

The posting kiosk has been installed, and positive comments have been received from residents.

Ylvisaker noted receiving a posting for a local individual who is purchasing batteries and will pick up, if excess batteries are gathering at the Center.

Schneider asked if more gravel needed at the Center; there is still some remaining, per Krueger, which could likely be used to fill more holes in the pad following the recent rain. Wisser noted that the steel recycling dumpster needs to be moved, currently it is too close to the center of the pad and will make plowing difficult.

#### **Approval of 2012 Meeting Date Schedule/Location**

The proposed calendar of meeting dates was reviewed. It was agreed by all to change the date of the November Plan Commission meeting to November 29, as Thanksgiving will be on November 22 in 2012.

Motion to approve 2012 meeting date schedule as amended made by Gruebling/Franklin.  
Motion carried by unanimous voice vote.

Motion to authorize Schneider to spend a reasonable amount to provide refreshments for the November 17, 2011 Towns Association Union meeting to be held at the Evansville Fire Station made by Gruebling/Franklin. Motion carried by unanimous voice vote.

**Pay Bills**

There being no further business to come before the Board, a motion to adjourn and pay bills was made by Schneider/Franklin. Motion carried by unanimous voice vote. Meeting adjourned at 8:26 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.*

<b>TOWN OF UNION BUDGET SUMMARY</b>	<b>Approved Budget 2011</b>	<b>Proposed Budget 2012</b>	<b>% Budget Variation</b>
<b>Expenditures:</b>			
General Government	119,750.43	85,035.88	-28.99%
Public Safety	161,313.01	162,458.39	0.71%
Public Works	192,379.74	201,087.54	4.53%
Health & Human Services	1,250.00	1,250.00	0%
Culture, Recreation & Education	875.00	875.00	0%
Conservation & Development	17,600.00	6,400.00	-63.64%
Contingency Fund	0.00	7,389.46	
Intergovernmental Revenues Redistribution	36,497.44	26,003.44	-28.75%
<b>Total Budgeted Expenditures</b>	<b>529,665.62</b>	<b>490,499.71</b>	<b>-7.39%</b>
<b>Revenues:</b>			
Taxes	46,841.87	34,861.00	-25.58%
Intergovernmental Revenues	169,505.71	159,548.71	-5.87%
Licenses & Permits	20,300.00	19,600.00	-3.45%
Fines, Forfeits & Penalties	50.00	50.00	0%
Public Charges for Services	12,300.00	12,300.00	0%
Other	14,945.00	925.00	-93.81%
<b>Total Budgeted Revenues</b>	<b>263,942.58</b>	<b>227,284.71</b>	<b>-13.89%</b>
<b>Total Expenditures</b>	<b>529,665.62</b>	<b>490,499.71</b>	<b>-7.39%</b>
<b>Balance: Surplus (+) Shortage (-)</b>	<b>-265,723.04</b>	<b>-263,215.00</b>	
<b>Use of Unrestricted Fund Surplus from Previous Year</b>	<b>4,192.04</b>		
<b>Final Tax Levy</b>	<b>261,531.00</b>	<b>263,215.00</b>	<b>0.64%</b>