

**TOWN OF UNION
ANNUAL TOWN MEETING
Minutes of Tuesday, April 10, 2012**

Town of Union annual Town meeting was called to order at 6:32 p.m. on Tuesday, April 10, 2012 at the Evansville Fire Station, 425 Water St., Evansville, WI by Chairman Kendall Schneider. Residents in attendance included Schneider, Supervisor George Franklin, Supervisor Kim Gruebling, Treasurer Sharon Franklin, Clerk Regina Ylvisaker, Kat Edmonds, Cathy Bembinster, and Jim Bembinster. Building Inspector Bob Fahey and Constable Eric Larsen were absent. The Pledge of Allegiance was recited.

Clerk's minutes from 2011 annual meeting

Motion to waive the reading of the Clerk's minutes from the 2011 annual Town meeting made by Kendall Schneider (8104 N. Evansville Brooklyn Rd.)/Kim Gruebling (13396 W. Forest Hollow Rd.). Motion carried by a vote of 8 - aye, 0 - nay. Paper copies of the minutes were available for those interested.

Set date for 2013 annual meeting (April 16, 2013)

Motion to set the date for the 2013 annual Town meeting as April 16, 2013 at 6:30 p.m. made by Kat Edmonds (14506 W. Golf Air Dr.)/Cathy Bembinster (18002 W. Cty. Rd. C). Motion carried by a vote of 8 - aye, 0 - nay.

2011 financial report

Treasurer Sharon Franklin (13847 W. Hwy. 59) and Clerk Regina Ylvisaker (10831 N. Hwy. 14) presented the 2011 financial report.

Schneider explained that the Evansville EMS contract amount is a per capita amount, whereas the Brooklyn EMS contract is 25% of the Brooklyn Fire District contract amount. Four and one-half sections of the Town are located within the Brooklyn Fire District.

George Franklin (13847 W. Hwy. 59) requested that next year the report include detail of the prior year's finances as well for comparison (i.e. report presented in April 2013 will include both 2012 and 2011 totals).

Motion to accept the 2011 financial report as presented by Jim Bembinster (18002 W. Cty. Rd. C)/Cathy Bembinster.

Citizen comment: 5 minutes max/issue

Motion to adjourn the annual Town meeting and move into the regular monthly Town Board meeting by George Franklin /Sharon Franklin.

**TOWN OF UNION
MONTHLY BOARD MEETING
Minutes of Tuesday, April 10, 2012**

Town of Union monthly Board meeting was called to order at 6:42 p.m. on Tuesday, April 10, 2012 at the Evansville Fire Station, 425 Water St., Evansville, WI by Chairman Kendall Schneider. Members in attendance included Chairman Schneider, Supervisor George Franklin, Supervisor Kim Gruebling, Treasurer Sharon Franklin, and Clerk Regina Ylvisaker. Building Inspector Bob Fahey and Constable Eric Larsen were absent. Plan Commission members Doug Zweizig, Alvin Francis, and Renee Exum were also in attendance.

The Board and Clerk Ylvisaker wished to acknowledge and thank Cathy Bembinster for her assistance with Board and Plan Commission meetings, including minute taking and materials distribution, during the Clerk's recent maternity leave. Her assistance was invaluable and very much appreciated.

Clerk's Minutes (March 1, 2012)

Motion to accept the minutes of the March 1, 2012 Board meeting as written made by Schneider/Gruebling. Motion carried by unanimous voice vote.

Treasurer's report

Treasurer Sharon Franklin reported balances as of March 31, 2012:

Local Gov't Investment Pool General Fund	\$	0.00
Park and Recreation Fund	\$	12,445.92
UB&T Money Market Sweep Account	\$	107,518.37
UB&T Checking Account	\$	15,000.00
Wayne Disch Memorial Park Fund	\$	2,538.91
Morning Ridge Stub Road CD	\$	20,561.75
Escrow Accounts:		
Robert Janes/Bakers Crossing	\$	813.77
Teresa Lane:		
Bank of Monticello	\$	1,160.94
Michael Kipp	\$	386.68

Board Action: Budget Line Adjustments if Required

None required.

Constable's report

Constable Eric Larsen was not in attendance. Ylvisaker reported receiving a message from a resident of Cavalier Village Trailer Park on North Highway 14 about a loose pit bull without identification, running through the trailer park and at the homes across the street. Ylvisaker had seen the dog previously on her property and contacted the Rock County Sheriff's Department; she will notify Larsen of the recent report.

Building Inspector's report

Building Inspector Bob Fahey was not in attendance. No permit report was presented for March.

Recycling Center Update

Jerry Krueger reported that they are still trying to alleviate traffic flow problems, and have been debating moving some of the buildings. However, at least one building will not stand moving. Krueger would like a large storage shed that could be used for all storage needs, including signage, gravel/sand, recycling center, etc.

Krueger suggested asphaltting with parking lot grade material. Litter is becoming a problem now as well, and he would like to get a snow fence put up to catch the trash and make it easier to clean up. The litter is mostly recycling,

which blows when it is dumped by the waste hauler and also catches in the wind when the dumpsters are full. Krueger would like to meet with the Board at the center on a Saturday to discuss the issues on site.

Follow Up Reports

Gruebling reported attending the recent Towns Association meeting learned about fracking and posting for load limits on roads during spring thaw. He believes the Town should be posting our roads to prolong the life of our roads. The Town of Center posted all their roads for several weeks this year during the thaw. Krueger stated that the Town can post that the roads are "zoned" which means the Town must be contacted before anything is hauled.

Gruebling was also certified for Board of Review at the meeting. Overall he felt the meeting was worthwhile.

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

Schneider reported that the Evansville Fire District Board met last week and changed the use fees for the building: full days are now \$140, meetings less than 3 hours are \$60, meetings over 3 hours will be charged the full day rate.

Roadwork/Snowplowing

Franklin reviewed the Town roads with Jim Herrling from Crack Filling Service and presented to the Board the proposal for crack filling:

Roads to be crack filled include:

- Franklin Road, E. Union Road (Murray Rd. to Hwy 59)
- Territorial Road (Bullard Rd. to Cty M)
- Cemetery Road (Territorial Rd. to Evansville city limits)
- Teresa Lane

Total cost: \$16,400. The proposal was not broken out by price per road.

Franklin noted they also looked at the east end of the Leedle Mill Bridge, and Herrling thought that if the potholes were filled and then sealed it would last for a while.

Franklin talked to Nels in Rutland, and Rutland will assist the Town with grader patching as they have some equipment for it and are willing to help. They will meet further to work it out.

Josh Wisner reported that after the turn going south on Old 92, there is a cement box culvert, 36" wide, that has a cracked end and the road is starting to break out due to the cracks. The culvert needs replacement. Additionally, a culvert on N. Union Road just north of Holt Road has one side sliding down into the ditch and as a result the road is beginning to dip; Franklin states it is unable to be sleeved. Schneider stated bridge and culvert aid is available for those over 36"; this is only a 15" culvert. An extension will be installed on a culvert on Holt Road, near Frautschi farm.

Franklin received a call that Stoughton Trailers was hauling empty trailers from Evansville to Stoughton from Cty. M to Tupper Road, to Murray Road, to N. East Union Road, to Hwy. 59. Franklin located the Stoughton Trailers truck and stopped it. He spoke to the driver and asked him why he was on those roads; the driver stated he was unfamiliar with the area and wouldn't be back on the roads.

Gruebling feels that more communication is needed for snowplowing. At one point when Franklin and Schneider were gone, Gruebling had instructed Wisner to hold off on subdivisions as the snow was melting, and the roads were clear by noon. However, Footville Trucking was out plowing the Town roads that morning. Gruebling didn't receive any calls from any subdivision residents complaining about the lack of plowing. Regarding plowing, Wisner noted that Al Miller would like to meet with the Town sooner rather than later regarding snowplowing, as the contract terminates September 30, 2013.

Schneider thinks that a significant amount of sealcoating will be needed this year.

Appointment of Plan Commission, Board of Adjustment and Parks & Trail Committee Members

Members whose terms are expiring include:

- Plan Commission: Renee Exum, Doug Zweizig

- Board of Adjustment: Ray Weigand, Scott Fredrickson
- Parks & Trails Committee: Malcolm Hull, Ed Levin

Motion to reappoint all members whose terms are expiring by Schneider/Gruebling. Motion carried by unanimous voice vote.

Scheduling of Parks & Trails Committee Meeting

Schneider will work on scheduling a meeting.

Board Action: Approval of Operator Licenses: Katy L. Bronson, Geneo’s Wild Ride Saloon

Motion to approve contingent upon receipt of copy of responsible beverage servers training certificate made by Schneider/Gruebling. Motion carried by unanimous voice vote.

Public Hearing: Review and Action on Request made by Prairie Home LLC, 5440 Willow Rd., Ste. 101, Waunakee, WI 53597 to separate off 3.4 acres from the existing 156.4 acre parcel, 6-20-32, located at 17202 W. Holt Rd., Brooklyn, WI in the SE ¼, NW ¼ of Section 5. The resulting 3.4 acre parcel would be rezoned A-3 and the parent parcel would remain A-1. The Plan Commission recommended that approval be contingent upon receipt of a conversion fee and the receipt of a deed restriction restricting any further development on the 153 acre parcel.

Public hearing opened at 7:16 p.m.

Nick Ladopolous was in attendance and explained that the request is to separate the parcel, and have closed on the sale of the farmland. The land which may be deed restricted is no longer his, it has been sold, but he would request that there be no deed restriction placed upon it.

Public hearing closed at 7:18 p.m.

Gruebling abstained from the discussion and vote as he stated he may have a conflict of interest.

Franklin asked if the ag land conversion fee is still in place; the Board did not think it was still in place.

Franklin does not understand why a deed restriction is required; any rezoning or land divisions would require a return to the Plan Commission and Board. Schneider also does not see a need for the deed restriction. Doug Zweizig stated the recommendation for the deed restriction comes from the Plan Commission, and results from objectives laid out in the Town’s Comprehensive Plan to prevent creeping development. Further, Zweizig clarified that it is incorrect that the owner would have to come back to the Town for any further changes to the property, as they would be able to build a home on the 153 acre parcel without coming back to the Town for approval. He explained that the Commission has been utilizing deed restrictions as a tool to prevent creeping development in areas that they don’t want development per the Comprehensive Plan for some time now. Schneider understands that the Commission does not want to create spotty development. Zweizig would like the Board to give the Commission direct guidance if they would like them to change their practices. Schneider asked if deed restrictions are specifically stated in the Comp Plan as a mechanism for limiting development; Zweizig stated that it is the mechanism that the Commission has been using to achieve the goals of the Comp Plan. He would like some explicit guidelines from the Board if they are changing direction on their practices regarding following the Comp Plan.

Motion by Franklin/Schneider to approve request made by Prairie Home LLC, 5440 Willow Rd., Ste. 101, Waunakee, WI 53597 to separate off 3.4 acres from the existing 156.4 acre parcel, 6-20-32, located at 17202 W. Holt Rd., Brooklyn, WI in the SE ¼, NW ¼ of Section 5, with the resulting 3.4 acre parcel rezoned A-3 and the parent parcel remaining A-1. The approval is contingent upon receipt of a deed restriction restricting any further development on the 153 acre parcel.

Roll call: Kendall Schneider – Yes; George Franklin – Yes; Kim Gruebling – Abstain. Motion carried 2-0.

Public Hearing: Review and Action on Request made by Kathy Edmonds, Trustee of the Hans Kleisch Trust & Tillie Kleisch Trust, 14506 W. Golf Air Dr., Evansville, WI to change the zoning and divide the parcel, #6-20-119, located at 9827 N. Hwy. 14 and 9813 N. Hwy. 14, Evansville, WI. The applicant requests that the existing 111.8 acre parcel be divided and rezoned as follows: (1) 1 acre lot zoned Rural Residential, (1) 5 acre lot zoned A-3, and (1) ~108 acre lot zoned A-1. The Plan Commission Recommended Conditional Use

Separations for the 1 and 5 acre lots, and a Deed Restriction allowing no further residential development on the 108 Acre Parcel at their March 29, 2012 Meeting.

Public hearing opened at 7:28 p.m.

A letter received from Kevin Klahn, potential purchaser of the 108 acre parcel, was received by the Board. He felt that a deed restriction was unnecessary and had been applied inconsistently throughout the Town.

Kat Edmonds noted that the Jorgenson property divided in 2009, into a large farmland parcel and a 10 acre lot with a home, did not have a deed restriction placed on the farmland parcel and questioned why one would be required for this request as it is similar in nature and location.

Alvin Francis expressed his concern about the precedent set by deed restrictions, as he is the most opposed to requiring deed restrictions on farmland on the Plan Commission. He was hoping the farmland preservation program would deal with the issue and it hasn't happened. Schneider stated that future growth areas have not been addressed between the City of Evansville and the Town; the land in question is on the Town's future land use map for future commercial growth. Francis feels the size argument doesn't convince many people that a deed restriction is unnecessary. Zweizig clarified that regarding removal of the deed restriction, legal counsel advised that when it's in the Town's best interest the deed restriction could be reversed or removed.

Public hearing closed at 7:45 p.m.

Motion to approve the request made by Kathy Edmonds, Trustee of the Hans Kleisch Trust & Tillie Kleisch Trust, 14506 W. Golf Air Dr., Evansville, WI to utilize conditional use separations to change the zoning and divide the parcel, #6-20-119, located at 9827 N. Hwy. 14 and 9813 N. Hwy. 14, Evansville, WI as such: the existing 111.8 acre parcel be divided and rezoned into (1) 1 acre lot zoned Rural Residential, (1) 5 acre lot zoned A-3, and (1) ~108 acre lot zoned A-1 made by Franklin/Gruebling.

Gruebling believes in the past applicants have been separating off old farm buildings to allow for a new home to be built and the remaining land is deed restricted. In this case the existing homes are being separated off and were there, and will still be there if the Town does nothing and does not approve the request. If a further division is requested for the 108 acre parcel a deed restriction could be discussed at that time.

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

Public Hearing: Review and Action on Extension of Conditional Use Permit held by Larry & Bonnie Luchsinger for a wireless telecommunications tower and facility located on parcel #6-20-224A in the NE ¼ of Section 26 along Cty. Rd. M. This is an existing Conditional Use Permit last approved in March 2007 for a period of 5 years; the Plan Commission recommended a 1 year extension at their March 29, 2012 meeting.

Public hearing opened at 7:51 p.m.

Franklin questioned why the Plan Commission recommended extending the permit for only one year. Schneider explained that the recommendation was due to the telecommunications ordinance currently being drafted, and the possible impact it may have on the tower once it is in place.

Public hearing closed at 7:52 p.m.

Gruebling noted that this is a review, not a renewal, per Town Attorney. There have been two reviews and no complaints, and therefore no basis to deny renewal or bring action against the permit holders. Franklin felt there was no reason not to extend the permit for an additional 5 years, as there have been no complaints or other problems with the tower in the prior 5 years. He doesn't like the idea of requiring permit holders to appear before the Board more often than necessary.

Motion to extend the Conditional Use Permit held by Larry & Bonnie Luchsinger for a wireless telecommunications tower and facility located on parcel #6-20-224A in the NE ¼ of Section 26 along Cty. Rd. M for a period of 5 years, noting there have been no complaints during the prior 5 year permit period, made by Gruebling/Franklin.

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

Clerk Ylvisaker will contact the Luchsingers to inform them of the Board's decision.

Update of Plan Commission Progress on Telecommunications Ordinance

Schneider noted that there was a recommendation made by the Plan Commission to enter into an agreement with the Center for Municipal Solutions (CMS) and it is the next agenda item.

Board Action: Request by Plan Commission for Board enter into an agreement with the Center for Municipal Solutions for the purpose of developing a telecommunications ordinance

Francis stated that the Commission felt that entering into such an agreement would be the best way to proceed. Following Board approval, it appears that CMS would meet with the Plan Commission and Board once to discuss the needs of the Town. Following discussions with Litewire, AT&T, and others the Plan Commission came to this conclusion. Francis believes it would not take long for CMS to develop the ordinance. Schneider noted that public hearings on the final ordinance would still be needed. June is likely the earliest it could be completed.

Gruebling has spent a lot of time reading about CMS, and talking to people from CMS, and some of what CMS told him conflicts with what the Town Attorney has told the Board. There also seems to be conflicts between what CMS proposes and FCC regulations. Gruebling located a court case in southern New York in which the city had to refund some fees to applicants due to inflating fees, possibly in an attempt to profit from the applications. Gruebling believes it would be a huge mistake to go to CMS for the ordinance draft, as their proposals seem to good to be true. The research he has done has been negative. He wouldn't hire them for himself personally and wouldn't recommend hiring them for the Town. Franklin has also not heard anything good about CMS and agrees with Gruebling. He is not in favor in hiring anyone.

Motion to not contract with the Center for Municipal Solutions for the purpose of developing a telecommunications ordinance made by Gruebling/Franklin.

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

Public Hearing: Review and Action on Extension of Ordinance 2011-03, An Ordinance to Impose a Temporary Stay on Construction of Towers and Antennas in the Town of Union. *The current moratorium expires on April 17, 2012; the Plan Commission recommended a 6 month extension at their March 29, 2012 meeting.*

Public hearing opened at 8:06 p.m.

Zweizig clarified that the Plan Commission recommended that the Board adopt either a 6 month extension or whatever length of time suggested by CMS if they were contracted. He had noted at the Plan Commission meeting that short timelines for moratorium extensions had not gotten a favorable outcome in development of the ordinance.

Steve Ritt, AT&T: their position at this point is that they would like to see the moratorium end as soon as possible. They also realize that it needs to coordinate with an ordinance that works for processing applications, and believes the draft is workable. He doesn't see the process continuing for another 6 months.

Francis believes at least one more Plan Commission meeting would be needed to make any further changes to the ordinance; Schneider noted this would actually result in a two month extension as a public hearing would be needed.

Public hearing closed at 8:09 p.m.

Schneider was hoping to get the ordinance completed in a short time frame, which has not worked out thus far. Feels the ordinance is close to finalized and thinks two months of extension would be ok.

Gruebling thinks the Board should accept the ordinance as the Plan Commission has drafted thus far and have the Board complete the final version. The Board is aware of the concerns the Plan Commission has. Franklin noted that on Wednesday the Board is meeting with Litewire at 6 pm at their offices to discuss their concerns. Franklin met with AT&T last Thursday and had a good discussion, and he feels that they are not trying to write the ordinance for the Town but there are things in the ordinance that the Town simply doesn't know anything about. Franklin agrees with Gruebling and thinks in two months the ordinance can be completed.

Motion to thank Plan Commission for their time and effort spent drafting the ordinance, charge the Board with completing the ordinance, and extending the current moratorium for a period of 60 days made by Gruebling/Franklin.

Gruebling clarified that any meetings the Board holds regarding the ordinance will be working meetings, open to the public but not necessarily open to public comment. He would hope that members of the Plan Commission would attend in case the Board has questions.

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

Scheduling of Board Meeting with AT&T to Discuss Telecommunications Ordinance

The Board will meet at 6 pm on Monday, April 16 at the home of George & Sharon Franklin. Ylvisaker will provide 10 copies of the most current draft of the ordinance so all parties are looking at the same document when discussing.

Public Hearing: Adoption of Ordinance 2012-03, An Ordinance to Extend Town Officer Terms In Response to Election Law Changes

Public hearing opened at 8:20 p.m.

Ylvisaker explained that due to recent election law changes, the terms of town officers elected in 2010 and 2011 needs to be extended one week, otherwise there will be no elected officials in place between the end of the current term and the beginning of the next term.

Public hearing closed at 8:21 p.m.

Motion to adopt ordinance 2012-03, An Ordinance to Extend Town Officer Terms In Response to Election Law Changes made by Gruebling/Franklin.

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

Board Action: Review and Selection of Parkland and Cemetery Mowing Bids for 2012-2013

Two bids were received and opened at the meeting:

Julie & Brad Shoemaker: \$2,250 for 2012-2013, including mowing and trimming. Have 30 years experience.

Cliff Muchow: \$300 each season for 2012-2013. Also does fall leaf clean up and branch pick up.

Motion to accept the bid received from Cliff Muchow, in the amount of \$300 per season, made by Franklin/Gruebling. Motion carried by unanimous voice vote.

FEMA/Disaster Training

Motion to send Gruebling to FEMA, disaster, and related training as needed made by Franklin/Schneider. Motion carried by unanimous voice vote.

Pay Bills

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

Respectfully submitted by Clerk Regina Ylvisaker

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