

**TOWN OF UNION
MONTHLY BOARD MEETING
Minutes of Thursday, May 3, 2012**

The Town of Union Board monthly board meeting was called to order at 7:00 p.m. on Thursday, May 3, 2012 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, and Clerk Regina Ylvisaker. Building Inspector Bob Fahey and Constable Eric Larsen were not in attendance. Plan Commission Chairman Alvin Francis was also in attendance.

Clerk's Minutes (April 10, 2012)

Motion to approve the minutes of the April 10, 2012 monthly Board meeting as written made by Gruebling/Franklin.
Motion carried by unanimous voice vote.

Treasurer's report

Treasurer Sharon Franklin reported balances as of April 30, 2012:

Local Gov't Investment Pool General Fund	\$	0.00
Park and Recreation Fund	\$	12,447.38
UB&T Money Market Sweep Account	\$	82,969.77
UB&T Checking Account	\$	15,000.00
Wayne Disch Memorial Park Fund	\$	2,539.22
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	\$	386.97

Board Action: Budget Line Adjustments if Required

No action required.

Constable's report

Constable Eric Larsen was not in attendance and no report was provided.

Building Inspector's report

Building Inspector Bob Fahey was not in attendance. March and April permits were read in by Chairman Schneider and Clerk Regina Ylvisaker.

Date	Permit #	Parcel #	Name	Address	Description	Construction Cost
4/13/2012	12-4-B	6-20-370.67	Tim & Kathryn Ehlenfeldt	7401 N Morning Meadow Ln	Deck	\$ 4,500.00
3/30/12	12-3-B		Richard & Carol Franklin	11059 N East Union Rd.	Grain Bin (30' diameter)	\$ 38,000
			Kathy Edmonds/Kleisch Trust	9813 N. Hwy. 14	Zoning/Land Division	
			Leo Sendelbach	8026 N. Hwy. 14	Zoning Change Request	
3/1/12			Double D Builders/Jeremiah & Erika Young	6538 N. South 6 th St.	Occupancy of New Home	
			Scott Ringhand Variance	10019 N Crocker Rd	Building setback (Approved 4-27-12)	
			Leederland Farm Variance	17403 W Croft Rd	Building setback (Approved 4-27-12)	

Recycling Center Update

Jerry Krueger reported a busy month. Typical summer maintenance is needed at the Center when the weather is appropriate. Another load of gravel is coming to fill in potholes.

Follow Up Reports

George Franklin asked that Ylvisaker notify him of what DATCP intends to do with ag land conversion fees when land is not divided as intended, i.e. Davis property.

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

No comments.

Roadwork

Following discussion a motion to approve the following crack filling bid was made by Franklin/Schneider:

- Franklin Road, E. Union Road (Murray Rd. to Hwy. 59) \$2,200
- Territorial Road (Bullard Rd. to Cty M) \$6,500
- Cemetery Road (Territorial Rd. to Evansville city limits) \$2,700
- Teresa Lane \$100

Total cost: \$16,400.

Motion carried by unanimous voice vote.

Motion by Schneider/Franklin to approve bid from Scott Construction to perform work on Franklin Road for \$16,700 and Crocker Road/Evansville-Brooklyn Road for \$7,200. Motion carried by unanimous voice vote.

Franklin reported shouldering has been done in Crull Court and at the corner of Old 92 that always washes out.

Ylvisaker reported receiving an email from a resident on Bullard Road, who was concerned about speeding and the lack on speed limit signage on the road. Schneider explained that the only time speed limit signs are posted on town roads are when the speed is less than full speed (55 mph). Bullard Road is a full speed road. Ylvisaker had recommended to the resident contacting the Rock County Sheriff's Department regarding excessive speeding and will reiterate this suggestion again along with the information provided by Schneider.

Scheduling of Parks & Trails Committee Meeting

Schneider reported a meeting has not yet been scheduled. Kim Gruebling noted that Wayne Disch Park is not maintained well, and is in need of trimming, sand, and general upkeep. Volunteers have been handling mowing the park thus far but it is a lot to keep up with and a lot to ask of them. Gruebling suggests that the town should be doing more maintenance as it does in Francis Park and should budget accordingly next year.

Reconsideration of motion made regarding the 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.

Schneider explained that at the last Board meeting, the request was approved and the parcel was divided with a deed restriction placed on the 156.4 acre parcel. There has since been some debate regarding the consistency of prior decisions related to deed restrictions on other parcels that had been made before, and some felt that the deed restriction should be removed.

Motion to reconsider the original motion, and remove the deed restriction on the 156.4 acre parcel made by Franklin/Schneider.

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

Public Hearing: Review and Action on Request made by Leo Sendelbach, 333 Lincoln St., Evansville, WI to change the zoning classification of a portion of parcel #6-20-192, located at 8026 N. Hwy. 14, Evansville, WI. The applicant requests 1 acre of the total 72 acre parcel be rezoned B-1, with the remaining 70 acres retaining A-1 zoning. Additionally, an amendment to the comp plan adding the land under consideration (1 acre) into

the commercial future land use category was recommended by the Plan Commission in conjunction with this request.

Public hearing opened at 7:22 p.m.

Renee Exum asked if the Town's comp plan would be amended prior to the zoning being changed; Schneider indicated it would be.

The individual present representing the applicant stated that Symdon Chevrolet plans to add an addition on to the existing building and store vehicles on the lot, and may use the lot to sell used cars in the future.

Schneider explained that the lot is where CR Stone was located for the last few years.

Public hearing closed at 7:25 p.m.

Gruebling noted that not including this parcel as commercial future land use in the Town's comp plan was likely an oversight, as it has been used as commercial for years prior to the creation of the comp plan. As such, he views the amendment as more of a correction to the comp plan.

Motion to amend the Town of Union Comprehensive Plan, adding the land under consideration (1 acre) into the commercial future land use category made by Gruebling/Franklin.

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

Motion to approve the request made by Leo Sendelbach, 333 Lincoln St., Evansville, WI to change the zoning classification of a 1 acre portion of parcel #6-20-192, located at 8026 N. Hwy. 14, Evansville, WI to B-1, with the remaining 70 acres retaining A-1 zoning, 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 Request made by Alvin Francis, 17226 W. Cty. Hwy. C, Evansville, WI 53536 to separate off 2 acres from the existing 40 acre parcel, #6-20-252, located in the SE ¼ of Section 30. The parent parcel would retain A-1 zoning, and the new 2 acre parcel would be zoned A-1 under a conditional use separation. *This request was tabled by the Plan Commission at their April 26, 2012 meeting.*

Motion to table request until next month by Gruebling/Franklin. Motion carried by unanimous voice vote.

Discussion: Meeting and Polling Place Locations

Schneider explained that there has been an increase in fees for use of the fire station, and consequently there has been discussion regarding alternative locations that would be less expensive to use. Other options may have issues with accessibility, storage, etc.

Franklin reported speaking with Jerry Dean, pastor of Faith Community Church located within the Brown School Road Plaza, who said there would be no problem meeting there and the cost would be \$20-25 per meeting. However, there is no storage for voting equipment at the site. Franklin will request that Dean attend the next meeting to discuss the issue.

Board Action: Pollworker Wages

Clerk Ylvisaker explained to the Board that currently, both pollworkers and chief inspectors earn \$10 per hour. Chief inspectors are required to obtain much more training than pollworkers, maintain their training, and are in charge of the elections on election day. Given the disparity in duties, and the fact that there are many more elections this year than usual which is causing budgetary problems, Ylvisaker would like to request that pollworker wages be reduced to \$7.50 per hour, with chief inspector wages remaining \$10 per hour. The pollworkers she has spoken with have no problem with this change.

Motion to change pollworker wages to \$7.50 per hour, and retain chief inspector wages at \$10 per hour, effective with the next election made by Gruebling/Franklin. Motion carried by unanimous voice vote.

Discussion: Development of Telecommunications Ordinance

Gruebling had distributed information to the Board regarding concerns about the application and the ordinance; also had discussed having a third party involved which he feels is a good idea. However the company suggested (CMS)

was not one he was comfortable with following his own research. Gruebling located a company in Wisconsin, Evans & Associates, that could write the ordinance for us or review our draft. It appears they would do it for \$2,000; the Town has already spent \$13,000 on the ordinance. No matter what the Town will have to have someone review it. Gruebling has talked to Dane County and AT&T and they have both used Evans & Associates and had positive experiences. He believes they may be a good option.

Schneider stated that one of the things he has discovered is that everyone should take ownership in the ordinance and it should be developed that way. Much like when the Town developed its comp plan, public input is important. With a three person board, it may appear at times that things aren't being done properly.

Schneider noted that the FCC rules allow the Town to charge for professional services. The FCC also regulates that the Town treat all providers the same way, so it is imperative that the Town handle ordinance development with this in mind. Schneider assured all in attendance that they would have a chance to speak.

Opened for public comment at 7:38 p.m.

Daria O'Connor: a number of residents in her neighborhood met and discussed their concerns about a lack of voice in the ordinance process, and decided to draft a petition and see if other people in the Town felt the same way. The petition received 89 signatures in 6 days. The petition was read in by O'Connor:

PETITION FOR TELECOMMUNICATIONS TOWER ORDINANCE CITIZEN REVIEW COMMITTEE

To: Town of Union Town Board

We, as taxpayers, landowners and electors of the Town of Union, Rock County, Wisconsin, petition the Town of Union Town Board to establish a Citizen Review Committee in the Town of Union Telecommunications Tower, Antenna, and Facilities Siting Ordinance. The purpose of the Citizen Review Committee is to facilitate the planning process, review applications, and ensure that telecommunication, television and radio towers over 199 feet are appropriately sited in a location that will preserve the rural character of the township, minimize adverse visual and sound effects, protect scenic view sheds as depicted in the Town of Union Comprehensive Plan, protect property values, and protect the welfare of taxpayers to the extent allowed under Federal Communications Commission regulations.

O'Connor explained that their biggest concerns are not having input in the development of the ordinance, and the handling of towers over 199' because of the requirements of lights on towers of that height. O'Connor requested that the petition be reviewed and considered by the Board.

Mike Exum: Gruebling continues to state that the draft ordinance and sample ordinances are too long, however it is his understanding that the draft ordinance the Plan Commission worked from is the one in use by Iowa County and is one that is now considered too long. Regarding courting AT&T, Exum feels that the process of writing the ordinance is being confused with the process of setting the rules for all of us. AT&T doesn't live here, and their attorney doesn't live here. A whole meeting was held at Supervisor Franklin's house with AT&T and their attorney sitting at the table, while concerned residents haven't had anything similar. The attorney for AT&T will know what he wants in the ordinance, but is that what is best for the Town? Exum noted that the same attorney that represents Magnum Communications whose tower was turned down in Rutland also represents AT&T, and the circle that covers that tower includes land that is owned by George Franklin and Tim Franklin. When meetings are held at their home it gives an impression of impropriety.

Mary Libby: why aren't the third party companies, such as CMS, put up for bid instead of having the decision made by Gruebling, per the minutes from last month's Board meeting?

Rich Templeton: why isn't the tower being put on Township land? The Town could certainly use the money. Doesn't think that the height is an issue, nor is lighting.

Paul Case: Regarding discussing the issue of having someone else look at the ordinance other than AT&T, he agrees with that because he thinks someone else does need to review it. Adding just a couple thousand to the total bill is worth it.

Tom Sayre: Was approached about putting a tower on the Ripp property, and thought they made a fair offer. Wonders who doesn't use a cell phone now in the audience? He has purchased another property in another township that has a 1300' tower on it, and he doesn't think that it detracts from anything and hasn't heard any complaints yet. Sayre believes that people will get used to living next to a tower just like an airport or railroad.

Mary Libby: has anyone checked with the school, fire department, etc. to see if towers could be located on their buildings? Libby explained she swims in Oregon and has talked with some women there who stated that they put antennas on the school and it has made money for the school.

Tim McGee: doesn't like the idea of the companies sitting down with the Town to write the ordinance, that is his only problem. Wishes there were wind turbines in the Town. Doesn't mind people making money.

Renee Exum: as a former Plan Commission member, provided background about how the ordinance came to be where it is now. The Commission did collect sample ordinances, reviewed them at a meeting, and the Town's engineer suggested using Iowa County's ordinance. The Commission added some things to it, one being the master plan concept as they discussed it with AT&T at a meeting and they were agreeable to it. The licensing section was included as a means to track smaller antennas. The Commission wanted to encourage towers under 199' to limit lights, and wanted to streamline the application process for shorter towers to encourage their use.

Ben Ladick: at the last Evansville City Council meeting, the concept of forming joint action committees with the Town to address issues such as this as a means of saving money was brought up. Then one municipality wouldn't have to foot the entire bill when drafting ordinances such as this.

Alvin Francis: Tom Sayre came to see him when he first got the offer for the tower. In hindsight, by last August the Commission would have been better off hiring a consultant at that time. Francis doesn't fully agree with Gruebling's analysis of CMS, but he does agree that more expert advice is needed on the issue. He would like to site a tower on Town property, but AT&T has been adamant that their propagation studies show where they can best be located. At the April 16 meeting, he thought it was interesting that the AT&T representative seemed to be influenced by our ordinance and conceded several things, including having a third party verify their application, and regarding Begley not approaching the City of Evansville as he had previously stated he had. The AT&T attorney stated that a tower under 199' may require a second tower in Evansville.

Mike Exum: Regarding meeting with companies, the Town has met with one, are they going to meet with others? Will the Town be put at risk if they don't meet with others?

Mary Libby: on page 6 of the minutes from the last meeting, regarding the meeting of Franklin with AT&T, were any minutes taken? Franklin stated no minutes were taken, and he would report on the meeting following the public comment.

Daria O'Connor: did Gruebling state he wanted to get bids on consultants? Gruebling clarified that he did not, he stated that he didn't like the contractor that the Commission had offered. When he did research on them and talked to them, right away some of their information started conflicting with what the Town's attorney had told them. He located another consultant in the state. Gruebling felt that emotions are getting in the way and people have to remember that a lot of these areas are covered by the federal government, and both the Town and wireless companies have to follow the laws. Gruebling will call any companies that are suggested to him, and speak with references and conduct research. He noted that there have been several extensions of the moratorium, and the current moratorium is now delaying an application and he is concerned that the Town may be in federal court if the Town continues to delay the process. Would like to cite on Town property but the companies seem to not be interested. There seems to be the potential to limit tower heights to 199' unless it is not feasible, in which case the applicant needs to make their case for a taller tower. Gruebling understands residents' concerns about lights on towers. He believes that by contacting Evans & Associates the Town will be better off, as we will have a chance to express our concerns to the company and then get the ordinance done. Even if the Town writes their own ordinance it will still need review. O'Connor agrees that the Town should get an independent expert, and questioned if Evans & Associates was recommended by AT&T. Gruebling stated they were. That fact was concerning to O'Connor. Gruebling noted that the company would be an independent third party, paid by the Town. O'Connor also researched CMS and saw some litigation related to the company, but there were also people, i.e. in Kohler, who were happy with them. She felt that a business can't do the volume of work they do and not have someone unhappy with them.

Schneider has spoken mainly with AT&T engineer Jim Jermain, and was surprised that the Town's questions to Shane Begley were not transferred back to AT&T and Begley had not contacted the City of Evansville to any great extent regarding locating towers in the City. Some of the delay in the Commission's process may have been caused by Begley.

Franklin explained that at the meeting he had with AT&T he learned about cell towers and how they work, how they are sited, that the ground at the recycling center is probably not stable enough to support a tower, and that you can stand under a cell tower and be perfectly safe because the radiation goes out, not up and down. He would like to know when he said that he was going to let AT&T write the ordinance for the Town? Mike Exum clarified that Franklin may not have said it, but approving a particular application is being confused with the development of an ordinance. Getting information from a potential applicant for an ordinance is conflicting.

Schneider stated that he met with Jim Jermain and Heidi Carvin from Evansville Schools this past Tuesday night, regarding locating towers on schools, and also took them to the Disch farm where a gravel pit was formerly located as a possible tower location. The idea was positively received by Carvin.

Mary Libby: when an attorney for AT&T sits down and hands down a draft of our ordinance that has been edited, he is essentially writing it.

Alvin: would encourage the Board to get going on contacting a consultant, as it will take some time.

Exum suggested contacting WTA to see if they have any suggestions about third party consultants to work with.

Franklin noted that whoever builds a tower here, it will be in someone's backyard. Schneider stated that given that, having the proper regulations in place is important.

Gruebling stated that if anyone had any ideas for other engineering firms to contact he would appreciate receiving contact information, however he would need at least a week to look at it and research. He would ask that any company he researches should be specialists in this area. O'Connor asked if Gruebling would he be willing to have CMS come to a meeting and make a presentation to the Board; Gruebling has talked to CMS on the phone and has made the decision that he doesn't want to go with them. Schneider would have no problem with their attendance at a meeting.

Schneider noted that the Town does have a timeline for completing the ordinance. The Board wants public participation in the process, and will meet at the fire station when available and will have open discussions from this point forward regarding ordinance development. Schneider believes the Board should meet again in two weeks, and suggested May 17. He has some things he would like to add back in to the definitions section of the ordinance. Additionally, the application process needs to be addressed. It was agreed that the Board would meet again on May 17 at 7:00 p.m. at the Fire Station.

Pay Bills

There being no further business to come before the Board a motion was made to adjourn and pay bills by Schneider/Gruebling. Motion carried by unanimous voice vote. Meeting adjourned at 8:25 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.