

TOWN OF UNION
Monthly Board Meeting
Minutes of December 6, 2012

The Town of Union Monthly Town Board Meeting was called to order by Chairman Kendall Schneider on Thursday, December 6, 2012 at 7:00 p.m. at the Evansville Fire Station, 425 Water St., Evansville, WI. Members in attendance included Chairman Schneider, Supervisors George Franklin and Kim Gruebling, Treasurer Sharon Franklin, Clerk Regina Ylvisaker, and Constable Eric Larsen. Plan Commission member Dave Pestor was also in attendance. Building Inspector Bob Fahey was absent. The Pledge of Allegiance was recited.

Clerk's minutes (November 13 & 15, 2012)

Motion to approve the minutes of the November 13, 2012 and November 15, 2012 Board meetings as written made by Franklin/Gruebling. Motion carried by unanimous voice vote.

Treasurer's report

Treasurer Sharon Franklin reported the following balances as of November 30, 2012:

Local Gov't Investment Pool General Fund	\$	0.00
Park and Recreation Fund	\$	12,459.43
UB&T Money Market Sweep Account	\$	14,374.72
UB&T Checking Account	\$	15,000.00
Wayne Disch Memorial Park Fund	\$	2,727.09
Morning Ridge Stub Road CD	\$	20,633.91
Escrow Accounts:		
Robert Janes/Bakers Crossing	\$	813.77
Teresa Lane:		
Bank of Monticello	\$	1,160.94
Michael Kipp	\$	386.97
Mastec, LLC	\$	4,594.95

Board Action: Budget Line Adjustments if Required

Motion to surplus funds from General Government, Health & Human Services, and Culture, Recreation & Education to Public Works made by Schneider/Gruebling. Motion carried by unanimous voice vote.

Board Action: Levy Limit Increase to Service General Obligation Debt

Clerk Ylvisaker reported that the Board has authority to increase the amount of the tax levy up to the amount of the general obligation debt which will be serviced during 2013. The amount of general obligation debt which is scheduled for payment in 2013, for the loader loan payment, is \$24,172.94.

Motion to increase tax levy limit \$24,172.94, for a total tax levy of \$288,312.94, made by Schneider/Franklin. Motion carried by unanimous voice vote.

Constable's report

Kim Gruebling reported talking with the Town of Fulton, and at this point it appears Beloit and Janesville will be using the Dane County Humane Society services during 2013. However, the DCHS is not ready to accept animals from all Rock County townships. Gruebling suggested the Town sign the contract with Rock County Humane Society for 2013.

Motion to authorize Constable Eric Larsen to sign the 2013 service contract with the Rock County Humane Society made by Gruebling/Schneider. Motion carried by unanimous voice vote.

Constable Larsen reported receiving one call during November; he returned the call and left a message, and never heard back. Assumed the situation was resolved.

Building Inspector's report

In the absence of the Building Inspector, Treasurer Sharon Franklin read in the report:

Date	Permit #	Parcel #	Name	Address	Description	Permit Fee \$
11/12/2012	**12-23-B		Norm Paulson (**out of sequence for permit #)	7801 N 5th St	Demolition permit	\$ 60.00

Public Comment

Rock County Sheriff's Deputy Barr was in attendance, and spoke with regard to Geneo's Bar and problems with citizen complaints, shots fired, etc. Sgt. Egger had met with the Town Board and owner Gene Heiman, and items were put into place to address the concerns. The Sheriff's Department went to the establishment for a bar check last Friday and Heiman wouldn't let them in; the Deputies had to call for assistance and eventually were let in. Gruebling stated that it is a violation to refuse entry to officers, and Heiman has had warnings. At this point he thinks that the Board should consider moving forward with revocation as he is not cooperating. Schneider stated there is a bar in Janesville that they put sanctions on which seemed to take care of similar issues, but those sanctions on that particular establishment will be coming off this week and will see how things go. Gruebling suggests putting the issue on the agenda for the January meeting, sending a letter to Heiman stating that the issue will be on the agenda next month and recommending he appear.

Deputy Barr reminded citizens to keep outbuildings, vehicles etc. locked during the holiday season to avoid any burglaries or other problems.

Recycling Center Update

Jerry Krueger reported an average month. Ylvisaker reported contacting various entities regarding tire recycling/disposal, with the most reasonable option being the Janesville landfill which accepts tires for \$200/ton.

Motion to approve disposing of tires at the Janesville landfill made by Gruebling/Franklin. Motion carried. Ylvisaker will check on the billing situation.

Board Action: Rock County Humane Society Stray Animal Contract 2013

Addressed earlier.

Public Hearing: Review and Action on Request made by Tom and Donna Sayre, 5911 W. Pomeroy Rd., Edgerton, WI for a Conditional Use Permit allowing the installation of a cellular tower on parcel #6-20-171, located in the SW ¼ of Section 21 at 16326 W. Cty. Rd. C, Evansville, WI. The proposed tower is 199' above ground level.

Public hearing opened at 7:24 p.m.

Peter Hansen, 16114 Cty. Rd. C.: did not receive answers to questions raised at last week's Plan Commission meeting, including the issue of the tower being in the flight path of MedFlight, and the Plan Commission not understanding the propagation maps provided by Evans

Associates. Hansen also believes the question of whether a 250' tower at the recycling center would provide the same amount of coverage has not been adequately addressed. Although the alternatives analysis may not be required in the ordinance, it reads as though it is in several sections. He feels the intent of the Board when requesting an alternatives analysis was to get detailed information regarding other sites. Requests the Board deny the current application and require AT&T to resubmit an application for a 250' tower at the Town's recycling center, where lights and noise would minimally affect citizens. Hansen feels this is a better option than siting multiple towers throughout the Town. He also believes a tower can be built in a location that meets both the needs of AT&T and the Town residents.

Daria O'Connor, Evansville Brooklyn Rd.: supports the statement made by Hansen, and would like to see the issues raised addressed and the Board deny the application for the reasons stated.

Public hearing closed at 7:30 p.m.

Schneider noted that the process has been ongoing for a long time. Some municipalities do not allow towers in ag areas, and they are not allowed in any residential areas.

Gruebling has been to most of the meetings at which the tower request was discussed, as well as the ordinance developed. He stressed that the Plan Commission must be consistent, and for a year he has heard from them that they would rather have more, shorter towers and no flashing lights instead of fewer, taller towers with lights. After a year of taking this position, the Commission cannot say that they would rather have only one taller tower and want it located in a different location than has been proposed. He also noted that the Town has a precedent, a tower located on Cty. Rd. M in a heavily populated area that has been there for 10 years. Public hearings were held on that tower with no issues. Further, Gruebling stated that the Town's smart growth plan, created in 2006 before the tower in question was under consideration, listed one goal as improving communications. Regarding the Town's goal of preserving farmland, the proposed tower and location has a very low impact on ag land. Regarding the rural impact of the proposed tower, telecommunication towers are located in rural areas all over this county and throughout the state. Gruebling noted that on the application, a galvanized tower was requested; no concerns have been raised regarding that during any hearings or meetings therefore he would recommend approving the applicant's request for a galvanized tower.

Schneider stated he would have preferred a monopole tower like the existing tower on Cty. Rd. M, as they are more visually appealing. He stated that monopoles outnumber SSTs 10 to 1 in southwestern Wisconsin. Schneider has been in contact with Rock County Planning and Development, specifically Andrew Baker, Ben Coopman, and Colin Byrnes, and they are recommending the applicants get an erosion control permit as they will be moving over 4,000 sq. ft. of material. The County is also requesting that the applicants get a county driveway permit since it is a change of use. Tom Sayre stated he took over the land in 1985 or 1986. Schneider asked if the drive has always been there; Sayre stated it was always there, and was used for filling silos. Sayre stated he never got a permit from the County for the driveway. Schneider noted that the application doesn't really state who the owner is; Begley stated the owner of the tower is AT&T Wireless. He can provide more information regarding their corporate office if requested, but Begley is the main contact for this project. Begley stated AT&T's license is held under the MASTec name.

Franklin stated that when this process started, the Board and Plan Commission got a lot of flack from the public for talking to AT&T; however, there was a comment made by the public at the last meeting that the Board, Plan Commission and AT&T should sit down and meet. Franklin

spoke with Jim Jermain recently regarding building a tower at the Recycling Center, questioned why a 300' tower there wouldn't work. He found out that there is a tower on Terry George's property that would interfere with a tower located at the Recycling Center. When the ordinance development process started, a lot of people didn't understand how the cellular network works with regard to the towers. It is frustrating to Franklin that people were complaining without understanding the process. He knows now that a tower can't be sited at the Recycling Center, as it will interfere with the other tower. Thinks residents deserve to be able to get AT&T service, and the Board should approve the requested tower and location.

Motion made by Franklin/Gruebling to approve the request made by Tom and Donna Sayre, 5911 W. Pomeroy Rd., Edgerton, WI for a Conditional Use Permit allowing the installation of a cellular tower, 199' above ground level, on parcel #6-20-171, located in the SW ¼ of Section 21 at 16326 W. Cty. Rd. C, Evansville, WI. The approval is pending approval of the Town Engineer, who will provide his findings to the Town Clerk; pending inspections and approval by the Building Inspector; pending receipt by the Town Clerk of all required FCC measurements and reports per the Telecommunications Ordinance. The Permit will be issued once conditions are met, and the permit will state the following:

- Permit holder will abide by all local, county, state and federal statutes, regulations, laws and ordinances
- All buildings and structures will be maintained in a neat and presentable manner
- Applicant shall obtain erosion control permit and driveway permit from Rock County
- Applicant is approved to erect a galvanized, self supporting tower

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

Public Hearing: Review and Action on Request made by Barbara George for a Conditional Use Permit for parcel #6-20-25, located in the SW ¼, SE ¼ of Section 4 at 11215 N. Hwy. 14, Brooklyn, WI. The applicant wishes to operate a dog kennel on the recently approved ~4 acre parcel pursuant to the Town of Union Zoning Ordinance Section 17.08 (3) (d).

Clerk Ylvisaker read in the recommendations of the Plan Commission:

- Hours of operation:
 - Doggie daycare: M-F 6:00 a.m. – 6:00 p.m., Saturday 8:00 - noon
 - Training classes: M-F 6:00 p.m. - 8:30 pm, Saturday 8:00 a.m. - noon.
- Dog boarding, doggie daycare, dog training classes are allowable activities.
- Regarding waste management, permit holder will use disposal company provided containers with scent eliminators.
- No lighting will be installed other than security lighting.
- Inside recreation area and all areas housing dogs will be heavily insulated and baffled to control noise.
- Permit holder will comply with the Rock County barking dog ordinance at all times.
- A five foot chain link fence will be installed to control dogs.
- No dogs will be allowed outside prior to 8:00 a.m. and after 8:00 p.m., Sunday – Saturday.
- the Clerk will be notified via email of any emergency situations arising which require admitting dogs outside of hours of operation
- up to 20 dogs may be boarded at any one time
- up to 20 daycare dogs may be housed at any one time
- permit will be reviewed one year from date of approval by the Town Board.

Public hearing opened at 8:00 p.m.

Doug Sutter, 16049 W. Stewart Rd.: lives 200 yards away from the building that will house the daycare and kennel. He was at the last Plan Commission meeting, listened to conditions discussed in the business plan after public hearing was closed, and stated that the Building Inspector will only have the authority to enforce the building codes. Therefore, he wonders how the plans for remodeling of buildings and the required sound baffling will be reviewed for compliance with the permit? Sutter is a commercial construction project manager, and has experience with sound attenuation. He is concerned that if all the required funding is not available to the applicants, the quality of the sound control measures may suffer as a result. Wants to know how the sound attenuation issue will be regulated by the Town, and assurance that someone will be watching to ensure it does happen. Sutter also questioned how the noise would be controlled when the dogs are outside. He is concerned that dogs will be able to see through the chain link fence, and is concerned that every move they make on their property will cause the dogs to bark. To reduce the chance of this occurring, Sutter would like fences constructed that are not going to allow dogs to see through them. He also noted that a 4 acre parcel for a kennel is much smaller than the acreage other kennels in the area are housed on.

Dick Pharo, 11615 N. Hwy. 14: asked if the Board had all the information that was provided at the public hearing last week, and whether they had reviewed it? Schneider stated he has not reviewed everything. Pharo learned last week that Mr. Lindner is a Dane County Deputy; although Pharo does not know what shift or days of the week he works, he questioned how his work would affect his ability to be onsite and in control of the dogs during the hours he proposes to be open? Also voiced concerns that if the permit is issued and for some reason the Lindners do not end up with a business, what happens then? Is it the normal course of business for the Board to issue a permit to someone who has nothing to do with the property?

Schneider stated that the permit transfers with the property, not an individual. He also noted that even if Rock County Sheriff's Department does not come up to the property to respond to a noise complaint, they will have a record of the calls being made.

Scott Lindner: feels Mr. Sutter would be a great resource to work with when the buildings and insulation are being done. Regarding dogs outside, they will not be outside unsupervised. Don't want to be bad neighbors.

Pharo would like to know what hours Lindner is working and if he is not present at the kennel, who will be responsible.

Valerie Bridges, 11047 N. Hwy. 14.: stated that a lot of her concerns have been addressed; in a worst case scenario how can her concerns or complaints get addressed? The Town's noise ordinance does not address animals, and she believes the Board should revise this to include it.

Public hearing closed at 8:16 p.m.

Gruebling stated that the ordinance won't be changed since we don't have a police department; if they added dogs, they would have to be the primary responders – which is cost prohibitive. That particular issue has to be handled by the County. Gruebling is concerned that the Board is issuing a permit to someone who is not running the business. He wants more information, and written approval from bank that the loan/purchase will go through. Lindner stated that they do not have a letter from the bank. Gruebling feels the cart is before the horse in this case. Also noted that Lindner will be gone on average 9-10 hours per day; Tina Lindner stated she will be on site. Lindner agreed that a chain link fence won't block any views for the dogs, and he stated

they would install a separate wooden fence to block the views. Gruebling would want that to be part of the permit. Barb George stated the bank won't give them final approval until the Conditional Use Permit goes through.

Gruebling would like to have more information about where the fences will be located, site plan.

Franklin stated that if there are complaints they can be addressed by the Board prior to the one year review; Pharo is concerned that if it gets to that point the Board will not want to spend money on an attorney, similar to the Geneo's Bar situation discussed earlier. Schneider stated that with regard to the sanctions mentioned earlier, reducing the number of dogs allowed could be a first step to address concerns.

Clerk Ylvisaker explained that the Conditional Use Permit would be issued to the property and filed at the Register of Deeds office. Issuance could be pending sale of the property, as George has stated she does not want the permit issued if the sale does not go through. Additionally, Ylvisaker suggested that a non-operation clause be included to void the permit if the business is not operated for a period of time, i.e. 12 months.

Motion to approve the request made by Barbara George for a Conditional Use Permit for parcel #6-20-25, located in the SW ¼, SE ¼ of Section 4 at 11215 N. Hwy. 14, Brooklyn, WI, to operate a dog kennel on the recently approved ~4 acre parcel pursuant to the Town of Union Zoning Ordinance Section 17.08 (3) (d) made by Schneider/Franklin. Specific conditions to be included on the Conditional Use Permit are:

- Hours of operation:
 - Doggie daycare: M-F 6:00 a.m. – 6:00 p.m., Saturday 8:00 - noon
 - Training classes: M-F 6:00 p.m. - 8:30 pm, Saturday 8:00 a.m. - noon.
- Dog boarding, doggie daycare, dog training classes are allowable activities.
- Regarding waste management, permit holder will use disposal company provided containers with scent eliminators.
- No lighting will be installed other than security lighting.
- Inside recreation area and all areas housing dogs will be heavily insulated and baffled to control noise.
- Permit holder will comply with the Rock County barking dog ordinance at all times.
- A five foot chain link fence will be installed to control dogs.
- Solid wooden fencing or a similar barrier to prevent the dogs from viewing outside the area will be installed outside the perimeter of the chain link fence, minimum 8' height.
- No dogs will be allowed outside prior to 8:00 a.m. and after 8:00 p.m., Sunday – Saturday.
- the Clerk will be notified via email of any emergency situations arising which require admitting dogs outside of hours of operation
- up to 20 dogs may be boarded at any one time
- up to 20 daycare dogs may be housed at any one time
- permit will be reviewed one year from date of issuance by the Town Board.
- Non-operation of business on property for a period of 12 months will result in expiration of Conditional Use Permit

The Conditional Use Permit will be issued pending sale of the property in question to the Lindners. If sale is not finalized within six months from today's date the Permit will expire and become invalid.

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

Approval of EMS Contracts

Per capita amount is \$21.

Motion to approve Evansville EMS 2013 contract, if contract amount is broken out into three equal payments, made by Gruebling/Schneider. Franklin requests the Clerk obtain a copy of the EMS budget. Gruebling suggests filing an open records request if they don't provide it.

Motion carried by unanimous voice vote.

Board Action: Approval of Operators Licenses: Stacy Skibba, Mary Lyons, Sarah Corey, Christine Daggett, Andrea Parise, Geneo's Bar

Motion to approve operator licenses for Stacy Skibba, Mary Lyons, Sarah Corey, Christine Daggett, and Andrea Parise made by Schneider/Gruebling. Motion carried by unanimous voice vote.

Road Work/Snowplowing & Policy

Sander was over \$5000 per Franklin, about \$5500. Franklin and Wisner discussed and decided to not pursue it. Will look into a smaller sander that will fit on the tailgate.

Gruebling reiterated that he thinks Franklin should be contacting Footville Trucking to tell them when he wants them to go out plowing, rather than having Footville Trucking making the decision.

Pay Bills

There being no further business to come before the Board, a motion to adjourn and pay bills was made by Schneider/Gruebling. Motion carried by unanimous voice vote. Meeting adjourned at 8:56 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.