TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MINUTES
JUNE 5, 2023

PUBLIC HEARING FOR 2023-24 ALCOHOL BEVERAGE LICENSES

I. Notice of the public hearing was published in the legal section of the Wisconsin State Journal on May 31, June 1, and June 2, 2023, and posted on the Town's web site and the bulletin board at the Town Hall. Supervisors Mike Fonger, Steve Anders, Kristi Williams, and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan, Highway Superintendent Dan Dresen, and Town Attorney William Cole. Town Chair Kris Hampton arrived at 7:02 P.M. Deer-Grove EMS Chief Eric Lang arrived near the end of the meeting.

II. Anders called the public hearing to order in Hampton's absence. Hampton then arrived, read the list of applicants, and asked if there were any comments or questions from the public. There were none.

III. **MOTION** by Williams/DuPlayee to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:03 P.M.

PUBLIC HEARING FOR 2023-24 NON-METALLIC MINING PERMITS

I. Notice of the public hearing was posted on the Town's web site and the bulletin board at the Town Hall. Attendance was as listed above.

II. Hampton read the list of applicants and asked if there were any comments or questions from the public. There were none.

III. **MOTION** by DuPlayee/Williams to close the public hearing. **MOTION CARRIED 5-0.** The public hearing ended at 7:05 P.M.

TOWN BOARD MEETING

I. ADMINISTRATIVE

A. Notice of the meeting was posted at the Town Hall and on the Town's web site. Attendance was as listed above.

B. Hampton called the meeting to order at 7:05 P.M.

C. Discuss/Consider approval of minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the May 15, 2023 Town Board meeting with a correction to the motion for approval of checks. **MOTION CARRIED 5-0.**

D. Finance Report and Approval of Bills:

1. **MOTION** by DuPlayee/Anders to approve checks #36377-36407 and EFTs in the amount of $31,872.72. **MOTION CARRIED 5-0.**

2. **MOTION** by Anders/DuPlayee to approve payment of May per diems as presented. **MOTION CARRIED 5-0**.

E. Public Concerns: None.

II. BUSINESS

A. Discuss/Consider adoption of Resolution 2023-06-05a Recognizing the Hammond Farm's Nomination to the State and National Registers of Historic Places: Joel and April Hammond were in attendance. **MOTION** by Williams/DuPlayee to adopt the resolution as drafted. **MOTION CARRIED 5-0.** Photos were taken of the Hammonds with the Town Board at the request of the Cottage Grove Area Historical Society.

B. Consideration of July 1, 2023– June 30, 2024 Alcohol Beverage Licenses:

1. Renewal of Class A Beer and Class B Cider License for Door Creek Orchard, LLC, Elizabeth Griffith, Agent, 3252 Vilas Road.
2. Renewal of Combination Class B Beer and Class B Liquor Licenses:
   a) Ball of Fun LLC, d.b.a. Doubledays, Debra Stueber, Agent, 4586 Baxter Road.
   b) Door Creek Golf Course, Inc., Phillip Frederickson, Agent, 4321 Vilas Road
   c) Noras Tavern, Inc., Timothy Kluever, Agent, 1843 US Hwy 12 & 18
3. New Class B Beer and Class C Wine for Warm Belly Noble d.b.a. Warm Belly Farm, Francis D Wisnewski, Agent, 4311 Vilas Hope Road.

MOTION by Fonger/Williams to approve the five retail licenses listed above for the July 1, 2023 – June 30, 2024 license year. **MOTION CARRIED 5-0.**

4. Operators and Managers Licenses: The Clerk-Treasurer noted that one applicant has not completed a responsible beverage servers' class yet, and recommended approval of her license contingent on this required training. **MOTION** by DuPlayee/Williams to approve the 19 Operator's Licenses and 3 Manager's licenses as listed on Exhibit A for the July 1, 2023 – June 30, 2024 license year, contingent on Kristin Frederickson's completion of a responsible beverage server's course. **MOTION CARRIED 5-0.**

C. Consideration of July 1, 2023– June 30, 2024 Non-metallic Mining Permit Renewals:

1. 2543 Gaston Road, Brad Huston, Operator
2. 3355 County Road N, Brad Huston, Operator
3. 2294 US Highway 12 & 18, GR Lyons III, Operator

MOTION by Williams/DuPlayee to approve permits for the three non-metallic mining sites listed above to operate from July 1, 2023 to June 30, 2024 under the same conditions as the expiring permits. **MOTION CARRIED 5-0.**

D. Plan Commission Recommendations:

1. Duane Farwell, petitioner, Duane and Camilla Farwell and Farwell Family Investment Company, LLC, property owners: Requesting rezone 5.7 acres from RR-2 to RR-4 (4.2 acres) and RR-1(1.5 acres) to adjust property lines between adjacent properties at 4073 and 4085 Ridge Road (DCPREZ-2023-11951): The Clerk-Treasurer reported that a representative from Dane County Zoning called today to advise that if Lot 2 of the proposed rezone falls below 4 acres after subtracting the road right-of-way as requested by the Plan Commission, it may not quality for RR-4 zoning, and would need to be RR-2 instead. Duane Farwell was present and had no problem with this. **MOTION** by Anders/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of 5.7 acres from RR-2 to RR-4 (4.2 acres) and RR-1(1.5 acres), with the Ridge Road right-of-way dedicated to the Town. If dedication of the right-of-way results in Lot 2 falling under 4.0 acres, RR-2 zoning is also acceptable. **MOTION CARRIED 5-0.**
2. Discuss/Consider approval of Dane County Ordinance Amendment 2023-OA-009 regarding salvage operations: **MOTION** by DuPlayee/Fonger to accept the Plan Commission's recommendation to approve the ordinance amendment as presented. **MOTION CARRIED 5-0.**

E. Update on inspection/possible raze order for the house at 2983 County Road BB: The Clerk-Treasurer said there is still no update on this, other than that the Building Inspector expects to get to it this week. Atty. Cole suggested that if a raze order is in fact issued and the Town is in a hurry to have it razed, we should be looking for a contractor that will be ready to go if the owner does not comply within the allotted 30 days.

(Note that Atty. Cole asked to hold the closed session listed below now so that he could leave for another appointment. The Board returned to this point in the agenda after the closed session was adjourned).

F. Award Bids for 2023 Road Maintenance Projects: There were two bids for re-paving projects:

1. Payne & Dolan cost of all projects: $316,148.60
2. Wolf Paving cost of all projects: $345,012.20

There was only one bid for chip sealing projects:
Fahrner Asphalt Sealers, LLC cost of all projects: $64,717.00

MOTION by DuPlayee/Anders to accept the bid from Payne & Dolan for repaving projects and the bid from Fahrner Asphalt Sealers, LLC for chip sealing projects. **MOTION CARRIED 5-0.**

G. Discuss/Consider funding options for 2023 Road Maintenance Projects: Hampton said that preliminary inquiries with local banks indicate interest rates in the 5-7% range. There is $500,000 unborrowed and specified for road projects in the $1,500,000 10-year note secured with Lakeridge Bank in 2022 at an interest rate of 2.65%. Discussion was whether to take $350,000 of that to pay for 2023 road maintenance projects and pay it back in March of 2024, rather than securing another loan at a higher interest rate. Further discussion was whether to take the full $500,000 available, and pay it all back in March of 2024 or over a longer term. **MOTION** by Fonger/Anders to use $350,000 from the 10-year note to pay for 2023 road maintenance projects, and pay back the full amount in March of 2024. **MOTION CARRIED 4-1** (DuPlayee opposed).

H. Discuss/Consider whether to renew lease for Police Station at 2560 Nora Road: Terms of the lease include that the Town must provide notice at least 6 months prior to the expiration date at the end of this year of intent to renew the lease for another three years. **MOTION** by Williams/Anders to provide notice of intent to renew for another three years. **MOTION CARRIED 5-0.** There was discussion about asking the Lessor to replace some of the cabinets.

I. Discuss/Consider whether to participate in the 2024 Fly Dane project: The Clerk-Treasurer reported that the Town Engineer encouraged participation at the 3-inch resolution level if the Town can afford it. The Town Planner had no recommendation. Banigan said she finds great value in the Fly Dane data. **MOTION** by Anders/DuPlayee to participate in the 2024 Fly Dane project if the participation threshold for discount 3-inch pricing is reached. **MOTION CARRIED 5-0.**

J. Discuss/Consider appointment of representative to attend Cottage Grove Chamber of Commerce meetings: Both Williams and DuPlayee expressed interest. **MOTION** by Fonger/Anders to appoint Williams to representative the Town at Chamber meetings, with DuPlayee as a backup. **MOTION CARRIED 5-0.**

K. Discuss/Consider date for first Town Board meeting in July: **MOTION** by Anders/Fonger to stick with the originally scheduled date of Monday, July 3, 2023. **MOTION CARRIED 5-0.**

L. Discuss/Consider approval of Resolution 2023-06-05b Confirming Town's Intent to Participate in Negotiation and Arbitration process for the Siting of the Dane County Solid Waste Facility proposed at 7101 U.S. Highways 12 & 18 in the City of Madison: **MOTION** by DuPlayee/Williams to adopt the resolution as drafted, appointing Kris Hampton as the Town's member to the LNA committee, with Atty. Cole to represent him. **MOTION CARRIED 5-0.**

M. Discuss/Consider appointment of a member to the Local Negotiated Agreement (LNA) Committee for the proposed Dane County Solid Waste Facility at 7101 U.S. Highways 12 & 18: This agenda item was un-necessary as the appointment was part of the resolution adopted above.

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

A. Report of Road Right-of-Way permits issued: No permits have been issued since the last meeting, but Dresen reported that a restoration crew is working in the Town and doing a very good job, even prompting some complimentary calls from residents.

B. Dresen reported that truck #3 (the same one that had engine work last year) was blowing white smoke. Lakeside International replaced the EGR cooler under warranty, but also recommended replacing the Turbo for $7,000. This work is now in progress. Next week they will be replacing some culverts and striping the Emergency Services Building parking lot. The playground equipment for Kennedy Hills arrived and has been delivered to the site, and site preparation is completed so the residents can install it. Fonger said he has been hearing good comments about the merry-go-round and teeter-totters recently put behind the Town Hall.

IV. CLERK-TREASURER'S OFFICE UPDATE: Nothing to report.

V. BOARD REPORTS AND COMMUNICATIONS: Hampton reported that the County has submitted a petition to annex the solar farm, which includes half of the recently re-constructed bridge on Femrite Dr. Under the IGA with Madison, the city will need to reimburse the Town for 90% of the cost of half of the bridge.

VI. COMMITTEE REPORTS

A. Deer-Grove EMS Commission: Chief Lang said the Village has sent out requests for more information about the proposals received earlier in the year from Sun Prairie, Madison, and McFarland, which he said were not apples to apples with the kind of services DGEMS provides. DGEMS will need to answer about 2/3 of the questions. He said that the Village President's requests to DGEMS are not unreasonable, that the alternate funding formula would save the Town money, and while the Village would have additional representation, the budgetary decisions still must be unanimous. Williams re-iterated her position that she said she had stated at the last DGEMS Commission meeting. She listed ways in which the municipalities have a background of sharing, and said she is willing to re-look at funding and representation because she thinks it is more important to continue DGEMS than to maintain the current funding and representation. Chief lang said the uncertainty is holding up decisions such as a scheduled ambulance replacement, and affects hiring.

B. Emergency Government Committee: Nothing to report.

C. Joint Town/Village Landfill Monitoring Committee: Anders was re-elected as chair; the meeting was business as usual to approve the bills.

D. Cottage Grove Fire District Committee: Hampton was elected as chair. The Emergency Services Building failed a recent fire inspection.

(Note that the closed session actually took place between items II. E. and F. above. Atty. Cole left after the closed session.)

VII. Consider/Adopt a motion to move into closed session pursuant to Wisconsin Statute Section 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Siting of the Dane County solid waste facility proposed at 7101 U.S. Highways 12 & 18): **MOTION** by DuPlayee/Williams to move into closed session for the reason stated above. **MOTION CARRIED 5-0 BY ROLL CALL VOTE**. The Board, Atty. Cole, Clerk-Treasurer Kim Banigan, and Highway Superintendent Dan Dresen stayed, everyone else left. The door was locked, the recording was stopped, and the online meeting was muted. The closed session began at 7:31 P.M.

VIII. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: **MOTION** by Williams/DuPlayee to reconvene in open session. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.** The closed session ended at 7:53 P.M., the door was unlocked, the online meeting was un-muted and recording was re-started. There was no action as a result of the closed session.

IX. ADJOURNMENT: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:37 P.M.

Kim Banigan, Clerk-Treasurer
Approved 06-19-2023

EXHIBIT A

For Consideration 06-05-2023
2023-24 Operator's License Applicants

New/Renewal	Background	Servers Cert.	License Number	Full Name	Establishment
Rewewal (2021)	ok	yes	1001	Brad G, Bliss	Door Creek Golf Course
New	ok	yes	1002	Emma G. Dyer	Door Creek Golf Course
New	ok	yes	1003	Kendall C. Harju	Door Creek Golf Course
New	ok	yes	1004	Emma R. Kennedy	Door Creek Golf Course
Renewal	ok	yes	1005	Matilyn J. Mabie	Door Creek Golf Course
New	ok	yes	1006	Avary L. Rodefeld	Door Creek Golf Course
Renewal	ok	yes	2001	Abigail L Smith	Door Creek Orchard
Renewal	ok	yes	3001	Bernadette L. Archer	Doubledays
Renewal	ok	yes	3002	Becky J. Kratochwill	Doubledays
Renewal	ok	yes	3003	Mark A. Stueber	Doubledays
Renewal	ok	yes	3004	Riva M. Stueber	Doubledays
Renewal	ok	yes	4001	Lisa D. Broderick	Nora's Tavern
Renewal	ok	yes	4002	Brittany J. Calvert	Nora's Tavern
Renewal	ok	yes	4003	Jaimee L. Linnerud	Nora's Tavern
Renewal	ok	yes	4004	Jaybin R. Nielsen	Nora's Tavern
Renewal	ok	yes	4005	Jason M. Schmidt	Nora's Tavern
New	OK	yes	4006	Michelle L. Shapiro	Nora's Tavern
New	ok	yes	4007	Jason M. Simle	Nora's Tavern
New	ok	yes	4008	Rebecca A. Slater	Nora's Tavern

2023-24 Manager's License Applicants

New/Renewal	Background		License Numl	Full Name	Establishment
New	ok	NO	101	Kristin Frederickson	Door Creek Golf Course
Renewal	ok	Yes	301	Gary F. Stueber	Doubledays
Renewal	ok	Yes	401	Sheryl L. Kluever	Nora's Tavern

TOWN OF COTTAGE GROVE
TOWN BOARD RESOLUTION NO. 2023-06-05a

RECOGNIZING THE HAMMOND FARM'S NOMINATION TO THE STATE AND NATIONAL REGISTERS OF HISTORIC PLACES

WHEREAS, Alexander Hammond moved to Cottage Grove, Wisconsin in 1843 from Ticonderoga, NY, and;

WHEREAS, in 1845, Alexander purchased 240 acres of land from the government and took up residence on the property at 3859 Vilas Road in the Town of Cottage Grove, and;

WHEREAS, in 1846 Alexander married Caroline Brown and they built the main section of the farmhouse, and;

WHEREAS, in 1847 and 1848 Alexander and Caroline built the north and south additions to the house, and;

WHEREAS, Robert Hammond inherited the farmstead from his parents, and;

WHEREAS, Robert married Annie Arthur and they built the barn in 1901, and;

WHEREAS, several other historic structures exist on the property with varying date ranges between 1901-1965, and;

WHEREAS, the farm was subsequently passed down to Robert and Edith (3rd generation), then to Harry and Mildred (4th generation), and;

WHEREAS, the farm is currently owned by 5th generation Joel and Marie Hammond, and;

WHEREAS, on May 26, 2023, the Wisconsin Historic Preservation Review Board nominated the Hammond Farmstead at 3859 Vilas Road, Town of Cottage Grove, Dane County, WI to the Wisconsin State Register of Historic Places and the National Register of Historic Places,

NOW, THEREFORE BE IT RESOLVED, that the Town of Cottage Grove Board of Supervisors hereby recognizes the Hammond family for their efforts in sustaining the historic nature of the Hammond Farmstead for 178 years and submitting it for nomination to the State and National Registers of Historic Places.

This resolution was duly considered and adopted by the Town of Cottage Grove Board of Supervisors pursuant to a vote 5 for and 0 against and 0 abstentions on this 5th day of June, 2023.

TOWN OF COTTAGE GROVE

Kris Hampton, Town Chair

ATTEST:

Kim Banigan, Town Clerk-Treasurer

TOWN OF COTTAGE GROVE
TOWN BOARD RESOLUTION NO. 2023-06-05b

RESOLUTION CONFIRMING TOWN'S INTENT TO PARTICIPATE IN NEGOTIATION AND ARBITRATION PROCESS FOR THE SITING OF THE DANE COUNTY SOLID WASTE FACILITY PROPOSED AT 7101 U.S. HIGHWAYS 12&18 IN THE CITY OF MADISON

WHEREAS, the Town of Cottage Grove has been notified by the Dane County Department of Waste and Renewables that it is proposing a solid waste facility located at 7101 U.S. Highways 12&18 in the City of Madison and the proposed facility will be located within 1500 feet of the Town's boundary. Said notification was dated April 28, 2023 and was received by the Town of Cottage Grove on May 04, 2023;

WHEREAS, on May 16, 2023, the Town of Cottage Grove notified the Dane County Department of Waste and Renewables that there are no applicable local approvals as required pursuant to Wis. Stat. § 289.22(1m);

WHEREAS, pursuant to Wis. Stat. § 289.33, the Town of Cottage Grove is entitled to participate, as an "affected municipality," in the negotiation and arbitration process for the proposed expansion of this facility;

WHEREAS, the Town of Cottage Grove has participated, as an "affected municipality," in negotiations and arbitration for previous expansions of the solid waste facility located at 7102 U.S. Highways 12&18, and is party to negotiated agreements dated October 19, 1993, April 16, 2014 and July 15, 2021;

WHEREAS, to promote public health, safety and welfare of the Town and its residents, it is in the best interests of the Town to participate in the negotiation and arbitration process for the proposed facility; and,

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF COTTAGE GROVE, as follows:

1. The Town of Cottage Grove, Wisconsin, whose business address is 4058 County Highway N, Cottage Grove, WI 53527, intends to negotiate and, if necessary, arbitrate with the Dane County Department of Waste and Renewables, whose business address is 1919 Alliant Energy Center Way, Madison, WI, 53713, concerning the proposed solid waste disposal facility, which is located in the City of Madison, at 7101 U.S. Highways 12&18.

2. Within seven (7) days of passage of this Resolution, the Town Clerk-Treasurer shall send a copy of this Resolution to the Wisconsin Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705-5400.

3. The Town Board does hereby appoint the following one member to the local committee that will negotiate and, if necessary, arbitrate with the Dane County Department of Waste and Renewables concerning the proposed expansion. The Town Clerk-Treasurer shall, within seven (7) days of the appointment, send the name, address of the appointee to the

TOWN OF COTTAGE GROVE
TOWN BOARD RESOLUTION NO. 2023-06-05b

Wisconsin Waste Facility Siting Board. Within fifteen (15) days of the appointment, the appointee shall file a statement of economic interests with the Wisconsin Waste Facility Siting Board. Following the name of the member is the address of said member:

Name: Kris Hampton
Address: 3310 County Road N
Cottage Grove, WI 53527

Adopted this 5th day of June, 2023.

TOWN OF COTTAGE GROVE, WISCONSIN

Kris Hampton, Town Chairperson

Approved by a vote of 5 for and 0 against, at a duly noticed meeting of the Town Board of the Town of Cottage Grove, Wisconsin.

ATTESTED TO this 5th day of June, 2023.

TOWN OF COTTAGE GROVE, WISCONSIN

Kim Bianigan, Town Clerk-Treasurer

Published/posted: 6/7/2023