TOWN OF COTTAGE GROVE
TOWN BOARD MINUTES
JULY 3, 2023

I. ADMINISTRATIVE

A. Notice of the meeting was posted on the Town's web site and the bulletin board at the Town Hall. Town Chair Kris Hampton and Supervisors Mike Fonger, Steve Anders, Kristi Williams, and Mike DuPlayee were present, along with Clerk-Treasurer Kim Banigan and Highway Superintendent Dan Dresen. Atty. William Cole and DGEMS Chief Eric Lang attended virtually.

B. Hampton called the meeting to order at 7:00 P.M.

C. Discuss/Consider approval of minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the June 19, 2023 meeting as printed. **MOTION CARRIED 5-0.**

D. Finance Report and Approval of Bills:

1. **MOTION** by DuPlayee/Anders to approve checks #36438--36457 and EFTs in the amount of $21,885.20. **MOTION CARRIED 5-0.**

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

E. Public Concerns: Village of McFarland Village President Carolyn Clow asked the Board to support the Village's request for inclusion in local negotiations for the future Dane County Landfill site. She said that while no Village properties are within the 1,500 feet required for them to be an affected municipality, Village residents are affected, particularly by the odor, of the current landfill and are concerned about the new site which will be even closer. She estimated that the closest residences are approximately 3,000 feet from the border of the property the new landfill will be developed on. (This topic is part of the closed session planned for later in the meeting.)

II. BUSINESS

A. Plan Commission Recommendations:

1. Nathanial and Martha Snyder, Petitioners/Landholders, parcel #0711-074-8728-0 at 4300 Vilas Hope Road: requesting rezone of .736 acres from SFR-08 to TFR-08 to convert a single-family home to a duplex (DC-PREZ 11966): No one was present to represent the petitioners. **MOTION** by Williams/DuPlayee to accept the Plan Commission's recommendation to approve the rezone of parcel from SFR-08 to TFR-08, noting that no RDU is needed for the second residential unit since the parcel was residential prior to the first residential blanket rezone in the Town that occurred in 1987 (the Comprehensive Plan says 1981, but that is incorrect). **MOTION CARRIED 5-0.**

2. Amy Miles, Petitioner, Swalheim 2011 Rev Tr, Duane P & Candace J, Landholders, parcel #0711-273-033-0 (Lot 3 of CSM 16140 on North Star Road): requesting to modify deed restrictions on GC zoning to allow application for a CUP for outdoor storage. (DC-PREZ 11964): Ms. Miles was present virtually, and explained that the planned use is a construction equipment rental site to be operated by Equipment Share. The building will include a showroom, offices, and work area for equipment maintenance and washing. A 6-foot wooden fence is planned around the perimeter of the property, with integrated landscaping to provide screening. The parking lot will be crushed concrete which is dustless and packs to a hard surface with use, but is not as easily damaged by heavy equipment as pavement would be. **MOTION** by

Williams/DuPlayee to accept the Plan Commission's recommendation to revise the deed restriction on this lot to allow a CUP for outdoor storage to be considered. **MOTION CARRIED 5-0.**

3. Swalheim 2011 Rev Tr, Duane P & Candace J, Petitioners and Landowners, Parcel 0711-273-0444-0 (Lot 4 of CSM 16140 on North Star Road): requesting rezone of 27.742 acres from FP-1 to GC (18.5 acres) and UTR (9.4 acres) for a commercial business park development (DC-PREZ 11960): No one was present to represent the petitioners: **MOTION** by Anders/Williams to accept the Plan Commission's recommendation to approve the rezone of 18.5 acres to GC and 9.4 acres to UTR, with the following conditions: 1) All permitted uses in the General Commercial zoning district would be allowed EXCEPT Day care centers, Indoor entertainment, or assembly and Transient or tourist lodging. 2) Only the following conditional uses could be proposed: Contractor, landscaping or building trades (outdoor), Communication towers, Outdoor Storage, Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above, Vehicle repair or maintenance service, 3) None of the residential uses by conditional use permit could be proposed, 4) the rezone will not be effective until a final plat and developer's agreement are approved and fully executed. **MOTION CARRIED 5-0.**
4. Discuss/Consider approval of Dane County Ordinance Amendment 2023-OA-010 regarding the definition of "Day Care Center": **MOTION** by DuPlayee/Williams to accept the Plan Commission's recommendation to support this amendment. **MOTION CARRIED 5-0.**

B. Discuss/Consider approval of Deer-Grove EMS Resolution 2023-01-06152023: Ambulance Capital Purchase: Chief Lang said the other DGEMS partners have already approved the resolution. There is no penalty for withdrawing from the agreement to purchase an ambulance until construction begins in 2025. **MOTION** by Williams/DuPlayee to approve Deer-Grove EMS Resolution 2023-01-06152023: Ambulance Capital Purchase as presented. **MOTION CARRIED 5-0.**

C. Discuss/Consider potential Eagle Scout Projects: Eagle Scout candidate Tate Hepler and Scout Leader Tim Wurgler were present. Suggestions were to refurbish picnic tables and/or build new Leopold benches for the parks. Hepler thought he could refurbish six picnic tables and build four Leopold benches in the time he has available. **MOTION** by Fonger/Williams to approve the Eagle Scout project to refurbish six picnic tables and build four Leopold benches. **MOTION CARRIED 5-0.** Hepler should assess the needs and provide a materials list to Dresen, who will get the cost estimate for them. The Board will consider approval of the materials and timeline at the July 17th meeting.

D. Discuss/Consider approval of using Welcome Sign funds to cover the cost of plantings exceeding the $300.00 approved on May 15, 2023: There have been an additional $256.42 in costs of plantings beyond what was previously approved. There is currently $11,969.03 available in the Welcome Sign fund. **MOTION** by Williams/DuPlayee to cover the addition cost of plantings with Welcome Sign funds. **MOTION CARRIED 5-0.**

E. Discuss/Consider use of gift cards earned through rebates on purchases: Banigan reported that there are currently $35.00 in Cabelas cards and $25.00 in Visa Gift cards available. Hampton suggested giving them to Dennis Bork in appreciation for all the work he has done

in dressing up the welcome signs with plantings. **MOTION** by Fonger/DuPlayee to approve giving all $55.00 in gift cards to Dennis Bork. **MOTION CARRIED 5-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

A. Report of Road Right-of-Way permits issued: One permit is in the works for MCI Metro/Intercon to install fiber on Gaston Road, pending payment of $945.00 in application fees and a $1,200.00 deposit.

B. Dresen reported that he obtained a quote for $2,450.00 to raise the sunken sidewalk in front of the Town Garage in preparation for re-paving of the parking lot. There was general agreement with his suggestion to remove the sidewalk and replace it with blacktop instead.

C. Restoration work for fiber installation projects is coming along, crews are currently working in the Ridge Road area.

D. Re-paving projects are scheduled to begin on Wednesday.

IV. CLERK-TREASURER'S OFFICE UPDATE: Banigan reported that she learned from the WDOR that Class C Wine licenses can only be issued to restaurants, so Warm Belly Farms will need to apply for a Class B Liquor license instead. Luckily for them, the Town has two regular Class B licenses available so they will not need to pay the Reserve Class B fee. A public hearing for the Class B Liquor License is scheduled for July 17th.

V. BOARD REPORTS AND COMMUNICATIONS: Williams reported on the June 22nd Chamber of Commerce meeting. Highlights included plans for Marketplace Day on July 15th and a Community night on August 17th that will feature food trucks and a movie. The Village of Cottage Grove shared drone footage of roads in need of repair.

VI. COMMITTEE REPORTS

A. Cottage Grove Fire District Commission: The Commission asked for more details and options after reviewing a quote for a new security system for Emergency Services Building doors.

VII. Consider/Adopt motion to convene in 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 (Development Agreement with RG Huston Company, Inc.; Village of McFarland Request to Participate in Dane County Landfill Proceedings): **MOTION** by Fonger/Williams to convene in Closed Session for the reasons stated above. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.** Everyone except the Town Board and Clerk-Treasurer left the room and the door was locked. Atty. Cole remained present virtually, the virtual meeting was locked to prevent others from joining, and recording was paused. The closed session began at 7:58 P.M.

VIII. Consider/Adopt motion to reconvene to open session pursuant to Wisconsin Statute Section 19.85(2): **MOTION** by Fonger/Anders to reconvene to open session. **MOTION CARRIED 5-0 BY ROLL CALL VOTE.** The closed session ended at 8:36 P.M. Fonger unlocked the door, the virtual meeting was unlocked, and recording was resumed. Village President Carolyn Clow rejoined the meeting.

IX. Consider action concerning a development agreement with RG Huston Company, Inc: **MOTION** by Fonger/DuPlayee directing Atty. Cole to send the development agreement to RG Huston Company, Inc, and their attorney. **MOTION CARRIED 5-0.**

X. Consider action concerning the Village of McFarland Request to Participate in Dane County Landfill Proceedings: **MOTION** by Anders/Fonger to support the Village of McFarland's request to participate in Dane County Landfill proceedings as long as the City of Madison and Dane County are also in support. **MOTION CARRIED 3-2** (Hampton and DuPlayee opposed).

XI. ADJOURNMENT: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 5-0.** The meeting ended at 8:40 P.M.

Kim Banigan, Clerk-Treasurer
Approved 07-17-2023