TOWN OF COTTAGE GROVE
PUBLIC HEARINGS AND TOWN BOARD MINUTES
JUNE 3, 2024

PUBLIC HEARING FOR 2024-25 NON-METALLIC MINING PERMITS

I. Notice of the public hearing was posted on May 24, 2024 at the Town Hall and on the Town's website and Facebook page. Chair Kris Hampton and Supervisors Mike Fonger and Steve Anders were present in person. Supervisor Kristi Williams was present virtually. Clerk-Treasurer Kim Banigan, Deputy Clerk Jennifer Millage and Highway Superintendent Dan Dresen were also present.

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

PUBLIC HEARING FOR 2024-25 ALCOHOL BEVERAGE LICENSES

I. Notice of the public hearing was posted on May 24, 2024 at the Town Hall and on the Town's website and Facebook page, and published in the legal section of the Wisconsin State Journal on May 29, 30, 31, 2024. Attendance was the same as listed above.

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

MOTION by Anders/Fonger to close the public hearings. **MOTION CARRIED 4-0.** The public hearings ended at 7:01 p.m.

TOWN BOARD MEETING

I. ADMINISTRATIVE

A. Notice of the meeting was posted at the Town Hall and on the Town's website. Attendance was as listed for the public hearings above.

B. Hampton called the meeting to order at 7:01 P.M.

C. Flag Pledge.

D. Discuss/Consider approval of minutes of previous meeting: **MOTION** by Williams/Fonger to approve the minutes of the May 20, 2024 Public Hearing and Town Board Meeting as presented. **MOTION CARRIED 4-0.**

E. Finance Report and Approval of Bills:

1. **MOTION** by Anders/Fonger to approve checks #37144-37167 and EFTs in the amount of $23,598.84. **MOTION CARRIED 4-0.**

2. **MOTION** by Anders/Fonger to approve payment of May per diems as presented. **MOTION CARRIED 4-0**.

F. Public Concerns: None.

II. BUSINESS

A. Consideration of July 1, 2024– June 30, 2025 Alcohol Beverage Licenses:

1. Renewal of Class A Beer and Class A Cider License for Door Creek Orchard, LLC, Elizabeth Griffith, Agent, 3252 Vilas Road: **MOTION** by Williams/Fonger to approve the Class A Beer and Cider licenses for Door Creek Orchard, LLC. **MOTION CARRIED 4-0.**

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

d) Warm Belly Noble, LLC, d.b.a. Warm Belly Farm, Francis D Wisnewski, Agent, 4311 Vilas Hope Road

MOTION by Anders/Williams to approve Combination Class B Beer and Class B Liquor Licenses for Ball of Fun, LLC, Door Creek Golf Course, Inc., Noras Tavern, Inc. and Warm Belly Noble, LLC. **MOTION CARRIED 4-0.**

3. New Class B Beer and Class B Liquor License for Badger Farms, LLC, David Muehl, Agent, 1682 County Road BB: The Clerk-Treasurer noted that this is the last Class B license the Town has available without purchase of a Reserve Class B license. Mr. Muehl was present, and was asked if any alcohol would be consumed outside. He asked to add the deck and immediate grounds to the licensed premises. **MOTION** by Fonger/Anders to approve new Combination Class B Beer and Class B Liquor Licenses for Badger Farms, LLC, with the addition of the deck and immediate grounds to the licensed premises as listed on the application form. **MOTION CARRIED 4-0.**

B. Operators and Managers Licenses: A list of applicants is attached as Exhibit A. The Clerk-Treasurer noted that one applicant for Badger Farms, LLC had not yet paid the application fee. David Muehl asked to strike another of his applicants and apply the fee to the unpaid one. The Clerk-Treasurer verified that all applicants had met all requirements for licensure. **MOTION** by Anders/Fonger to approve the list of Operator's and Manager's licenses, striking Kristine M. Fracek and applying her payment to Samantha M. Holton. **MOTION CARRIED 4-0.**

C. Consideration of July 1, 2024– June 30, 2025 Non-Metallic Mining Permit Renewals:

1. 2543 Gaston Road, Brad Huston, Operator, R.G. Huston Company, Owner.
2. 3355 County Road N, Brad Huston, Operator, Skaar Pit LLC, Owner.
3. 2294 US Highway 12 & 18, GR Lyons III, Operator, Rocky Rights, LLC, Owner.

The Clerk-Treasurer read the conditions from the expiring permits, and noted that the CUP for the site at 3355 County Road N expires in February of 2025. Dennis Richardson, representing Skaar Pit, LLC, stated that they intend to apply for a renewal of the CUP. **MOTION** by Fonger/Anders to approve Non-Metallic Mining permits for all three sites, with conditions the same as the expiring permits. **MOTION CARRIED 4-0.**

D. Plan Commission Recommendations:

1. Brent Conwell, petitioner, Capitol Holdings, LLC, property owner: DCPREZ-2024-12049 to rezone parcel 0711-284-9740-0 (.5 acres zoned AT-35) to HC and combine with parcel 0711-284-9721-0 at 3475 North Star Road: No one was present to represent Capitol Holdings. **MOTION** by Anders/Fonger to accept the Plan Commission's recommendation to approve the rezone of .510 acres from AT-35 to HC, and combine it with parcel 0711-284-9721-0. **MOTION CARRIED 4-0.**

E. Consideration of adoption of a policy requiring stormwater outlots in new developments to be owned and maintained by the development: The Clerk-Treasurer said this question has come up because Birrenkott Surveying asked whether the stormwater outlot in the Swalheim Business Park should be dedicated to the public. Written recommendations from Atty. William Cole and Town Planner Mark Roffers were reviewed. Anders advocated for private ownership, with the Town having authority to order maintenance if it is not performed satisfactorily. He cited liability and demands on Town Staff for maintenance as his reasons.

Hampton would prefer to have the outlots dedicated to the public so the Town could retain control. Discussion specific to the Swalheim Business Park outlot was how to require the three lots created outside the plat to be included in a maintenance agreement. Special Assessments were mentioned. **MOTION** by Anders/Fonger to table until the June 17th meeting when Atty. Cole will be present to advise. **MOTION CARRIED 4-0.**

F. Discuss/Consider whether to go out for bid for a new refuse and recycling contract to begin in 2025: Discussion was that it has been over 10 years since the Town last went out for bid for these services. **MOTION** by Hampton/Williams to notify the Village President that the Town wants to issue an RFP for services to begin January 1, 2025, and believes it would be in the best interest of the Town and Village to continue to use the same service provider. The letter should ask for the Village Board's response by July 2nd to allow time for the RFP process. **MOTION CARRIED 4-0.**

G. Discuss/Consider funding options for additional Town share of the cost for the CGFD Squad arriving later this year based on the Fire Commission's recent action to determine the cost split: Hampton said he was disappointed with the Fire Commission's vote on May 28th to use 2022 Equalized Values to determine the cost sharing, and suggested either mediation or the Town filing suit against the Village for use of 2023 EVs instead. The IGA in effect at the time the contract was signed in 2022 said cost sharing is based on EVs at the time of acquisition, which the Village seems to be interpreting as when the commitment was made. The current agreement, which says it supersedes all prior agreements, allocates costs by EVs at the time of delivery. Anders thought legal fees could exceed the $12,961 difference the Town would pay under 2022 EVs, and was concerned about negatively affecting the recent uptick in the relationship between the Town and Village Boards. **MOTION** by Williams/Fonger to table until the June 17th meeting when Atty. Cole will be here to advise. **MOTION CARRIED 4-0.**

III. PUBLIC WORKS DEPARTMENT ACTIVITY UPDATE:

A. Report of Road Right-of-Way permits issued: None since the last meeting.

B. The crew has been mowing like crazy due to all the rain, and trees have been falling from weight.

C. They have started bucket patching, and Dresen will be working to schedule paving and seal-coating projects.

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

V. BOARD REPORTS AND COMMUNICATIONS:

A. Report on Madison Beltline PEL Study Public Meeting by Kristi Williams: The virtual meeting was well attended. The bottom line was that improvements including flex and turning lanes are planned from the far west Beltline to the Interstate, but nothing is planned between the Interstate and CTH N. An additional study of CTH AB at US Hwy 12/18 was mentioned.

VI. COMMITTEE REPORTS:

A. Natvig Landfill Monitoring Committee: Anders reported that they approved the bills as usual.

B. Cottage Grove Fire Commission: Anders reported that approvals were given for upgrades to improve wi-fi, add capacity to the phone system at the Emergency Services Building. A phone dedicated to calling Dane County Dispatch and an OAK box (with Narcan) will also be placed in the vestibule between the entrance doors. Future needs for full-time staffing and

building addition or expansion were also discussed. Fire calls are ahead of this time last year. Fire and EMS departments are working to mitigate the increasing number of EMS calls that the Fire Department is being asked to assist with.

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 Skaar Pit, LLC.): Hampton said no closed session was needed tonight.

VIII. Consider/Adopt motion to reconvene to open session to take any action necessary from closed session: No closed session was held.

IX. Adjournment: **MOTION** by Fonger/Anders to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:11 P.M.

Kim Banigan, Clerk-Treasurer
Approved 06-17-2024

EXHIBIT A

	For Consideration 06-03-2024				
	2024-25 Operator's License Applicants				
Paid	**New/Renewal**	**Background Check**	**Servers Cert.**	**Full Name**	**Establishment**
Yes	New	yes	yes	Jesse E. Fracek	Badger Farms
~~Yes~~	~~New~~	~~yes~~	~~yes~~	~~Kristine M. Fracek~~	~~Badger Farms~~
Yes	New	yes	yes	Michelle R. Fritz	Badger Farms
~~No~~ *Yes*	New	yes	yes	Samantha M. Holton	Badger Farms
Yes	New	yes	yes	Tana M. Metzges	Badger Farms
Yes	New	yes	yes	Josie I. Binversie	Door Creek Golf Course
Yes	New	yes	yes	Calla L. Kelly	Door Creek Golf Course
Yes	New	yes	yes	Maya K. Kramer	Door Creek Golf Course
Yes	New	yes	yes	Abigail N. McConnell	Door Creek Golf Course
Yes	Renewal	yes	yes	Kylie L. Turner	Door Creek Golf Course
Yes	Renewal	yes	yes	Abigail L Smith	Door Creek Orchard
Yes	Renewal	yes	yes	Bernadette L. Archer	Doubledays
Yes	Renewal	yes	yes	Becky J. Kratochwill	Doubledays
Yes	Renewal	yes	yes	Mark A. Stueber	Doubledays
Yes	Renewal	yes	yes	Riva M. Stueber	Doubledays
Yes	Renewal	yes	yes	Stephanie K Boldt	Nora's Tavern
Yes	Renewal	yes	yes	Brittany J. Calvert	Nora's Tavern
Yes	Renewal	yes	yes	Taylor J Hamm	Nora's Tavern
Yes	Renewal	yes	yes	Jaimee L. Linnerud	Nora's Tavern
Yes	Renewal	yes	yes	Jaybin R. Nielsen	Nora's Tavern
Yes	Renewal	yes	yes	Jason M. Schmidt	Nora's Tavern
Yes	Renewal	yes	yes	Lisa M. Serena	Nora's Tavern
Yes	Renewal	yes	yes	Jason M. Simle	Nora's Tavern
Yes	Renewal	yes	yes	Rebecca A. Slater	Nora's Tavern
Yes	New	yes	yes	Brian J Christian	Warm Belly Farm
Yes	New	yes	yes	Emily M. Hebbe	Warm Belly Farm
Yes	Renewal	yes	yes	Joshua M Kuelling	Warm Belly Farm
Yes	Renewal	yes	yes	Dylan M Sadogierski	Warm Belly Farm
	2024-25 Manager's License Applicants				
	New/Renewal	**Background**		**Full Name**	**Establishment**
Yes	Renewal	ok	N/A	Kristin Frederickson	Door Creek Golf Course
Yes	New	ok	N/A	Jakob Schroeckenthaler	Door Creek Golf Course
Yes	Renewal	ok	Yes	Gary F. Stueber	Doubledays
Yes	Renewal	ok	Yes	Sheryl L. Kluever	Nora's Tavern