

## REGULAR MONTHLY BOARD MEETING MINUTES

### TOWN OF VERONA

May 7, 2019, 6:30 PM

Town Hall, 7669 County Highway PD, WI 53593-1035

Present: Geller, Maxwell, Mathies, Enburg, and Duerst

Staff Present: Arnold, Wright, and Barnes

Also Present: see sign in sheet

1. **Call to Order/Approval of the agenda** – Mark Geller called the meeting to order at 6:35 PM. Mathies moved to approve the agenda; 2<sup>nd</sup> Enburg. Motion carried by voice vote.
2. **Pledge of Allegiance**
3. **Public Comment** – None.
4. **Approval of Minutes from April 9<sup>th</sup>** – Duerst moved to approve the April 9, 2019 minutes; 2<sup>nd</sup> by Maxwell. Motion carried by voice vote.
5. **Town Chair Proposed Appointments to the Plan Commission and Town Committees Approved by Supervisor Action** – Planner/Administrator Arnold reviewed a matrix with a list of terms for the Town Board, committees, and the Plan Commission. Enburg moved to approve the appointment of the following individuals to the Town of Verona Plan Commission: Doug Maxwell as Chair for a one-year term commencing May 1, 2019 to April 30, 2020, Deb Paul and Jim Schroeder for a two-year term beginning May 1, 2019 through April 30, 2021, and Tom Mathies for a one-year term starting May 1, 2019 until April 30, 2020; 2<sup>nd</sup> by Duerst. Motion carried by voice vote. Maxwell moved to approve the appointment of the following individuals to the Verona EMS Commission: Terry Schnapp to a two-year term on the beginning on May 1, 2019 until April 30, 2021 and Mike Duerst to a one-year term from May 1, 2019 until April 30, 2020; 2<sup>nd</sup> by Enburg. Motion carried by voice vote. Appointments to the Town of Verona Public Works Committee will be acted upon at the June regular meeting as will those to the Sugar River Senior Center Board; without objection. Mathies moved to approve the appointment of the following individuals to the Town of Verona Natural and Recreational Areas Committee: Bill Keen as Chair and Dave Lonsdorf to two-year terms commencing on May 1, 2019 and ending April 30, 2021 and Du Wayne Hoffman to a one-year term to start on May 1, 2019 until April 30, 2020; 2<sup>nd</sup> by Duerst. Motion carried by voice vote. Mathies moved to approve the appointment of the following individuals to the Town of Verona Financial Sustainability Committee: Laura Dreger as Chair and Tom Mathies for one-year terms to start on May 1, 2019 until April 30, 2020 and John Senseman, Julie Bass-DeVries, and Doug Wolf to two-year terms commencing on May 1, 2019 and expiring on April 30, 2021; 2<sup>nd</sup> by Enburg. Motion carried by voice vote. Maxwell moved to approve the appointment of the following individuals to the Town of Verona Ordinance Committee: Tom Mathies as Chair and Bob Rego to one-year terms to begin on May 1, 2019 until April 30, 2020 and Meredith Stier-Christensen for a two-year term to commence on May 1, 2019 to expire on April 30, 2021; 2<sup>nd</sup> Mathies. Motion carried by voice vote. Mathies moved to approve the appointment of the following individuals to the Joint City/Town Planning Committee: Deb Paul to the even-year term and Sarah Slack to the odd-year term; 2<sup>nd</sup> Duerst. Motion carried by voice vote.
6. **Discussion and Possible Action to Adopt a Town of Verona Weed Policy by Resolution 2019-02** – Chair Geller read the proposed resolution aloud. Enburg moved to adopt Resolution 2019-02 to adopt a Town of Verona noxious weed/invasive plants policy; 2<sup>nd</sup> Mathies. There was a discussion as to whether the first sentence of the language Dave Lonsdorf proposed at the Annual Town Meeting was to have been removed. Maxwell recommended that a link to weeds and invasive plants recognized as such by the State of Wisconsin be added to the Town of Verona website; without objection. Clerk/Treasurer Wright reported that he presented Lonsdorf with the adoption resolution and language for Exhibit A which Lonsdorf reviewed and approved. Duerst questioned whether adoption of the policy will make the Town culpable when mowing alone cannot control invasive species within the Town rights-of-way. Furthermore, Duerst noted, seeds from invasive species can drift from other properties onto ones where the owner attempts to manage their spread; how then, can the Town enforce this policy? Mathies noted the policy does not have an enforcement clause; it seeks to promote the control of invasive species through education instead. Motion carried by voice vote with one vote against.
7. **Discussion and Possible Action to Establish an Ad-Hoc Committee to Study the Rate of Development in the Town of Verona** – Chair Geller stated that he is not seeking action this evening for a committee recommended at the Annual Town Meeting this past April. As Chair, he would like to have time to consider the scope for this proposed committee, its duration, and the nature of the report to the Board at the end of its term.
8. **Reports and Recommendations**
  - Plan Commission:
    - i. Discussion and possible action regarding proposed division of parcel 0608-142-8600-9 described as Lot 1 of Certified Survey Map 2074 located at 6861 Cross Country Road owned by Robert and Joanne Maurer into two Lots by Certified Survey Map presented by Jason Geiger – Town Project Manager Chris Barnes stated that he reviewed possible access points to the east of the existing access serving the existing farm house; he determined that the location within the 66' wide frontage to Cross Country Road indicated on the draft CSM presented this evening is the best access for Lot 2. The location, according to Barnes, had been reviewed on site by developer Jason Geiger, Town Patrolman Mark Judd, and Barnes. The topography, sight lines, traffic volume, and posted speed were all taken into account in determining this location. The existing McGilvray driveway is about 45' east of the eastern property line for Lot 2 of the proposed CSM.

There was brief discussion regarding the future contingency that the proposed access may someday become the shared access for the proposed Lot 1 as well if the existing farmhouse was to be removed and replaced; this would require the existing shed on proposed Lot 1 to be modified or removed to meet a 10' side yard setback and the abandonment of the current access to Lot 1 of the proposed CSM. According to Geiger, he has created a joint driveway agreement in case this contingency comes to fruition. Enburg noted that the proposed CSM has a restriction on the current vehicular access to the proposed Lot 1 if approved; Geiger stated he will have surveyor Anthony Walker remove this restriction, will have him note the need to modify or remove the shed if access to Lot 1 is abandoned and access is to be shared with Lot 2, and will have him mark the location of the septic tank and field. There followed a discussion as to whether to require the existing access to the farmhouse be removed now and require shared access to proposed Lot 2 instead of waiting for a change to the existing farm house. Maxwell moved to approve the proposed 2 Lot CSM on the condition that the existing access to Lot 1 be abandoned when a driveway construction permit for Lot 2 access is approved at which point the new access will jointly serve both of the Lots, that the minimum 10' side yard setback for Lot 1 will need to be met, and that the septic field be noted on the CSM; 2<sup>nd</sup> Duerst. It was noted that a prior CSM had already dedicated property to the centerline of the right-of-way to the public. Motion carried.

- ii. Discussion and possible action: Land Use Application 2019-5 - the creation of a four lot Certified Survey Map at 7891 Riverside Road (parcel 0608-312-8500-4); this application involves the rezoning of 38.6 acres with a current zoning of A1-EX (Ag Exclusive) with a proposed zoning change to RH-1, RH-3, and RH-4 (Rural Homes). Planner/Administrator Arnold presented the Plan Commission staff report. Town of Verona Plan Commission Chair stated that he walked the property with the developer to identify mature trees. **Motion:** Maxwell moved to approve the rezoning of the 37 acres from A-1 EX as recommended in Land Use Application 2019-5 and a 4-Lot Certified Survey Map subject to the following restrictions: Lots 2 and 3 will be rezoned to RH1, Lot 1 will be rezoned to RH3, and Lot 4 will be rezoned to RH4 conditional on a recorded deed restriction stating that Lot 1 of the CSM is restricted to one lot split for a total of two lots after seven years and that Lot 4 is restricted to three splits for a total of four lots after seven years; 2<sup>nd</sup> by Duerst. Duerst asked about the nature of access for the Lots proposed in the near term as well as those that may be allowed seven years in the future. Maxwell stated that there would be shared access for the driveways for lot 4. **Motion:** Maxwell, at the request of the Chair, moved to amend the motion that the rezoning and approval of the Certified Survey Map be contingent upon the following condition: future home sites shall to the extent possible avoid removing the large oak and hickory trees over 18" in diameter at 4.5' height, avoid building on slopes equal to or exceeding 15%, and the placement of buildings on Lots 2, 3, and 4 must be approved by Town of Verona staff; 2<sup>nd</sup> Enburg. Supervisor Mathies advocated for restrictions on tree removal and slopes be incorporated into the proposed land development Ordinance for the Town to replace the one that was repealed to ensure consistency to the standard. Enburg felt that restrictions are best noted on each CSM and Plat that is approved by the Town. Duerst was concerned that the standard does not have a provision for addressing diseased or damaged trees that may meet the diameter standard, but are otherwise undesirable. **Action on the amendment to the main motion by roll call vote:** Duerst, nay; Maxwell, aye; Mathies, nay; Enburg, aye; and Geller, aye. The amendment carried. There was brief discussion regarding whether the restriction on additional lot splits for seven years should become a uniform Town standard. **Action on the main motion by roll call vote:** Maxwell, aye; Mathies, nay; Enburg, aye; Duerst, aye; Geller, aye. Motion carried.
- iii. Discussion and Action: Land Use Application 2019-4 - the creation of a residential subdivision at Spring Rose Road and County Highway G (parcel numbers 0608-302-8507-2, 0608-193-9000-2, and 0608-193-8500-9) involving the rezoning of 74.54 acres: current zoning is A-1 EX (Ag Exclusive) with a proposed rezoning to R-1A (Residential), RH-1 (Rural Homes), and CO-1 (Conservancy) for up to twenty-seven Lots and two Outlots in the Concept Plan – Administrator/Planner Arnold reminded the Board that this process is a Plat. As such, the process begins with a Concept Plan and rezoning (when required), before the preparation and review of a Developer's Agreement, Covenants, Preliminary Plat, and Final Plat. Arnold noted that the Town of Springdale was notified of the Public Hearing, but no representatives attended. According to the owner, no natural springs were located, which would require the need for tiling. There followed a brief discussion about the need to review Dane County's authority over County Trunk Highway Access Control per Chapter 79. Supervisor Duerst voiced his concern regarding stormwater detention plans; by slowly releasing water, the detention may create unintended consequences for the farmer managing the property to the east. Would it be possible for the water released over a prolonged period travel within the ground instead of on the surface? Engineer Carrico responded that no modeling has been done at this point, but this concern will be noted. It may be possible to have more water directed to the west and prairie grass planted to the east to attenuate the problem perceived by Duerst.

Supervisor Enburg wondered if the conceptual location for the cul-de-sac bulb near proposed Lot 5 could be directed to the northern property line instead. Supervisor Mathies expressed his concern that the subdivision road if eventually extended east to County Highway G could potentially become a shortcut between CTH G and Spring Rose Road and vice versa. Engineer Carrico stated he is familiar with the property within Springdale to the west of this proposed development; he does not think it will ever be developed in the Town of Springdale. Chair Geller confirmed that the number of buildable lots was derived by dividing the total acreage by two and that part of the land is within the 100-year floodplain as defined by FEMA Flood Insurance Rate Maps (FIRM). Project Manager Barnes reported that he has been reviewing the plans with the Adam Carrico, the engineer for the developer. The grades are not excessive and the proposed roads are geometrically fine; there are some critical drainage issues which will need to be addressed. Barnes found the conceptual design elements to be sound. Supervisor Maxwell reviewed the following conditions recommended by the Town of Verona Plan Commission. **Motion:** Maxwell moved to approve the rezoning and Concept Plan subject to the following:

- Approve the rezoning of parcels (74.54 acres) from A1 EX (Ag Exclusive), parcel numbers 0608-302-8507-2, 608-193-900-2 and 608-193-8500-9, to 24 lots with R1-A zoning, 3 lots to RH1 zoning, and four lots to CO-1

- Approval of up to 31 lots (27 residential lots, all equal to or greater than 1.5 acres, and four conservation outlots (the stormwater detention basins shall be on the outlots); the road layout shall be as shown on the Concept Plan dated April 3, 2019
- If, during the engineering of the road and the stormwater management for the preliminary plat, there are significant changes in layout of the lots or number of lots to the April 3, 2019 concept plan, then the new layout of the Concept Plan will need to be reviewed and acted upon by the Plan Commission
- Before review of the preliminary plat by the Plan Commission, the following requirements shall be met:
  - a. Completion of the wetland delineation
  - b. Completion of the draft of the stormwater management plan
  - c. Engineering of the road; the cul-de-sac should have an engineered circle with an appropriate radius and lots shall not include easements for the cul-de-sac
  - d. A declaration of neighborhood covenants, which will include the architectural design features for homes and accessory buildings, landscaping requirements for residential lots; berm and landscaping plans for the berm along Spring Rose Road
  - e. A financial agreement for maintenance of the outlots, which include: stormwater management ponds and easements, the wetland areas on outlots, and park area
  - f. A draft of a Developer's Agreement submitted

Mathies seconded the motion. There was a review of the Concept Plan submitted by Carrico Engineering. Maxwell pointed out the proposed location of the detention basins; no modeling has been done yet to determine the size required or the type of basin to be employed. Arnold suggested that the Town of Springdale and the Town of Verona could seek an Intergovernmental Agreement for road maintenance with the Town of Verona at some point during the review and approval process. The concept plan road layout has been found acceptable by the Verona Fire Department. Adam Carrico noted that the exact configuration at the access point with Spring Rose Road is still preliminary but should be near to proposed Lot 1. The cul-de-sac bulb can be updated to be entirely paved (without a central island). A temporary cul-de-sac bulb could be included for the future stub to the east near to proposed Outlot 1 and proposed Lot 15. It was noted that the conservancy area to the east may be expanded by request of the developer. It was noted that some proposed lots may need to be rezoned if their adjusted size falls below 2 acres. It was reported that a traffic counter has been placed on Spring Rose Road by the Town of Verona; Dane County was able to supply data for County Highway G from 2014. Areas in the floodplain will be restored to prairie to mitigate water issues downstream of the proposed development. **Action:** Motion carried unanimously by voice vote.

- iv. Discussion and possible action regarding the phasing of Prairie Circle extension – Supervisor Maxwell reported that he talked with Roger Lane, Dane County zoning administrator, and Amanda Arnold recently to discuss this topic. The group agreed that there should be assurances that an extension of the proposed east-west extension to the existing Town road will be constructed if certain key events transpire. Maxwell briefly reviewed the list of possible triggering events that would necessitate the extension of Prairie Circle to the east of the existing cul-de-sac bulb:
- 1) The offer of Lots 2, 3, 4 or 5 for sale, as shown on the concept plan dated March 4, 2019 or
  - 2) The approval of a plat or CSM for more than 5 homes within 1/4 mile of where the new road would intersect with the property to the east or
  - 3) The passing of 15 years from the signing of the development agreement for Prairie Circle Development or
  - 4) A request by the City of Verona for the construction of the road to the east in the Prairie Circle Development.

Maxwell noted that the property to the east of the lands within the Prairie Circle Concept Plan is in Farmland Preservation. Once a trigger has been met, Maxwell continued, the developers will have one year to complete the road to Town standards. A letter of credit will be in place for 140% of the estimated cost of construction of the road to the east. Two estimates for the road construction will need to be submitted to the Town to determine the amount of the letter of credit. Maxwell admitted that some other form of financial assurance could be substitute for the letter of credit, if approved by the Town Board. Chair Geller briefly acknowledged that the affected land owners, whose future interests were quite different, nevertheless were working cooperatively.

Maxwell moved to approve the phasing to the east with the triggering events noted above and with the assurance of a letter of credit or other mechanism also noted above; 2nd Duerst. Enburg suggested that another triggering event could be the Town of Verona request for the construction. After brief discussion, it was agreed that condition 4 substitute the Town of Verona for the City of Verona; without objection. Supervisor Mathies moved to amend the main motion by removing the condition 3; Chair Geller asked the parties in support of the main motion if they agreed to the friendly amendment. The amendment was accepted. There was a brief discussion to consider an amendment to the main motion that a lien be placed upon the developer's property as a guarantee that the road will be built to the east if any of the triggering events transpired. Developer Tim Sweeney explained that a letter of credit is costly on an annual basis, particularly for a term as long as fifteen years and wanted to know what rights he has during the process. He noted that Wisconsin State Assembly Bill 770 suggests a 1.1 multiplier instead of the 1.4 multiplier suggested by the pending motion. There followed a brief discussion regarding whether the Concept Plan could be developed as a phased Plat instead of all at once; Tim and Linda Sweeney prefer to be Platted all together, not in phases. Tim Sweeney understands the need of the Town of Verona and Dane County to have an assurance through a letter of credit that the construction of a future road extension will be guaranteed; however, the Developer's Agreement could stipulate a lien whereby the developers assume that burden. Chair Geller suggested that the Town attorney could possibly draft such a lien document. Town Project Manager Chris Barnes stated that a bond or letter of credit is typically used to ensure the completion of a project by a certain date, not to ensure that the project may or may not happen at an indeterminate point in the future. Geller suggested that a letter of credit could be required once one of the triggering events occurred.

Maxwell moved to rescind his original motion which was agreed to by his second to the original motion Duerst. The motion to rescind the main motion carried. Mathies moved to require that the road to the east of Prairie Circle be constructed when 1) there is an offer of any of Lots 2, 3, 4 or 5 for sale, as shown on the concept plan or 2) there is a request by the Town of Verona for the construction of the road to the east in the Prairie Circle Development to connect to a development to the east. Once a trigger has been met, the developers of Prairie Circle Development will have one year to complete the road to Town standards. Prior to road construction, a letter of credit will be in place for the estimated cost of construction based on two cost estimates and deemed acceptable by the Town; 2nd Duerst. There followed a brief discussion regarding how to not involve the Di Maggio family in this obligation. Roll call vote: Maxwell, aye; Mathies, aye; Duerst, aye; Enburg, aye, and Geller, aye. Motion carried.

- v. Updates from Plan Commission Chair – Supervisor Maxwell stated that there have been reported violations of new construction standards subsequent to the adoption of the Dark Sky Ordinance (2017-04) on September 5, 2017 and of the Condo Declarations for Woods at Watch Hill for the parking of trailers in a cul-de-sac. Mathies reported that the Dark Sky Ordinance recommends a warning prior to the issuance of a citation. It was decided a letter to the owner(s) might be the best first step to make them aware of the violation. Potentially, the Building Inspector can issue a citation; however, what compensation would the Town then owe for its issuance?
  - Public Works:
    - i. Discussion and possible action regarding the application for a driveway located at 3081 Timber Lane – Project Manager Barnes reviewed the location recommended by the Public Works Committee. Applicant John Jensen will remove the rock outcropping after June 15, 2019; this was required by the Public Works Committee. There is no need for a culvert due to existing curb and gutter at this location. MSA Professional Services reviewed the recommended access with the applicant. Enburg moved to approve the driveway permit as presented; 2<sup>nd</sup> Duerst. Motion carried by voice vote.
    - ii. Supervisor Enburg requested that a future discussion item be added to a Town Board agenda regarding private roads versus public roads, snow plowing policies, etc.; Chair Geller requested a list of possible items to consider.
  - Staff Report:
    - i. Budget-to-Actual year-to-date – Planner/Administrator noted that the blue cells of the report indicate transactions that are complete for 2019.
    - ii. Possible discussion and action regarding 2019 budget amendments – There was a brief review of costs for Senior Services that are approximately \$400 over the amount budgeted. Mathies moved to approve a budget amendment for Health and Human Services; 2nd Maxwell. Motion carried by voice vote. Arnold reported that she has a meeting scheduled with Adam Sayre at the City of Verona to discuss Senior Services. She also met with the new Town of Middleton Administrator/Treasurer Greg DiMiceli regarding the future of the joint municipal court.
    - iii. Project Manager Barnes presented a monthly report of Public Work activities. There followed a brief discussion regarding the removal of felled brush and trees along Shady Oak Lane and the navigable creek; these were felled after the flood event in August 2018 and were removed to prevent the debris from causing potential future erosion and other problems as well as to protect Town resources.
  - Financial Sustainability: There was brief discussion regarding the formation of the ad-hoc committee recommended at the Annual Town Meeting. Wright reported that he received information from Andrea Newman-Wilfong at the Department of Revenue that the FSC requested regarding Wisconsin Towns with populations less than 3,000 that exceeded their levy limit by resolution. Project Manager Barnes attended the May 1, 2019 meeting and provided some preliminary information for a 5-year capital improvement plan; he is in ongoing discussions with the public works director at the City of Verona regarding Cross Country Road. The next meeting will be June 20, 2019.
  - Ordinance Committee – there was no meeting in April; no report.
  - Natural and Recreational Areas Committee: Clerk/Treasurer Wright reported that he submitted a copy of the updated Parks Plan to Natural Resources Financial Assistance Specialist Cheryl Housely at the Wisconsin Department of Natural Resources; after review of the Plan, the Town should be issued a Letter of Eligibility that qualifies the Town to apply for State and County grant monies.
  - EMS Commission: Supervisor Duerst reported that runs were down slightly and provided updates regarding the new ambulance, support vehicle, and facility.
  - Town Chair: no report
  - Supervisors: The group was reminded that Brian Standing from Dane County Zoning will hold a public meeting at the Town of Verona Hall on Thursday, May 16, 2019 to discuss the zoning updates in Dane County. Mathies reported that he attended the listening session at the Town Hall on Monday, May 6, 2019 for Representative Hesselbein. Enburg reported that County Highway S (Mineral Point Road) has scheduled construction; the Town should expect increased traffic on their roads.
- 9. Approval of Payment of Bills** – Mathies moved to approve payment of the bills as presented by Clerk/Treasurer Wright; 2<sup>nd</sup> by Enburg. Motion carried by voice vote. A preliminary approval report will be sent with the rest of the packet on the Friday preceding the meeting; without objection.
- 10. Adjourn** – Duerst moved to adjourn; 2<sup>nd</sup> Enburg. The meeting was adjourned at 9:35 PM.