

## REGULAR MONTHLY BOARD MEETING MINUTES

### TOWN OF VERONA

November 7, 2017 6:30 PM

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

Present: Geller, Maxwell, Enburg, Dreger and Duerst (arrived at 6:42 PM)

Absent: none

Staff Present: Arnold, Wright,

Also Present: see sign in sheet

1. Call to Order/Approval of the agenda – Mark Geller called the meeting to order at 6:30 PM. Maxwell moved to approve the agenda; 2<sup>nd</sup> Enburg. Chair Geller noted that the Reinen property located on Sunset Drive is not on this evening's agenda for discussion; however, he proposed that after a staff presentation on density within condominium plats that he would open the floor to comments about density, not particular developments. Once comments were aired, Geller proposed for the Board to entertain a motion to discuss the density issue and possibly take action; without objection. Geller stated that he received several letters that he had received; Amanda Arnold handed out copies of those to the Board members.
2. Pledge of Allegiance
3. Public Comment – None
4. Announcements – Mark Geller thanked David Lonsdorf and Doug Maxwell in addition to all of the other volunteers who planted the prairie at the Town Hall the weekend before. He also announced that an updated draft of the City of Verona's Northwest Neighborhood Plan is available on their website and a public hearing will be held on December 4<sup>th</sup> at the City Hall. He further announced that the Board would go into closed session later in the evening.
5. Discussion and Approval of Minutes from October 3 – Motion to approve by Maxwell; 2<sup>nd</sup> by Enburg. Motion carried.
6. Reports and Recommendations
  - a. Plan Commission:
    - i. Discussion and Action re: density policy for condominium developments – Amanda Arnold presented a staff report that recommended that in condominium developments the unit area be calculated by: 1) Divide the overall lot size by two to determine an initial number of units, 2) Identify any public benefits being offered by the developer, and 3) Taking the acreage of these beneficial elements into consideration, identify an acreage credit to be allotted, and reduce some unit sizes by that amount; however, regardless of the credit, the minimum unit size should be an acre and-a-half. Arnold further noted that Dane County regulates zoning and density and that the Extraterritorial Jurisdiction authority of neighboring cities is pressuring local land owners to consider condo plats as they technically are not land divisions. She briefly reviewed the revised minimum lot sizes for the approved Woods at Watch Hill Condo Development which has two stormwater detention structures on condo lots; when the private roads layout changed, so too did the minimum size of the smallest condo unit. Arnold then briefly reviewed the authorities and studies consulted for determining minimum unit sizes that have private wells and on-site septic treatment. Of the developed lots in the Town of Verona that are on private well and septic, 135 are 1.5 or fewer acres in size which represents approximately 20% of the total number of those lots. It was further noted that conventional land subdivisions do not subtract the driveway acreage from the total acreage to determine a minimum lot size.

Mark Geller then took comment from the audience:

- o John Senseman of 3199 Shady Oak Lane felt there was no reason to allow lots smaller than two acres and that no credit should be given for a private road because they may one day be owned by the Town. He felt the increase density would make traffic worse on Shady Oak Lane.
- o Phil Pielage of 1767 Beach Road was alarmed by the number of condominium developments being proposed and felt the use of a condominium-style development was a loophole to avoid standard subdivision regulations. He advocated for case-by-case review of proposals so that the preservation of natural features could be taken into account when determining the maximum number of condo units. He urged the Board to delay action until the comprehensive plan update process is completed.
- o David Lonsdorf of 1717 Beach Road raised concerns that an acre and-a-half lot size would become a standard across the Town. He also raised concerns about developing along the terminal moraine or other significant natural features; he would prefer development in areas lacking significant natural features.
- o Susan Pigorsch of 6415 Sunset Drive referenced the Town's survey done as part of the comprehensive plan update process and stressed that residents did not want to see more development. If additional single family homes were to be allowed, she and husband Hans would prefer that they be on lot sizes of five acres.
- o Tom Mathies of 3127 Nor Del Hill Road noted that Arnold's staff report advocated that private roads not be counted towards condo unit size as a credit, which he supports.
- o Bonnie Stamm of 6712 Redstone Lane reminded the Board that the residents had rejected a merger with the City of Verona because they wanted to preserve the rural character of the Town which denser development would diminish.
- o Doug Schorr of 6487 Sunset Drive raised concerns about condominiums being a loophole and setting a precedent.
- o Pete Ragotzkie of 6456 Purcell Road raised concerns that there will be more and more proposals resulting in more mowed lawns and less natural area.

- o Jim Coons of 1827 Locust Drive explained that he was proposing a development and he feels that even if a condominium is seen as a loophole, it would be a better alternative to having adjacent cities annex and then develop the land to a higher density.
- o Hans Pigorsch of 6415 Sunset Drive would like for the Town Board and Town Plan Commission to review the letters and emails that were submitted prior to making a decision. He would like the Comprehensive Plan to reflect the desires expressed by residents through these communications as well as through the area surveys. Town residents and future residents should know what the Town will be like for the next 20 years.

Chair Geller thanked people for their comments and turned the discussion over to the Board. Amanda explained to the audience that the Town cannot just ask developers to go away or wait to consider development requests until the comprehensive plan has been updated; instead, they must consider proposals as state law mandates action within 90 days.

Maxwell made a motion that the maximum number of units allowed for a condominium development will be determined by dividing the acres of the lot (parcel) by the density shown on the land use map associated with the adopted Comprehensive Plan and no unit shall be smaller than 1.5 acres resulting in a surplus of land that can be used for amenities; additionally, the Town reserves the right to require open spaces, preservation of natural areas, and berms and landscaping features to preserve the rural character of the Town; 2<sup>nd</sup> Duerst.

Doug explained his motion was based on: the guidance the Town received from its attorney, the letter that the Town has received from Dane County Public Health about lot size with septic systems, and his desire to have the ability to negotiate for open space. Mark Geller stressed that he does not see condominium development as a loophole, but instead as important tool to have Town development where the cities would not allow it. He does not expect condos to be proposed outside of cities' extra-territorial jurisdiction areas. He feels development is coming one way or another; accordingly, the Town needs to take control over its future. He also pointed out that property owners have rights to pursue development and that when compiled the survey has mixed results on the Town-wide level. Manfred Enberg stated that he was torn, but he felt smaller unit sizes would allow for more land to be dedicated to the public for open space. Laura Dreger acknowledged the existence of lots in the Town of 1.5 or fewer acres; however, she supported a two-acre minimum and did not want to create more lots below that standard. She supported the sentiments expressed in the area surveys, but also went on to say that condominium development is good option within the extra-territorial jurisdiction areas. She opposed giving developers of condo plats a credit for roads, natural features, or storm water detention structures. Manfred noted that condo developments that define one acre building envelopes within a two acre unit conserve 50% of the land from future development. Mike agreed with the proposed divisor of two to determine the number of lots, but has no preference for how developments are laid out.

John Senseman noted as a point of order that Doug Maxwell should recuse himself because his family is proposing a development. Doug explained that indeed his son is proposing a development but that he abstains from all votes related to that development and does not have decision making authority in the family LLC. He felt the density issue was a town-wide issue that he should weigh in on as Plan Commission Chair, but agreed to recuse himself. John Wright pointed out that someone who is recusing himself cannot make a motion that could potentially be perceived as being to their benefit. Manfred Enburg volunteered to take up the motion and made the following edits:

that the maximum number of units allowed for a condominium development will be determined by dividing the acres of the lot (parcel) by the density shown on the ~~current~~ adopted land use map associated with the adopted Comprehensive Plan and no unit shall be smaller than 1.5 acres resulting in a surplus of land that can be used for ~~amenities~~ conservation. Additionally, the Town reserves the right to require open spaces, preservation of natural areas, berms and landscaping features to preserve the rural character of the Town; 2<sup>nd</sup> Duerst.

There was a brief discussion acknowledging that with the new comprehensive plan the map could have different densities, i.e. eight acres minimums rather than two. In this case, the number of lots would be reduced, but the 1.5 voluntary minimum would remain. Mark Geller called the question – Dreger: no; Maxwell – abstain; Enburg – aye; Duerst – aye; Geller – aye. Motion carried.

Doug Maxwell stressed that people should remain involved in the comprehensive plan process as it will set densities outside of condominium developments. Several meetings will be held in January and the revised draft future land use map will be available in December.

- ii. Update re: Driftless Ridge proposal for 3151 Shady Oak Lane – Doug Maxwell summarized the proposal that is in front of the Plan Commission. Amanda stressed that action will need to be taken at the next Board meeting to meet the 90-day deadline. Doug and Amanda needed to know if there was additional information that the Board needed (Doug provided a list of the materials they will receive before the next Board meeting.) Mike Duerst asked for an image of the broader area. John Wright suggested showing potential driveway locations. In response to the proposal that the developer will plant pine trees and blue spruce trees, Enburg asked that the site lines for the development relative to Shady Oak Lane be defined so that the plantings are not in conflict with traffic safety.
- iii. Discussion and Action re: Land use application 2017- 10 - for property located at 6636 Purcell Road submitted by Bruce Holoubek. The purpose of the application is the creation of a certified survey map to shift a lot line. A rezoning

of one lot from RH2 to RH3 and the second lot from RH3 to RH2 to accommodate lot size is also included. No new lots are being created. The adjusted lots will be 15.8 acres and 7.0 acres. Motion by Maxwell to approve the rezoning and that the preliminary CSM be approved with the understanding that the stream, the existing house, well and septic system be shown; 2nd by Duerst. John Wright pointed out that the County will require the dedication of right-of-way along Purcell Rd and the Town Board will need an action to accept it. Doug Maxwell amended the motion to include that provision. Motion carried unanimously. Manfred Enburg noted that a shared driveway is acceptable, but that brush will need to be trimmed back.

- iv. Discussion and Action re: Land use application 2017- 11 - for property located at 6521 Sunset Drive submitted by Andrew Schmidt on behalf of Julia Erickson. The purpose of the application is the creation of a certified survey map dividing 36 acres into three lots of approximately 7, 5, and 24 acres. The current zoning is RH-1 which allows for two acre lots. The Plan Commission has recommended RH-2 and RH-3 zoning. It was noted that with RH-4 was a better fit to avoid future splits. The applicant was comfortable with that proposed change. Motion by Maxwell to approve land use application 2017-11 for property located at 6521 Sunset Drive for the purpose of creating 3 lots from a 36-acre parcel as shown on the conceptual plan to be rezoned from RH1 to RH2 for Lots 1 (7 acres) and Lot 2 (5 acres) and rezoned from RH1 to RH4 for Lot 3 (24 acres); 2<sup>nd</sup> Dreger. Manfred Enburg noted that all lots could have to share a driveway depending on the final lot line location in relation to the street elevations unless a reduction from the current speed of 45 MPH to 35 MPH could be enacted. Motion carried unanimously.
  - v. Discussion and Action re: Land use application 2017- 12 - for property located at 6712 Red Stone Lane submitted by Norman Stamm. The purpose of the application is the creation of a certified survey map dividing an approximately four acre parcel into two two-acre parcels. The property line between 6712 Redstone Lane and 1900 County Highway PB will also be shifted. The current zoning is A2 (2) which allows for two acre lots. The Plan Commission recommended a change to RH-1. Motion by Maxwell to approve land use application 2017-12 for the property at 6712 Redstone Lane that creates two lots from one four-acre parcel and rezones from A2(2) to RH1 for both lots and the approval of the preliminary CSM (which also involves the sifting of the property between 6712 Redstone and 1900 County Highway PB) with the addition of the well on lot 1 and addition of the stream; 2<sup>nd</sup> Dreger. Motion carried unanimously. John Wright noted to Amanda Arnold that dedication of vision corner of Lot 3 should be reviewed to make certain that the dedication does not make the lot substandard.
- b. Public Works – Manfred Enburg and John Wright explained that they are continuing to work on a 5-year capital improvement program.
  - c. Natural and Recreational Areas Committee – John Wright reported that NRAC is continuing to work toward and update and re-adoption of a parks plan and will be seeking a Town Board resolution possibly in December to approve the amendments.
  - d. Financial Sustainability:
    - i. Update on the draft 2018 general fund and utility district budgets – The utility district had been discussed at a meeting preceding the Board meeting, so conversation focused on the general budget.
      - a) Overview by staff – Amanda explained that she and John had produced a budget that covered operations for 2018 but not many of the special projects that Board members have mentioned. Right now there is a surplus of approximately \$41,000 in the draft budget and staff was seeking guidance on how to allocate those funds. Amanda reminded the group that while there are still reserves for some specific purchases, there aren't many general back-up funds. Doug Maxwell mentioned that he would like to see money spent on improvements to the acoustics in the community room and he also suggested starting to save for maintenance that will ultimately need to be done to the Town Hall. Mike Duerst suggested spending more on tree trimming. Mark Geller asked for a ten year look back at Town budgets. Amanda noted that overtime has been separated from the regular wages in the Public Works portion of the budget.
      - b) Finance committee comments – Amanda and Laura Dreger explained that the finance committee felt \$5,000 was an appropriate amount to spend on the town hall each year and that Tammy Dresser was working on a program for donations for plants and outdoor furniture. The committee felt all charitable donations (beyond senior services and river clean up) should be eliminated from the budget to avoid a situation of having to choose between efforts.
      - c) Overview of schedule for adoption – Amanda explained that the upcoming retreat and the public hearing may influence people's feelings about the budget. Final adoption is set for the December Board meeting.
      - d) Motion to schedule the Town Meeting and Public Hearing – Motion by Duerst to hold a town meeting and budget hearing at 7:00 p.m. on Tuesday, November 21<sup>st</sup>. Second by Enburg. Motion carried.
      - e) Discussion and action re: Adjustments for prior years levy carryforward. – Motion by Enburg to accept the prior years unused levy carryforward in the 2018 budget in the amount of \$4,446 as calculated in Section C of the 2017 Municipal Levy Limit Worksheet; 2<sup>nd</sup> Duerst. Motion carried.
    - ii. Discussion and action re: updates to the general fee schedule – Amanda explained that she'd like to review fees each year when the budget is reviewed. She made several suggestions that were outlined in a document listing existing and proposed fees. Maxwell suggested an addition: a \$15,000 escrow fund balance for developers of condominium plats. Motion by Dreger to adopt the suggested fee schedule with Doug's amendment; 2<sup>nd</sup> Duerst. Motion carried unanimously.

- e. Ordinance Committee - no report
  - f. EMS Commission – Mike Duerst reported that Fitchburg is likely to move forward with a study of leaving the district. The Chief has decided to retire and the selection of his replacement is underway.
  - g. Town Chair – no report
  - h. Supervisors – Doug mentioned that an FFA group has volunteered to clean up trash at the town hall on Nov. 18<sup>th</sup>. Laura confirmed that the Town acknowledged the passing of Marcia Sheets and Larry Kruger's wife. Mike would like the former chair portraits to hang in the community space rather than the hallway. Manfred suggested the use of homasote panels to deaden the acoustics in the community space and to minimize damage to the walls when hanging artwork.
  - i. Clerk/Treasurer:
    - i. Update on discussions with Fitchburg re: Fitchrona Road – Manfred, John, and Amanda met with the City of Fitchburg representatives to discuss the potential of pursuing Town Road Improvement Discretionary grant funds for Fitchrona Road; ultimately Kevin Lord of MSA professional services and the City felt the costs were too much to take on right now to build to the DOT standard. However, the two groups agreed to keep working toward improvements.
    - ii. Update on discussions with Dane County on stormwater management – Amanda authorized for Town Project Manager Ron Lease and Town Patrolman Mark Judd to review the Madison Metropolitan Sewerage District access off of 18/151 that appears to be preventing stormwater within the 18/151 right-of-way from flowing to the west into the Badger Mill Creek. A preliminary review suggests that there is a culvert beneath the gravel drive access that may be overgrown; a second visit to the site by Lease to shoot elevations is planned.
  - j. Planner/Administrator – no report
7. Approval of Payment of Bills – Motion by Enburg; 2<sup>nd</sup> Duerst. Motion carried.
  8. Motion to go into closed session per Wis. Stats. §19.85 (1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The purpose of the close session is to discuss staff reviews and compensation. – Motion by Maxwell. Second by Duerst. Motion carried at 9:46 PM.
  9. Motion to return to open session. – Motion by Enburg; 2<sup>nd</sup> Maxwell. Motion carried at 10:25 PM.
  10. Action and discussion on issues discussed in closed session – Motion by Duerst to authorize 2% raise increases for the Deputy Clerk/Treasurer and Road Patrolman positions with authority to the Administrator to round to the hourly rate either up or down to the nearest fifty cents, and to change the Clerk/Treasurer position to salaried position paying \$55,000 a year, with the understanding that job descriptions will be further evaluated into the new year. Motion carried unanimously.
  11. Adjourn – Motion by Duerst; 2<sup>nd</sup> Maxwell. Motion carried at 10:30 PM.

Approved: 12/5/2017

Submitted by: Amanda Arnold, Planner/Administrator and John Wright, Clerk/Treasurer