

## REGULAR MONTHLY BOARD MEETING MINUTES

### TOWN OF VERONA

September 2, 2014 6:30 P.M.

Town Hall, 335 N. Nine Mound Road Verona, WI 53593-1035

Present: Rego, Enburg, Geller, Miller, Combs

Absent: None

Staff Present: Arnold, Wright, Lease

Also Present: see sign in sheet

**Call To Order** – Dave Combs called the meeting to order at 6:33

Pledge of Allegiance

**Approval of Agenda** – Motion by Rego to approve the agenda with the understanding that the Plan Commission section would be moved up when Manfred Enburg arrived. Second by Miller. Motion carried.

**Announcements** - Amanda Arnold announced that Officer Jay O'Neil, one of the new contract deputies for the Town, would be joining the meeting to get to know the Board and Town issues.

**Public Comment** - None

*Note: topics below are listed in the order they were discussed, not in the order that they appeared on the original agenda.*

**Ordinance 2014-3 Adopting Chapter 1(General Government) and Chapter 2 (Finance and Taxation)** of the new code of ordinances – The Board had reviewed these chapters at a previous meeting. Motion by Miller to approve. Second by Rego. Motion carried unanimously.

**Resolution 2014-5 initiating the transfer of N. Nine Mound Rd. to the City of Verona.** – Gary Stuek spoke against the project, but stated that if it must happen his greatest concern is keeping the burbs to mitigate noise impacts. Bob Gundlach responded that the current berm would remain and two others would be constructed. Ron Rieder explained that he has met with the immediately affected residents, and had set up an appointment to talk with Mr. Stuek more. Amanda Arnold explained that the current resolution initiates the transfer process and a public hearing will be held in October. Manfred Enburg arrived at 6:43 p.m. The Board asked to see the final right-of-way plat when it's prepared. Motion by Rego to approve resolution 2014-5. Second by Miller. Motion carried unanimously.

#### **Plan Commission -**

Discussion and action re: Land Use Change Application #2014-6 – dated 6/30/2014 for property located at 2817 White Crossing Rd. submitted by Bill Krell for the Krell Company. The purpose of the application is to allow a Conditional Use Permit for unlimited livestock on 3-16 acres within the A2(8) zoning district.

Manfred Enburg explained that the Plan Commission had crafted identical motions for the two horse related applications. Amanda added that she had sent the Plan Commission motion to Dane County staff for review, and they in turn had sent a slightly edited version that should work from a technical perspective. Amanda passed out table comparing the three current CUPs and another comparing the new proposed conditions for the two CUPs under consideration. Manfred pointed out that some previous conditions from Thomas' CUP had been dropped.

Bill Krell addressed the board and stated that he felt he should have 25 horses on the property that houses the barn because the barn has enough stalls. He stressed that he never asked for unlimited horses and that was placed on his application by Dane County staff. He stated that he feels one approach doesn't fit all situations and each horse facility should be considered on its own merits. He added that a standard of 1.8 animal units per acre doesn't consider how the horses are managed or the environment. He explained that the Town Board had previously approved unlimited livestock for the site. Manfred Enburg offered to have Plan Commission reconsider and add more unique conditions. The group discussed treating the applications based on their impacts. The group then discussed Mandy Thomas' application.

Discussion and action re: Land Use Change Application #2014-7 – dated 7/8/2014 for property located at 2796 White Crossing Rd. submitted by Mandy Thomas. The purpose of the application is to allow a Conditional Use Permit for unlimited livestock on 3-16 acres within the A2(8) zoning district.

Mandy Thomas addresses the Board. She explained how she maintains her site and manages her horses. Gregg Miller responded that she has made improvements, but the dust from the arena remains a problem for him and that he couldn't support the CUP without more language about dust control. Mandy responded that she has tried to control the dust. Stacy Bean spoke in support of the efforts that Mandy has made to improve her site.

There as a discussion of a recent party held on Thomas' property. Officer O'Neil suggested people keep the CUP and the party separate, and Dave Combs asked that the personal comments end. Mandy suggested that Gregg Miller should abstain from voting because of his personal involvement in the situation. Gregg responded that he had a note from the Town's attorney indicating that he did not have a conflict of interest that would require him to abstain.

Manfred again asked the Board if they wanted the Plan Commission to work on the conditions more. Mark Geller added that he doesn't want the Town to be in the business of managing horse operations and that he felt a standard set of conditions was needed. Mark pointed out that Bill Krell's property was larger (before the residential property was split off) when he had more horses. A set standard based on acreage would respond to future changes in property size.

Motion by Enburg to approve CUP for "limitations of livestock" with the A-2(8) district for the property located at 2817 White Crossing Rd. with the following conditions (drafted by the Plan Commission and reviewed by Dane County staff and amended by the Board):

1. The horse boarding facility shall be limited to 18 animal units on the property; this includes horses and any other livestock.
2. Additional animal units can be boarded at a level of 1.8 units per acre of contiguous leased or owned land if documentation of a ~~current, properly property~~ executed lease or evidence of ownership is provided to and found acceptable to the Town of Verona--On the additional leased or owned land, animal units cannot be double counted to serve both the that property and the property addressed in this CUP.
3. Up to 10 additional horses (1 per acre) may be allowed on the site during business hours.
4. No new boarding facilities will be allowed without all applicable permits.
5. Activities will be limited to boarding, horse riding, open pasture, instruction, training, trail riding, private events, and small public events.
6. Horses will be boarded 24 hours a day, but hours of operation will be from 6am to 10pm.
7. Owner/Operator shall be responsible for instituting and complying with a nutrient (manure) management plan written to NRCS 590 standards and approved by Dane County Land Conservation.
8. All parking shall be on site. Parking is prohibited on County Highway PD, White Crossing Road, and Timber Lane.
9. Outside speakers/amplification is prohibited.
10. Lighting is limited to hours of operation except for a security light
11. Appropriate ground cover to mitigate risk of erosion and dust from over grazing and use of outdoor arenas is required.
12. Outdoor storage will only be for fodder, water, training and riding.
13. Sanitary facilities must be provided in or directly adjacent to the primary boarding facility.

It was understood that with these conditions the six findings of fact for a conditional use permit would be satisfied.

Second by Geller. Motion carried unanimously.

Motion by Enburg to approve CUP for "limitations of livestock" with the A-2(8) district for the property located at 2817 White Crossing Rd. with the following conditions (drafted by the Plan Commission and reviewed by Dane County staff and amended by the Board):

1. The conditions within this conditional use permit shall replace the conditions of CUP 2082.
2. The horse boarding facility shall be limited to 18 animal units on the property; this includes horses and any other livestock.
3. Additional animal units can be boarded at a level of 1.8 units per acre of contiguous leased or owned land if documentation of a ~~current, properly property~~ executed lease or evidence of ownership is provided to and found acceptable to the Town of Verona--On the additional leased or owned land, animal units cannot be double counted to serve both the that property and the property addressed in this CUP.
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7. Horses will be boarded 24 hours a day, but hours of operation will be from 6am to 10pm.
8. Owner/Operator shall be responsible for instituting and complying with a nutrient (manure) management plan written to NRCS 590 standards and approved by Dane County Land Conservation.

9. All parking shall be on site. Parking is prohibited on County Highway PD, White Crossing Road, and Timber Lane.
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14. Sanitary facilities must be provided in or directly adjacent to the primary boarding facility.

It was understood that with these conditions the six findings of fact for a conditional use permit would be satisfied.

Second by Geller.

A gentleman asked how dust control would be judged. Manfred Enburg added that there cannot be exact measured, but the idea is the efforts will be made.

Motion carried unanimously.

**Fireworks permit for 7474 Rolling Meadow Rd.** – Amanda explained that complaints had been received when this applicant had fireworks last year. The applicant and people who complained had been notified of this meeting, but none were in attendance. The Board asked for the fireworks permit to be amended to state that fireworks cannot be fired onto other properties and that debris should not land on other properties. Motion by Geller to authorize the Chair to sign the permit. Second by Rego. Motion carried unanimously.

**Driveway permit for Heartland Farm Sanctuary, 7713 Midtown Rd.** – Motion by Enburg to approve. Second by Rego. Motion carried unanimously.

**Temporary Class “B”/ “Class B” license for the sale of fermented malt beverages and wine for Heartland Farm Sanctuary, 7713 Midtown Rd.** – Motion by Miller to approve the permit for the Oct 5<sup>th</sup> event. Second by Rego. Motion carried unanimously.

**Operators license for Dana Barre for Heartland Farm Sanctuary for 10/5/2014 through 6/30/2015** - Motion by Geller. Second by Enburg. Motion carried unanimously.

#### **Public Works -**

Ron Lease provided an update on current road projects. He explained progress is slow on Range Trail and suggested that in the future the Board require a specific set of dates for a project to be completed within.

Amanda explained that there have been two cases of people paving their drives without permits (a joint drive at 1960 and 1964 Range Trail and a drive located at 6450 Shady Bend Rd). The Board authorized staff to issue retroactive permits and charge the appropriate fees. Ron explained that the driveway apron at 6450 Shady Bend is wider than what would be allowed by the current ordinance (the apron is approximately 40'). Typically, a variance would be needed to have an apron that wide. However, Amanda didn't recommend bringing a variance to the board in this case because the owner has large vehicles that need a large apron to avoid hitting the ditch or culvert end walls (the variance would likely be granted and the driveway is built). The Board agreed, but suggested that the issue be documented for the files.

John Wright presented the latest version of the updated driveway ordinance. Mark Geller comment on how much of an improvement it was. Motion by Enburg to approve the edits.

**EMS** – Bob Rego reported that operational costs will be increasing next years as EMS ramps up to staff a new station. He also indicated that the City of Verona suggested splitting cost based on calls instead of equalized valued. The Board was not supportive of that option. Bob reported that Paul Jacobsen, one of the appointees, has not been attending EMS meetings regularly. Dave said he'd explore options for potential other appointments. Lastly, the annual meeting date will be held October 16<sup>th</sup>.

**Open Space and Parks** – Gregg Miller reported that the OSPC has been discussing invasive species and parking lots for river access. John Wright added that they have discussed a new loop trail and at the next meeting will likely discuss cattle fences that cross the Sugar River.

**Town Chair** – Dave Combs mentioned that he and Amanda have a meeting scheduled with Yahara Materials and the City of Fitchburg to discuss potential impact to and plans for Fitchrona Rd. Manfred added that he had talked with Yahara staff and indicated to them that he's concerned about the structural integrity and safety of the road. Bob Rego added that he remains concerned that the Town will have pay for improvements to accommodate a use from which the Town will gain no tax revenue. Dave also mentioned that the Herfel Board of Review case has been appealed to the Department of Revenue. There was a brief discussion about the CUP for the Herfel pit including the moving of the pit to the other side of the road.

**Supervisors** - Manfred Enburg asked about the status of the field access on Sugar River Rd that was approved a few months ago.

**Clerk/Treasurer** - John Wright reported this year's trash and recycling charges from Pellitteri were \$138 a year per household. However, \$145 was added to the tax bill resulting in an over charge. John suggested that since the fund for cart replacement is far from its goal that the surplus should be placed in that account. The Board agreed.

**Planner/Administrator** – Amanda reported that the Town has received one proposal so far for assessment services. Amanda also discussed representation for cases that are prosecuted through the municipal court. Amanda suggested using Reuter Whitefish and Evans since they do the other legal work for the Town, but the Board has the option of using the attorney who works for the Town of Middleton and the Town of Madison. The Board opted to use Reuter Whitefish and Evans.

**Motion to go into closed session** per Wis. Stats. §19.85 (1) (e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Discussion and possible action pertaining to the purchase of land for Town operations. Motion by Miller. Second by Rego. Motion carried unanimously.

**Motion to return to open session** – Motion by Enburg. Second by Miller. Motion carried unanimously.

**Discussion and possible action on matters discussed in closed session.** – No action.

**Approval of payment of bills for August** – Motion by Rego. Second by Miller. Motion carried unanimously.

**Review of Building Permits, Inspection Reports, Road Haul Permits, and Right-of-Way Permits** – Amanda mentioned a right-of-way permit for Marty Rd and a road haul permit for Grandview Rd. Discussion and approval of minutes of the August 5th and August 14th meetings. Motion by Miller to approve the August 5 minutes. Second by Geller. Motion carried. Motion by Rego to approve the August 14<sup>th</sup> minutes. Second by Enburg. Motion carried.

**Adjourn** – Motion by Enburg. Second by Rego. Motion carried at 9:42 p.m.

Approved: 10/7/2014

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Amanda Arnold  
Planner/Administrator, Town of Verona