

REGULAR MONTHLY BOARD MEETING MINUTES

TOWN OF VERONA

December 1, 2015 6:30 P.M.

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

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

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 6:31 p.m. and made a motion to approve the agenda with a recommendation to move the item dealing with dental insurance up under “old business”. Second by Duerst. Motion carried unanimously.
2. Pledge of Allegiance
3. Announcements - None
4. Public Comment - None
5. Public Hearings
 - a. Public Hearing, Discussion and Action re: Resolution 2015-14 to discontinue Oak Grove Road – Mark Geller welcomed comments from Greg Ziegler who owns the property surrounding Oak Grove Rd. Greg explained that he felt having a private drive instead of a public road lowers the value of his property, and he wishes he had known about the plans before he purchased the land. Manfred Enburg explained his rationale for abandoning the road (the cost of maintaining roads that serve only one home and safety and liability concerns.) Mike Duerst explained that he thinks abandoning the road would limit future development opportunities by giving up public access. Manfred countered that he believes that the Town could petition for a new road in the future when new development is proposed. There was a conversation about when and how the town might improve the drive for Mr. Ziegler to the Town driveway standard and whether that could involve a special assessment charged to the property owner. There followed a brief discussion regarding precedent for charging for improvements benefitting a single property owner. Mr. Ziegler would like a drive that is strong enough to support his farm equipment. Staff explained that upon adoption of the resolution and submittal to the County the discontinuance would be completed. However, DOT has indicated that they are willing to upgrade the entrance when Highway 69 is realigned. Manfred Enburg explained that perhaps the town could be involved at that time. John Wright explained that DOT has an access agreement with the town that covers the first 500’ feet of the road (which in this case is the whole length). This agreement will have to be nullified and rewritten to be between the property owner and the DOT rather than the Town and DOT if the road is vacated. Motion by Enburg to approve resolution 2015-14 to vacate the public right-of-way making up Oak Grove Rd. Second by Mike Duerst. Friendly amendment by Dreger specifying that Mr. Ziegler will be able to negotiate with the Town for improvements to the proposed driveway. Amendment accepted. **Enburg: aye; Duerst: no; Dreger: aye; Maxwell: aye; Geller: no. Motion carried.**
 - b. Public Hearing, Discussion and Action re: Resolution 2015-15 to partially vacate Wesner Road. – Mark Geller acknowledged Dennis Moore who was representing Resurrection Lutheran Church. Geller stated that he had sought a Memorandum of Understanding with Dane County to avoid this process, but no interest was expressed by County. Mr. Moore stated his understanding that the Town would build a hammerhead or cul-de-sac at the driveway to the church. John Wright added that the proposed action would result in the vacation of a portion of the road that runs from the church driveway east to the Dane County private drive to the new Prairie Moraine parking area and DaneCom communication towers. When this portion of the road is vacated, the land within the current right-of-way will revert to Dane County and the church. Town of Verona staff understands that Dane County would reach out to the church and ask for an easement agreement in order to maintain the drive surface. Mr. Moore raised concerns that this communication has yet to take place. Tom Mathies suggested a delayed effective date to allow for more conversation. Motion by Enburg to approve Resolution 2015-15 vacating a portion of the public right-of-way making up Wesner Road. Second by Maxwell. Both accepted a friendly amendment by Duerst that the motion includes the possibility that the Town will construct a hammerhead turn around adjacent to the driveway to the Resurrection Lutheran Church. **Enburg: aye; Duerst: aye; Dreger: aye; Maxwell: aye; Geller: no. Motion carried.**
 - c. Public Hearing, Discussion and Action re: an amendment to Chapter 5 of the municipal code (traffic regulations) to prohibit parking on the Manhattan Drive cul-de-sac bulb. Mark Geller provided background on how this amendment had been suggested by the residents who reside on Manhattan Drive. Supervisor Duerst was concerned that the partial prohibition on parking would simply push the problem to a different location on the same road. There followed a brief discussion of whether to prohibit parking on the entire length of the cul-de-sac as well as how to place signage if only part of the road has a parking restriction. There were no objections from the public related to the prohibition of parking. There was a conversation about how to best word the amendment to describe the bulb portion of the road. **Motion by Maxwell to amend the ordinance to state that there will be no parking for x number of feet from and including the turn around at the end of Manhattan Drive. Second by Duerst. Motion carried unanimously.**
6. Old business
 - a. Discussion and possible action re: resolution related to provision of dental insurance – Amanda clarified that earlier the Town had indicated intent to provide dental insurance, but a formal resolution is required by the Employee Trust Fund. Amanda explained that one employee had opted out of having dental insurance, making the total annual increase to the Town \$2,081.52 per year. **Motion by Maxwell to approve the resolution to indicate that the Town will provide the**

traditional HMO with dental insurance. Second by Enburg. Enburg: aye; Duerst: aye; Dreger: no; Maxwell: aye; Geller: aye. Motion carried.

- b. Discussion and action re: adoption of a resolution to amend Ordinance 91-1 for the purpose of setting new Public Utility fees adopted by the Utility Commission at its Public Hearing on Nov. 17, 2015 – John Wright explained that Resolution 2015-16 was simply formally documenting the action taken at the annual sewer budget meeting. **Motion by Duerst to approve the resolution. Second by Enburg. Motion carried unanimously.**
- c. Discussion and action re: Resolution 2015-17 amending the 2015 budget – Amanda walked the Board through a proposed budget amendment. The amendment was intended to reflect that the land for the new Town hall was spent in 2014 rather than 2015 to reflect actual income and disperse expenditures between Public Works, which is coming in under budget, and General Government and Public Safety, which have had unexpected expenses. Manfred Enburg suggested using some surplus funds for a study of Highway 69 access. The group responded that those funds could be taken out of reserves at a later date. **Motion by Enburg to approve the budget amendment resolution. Second by Duerst. Motion carried unanimously.**
- d. Discussion and action re: Resolution 2015-18 adopting the 2016 general fund budget – The Board reviewed the detailed budget that was much like that presented at the budget workshop. **Motion by Duerst to cut the funding for the Badger Prairie Needs Network (formally VANN) from \$4,000 to \$2,000 and to take \$2,000 less from reserves. No second. Motion by Dreger to remove all funding for Badger Prairie Needs Network. Second by Duerst. Enburg: no; Duerst: no; Dreger: yes; Maxwell: abstain; Geller: no. Motion failed.** There was brief discussion regarding line 106 of expenses; Amanda stated that most of that expense is to cover the costs to retain an Owner's Representative and the balance for services to complete updates to the Town's Comprehensive Plan. There was also discussion about funding for the Upper Sugar River Watershed Association, but no motions were made. Dreger asked if the proposed committees will require start-up costs. Chair Geller responded that 2016 will get those committees established and any expenses will need to be budgeted for 2017; any 2016 needs would require an amendment to the 2016 budget. **Motion by Enburg to approve Resolution 2015-18 to adopt the 2016 condensed budget as presented. Second by Maxwell. Motion carried unanimously.**

7. New business

- a. Discussion and action re: Resolution 2015-19 to establish the January 2016- December 2017 Town of Verona Election Board – Amanda and John presented a resolution listing the Verona Election Board members and Special Registration Deputies. The role of the Special Registration Deputies was discussed. **Motion by Duerst to approve the resolution with the 27 members of the election board and keep for reference the list of Special Registration Deputies. Second by Enburg. Motion carried unanimously.**

8. Reports

a. Public Works:

- i. Discussion and action re: driveway permit for Heartland Farm Sanctuary located at 11713 Mid Town Rd. – Amanda pointed out a staff determination report that follows up on questions that were lingering from last month's meeting. Motion by Enburg to un-table the action from last month. Second by Duerst. Motion carried unanimously. Amanda pointed out that the ordinance calls for paving of commercial drives and the staff report suggests paving a distance of approximately 30' back from the road edge. Dana Bare from Heartland agreed to that knowing that she had up to a year to do the paving or the option of coming back for a variance. **Motion by Enburg to approve the commercial driveway permit per staff recommendations. Second by Duerst. Dreger offered a friendly amendment that the motion includes wording that the paved portion will be a minimum of 30'; the amendment was accepted by Enburg and Duerst. Motion carried unanimously.**

b. Plan Commission:

- i. Discussion and action re: land use application #2015-9 dated 8/14/2015 for property located at 2821 Prairie Circle submitted by Wayne Weber. The purpose of the application is rezoning from RH2 to RH1 to allow for the splitting of one parcel into two. A preliminary CSM is also included. Mark Geller explained that he put this item back on the agenda after the owner and staff raised concerns about inconsistency with Board approval of like proposals. The Board had approved an application directly to the south of this property. The Plan Commission had approved the Weber application, but the Board denied it. In addition, the owner was asking for something that has precedent across the street and is supported by the Comprehensive Plan. Enburg moved to table discussion on this item; it failed for lack of a second. **Motion by Duerst to approve the rezoning and split into two lots. Second by Maxwell. Duerst and Maxwell accepted a friendly amendment from Enburg that the two lots of the Preliminary CSM are adjusted to the same size. Enburg: aye; Duerst: aye; Dreger: no; Maxwell: aye; Geller: aye. Motion carried.**
- ii. Discussion and action re: land use application #2015-8 dated 8/13/2015 for property located at 2783 Prairie Circle submitted by Steve and Sandy Andres. The purpose of the application is rezoning from RH2 to RH1 to allow for the splitting of one parcel into two. A preliminary CSM is also included. – The item had been approved by the Plan Commission and Board previously. However, the owner asked for the shared driveway requirement to be reconsidered. The Plan Commission opted not to change their recommendation. Given the previous approval, no other action was needed. There was brief discussion regarding the advantages and disadvantage of a shared driveway at this location. It was noted that in other municipalities, separate drives are allowed, but multiple mailboxes are grouped on a single post to increase the efficiency of mail delivery.
- iii. Discussion and action re: land use application #2015-6 dated 8/6/2015 for property located at 2778 Prairie Circle submitted by Tim and Linda Sweeney. The purpose of the application is rezoning from A3 to RH1 and RH4 to allow for the splitting of one parcel into two. A preliminary CSM is also included. It was noted that this item was

tabled by the Plan Commission at their Nov. 23, 2015 meeting. **Motion by Enburg to table action pending the creation of a plan for the area from White Crossing to Country View and PD to the Military Ridge Trail. Second by Duerst. Motion carried unanimously.** There was some concern expressed as to whether this action was sufficient if Preliminary CSMs are otherwise approved within 90 days if no Board action is taken to approve, approve conditionally, or deny. Amanda reminded the group that the property owner's deed restriction limiting future development has not been lifted to no development can take place until it is rescinded.

- iv. Discussion and action re: land use application #2015-7 dated 8/19/2015 for property located 2771 Prairie Circle submitted by David DiMaggio. The purpose of the application is rezoning from RH4 to RH1 and RH3 to allow for the splitting of one parcel into three. A preliminary CSM is also included. This item had also been tabled by the Plan Commission at the meeting on the 23rd. **Motion by Enburg to table action pending the creation of a plan for the area from White Crossing to Country View and PD to the Military Ridge Trail. Second by Duerst. Motion carried unanimously.** Again, there was some concern expressed as to whether this action was sufficient if Preliminary CSMs are otherwise approved within 90 days if no Board action is taken to approve, approve conditionally, or deny. Amanda added that the owners have not contested the ongoing conversation and the ordinance allows for continued discussion with applicant consent. Amanda noted that the online report filed with County does not allow tabling as an option for the Board.
 - v. Discussion and Action re: approval of Certified Survey Maps for the following previously approved rezoning: 2101 Sugar River Rd. submitted by Carmon Wilson – Amanda explained that the board had previously tabled action on this CSM pending resolution of field access permit conditions. The access permit was revisited and approved, but the CSM was not untabled. Dane County is now reviewing the CSM and has asked for Town input. Amanda had asked the surveyor to change the term “driveway easement” to “access easement”, but had not received and updated copy of the CSM. She wondered if the Board would want to approve the CSM with conditions. **Motion by Duerst to untable action on the CSM. Second by Doug Maxwell. Motion carried.** There was extensive conversation about the process and the CSM. **Doug Maxwell moved to approve the CSM with the condition that the language be corrected to read “access easement” and that the cited easement document be submitted to the Town for review. Laura Dreger seconded. Doug later withdrew his motion. Motion by Duerst to deny approval of the CSM because the conditions placed by the Plan Commission (that the access easement would be identified on the CSM, that a copy of easement document would be provided to the Town, and that a request would be made to amend the field access that was granted last summer for 2157 Sugar River Rd.) had not fully been met. Second by Enburg. Motion carried unanimously.**
 - c. EMS: Mike Duerst said at the last meeting they discussed the new station and they will start union negotiations soon.
 - d. Open Space and Parks: Doug Maxwell reported that at the last meeting they discussed gravel pits and soils in the Town.
 - e. Town Chair:
 - i. Discussion and possible action re: contract with owners' representative for building construction – Mark Geller explained that he's still working on a draft contract with Tim Homan for construction management services. Tim has been meeting with the designers and found some inconsistencies which have delayed putting the project out to bid. With the holidays coming, the plan is to release the bid documents right after the new year begins.
 - ii. Discussion and possible action re: committees – The group read through a draft outline of potential committee structures. Board members volunteered for various committees and suggestions were made related to size and structure of the committees. It was decided that the item would be added to the January board agenda for action.
 - f. Supervisors: Mike Duerst suggested that staff create a list of people who want wood when it's cut within the right-of-way. Two residents explained that they would want the wood first if the trees were in front of their property.
 - g. Clerk/Treasurer: John Wright pointed out summaries of payments to vendors he printed per a Board request at their November meeting.
 - h. Planner/Administrator: Amanda requested that the Board hold a special meeting on Tuesday, December 29th at 4:00 p.m. to approve the final bills for the year. The board agreed to that date/time.
9. Approval of payment of bills – Motion by Enburg. Second by Duerst. Motion carried unanimously.
 10. Discussion and approval of minutes of the Nov. 3rd meeting – Motion by Duerst. Second by Dreger. Motion carried unanimously.
 11. Adjourn – Motion by Dreger. Second by Maxwell. Motion carried unanimously at 10:08 PM.

Approved: 1/5/2016

Amanda Arnold
Planner/Administrator, Town of Verona