

MINUTES OF THE SPRINGDALE TOWN BOARD MEETING, Jan. 16, 2017

IN ATTENDANCE: Town Board Chair Ed Eloranta, Supervisor I Mike Fagan, Supervisor II Richard Schwenn and Clerk Vicki Anderson.in attendance.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. By 1/12/2017 the agenda was posted in the three customary locations in the Town of Springdale as required by law and, as a courtesy to the residents, the notice of the meeting was published in the *Mt. Horeb Mail* on 1/12/2017. In addition, the meeting agenda notice included the expectation for the Town Board to meet in closed session for Town Treasurer interviews and to reconvene in open session.

CALL TO ORDER: by Chair Eloranta, 4 p.m. in open session. MOTION by Eloranta/Fagan to convene in closed session under the following exemption – Employee evaluation. Considering employment, promotion, compensation, or performance evaluation data of an employee. Sec. 19.85(1)(c). Seven applicants were interviewed for the Town Treasurer position, effective April 18, 2017. Motion to convene in closed session carried unanimously: Eloranta – aye, Fagan – aye, Schwenn – aye.

RECONVENE IN OPEN SESSION/CALL TO ORDER: by Chair Eloranta.

MINUTES: MOTION by Fagan/Schwenn to approve the minutes as distributed of the monthly Town Board business meeting on 12/19/16. MOTION carried 3-0.

PUBLIC INPUT: NON-AGENDA ITEMS: - None

SCURE REPORT: Postponed until Feb. 20, 2017 TB meeting.

J. STEINHAUER/NON-COMPLIANCE WITH LIMITED FAMILY BUSINESS - CUP #2092/1861 Sandridge Ct./Sec. 34:

Background: The following handouts were distributed:

1. “Limited Letter of Intent for Conditional Use Permit-Limited Family Business-Business Plan” submitted in 2008 by J. Steinhauer to apply for CUP.
2. Town of Springdale Plan Commission Meeting Minutes-10/27/2008/excerpt of Motion to approve the CUP #2092 with conditions.
3. Nov. 23, 2016 Notice of Zoning Violation to Jon and Wendy Steinhauer from Dane County Planning and Development Zoning Inspector Patrick Klinkner.
4. Dane County Code of Ordinances Chapter 10.192 “Procedure and Standards of Operation for Limited Family Business.”

History:

1. Sept. 26, 2008 Notice of Zoning Violation to Jon and Wendy Steinhauer from Dane County Planning and Development Zoning Inspector Patrick Klinkner. (A copy of this zoning violation was not distributed at the Jan. 16, 2017, meeting.) After receiving a written complaint, the property was inspected. The letter describes the fact that J. Steinhauer was operating an auto repair business from his property, with sales of used motor vehicles. This business use is not a permitted use in the A-1 Agricultural District that covers his property. He was instructed to discontinue running the business on the property or rezone the parcel to C-2 Commercial District which allows for a motor vehicle repair business and sales of used motor vehicles or apply for a CUP for a Limited Family Business.
2. Oct. 27, 2008 and Nov. 17, 2008 Plan Commission and Town Board action to approve the CUP for Limited Family Business with conditions. It was approved based on the 2008 business plan submitted by J. Steinhauer, in which he describes his intent as: “Due to the nature of this permit this is only a part-time job since I already maintain a full-time job, and used only as an invite-only for the repair of family and close friends. My intent is not to expand nor post only ads or signage to create additional traffic in the area.”
3. Nov. 23, 2016 Notice of Zoning Violation to Jon and Wendy Steinhauer from Dane County Planning and Development Zoning Inspector Patrick Klinkner. After receiving a written complaint, the property was inspected. The letter describes the fact that J. Steinhauer was in violation of the Dane County Code of Ordinances for miscellaneous junk, unlicensed and inoperable vehicles stored outside, non-compliance with CUP #2092 for the number of vehicles parked outside and the fact that the business had been transformed into a full-time operation.

Discussion: Concerns were expressed and may not limited to the following:

1. The Springdale Town Plan does not support C-2 Zoning District and full-time automotive repair/sales. J. Steinhauer had presented his car repair as a hobby, not as a full-time business, in 2008. He acknowledged that he has been operating as a full-time business since 2013 or 2014. He acknowledged that he takes in cars from friends, relatives and his former employer – a full-time car garage-will bring vehicles for him to repair – up to 11 -16 vehicles have been observed there.
2. Since 2008 the business has expanded and no longer fits the standards for a CUP - Limited Family Business. The CUP for a Limited Family Business specifically states that “A CUP for a Limited Family Business is designed to accommodate small family business without the necessity for relocation or rezoning while at the same time protecting the interests of adjacent property owners. Applicants for this conditional use permit should recognize that rezoning or relocation of the business may be necessary or may become necessary if the business is expanded.”
3. This is the second-time around for non-compliance of the CUP and other Dane County Zoning ordinances.

Motion by Fagan/Schwenn to revoke the CUP #2092 at J. Steinhauer’s Sand Ridge Ct. home. The owner has ninety (90) days to discontinue the CUP during which he shall stay within the standards of the CUP for limited family business. Discussion: The intent of the grace period of 90 days is to allow J. Steinhauer time to transition his car repair business from his home to a location appropriate for automotive repair. During the transition time, compliance with all Dane County Ordinances and the CUP conditions for a hobby/part-time job to repair vehicles shall be followed. Motion to revoke the CUP carried 3-0.

PROCESS TO HIRE TOWN TREASURER AND TOWN CLERK: NO ACTION: SEven qualified applicants were interviewed before tonight's TB meeting. They will be contacted and when an individual is hired, an announcement will be made prior to the 1/23/2017 PC meeting in a special meeting of the TB. Current Town Treasurer Nona Erfurth wanted to have a chance to work with the new Treasurer during the last weeks of this tax collection season so the Treasurer position was advertised first. The Town Clerk position will be advertised in February with interviews in early March. Both hired positions will begin on April 18, 2017, the completion of Nona and Vicki's current term of office.

PLAN COMMISION APPOINTMENT: Nomination by Eloranta of David Schmidt to serve on the Plan Commission. Motion by Fagan/Schwenn to approve the nomination. Discussion: After the April 4, 2017 election, if Mike Fagan and John Rosenbaum are both elected to the TB, one, if not both, of them may step down from the PC. To be prepared for the decrease in membership, David Schmidt has agreed to serve as a PC member immediately. Motion to approve carried 3-0.

STORAGE CLOSET/CARPET/BATHROOM FLOOR COVERING: MOTION by Fagan/Schwenn to authorize the Clerk to take action to install new carpet in the meeting room and town hall office and new vinyl/linoleum in the bathrooms. Discussion: This project was authorized during the Budget Hearing. Motion to approve carried 3-0.

DANE COUNTY CODE OF ORDINANCES (DCCO) AMENDMENT #67- CONDITIONAL USE PERMIT APPEALS: MOTION by Fagan/Schwenn to recommend to Dane County to NOT change the CUP appeal process. Discussion: Dane County Planning and Development Department proposes that the appeal process for a CUP be changed to streamline the process. Rather than the full County Board hearing the appeal, the appeal would be heard by the DC Board of Adjustment made up of five members. The TB agreed that 5 people vs. 37 people would be a streamlined approach, but question whether some of the CUP decisions should be less cumbersome. Maybe cumbersome is good. The following are reasons to retain the full County Board as the deliberative body in CUP appeals: *A 5 member review board lowers the bar from a 37 member review board; which isn't good. *The full County Board would include a representative from all areas of the County and the 5 member board could not just by the nature of 5 members only. *Everyone has biases. With 37 members, there are plenty of biases, more than in a 5 member board. Motion to deny the proposed amendment carried 3-0.

BILLS: MOTION by Schwenn/Eloranta to pay the bills. Motion to pay the bills carried 3-0.

ADJOURN: MOTION by Schwenn/Eloranta to adjourn. Motion carried 3-0.

Respectfully submitted, Vicki Anderson, Town Clerk