

MINUTES OF THE SPRINGDALE TOWN BOARD MEETING, March 20, 2017

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

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. By 3/16/2017 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 3/16/2017. In addition, the bid notice for road work required a Class II notice in the *Mt. Horeb Mail*.

MINUTES: MOTION by Fagan/Schwenn to approve the minutes as distributed of the monthly Town Board business meeting on 2/20/2017 MOTION carried 3-0.

PUBLIC INPUT:

* Two upcoming road events on some roads in Springdale: Bike Tour – April 22, 2017, Car Tour – May 20, 2017.

* John Rosenbaum has learned that a nearby community served by Town and Country Sanitation for trash and recycling roadside pick-up, has switched to the large wheeled containers. He questioned whether Springdale would have to switch to such containers and he hopes not. He pointed out that some homes have long driveways and it would be difficult to maneuver the bin down the driveway. Also, bursts of wind, various animals, etc. could push the carts in the road and create a safety hazard. The Clerk was directed to contact Town and Country Sanitation to learn more.

DANE COUNTY COMMUNITY DEPUTY SHERIFF BROOKE GAGNER: NO ACTION/INFORMATION ONLY:

Deputy Sheriff Gagner shared the call-report for Springdale and was pleased to report little crime. In addition, a citizen had emailed a specific question to the Deputy Sheriff with concerns regarding a property owner's use of an explosive substance which when shot, it exploded. In a cluster of residences, this afternoon activity of target practice and blowing up explosive substances was unnerving. The Deputy Sheriff reported that for the most part, the use of this explosive substance and target practice are legal. When the substance conforms to the manufacture's recipe, there should be no shrapnel. As far as target practice, when conducted on private property, the shooter is aiming safely and at reasonable hours of the day, it is legal. With specific questions, citizens may call the non-emergency number of the Sheriff's office-255-2345.

MT. HOREB AREA SCHOOL DISTRICT, MHASD, REPRESENTATIVE/FUNDING REFERENDUM ON 4/4 BALLOT:

MHASD Superintendent of Schools Steve Salerno gave a power point presentation re: the funding referenda. For more information call the Superintendent at 437-2400 x 1210, visit: referendum.mhasd.k12.wi.us, email: referendum.mhasd.k12.wi.us.

BIDS FOR ROAD WORK/ONE PROJECT WITH TRIP FUNDS: Prior to opening up the sealed bids received by the deadline of 7 p.m. on 3/20/17, Town Board Chair Ed Eloranta verified for the record that all proper bidding procedures had been followed before the bids for a given project were opened and awarded. Before tonight's meeting, Town Patrolman Devin Dahlk had prepared a written description of the proposed road work and distributed to the contractors interested in bidding on the project upon their request. The bids were opened.

CULVERTS AND DITCHING: MOTION by Fagan/Schwenn to award the bid to Fink's Paving and Excavating, 9935 Hwy ID West, Mt. Horeb, WI 53572 to furnish the necessary labor, material and equipment to complete culverts and ditching on Town Hall Rd. – North of Ridgeview and Town Hall Office Garage area, Allen Drive, Springdale Center Rd. and ditching shoulders per bid sheet for the sum of \$9,500.00. The culverts and flares shall be supplied by the Town. Discussion: S & E Enterprises of Verona, Inc., PO Box 930249, Verona, WI 53593 submitted a bid which was higher and not accepted in the sum of \$26,335. Motion to award the bid to Fink's carried 3-0.

PAVING: MOTION by Fagan/Schwenn to award the bid to Payne and Dolan Incorporated, 6295 Lacy Road, Fitchburg, WI 53593 to furnish the necessary labor, material and equipment to pave portions of Town Hall Road, Offerdahl Rd., Springdale Center Rd. and Lewis Road with the contingency that the bid includes tack coat for the sum of \$68,700. Discussion: The work on Town Hall Road shall comply with all requirements for TRIP funds. Other bids were received and were not accepted because they were higher. TriCounty Paving, Inc., P.O. Box 394, Deforest, WI 53532 - \$69,091.35, Scott Construction, Inc., P.O. Box 340, Lake Delton, WI 53940 - \$72,528. Motion to award the bid to Payne and Dolan carried 3-0.

MT. VERNON PARK ASSOCIATION ANNUAL UPDATE: Craig Judd, President of the Mt. Vernon Park Board, provided an overview of their activities this past year. Annually, the Park Board provides an update to the Town to account for the annual donation to the Board from the Town. The following individuals volunteer and serve to maintain the Mt. Vernon Park, Town property: President Craig Judd, Vice President James Graham, Secretary Lindsay Jenson, Treasurer/Park Scheduler Anita Nesheim, Park Grounds Keeper Jack Northrup, Directors – Honorary Member Ben Goebler, Jack Northrup, Tressa Proctor and Alan Charles. The calendar for 2017 includes but may not be limited to: Spring Clean Up – April 22 with rain date April 23; July 4th Fireworks; and 66th Ball Tournament Aug. 26-27, Sept. 2-3, Sept. 9-10. Town Chair Eloranta thanked the volunteers and expressed how fortunate the Town is to have such volunteers in the community.

ROD HISE/SCURE REPORT/NO ACTION-INFORMATION ONLY: Rod Hise, chair of the citizen committee Springdale Committee for Utilities in the Rural Environment provided an overview of their activities since Dec. 2016 which include, but may not

be limited to the following:

- *Jan. 2017 – submitted comments to the Rural Utility Service which will serve as buoys for the environmental impact statement.
- *Upcoming – two environmental studies will be required of ATC in planning the electric transmission line corridors. This is a relatively long process and SCURE will be prepared to comment prior to the corridor decision in 2020.
- *Outreach efforts ongoing with the Mt. Horeb Schools, Upper Sugar River Watershed group, two Iowa County activist groups – Driftless Defenders being one, and State elected officials such as Mark Pocan.
- *2017 priorities-ATC plans to announce the proposed final two routes. These may be wide blue swaths that will be narrowed to 150' wide. SCURE does not plan to comment on these wide swaths until Public Service Commission, PSC, is involved.
- *Engage citizens in Springdale, not just those within the view shed of the proposed corridor. Information will be included in the Spring 2017 Town Newsletter. Town Chair Eloranta thanked Rod and commended the committee on doing a wonderful job.

APPOINTMENT-TOWN REPRESENTATIVE – SOUTHWEST DANE SENIOR OUTREACH SERVICES: MOTION by Schwenn/Fagan to appoint Leona Syvrud to serve as the Town representative to the Southwest Dane Senior Outreach Services. Discussion: The Town Board expressed appreciation for the service Delores Esser has provided as the Town representative for several years. Since she and Philip have moved to the City of Verona, she has retired from the position. Thanks to Leona for volunteering. Motion carried 3-0.

PUBLIC HEARING/PC RECOMMENDATIONS: ROBERTA KURTZ/RESIDENTIAL ACCESSORY BUILDING/SPRING ROSE RD/ SEC. 34: MOTION by Fagan/Schwenn to approve the RAB. Discussion: The PC recommended approval. Motion carried 3-0.

DRIVEWAY PERMITS: A. C & C HANSON/STATE ROAD 92/SEC. 18: MOTION by Fagan/Schwenn to approve the Driveway Permit Part 1 and Part 2 for a shared driveway with the contingency that a shared driveway agreement shall be presented to and approved by the Town. Discussion: This shared driveway will travel from 2410 State Road 92 to the existing Hanson residence, the shared portion, and continue to the new residential site. The required engineered plan has been submitted as prepared by Full Circle Engineering and Surveying, 3462 Spring Valley Road, Dodgeville, WI 53533. A letter prepared by Michael Rochon, P.E. I.L.S., Full Circle Engineering & Surveying, dated March 20, 2017, was submitted to the Town to document that the driveway construction plan meets the Town of Springdale driveway ordinance requirements, specifically, a 2830 square foot turnaround for emergency vehicles is planned. The turnaround is to be placed within 100 feet of the house. Upon completion of the driveway, it will be inspected by the Town Engineer for conformance with Town ordinances and the engineered plan. The costs of the engineer inspection shall be the responsibility of the Hansons. Motion to approve with contingency carried 3-0.

B. D. MIDTHUN/MATT KLEIN/STATUS OF SHARED ACCESS/SPRINGDALE CENTER RD./SEC. 25: NO ACTION/INFORMATION ONLY: Dennis Midthun has informed the Town that a contractor has been hired to complete the driveway.

DANE COUNTY ZONING AND LAND REGULATION COMMITTEE MEETING/FEB. 14, 2017/JON STEINHAEUER/REVOCATION OF CUP#2092: MOTION by Fagan/Schwenn to place in the record the letter provided to the ZLR by the Town. Motion carried 3-0.

Feb. 8, 2017

Mr. Roger Lane

Dane County Zoning Administrator

Dane County Zoning Office

City-County Building

210 Martin Luther King, Jr. Blvd., Room 116

Re: Town of Springdale – Revocation of Conditional Use Permit #2092 (CUP) – Jon Steinhauer

Dear Mr. Lane:

On behalf of the Town of Springdale, I respectfully submit this letter asking the Zoning and Land Regulation Committee to uphold the Town's recommendation to the ZLR to revoke the CUP for Jon Steinhauer.

In making its decision, the Town Board complied with applicable legal and Dane County Ordinance requirements. This is evidenced by the enclosed copy of the minutes of the Town Board's Jan. 16, 2017 meeting.

The Town Board moved to revoke the CUP based on the following:

During the years Jon Steinhauer has been operating an automotive repair business out of his residential accessory building on a cul-de-sac of eleven residential homes he has violated the following standards.

1. A C-2 zoning business has been conducted on land zoned A-1, inconsistent with the Town of Springdale Land Use Plan. The Steinhauer residential lot is zoned A-1 Agriculture District. An automotive repair business is a permitted use in C-2 Commercial District. The Town of Springdale Land Use Plan (Plan) does not support C-2 zoning on Sand Ridge Ct. The guidelines of the Plan are designed to promote rural non-residential uses primarily related to agriculture that do not impact negatively on the rural character of the town. This business is not agriculture related and does not promote the rural character of the town.

2. The purpose and intent of the limited family business CUP have been violated. When Jon applied for the CUP in 2008, he stated his intent was to repair vehicles for family and close friends after coming home from his full-time job. The purpose and intent of the CUP for a limited family business is to accommodate small family businesses. The hobby-like business has grown to be his full-time business. The vehicles that are repaired are not restricted to only the vehicles for family and close friends as Jon asserted in his application, but rather, area businesses also bring vehicles to him to repair.

It is inherent in a limited family business CUP that rezoning or relocation of the business may be necessary if the business is expanded.

3. The specific conditions of CUP #2092 have been violated. Dane County Zoning inspections, several aerial photos of the property and the written complaint by a property owner on Sand Ridge Ct. (copy enclosed) verify that the property has been in violation for miscellaneous junk, machinery and equipment stored outside, unlicensed and inoperable vehicles and the number of vehicles parked outside over the years.

4. The use of the residential accessory building for a commercial business violates the Town of Springdale Residential Building Ordinance. The accessory building on Jon's residential lot as used for his automotive repair and service business is considered "commercial" by most state building standards. Its use meets the definition of "Commercial accessory building" in the Town of Springdale Residential Accessory Building Ordinance - "An accessory building used for business or commercial purposes, and not used for residential purposes..." The accessory building does not meet the requirements for a residential accessory building. Furthermore, the building may not meet the standards required for a commercial accessory building for fire safety, explosion-prevention, pollution control for petroleum-based and toxic substances, etc.

5. The part-time or full-time automotive repair business does not meet the six standards as listed in the Dane County Code of Ordinances Section 10.255.

a. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare;

Not met. The CUP is proposed adjacent to an established neighborhood that had expectations about the type of development which could occur in this area based on the Plan. (Plan Sec. 1 Introduction and Sec. 3 Goals.) This proposal is inconsistent with the Plan.

b. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

Not met. The CUP negatively impacts the enjoyment and the value of other property in the neighborhood. It decreases the potential number of perspective buyers of Sand Ridge Ct. properties, and consequently the property values, when an automotive repair business is within sight of all the properties on the cul-de-sac.

c. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

Not met. Sand Ridge Ct. is a town road built to standards for typical residential traffic for 11 single-family homes. For the Steinhauer automotive repair business, flatbed trailers carrying several vehicles have been observed delivering vehicles for repair to the property. In fact, an aerial photo dated 2014 in DCI maps shows a flatbed trailer parked on the property. The town road is inadequate for this type of commercial use. Furthermore, the cost of maintaining and repairing the town road, as the only access road to the private business, should not be borne by Springdale taxpayers.

d. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Not met. The property is in the A-1 district. This is a commercial use inconsistent with the Plan (Plan Sec. 3 Goals and Sec. 10 Non-residential Uses.)

6. The violations have been ongoing since 2008. History is repeating itself. In the initial Dane County Zoning violation letter dated Sept. 8, 2008, the inspector observed many vehicles parked outside the accessory building and unlicensed and inoperable vehicles. The exact same violations, and more, were noted in the Nov. 23, 2016, Dane County Zoning violation letter.

In conclusion, the Town respectfully requests that the ZLR uphold the Town's recommendation to revoke CUP #2092. Town Board representatives will attend the Feb. 14, 2017, ZLR Committee meeting and will respond to any questions.

AB 109 – OPT-OUT OF DANE COUNTY ZONING: MOTION by Fagan/Schwenn to put in the record that the Town of Springdale does not support AB-109, legislation to facilitate towns opting out of Dane County Zoning. Discussion: AB 109 recommends that Towns may opt out of Dane County Zoning by a simple vote of its Town Board, which may be as few as 2 out of a 3 member Board. *The Springdale Town Board believes the decision should be a decision of the citizens, not a few Board members. With only 2 out of 3 member Town Board making such a significant change, one could see big swings/rapid change in planning and land use policies. The changes could be triggered by politics, not planning.

* In general, the Springdale Town Board believes that opting out of Dane County Zoning is not a good idea.

**Developers who don't like County zoning, those who want to turn a quick profit, do not like a system of review with some inertia. Inertia is oftentimes necessary for big decisions.

**The cooperation between towns with Dane County Zoning and the Dane County Zoning Department provides for a system of checks and balances on zoning and conditional use decisions. Decisions are to be based on the town plan. When a town may be willing to ignore their town plan for a friend, Dane County Zoning is there to remind the town of its plan as the basis for consistent decisions.

**Planning is good. Without a consistent system of planning and zoning in Dane County, what happens in a neighboring town can impact the neighboring towns. For example, a Springdale road may provide access to lands/different uses in a neighboring town. Without Dane County Zoning, it is unknown what input Springdale could have in a neighboring town's zoning decisions which could negatively impact Springdale.

2015 WISCONSIN ACT 211 MUNICIPALITY DELEGATION OF AUTHORITY-BUILDING INSPECTOR ELECTRONIC BUILDING PERMITS: MOTION by Fagan/Schwenn to authorize Town Building Inspector Tracy Johnson to provide electronic information as required by the law for the Town. Discussion: Wisconsin Department of Safety and Professional Services will require electronic building permit information. Motion carried 3-0.

TEMPORARY HOLDING TANK PERMIT/EXPIRES 7-1-2017: MOTION by Fagan/Schwenn to approve the temporary holding tank permit for the Debra Kollberg new house on CTH J. Discussion: The holding tank portion of the typical septic system has been installed but due to the weather, the new drainage field is inoperable at this time. To obtain occupancy, a functioning septic system is legally required and the temporary holding tank will suffice. Motion to approve the temporary holding tank permit 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