

JOINT TOWN BOARD & PLAN COMMISSION MEETING, July 02, 2024 – 6:00 P.M.

PRESENT: Town Chair Dick Green, Supervisors, Faith Schuck, Eric Olson, Melanie Miller, Plan Commissioners Audra Dalsoren (Chair), Lila Lemanski, Troy Wieser, Keith Comstock, Jim Schiferl, and Clerk/Treasurer Maria Hougan.

ABSENT:

Supervisor Renee Gouax, Plan Commissioner Nick Pfundheller

OTHERS PRESENT:

Mike Engelberger, Dane County Supervisor District 35, Marcia & Nels Moe, 2711 County Highway B, Keith Klassy, 2769 Alice Cir., Phil Jensen, 2766 Alice Cir. Jake Remington, Husch Blackwell LLP., Chris Lee (virtually), Mountain LTD.

CALL TO ORDER

Chair Green and Plan Commission Chair Dalsoren called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT: The Board listens to residents speak on any issue (three-minute time limit)

Michael Engelberger, 1101 Giles Street., introduced himself and Dane County Supervisor Dist. 35 representing the Stoughton Area.

Audra Dalsoren, 2280 County Rd. N., wants to formally request adding an ATV/UTV and golf cart use policy and ordinance review on an upcoming Town Board agenda. Due to the fact that several other surrounding towns have passed allowing the use of them on town roads.

Any item listed on the agenda is subject for action.

JOINT AGENDA ITEM(S):

Discussion and possible action regarding an application for a conditional use permit by Nathan M. Moe, applicant, and Jake Remington, agent, to establish a cell tower at 1896 Williams Drive, parcel # 0611-294-9140-4.

Commissioner Jim Schiferl reported out the Plan Commission has been considering this going back to August of 2023 up until the Plan Commission meeting on June 12, 2024, where this item was tabled. The standards of a conditional use permit items 1-6 passed, however, items 7-8 failed at the June 12, 2024 meeting. There were requests for additional information, however they have not received anything additional. The Certified Survey Map and Conditional Use Permit application were tabled on June 16 due to items 7 & 8 of the Standards of a Conditional Use Permit failing. Attorney Jake Remington reported out the three property owners who were not notified that it would

not have mattered due to the fact that those properties were not ideal to place the tower, that Verizon would not have considered those properties to place the tower on, and they did not have any density units available. They still wanted to proceed with the proposed site as they felt it was the ideal location for their needs. He commended the Plan Commission for taking the time to thoroughly review and process all the information. Further discussion followed. He stated he does not know why the Spring Rd Tower has not been utilized and now decommissioned; however, as a condition for the Moe cell tower, it would be taken down if not utilized. Discussion followed regarding the Spring Rd. tower. Commissioner Comstock asked about the notification letters, and if anyone expressed interest, and if so, he wondered if they would have been turned down due to not being the favored site? He also referred to the Dane County Staff report on page 1 regarding stating that all the towns' questions were answered. He questioned the portion about conforming to the towns land use policy. These items are what the Plan Commission continues to struggle with. Further questions and discussion followed. Plan Commissioner Miller asked about if the towers were utilized by other companies, and Mr. Remington answered there was space for three other carriers. It was noted that the tower would increase capacity, not coverage. Mr. Remington reiterated the proposed site is the only site within the search ring range that would work for the tower. The other sites had too many unknowns. The chosen site is the favorable site which will work. Plan Commissioner Lemanski asked if contacting the property is holding up the process, why weren't they contacted? Mr. Remington replied that the reason is the chosen site is the preferred site that works and is eligible for their needs. They want to proceed with the proposed site as it's a good site. Further discussion followed. Plan Commissioners questioned the notification letters and if they were sent to the new property owners, and when the property changed hands. Plan Commissioner Chair Dalsoren also brought up the Plan Commission has concerns this is not conforming to the towns policy according to the comprehensive plan where cell towers need to be accessible by a highway, which would have been at the Ehle property, and yet they were never notified.

Chair Green asked the Plan Commission what they wanted to do. The Plan Commission just wanted proof of notification on the target areas that they were contacted. Mr. Remington replied there is no state law or ordinance which requires notification. Plan Commissioner Comstock stated it's the Plan Commission and Town's responsibility to follow the Towns Comprehensive Plan and procedures. A discussion followed regarding the Comprehensive Plan. Plan Commission Chair Dalsoren stated that nobody has provided proof that a discussion took place or notification took place with the other property owner(s) in the other potential site in the target area. Plan Commissioner Chair Dalsoren and Commissioner Comstock were questioning why Verizon had not contacted the Ehles. Chair Green commented the most recent Dane County Staff report dated June 28, 2024, on page 8, stated that neither the Linnerud or

Ehle properties are eligible, as neither of them have a density unit / split available under the towns comprehensive plan, to which Plan Commission Chair Dalsoren stated they could apply for a Transfer of Development Rights (TDR).

Motion by Plan Commissioner Wieser, second by Plan Commissioner Lemanski, to table an application for a conditional use permit by Nathan M. Moe, applicant, and Jake Remmington, agent, to establish a cell tower at 1896 Williams Drive, parcel # 0611-294-9140-4. Motion carried 5-0 with Commissioner Miller abstaining.

Discussion and possible action regarding a Preliminary Certified Survey Map by Nathan M. Moe, applicant, and Jake Remmington, agent to establish a cell tower at 1896 Williams Drive, parcel # 0611-294-9140-4.

Motion by Commissioner Comstock, second by Commissioner Schiferl, to table this item.

Motion carried 5-0 with Miller abstaining.

PLAN COMMISSION ADJOURNMENT

Motion by Commissioner Wieser, second by Commissioner Lemanski, to adjourn at 6:35 p.m. Motion carried unanimously.

TOWN BOARD MEETING AGENDA ITEMS(S):

CONSENT AGENDA: *Items listed under consent agenda will be approved in one motion without discussion unless any Board member requests that an item(s) be removed for individual discussion. That item then can be considered at an appropriate time during the Board's regular order of business.*

1. Approval of minutes of the June 18, 2024 Regular Town Board meeting.
2. Approval of the check register dated July 2, 2024.
3. Approval of the return of driveway damage deposit(s) for: (*Public works inspected, no issues found, approval recommended*)

. Rich Clutson & Patti Ziebolt, 2229 Williams Pt. Dr.

Motion by Supervisor Miller, second by Sup. Schuck, to approve the consent agenda items as listed. Motion carried 4-0.

BUSINESS.

Discussion and possible action regarding the 2024-2025 Energy Purchase Contract from Alcivia for LP/Propane.

Chair Green reported out. Last year we contracted for 2000 gallons. He is suggesting to contract for 2200 gallons.

Motion by Supervisor Miller, second by Sup. Schuck, to approve the 2024-2025 Energy Purchase Contract from Alcivia for the purchase of LP/Propane for 2200 gallons at 1.649 per gallon. Motion carried 4-0.

Discussion and possible action regarding Resolution R-2024-04 Discontinuance of Lunde Lane.

Clerk Hougan reported out the Attorney needs more information from the surveyor in order to draft the resolution and documents. This will be added to the July 16, 2024 Town Board agenda.

Discussion of Public Works projects and duties.

Chair Green reported out. Gary was on vacation last week. The brush has been chipped, and now mulch is available for residents to take. With the continued rain there has been gravel wash outs. Erosion control has been done at the boat landing. The property owner on Fairview removed the split rail fence, however, the trees were not removed, Public Works will remove the trees in the road right of way and will make improvements along Fairview to make it wider and install a stop sign. There needs to be a no parking sign on Country Club Rd due to people parking in the road by the driving range making it a one lane road. They are mowing the noxious weeds along the road right of way.

Clerk's report of projects and duties.

Clerk/Treasurer Hougan reported out office staff compiled the Plan Commission and Jt. Town Board and Plan Commission agenda's and packets, issued six fireworks permits, 248 yard waste stickers to date have been issued, 141 absentee ballots have been issued and sent thus far, In person absentee voting starts on July 30 and ends on August 9, preparing for August 13 election, received final approval on the Board of Commissioners of Public Lands Loan, the website and emails have been changed to the .gov platform, along with the day to day duties and responsibilities of the office.

Discussion on items to be placed on the next and / or future agenda:

- Resolution documents regarding discontinuance of Lunde Lane.
- Future item as needed: Update/direction from Board to Plan Comm on Comp Plan
- Renaming of Spring Rd #1(The town has two Spring Rd.'s; #1 & #2; Supervisor Schuck will let us know when this is ready to be placed on the agenda)
- August agenda: Public Hearing and Discussion /revisions to the ATV/UTV ordinance-Invite DNR Warden and Dane County Sheriff
- Other items as requested

PLAN COMMISSION REPORT (Reports will generally only be reported upon after the Plan Commission has met between Town Board meetings; unless there is additional information to report).

Supervisor Miller reported the Moe cell tower CUP and CSM was tabled at the June 12 Plan Commission meeting. The comprehensive plan subcommittee would like to expand the subcommittee to include more members, and they would like to do another survey.

REPORTS

The Board reviewed the reports included in the packet.

Supervisor Schuck reported out she attended Fire and EMS meetings in McFarland and Stoughton, she asked the Stoughton Chief if they could provide a report similar to the reports we receive from McFarland and Cottage Grove, she reported Stoughton would like to receive communications regarding when road work is being done ahead of time, they told her that Safety Camp has been cancelled due to lack of funding and sponsors, she explained they could reach out to church groups, and other organizations for donations, there will be a National Night Out, she reported out on McFarland's proposed changes to the service area.

CORRESPONDENCE

The Board reviewed the correspondence included in the packet.

ADJOURNMENT

Motion by Supervisor Olson, second by Sup. Schuck, to adjourn at 7:15 p.m. Motion carried unanimously.

Respectively Submitted,
Maria "Pili" Hougan
Clerk/Treasurer

Note: These minutes are not considered official until acted upon at a future meeting, and, therefore, are subject to revision.