

**JOINT TOWN BOARD MEETING & PLAN COMMISSION, August 01, 2023 – 6:00 P.M.**

**PRESENT:** Town Chair Dick Green, Supervisors Eric Olson, Larry Schuller, Melanie Miller, Faith Schuck, Plan Chair Dalsoren, Vice Chair Wieser, Commissioners Lemanski, Comstock, Schiferl, Deputy Clerk Treasurer Kathy Wilson, and Clerk/Treasurer Maria Hougan.

**ABSENT:**

Plan Commissioner Nick Pfundheller

**OTHERS PRESENT:**

Greg Duckert, 2296 Tower Dr., Kathy Eccles, 3267 Field View Lane, Marlene & Kenton Sorenson, Dane County Board Supervisors Kate McGinnity, Mike Engelberger, Jeff Glazer, Joan Kellerman, 2301 Williams Dr., Travis Dettinger, 3245 Token Rd., Hannah Lanser, 5937 Vintage Birch Way, Karen Spilde, West Star Rd., Wahaj Syed, 2379 Cty Hwy MN, Nick Archibald, 3826 Vilas Rd., Jerry and Becky Tjugum, 3112 Cty Rd N., Sherri Anderson, 212 Yarrow Hill Dr., Dan O'Callaghan, 222 W. Washington Ave., Deana Zentner, 97 Shady Willow Rd.

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

**PRESENTATION FROM DANE COUNTY SUPERVISORS KATE MCGINNITY & JEFF GLAZER REGARDING BROADBAND**

Supervisors Kate McGinnity, Jeff Glazer, Michael Engelberger, and member of the Broadband Task Force Deanna Zentner were in attendance to give a presentation on broadband and what the task force is working on. They stated Wisconsin had 1 billion dollars in funding coming, but they don't know how much of it will be disbursed to Dane County. There are other areas in Wisconsin much worse off than Dane County. Further discussion followed. They discussed the need for educating consumers, availability of grants, and connectivity issues. They are hiring a Broadband Coordinator Position and that person will be tasked with grant writing, working with other counties to coordinate how the money will be disbursed and plan what is needed for Dane County.

**OATH OF OFFICE ADMINISTERED TO JIM SCHIFERL**

Clerk / Treasurer Hougan administered the Oath of Office to Plan Commissioner James "Jim" Schiferl.

**MINUTES OF THE JULY 18, 2023 JOINT TOWN BOARD & PLAN COMMISSION**

Motion by Member Wieser, second by Member Comstock, to approve the Plan Commission portion of the minutes. Motion carried 5-0.

## **PUBLIC COMMENT**

No one registered to speak during the public comment period.

## **BUSINESS**

**Discussion and possible action on a request from Under the Oaks, LLC/Zeteo Community, Kenton Sorenson, Travis Dettinger, agent, for parcel # 0611-042-8096-5, 3136 Oak Street, to rezone 7.5 acres from RR-4 to GC (General Commercial) This item was tabled from a previous meeting.** Travis Dettinger, the Sorenson's, and Dan O'Callahan from the Zeteo Community were in attendance. They recently met with Dane County Planning; their request was received favorably but has been tabled pending action by the township. The Zeteo representatives feel they have made all the modifications requested at previous meetings of the Town Board/Plan Commission to include the deed restriction revision as recommended by Dane County, removed the tiny homes from the proposal at this time, confirmation of accessory livestock, per Dane County it is allowable, and research regarding combining the two buildings into one, they concluded they wanted to keep the buildings separate. Further discussion followed. Questions were answered of the Board and Plan Commission. After a long discussion it was determined to take action by the Plan Commission.

Motion by Member Miller, second by Member Wieser, to grant request from Under the Oaks, LLC/Zeteo Community, Kenton Sorenson, Travis Dettinger, agent, for parcel # 0611-042-8096-5, 3136 Oak Street, to rezone 7.5 acres from RR-4 to GC, with the following restrictions:

### **Deed Restrictions:**

1. *Land use shall be limited to uses allowed under the proposed General Commercial Zoning that are relevant to this proposal.*
2. *Land use shall be limited exclusively to residential use, including institutional residential use as may be permitted under an approved Conditional Use Permit.*
3. *Land uses of the property shall be limited exclusively to the following permitted uses:*
  - a. *Undeveloped natural resource and open space areas*
  - b. *Utility services associated with, and accessory to, a permitted or conditional use*

**Motion carried 5-1 on a roll call vote with Plan Commission Chair Dalsoren, and Members Miller, Comstock, Wieser, Schiferl, voting in favor, and Member Lemanski voting in opposition.**

The Town Board will vote on this item after the Plan Commission votes on the Conditional Use Permit (CUP).

**Discussion and possible action on a request from Under the Oaks, LLC/Zeteo Community, Kenton Sorenson, Travis Dettinger, agent, for parcel # 0611-042-8096-5, 3136 Oak Street, for a Conditional Use Permit for the purpose of allowing institutional residential use to provide for long-term transitional housing. This item was tabled from a previous meeting.**

The eight items of the Conditional Use permit were reviewed.

***1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health safety, comfort of general welfare.***

Motion carried 5-1 on a roll call vote with Chair Dalsoren, and Members Miller, Comstock, Wieser, and Schiferl voting in favor, and Member Lemanski voting in opposition.

***2. 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.***

Motion carried 5-1 on a roll call vote with Chair Dalsoren, and Members Miller, Comstock, Wieser, and Schiferl voting in favor, and Member Lemanski voting in opposition.

***3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.***

Motion carried 5-1 on a roll call vote with Chair Dalsoren, and Members Miller, Comstock, Wieser, and Schiferl voting in favor, and Member Lemanski voting in opposition.

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

Motion carried 5-1 on a roll call vote with Chair Dalsoren, and Members Miller, Comstock, Wieser, and Schiferl voting in favor, and Member Lemanski voting in opposition.

**5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Motion carried 5-1 on a roll call vote with Chair Dalsoren, and Members Miller, Comstock, Wieser, and Schiferl voting in favor, and Member Lemanski voting in opposition.

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

Motion carried 5-1 on a roll call vote with Chair Dalsoren, and Members Miller, Comstock, Wieser, and Schiferl voting in favor, and Member Lemanski voting in opposition.

**7. The conditional use is consistent with the adopted town and county comprehensive plans.**

Motion carried 5-1 on a roll call vote with Chair Dalsoren, and Members Miller, Comstock, Wieser, and Schiferl voting in favor, and Member Lemanski voting in opposition.

**8. If the conditional use is located in a Farmland Preservation (FP) Zoning district, the conditional use is subject to the following additional standards found in section 10.220(1). Attach additional pages, if necessary.**

*This condition was non-applicable.*

**Additional Plan Commission Conditions were set as follows:**

**Conditions for CUP 2598:**

1. ***This CUP will be reviewed by the Pleasant Springs Planning Commission annually.***
2. ***Applicant must supply the town of Pleasant Springs Clerk the name and phone number of a 24-hour contact in case there is a problem at the property.***
3. ***The use of the parcel must be only in accordance with the stated purpose on the application***
4. ***The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.***
5. ***The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.***

6. ***Institutional residency on site shall be limited to a total of 18 women and their children taking part in the Under the Oaks program and 4 adult live-in house parents.***
7. ***Livestock on site shall be limited to 3 animal units, as stated in the CUP application for the purpose of equine assisted therapy, an ancillary use to the principal institutional residential use.***
8. ***The conditional use permit shall automatically expire upon transfer of the property.***
9. ***No goods or services may be sold from the property.***
10. ***The institutional residential activity shall be limited to the Under the Oak Trees LLC organization.***
11. ***New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.***
12. ***The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.***
13. ***Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.***
14. ***Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.***
15. ***All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.***
16. ***Off-street parking must be provided.***
17. ***If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.***
18. ***The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff***

**conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.**

19. **The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.**

20. **Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.**

**Conditions Specific to CUP 2598**

21. **This conditional use permit shall not be effective until the property is rezoned to GC General Commercial via rezone petition #11961 becoming effective.**

Motion by Member Miller, second by Member Comstock, to approve the additional 21 conditions as amended for the request for the Conditional Use Permit (CUP) for Under the Oaks LLC-Zeteo.

Motion carried 5-1 on a roll call vote with Chair Dalsoren, and Members Miller, Comstock, Wieser, and Schiferl voting in favor, and Member Lemanski voting in opposition.

Town Board Consideration:

**Discussion and possible action on a request from Under the Oaks, LLC/Zeteo Community, Kenton Sorenson, Travis Dettinger, agent, for parcel # 0611-042-8096-5, 3136 Oak Street, to rezone 7.5 acres from RR-4 to GC (General Commercial) This item was tabled from a previous meeting.**

Supervisor Olson stated for the record the plan looks awesome. It's a great program. Supervisor Schuller is in support of this.

Motion by Supervisor Olson, second by Sup. Schuller to approve a request from Under the Oaks, LLC/Zeteo Community, Kenton Sorenson, Travis Dettinger, agent, for parcel # 0611-042-8096-5, 3136 Oak Street, to rezone 7.5 acres from RR-4 to GC (General Commercial).

Motion failed 2-2 due to a tie on a roll call vote with Chair Green, and Supervisor Schuck voting in opposition, Supervisors Olson and Schuller voting in favor, with Supervisor Miller abstaining.

Motion by Supervisor Miller, second by Sup. Schuller, to bring the Under the Oaks; LLC-Zeteo request for rezone and conditional use permit back to the August 15, 2023 Town Board meeting for reconsideration. Motion carried.

**Discussion and possible action on a request from Gregory H. Duckert for parcel # 0611-242-9230-0, to rezone 20 acres from RR-16 to RM-16 for the purpose of allowing more appropriate use of the property, and to enable for future sale of the property to allow for possible business and commercial use. This item was tabled from a previous meeting. (Plan Commission action only)**

Member Miller reported out. Greg Duckert was in attendance. This request is to make the property more appealing to buyers. This would open the property up for more uses. Greg has been trying to sell the property for 3 years. Chair Dalsoren reported out this was missed in the Chapter 10 re-write. The RM-16 was added late in the game and this property should have been zoned to RM-16 at that time.

Motion by Member Comstock, second by Member Wieser, to approve the request from Gregory H. Duckert for parcel # 0611-242-9230-0, to rezone 20 acres from RR-16 to RM-16 for the purpose of allowing more appropriate use of the property, and to enable for future sale of the property to allow for possible business and commercial use.

*Friendly amendment to add with no further development to the property. Friendly accepted by Comstock, seconded by Wieser.*

Motion carried 6-0.

**Report from Town Board liaison, Melanie Miller, concerning any Plan Commission agenda items discussed or acted upon by the Town Board.**

Member Miller did not have anything additional to add as to what was discussed tonight.

**Communications/Correspondence**

The Plan Commission reviewed the correspondence included in the packet. Chair Dalsoren reported out on the cell phone tower application on the Moe property, the applicants are asking for more time.

**Agenda items for future Plan Commission meeting(s):**

- Plan Commission member training
- Review of Comprehensive Plan (on-going as available or necessary)
- Any other items as needed, submitted, or requested

**PLAN COMMISSION ADJOURNMENT**

Motion by Member Comstock, second by Member Wieser, to adjourn at 8:08 p.m.

Motion carried unanimously.

## **CALL TO ORDER**

Chair Green called the Town Board meeting to order at 8:12 p.m.

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

No one registered to speak during the public comment period.

## **PRESENTATION ON 2024 BUDGET FROM DEER-GROVE EMS CHIEF ERIC LANG**

Deer-Grove EMS Chief Eric Lang presented the proposed 2024 budget. He indicated the areas where language was removed from the previous budget set to term on 12/31/2023. The proposed budget is reflective of including additional paramedics and a better ambulance response, along with costs of staff. Chief Lang reported the Town of Pleasant Springs is about \$26.00 per capita. Chair Green reported out the proposed contract is a 61% increase from 2023 to 2024. Chief Lang stated they would like an answer on the proposed contract by the end of September so they can work on their budget. No action taken.

Any item listed on the agenda is subject for action.

**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 July 18, 2023, Town Board meeting.
2. Approval of the check register dated July 25, 2023, and August 1, 2023.
3. Approval of the return of driveway damage deposit(s) for: (*Public works inspected, no issues found, approval recommended*)
  - Jerry Lapidakis, 2169 Oak St.
  - T.J. Vitense, 2843 Door Creek Rd.
  - Christine & James Peterson, 3089 Course View Dr.

Motion by Supervisor Schuck, second by Sup. Schuller, to approve the minutes of July 18, 2023 as amended to change the vote regarding tabling the rezone application to 4-0, with Miller abstaining. Motion carried 4-0, with Miller abstaining.

Motion by Supervisor Olson, second by Sup. Miller, to approve consent agenda items 2 and 3 as listed. Motion carried 5-0.

## **BUSINESS.**

**Discussion regarding the proposed 2024 Deer-Grove EMS Budget.**



The Board reviewed the proposed contract. This will be added to the 1<sup>st</sup> budget meeting to be held on Sept. 21, 2023 @ 6:00 p.m.

**Discussion and possible action regarding the amendment to the fireworks ordinance, Chapter 103: Regulation of Fireworks. 1<sup>st</sup> Reading.**

The Board reviewed the proposed amendment. This will be placed on the next Town Board agenda for a second reading.

**Discussion and possible action regarding the purchase of a laptop.**

The Board reviewed the quote from Mad City Techs for a new laptop. Supervisor Schuller had reviewed the comparables and reported out Mad City Techs quote was in line, along with the value of ordering from Mad City Techs has value as the towns IT provider.

Motion by Supervisor Olson, second by Sup. Schuck, to approve the purchase of a new laptop from Mad City Techs in the amount of \$910.00. Motion carried 5-0.

**Discussion and possible action regarding scheduling the 2024 budget meeting dates.**

Motion by Supervisor Miller, second by Sup. Schuck, to set the 2024 budget meeting dates to Thursday, Sept. 21 @ 6:00 p.m., Thursday, Oct. 5, @ 6:00 p.m., Thursday, Oct 19, @ 6:00 p.m., Thursday, Nov. 2 @ 6:00 p.m. (if needed) and Tuesday, Nov. 21 @ 5:30 p.m. with the budget hearing and adoption scheduled that evening. Motion carried 5-0.

**Discussion of Public Works projects and duties.**

Chair Green reported out there were several trees down and wash outs due to the recent storm, those have all been cleaned up, he is meeting with someone for an estimate on grinding the brush pile at the yard waste site, there were intruders captured on the cameras at the yard waste site at 8:00 p.m. over the weekend. Due to the shortage of the summer seasonal mower, they are getting behind on the mowing, they need a 3<sup>rd</sup> person to keep up with the mowing.

**Clerks report of projects and duties.**

Clerk Hougan reported out on daily duties and responsibilities the office staff have been kept busy with.

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

- Second reading of Chapter 103: Regulation of Fireworks
- Duckert rezone request
- Under the Oaks-Zeteo rezone and CUP request
- Amendment to Ordinance Chapter 70: Building Construction
- Employee Handbook

- Possible Ordinance amendment Chapters 66 & 202

**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).

Spervisor Miller reported there was not anything additional to report out from what had been discussed tonight.

### **REPORTS**

The Board reviewed the reports included in the packet.

### **CORRESPONDENCE**

The Board reviewed the correspondence included in the packet.

Chair Green reported out SALL had done some painting at Oak Knoll Park, and he had been in contact with Bruce Johnson regarding adding a basketball pole and backboard to Quam Park once the court is resurfaced.

### **ADJOURNMENT**

Motion by Supervisor Schuller, second by Sup. Olson, to adjourn at 9:12 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.*