

Minutes of the Regular Monthly Board Meeting of the Township of Spring Green

Proceedings of the Town of Spring Green Regular Board Meeting, held at 7:00 pm on Thursday, June 4, 2015 at the Town Hall located at E4411 Kennedy Road, Spring Green, Wisconsin:

1. **Call to Order:** Kevin Lins, Town Chairperson called the meeting to order at 7:00 pm.
2. **Legal Posting:** Jenny Pappas, Clerk certified compliance with the open meeting law.
3. **Roll Call:** Members present were Chairperson Kevin Lins, Supervisor Dave Radel, Supervisor Mike Bindl, Clerk Jenny Pappas and Treasurer Karen Shelton. Also present were: Bill Mertens, Peter Livingston, Marian Copus, Michelle Thomas, Janet Gee, Derrick Gee, John Concon, Joe Bradford, Jeff Johnson, Louis Weston, John McKenna, Jerry Bindl, Patty Brooks, Pat Frischol, Tom LaBudde, Sandra LaBudde, Benny Stenner, Jessica Neils, Tom Ringelstetter, Donn Lind, Jeanne Higuera-Pittman, Brian Pittman, Caryl Sprecher, Jim Sprecher, Michael Whaley, Sharon Stark, Marilyn VanSlyke.
4. **Adopt Agenda:** Radel moved and Bindl seconded to adopt the agenda as presented. Motion carried.
5. **Approve Minutes:** Bindl moved and Radel seconded to approve the minutes of the May 7, 2015 Regular Meeting. Motion carried.
6. **Treasurer's Report:** Shelton reported a beginning balance of \$426,311.01 with receipts of \$2,992.40 and disbursements of \$100,676.55 leaving a balance of \$327,926.88. Radel moved and Bindl seconded to approve the Treasurer's Report as presented. Motion carried.
7. **Monthly Bills/Invoices:** Bindl moved and Radel seconded to approve the monthly bills/invoices for payment as presented. Motion carried.
8. **Chairperson & Supervisors Reports:**

Chairperson's report/Kevin Lins:

- 5/16 a big hollow ditch inspection/annual road tour was conducted
- 5/21 attended a Wisconsin Towns Association Sauk County Unit meeting, which included speakers from the Sauk County District Attorney, Red Cross, Salvation Army, legislative representatives Ed Brooks and Dave Considine along with a representative of Senator Howard Marklein. New state requirements regarding mobile towers are taking authority away from local government. Operation After Revocation (OAR) was also discussed. The first offense is a misdemeanor and the second is a felony; people are not paying the first offense so it does not get settled and the second offense is then not counted as a felony. Reorganization efforts are underway.
- 5/28 attended Wisconsin Towns Association workshop in Richland Center with Bindl and Pappas. Topics included powers and duties of town officials, fundamentals of town funding, ethics and conflicts of interest, open meeting laws.
- 5/29 met with Jewell and Associates and attorneys regarding a lawsuit involving the township. The meeting was mainly informational and to bring Lins up to date on the matter. A closed session meeting will most likely be scheduled in the near future.

Supervisor Report/Dave Radel:

- Sauk County Clean Sweep scheduled for Saturday, June 6 in Reedsburg. Public can dispose of electrical items, appliances, chemicals, tires, etc. A suggestion was made to put a link to the Clean Sweep information on the Town's website.
- Met with the Cemetery Association regarding the color and profile choices for the roof. A color of slate gray was chosen, as it is similar to the current color.
- Inspected the big hollow ditch

Supervisor Report/Michael Bindl:

- 5/21 attended the Wisconsin Towns Association Sauk County Unit Meeting.
- 5/28 attended the Wisconsin Towns Association workshop in Richland Center.
- No Plan Commission Meeting was held in May
- Inspected the Big Hollow Ditch

9. **Comment from the Public:** John McKenna asked about the assessment of property impacted by the FEMA flood maps. Pappas noted she has been talking to the assessor and the assessor will take a closer look at the issue during the re-valuation. McKenna also asked about the issue of his neighbor's shooting range. McKenna stated he wanted to emphasize the health issues this is causing his wife and stated something has to be done. McKenna stated the Village of Spring Green, Plain and Lone Rock all have ordinances regarding the discharge of firearms. McKenna noted the noise level and stated he had a recording of the shooting. Lins stated during the recent road tour, he observed the location of the brush pile that is serving as the backstop, which is a problem. Lins stated he would be willing to listen to McKenna's audio recording of the shots.

10. **Reports:**

- a. **Patrolman:** Haas reported he attended a meeting on 5/6 regarding highway safety, worked on shoulders, patching and mowing the big hollow ditch.
- b. **Building Inspector:** Pappas stated building permits were issued for 1 new home, 1 shed and 1 remodel for the month of May.
- c. **Emergency Planning:** Radel attended a meeting last week and a shooting at the Reynolds, Oregon High School was the topic of discussion. This shooting happened two days prior to the shootings in Sandy Hook. Two were killed and the shooter took their own life as well. Some of the lessons learned during this incident is press conferences should not be held at the school as it is too chaotic, and press releases do not need to be issued immediately because incorrect information is given to the public. Cell phones turned out to be one of the greatest assets; many children have cell phones and are able to contact parents to let them know they are safe. Giving out the shooter's name should not be broadcast immediately, because they often do the shooting for the notoriety. One of the biggest issues was searching backpacks to check for bombs, there were hundreds of backpacks which all had to be searched individually.
- d. **Plan Commission:** No meeting.
- e. **Extraterritorial Zoning Committee:** A public hearing was held regarding a zoning map correction for parcels #032-0641 and #032-0643-1, E4782 Kennedy Road from ARE Extraterritorial Existing Agricultural Residential to B-6 Extraterritorial Wholesale and Service District as well as adding Micro-Distillery, Micro-Brewery and Winery as Conditional Uses under 3.06C in the B-6 District. The map correction and conditional use additions were subsequently approved at the regular meeting. FEMA flood maps for the village were also discussed. The Village Clerk verified that the only change to the maps was a change to index tile numbers for maps. Any map changes only effect the floodplain within the village. Anything in the township is controlled by Sauk County.
- f. **Fire District:** The board approved the purchase of new air packs as well as a battery operated Jaws of Life. The battery operated Jaws of Life is much lighter, more powerful than the hydraulic unit and there is no need for a generator.

11. Agenda Items for discussion and/or action by the Town Board:

- a. **Spring Green Cemetery Update:** Lins stated he contacted the Town Attorney regarding a cemetery ordinance. Lins stated he received an email from the attorney today stating she needs to find out if the original cemetery association was properly registered in the State of Wisconsin. This will determine which course of action to take. Lins stated he should know more by the next board meeting. Radel noted he met with the Cemetery Association recently and they made a color choice for the chapel roof. No action taken.
- b. **Big Hollow Ditch Maintenance Update:** Lins discussed the findings of the ditch inspection conducted on 5/16. A couple of ditch checks should be removed due to erosion. There is a scour hole north of Hwy 14, which will be filled in. There are trees growing up again; last year the trees were cut and sprayed. Lins stated he contacted DATCAP regarding pesticides and asked if the town patrolman could work on spraying the trees or if you need to use someone that is certified. Lins stated per DATCAP, the patrolman can spray the trees as long as a non-restricted product is used, and the town can eliminate the tree/cattail growth at a much lower cost. Lins stated a mower arm was rented and the cattails have been mowed down. Haas noted the ditch south of Hwy 14 has been mowed a second time as well. Radel stated he was not convinced with removing any of the ditch checks and suggested re-arranging the rocks. Lins stated if the eroding checks were removed it would be easier to mow. Livingston asked if the town needs an

engineering report – if the checks can be removed. Lins stated the ditch checks were installed for the construction phase of the project and Greg Jewell and Ed Lilla of Jewell & Associates Engineers suggested removing the ditch checks. No action taken.

- c. **Road Tour Update:** Radel stated a town road tour was conducted on 5/16 and most of the town roads were inspected. Annual maintenance will be performed on several roads, along with a reconstruction project on County Line Road. No action taken.
- d. **ATV/UTV Annual Review:** Lins read the minutes from the April 3, 2014 Board Meeting noting the one year trial period has elapsed. Lins opened the discussion to the public.
- Derrick Gee: ATVs are designed for trails, there has been very little traffic on the route. Bear Creek refused River Runners access to their town roads. Asked the board to rescind Ordinance Chapter 15.
 - Tom LaBudde: Those of us in opposition bear no ill will; this is not personal – the opposition is with the use of the town roads only. ATVs made to be used off the road. Went over resources all of which state ATVs should not be utilized on paved roads. Believe the route map was never sent to the DNR or Sauk County.
 - Joe Bradford: ATVs are at no more risk than a bike or pedestrians. Hoping the Dane Hill Route will be a connecting route at some point in the future. Asked Bear Creek for a one time only access to attend a fish boil. Since there have been no reported incidents – asking for another year. Asked not to rescind Ordinance Chapter 15.
 - Janet Gee: Asked about everyone else that could potentially come and use the route.
 - Patty Brooks: Recalls Bradford stating he did not want everyone knowing where the route is.
 - Joe Bradford: Discussed the difference between a trail and a route. Stated the map was submitted to the DNR and Sauk County Sheriff.
 - Del Lamont: Opposed to town roads being open to ATVs.
 - Kevin Lins: Asked Bradford if there have been any incidents or disciplinary actions taken over the last year. Bradford responded stating there were two young kids exceeding the limit on the trail two weeks ago; no issues have been reported on town roads.
 - Janet Gee: Worried not about the club, but all of the other people that could come and use the town roads. Insurance companies and manufacturers do not feel ATVs should be operated on roads. Presented a petition to the board with 75 signatures opposing Ordinance Chapter 15.
 - Marilyn Van Slyke: Live on Mercer Road; opposed to ATVs on town roads. Concerned about the noise.
 - Bryan Pittmann: Live on JJ. If the township says yes, are you granting access to all township roads? Lins responded that the roads of use are specified in the ordinance.
 - Don Lind: Opposed to the use of ATVs on township roads, due to safety concerns. Personally witnessed ATVs coming out of the Westwood Subdivision to Kennedy to Pearl. Were told the club members would do the policing – have a trust issue.
 - Kevin Lins: Showed a picture of the entrance of a trail on his personal property which his neighbor has permission to access with his ATV. Lins stated he has witnessed club members using this private entrance – this is not a safety issue and will not affect my decision. Travel to Richland Center a lot via Hwy JJ and in the last year have witnessed multiple incidents the worst being four riders under the age of 18 exceeding the speed limit and driving erratically. This is a safety issue, and it affects the township. The ability to enforce is limited because you cannot be everywhere at once. Do not think the club has the ability to police issues.
 - Mike Bindl: My proposal would be to grant a one year extension and put the issue before the Plan Commission. There have been no complaints and the traffic has been minimal. The ATV riding will end in October. This would give the Plan Commission from November – April to hash it out.
 - Sharon Stark: It would be nonsense to postpone it. The Town Board has spent countless hours of time on this.

Radel moved and Bindl seconded to end the debate on the question. Motion carried. Lins moved to repeal the Town of Spring Green Ordinance Chapter 15. Motion failed due to lack of a second. Radel moved and Lins seconded to repeal the Town of Spring Green Ordinance Chapter 15 and to refer ATV Routes/connecting routes to the Plan Commission. Bindl opposed. Motion carried.

e. **Liquor License Renewals:** Radel moved and Bindl seconded to approve the following liquor license applications:

- JMPK/Hayloft Café – Class B Combination
- The New Arthurs – Class B Combination
- Wisconsin Riverside Resort – Class B Combination
- Powell Petroleum/Rite-Way – Class A Combination
- HRV Petro/River Valley Mobil – Class A Combination
- Prem Meats, LLC – Class A Combination
- SG Rod & Gun Club – Class B Beer
- River Valley RV Park, LLC – Class B Beer

Motion carried.

12. Adjourn: Bindl moved and Radel seconded to adjourn at 9:48 pm. Motion carried.