

## Minutes of Regular Town 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, December 5, 2019 at the Town Hall located at E4411 Kennedy Road, Spring Green, Wisconsin:

1. **Call to Order:** Kevin Lins called the meeting to order at 7:00 pm.
2. **Legal Posting:** Vicki Terpstra certified legal posting.
3. **Roll Call:** Members present were Kevin Lins, Dave Radel, Carla Carmody, Karen Shelton, Vicki Terpstra, Andrew Shimniok, Fred lausly. Also present were Town Attorney Bussan and Attorney Nancy Halpern.
4. **Adopt Agenda:** Radel made a motion to adopt the agenda as presented. Carmody seconded. Motion carried.
5. **Approval of the Minutes from the November 7th, 2019 Regular Town Board Meeting and the November 19th, 2019 Budget Planning Meeting for 2020:** Carmody made a motion to approve the minutes with a change of the title for the November 19<sup>th</sup> meeting to "Special" meeting. Radel seconded. Motion carried.
6. **Clerk's Report:** Terpstra presented the Clerk's report.
7. **Treasurer's Report:** Shelton presented the Treasurer's report. Radel made a motion to file treasurer's report as presented. Carmody seconded. Motion carried.
8. **Approve Monthly Bills/Invoices for Payment:** Carmody made a motion to approve payment of the monthly bills/invoices. Radel seconded. Motion carried.
9. **Chairman & Supervisor Reports:** Lins presented the Chairman's report, and Radel and Carmody presented Supervisor reports summarizing activity for the month of November.
10. **Reports:** (For discussion and/or action by the Town Board)
  - a. **Patrolman:** Andrew Shimniok presented the Patrolman's report.
  - b. **Building Inspector:** Terpstra presented the November building inspector's report.
  - c. **Emergency Planning:** No meeting last month as it was cancelled.
  - d. **Plan Commission:** No meeting last month.
  - e. **Extraterritorial Zoning Committee:** Fred lausly presented the JEZC report. lausly mentioned that there will be a public hearing in December regarding a zoning ordinance for household occupation for barbering/beauty shops in a residential district.
  - f. **Fire District:** Dave Radel presented the Fire District report.
11. **Agenda Items for discussion and/or action by the Town Board (Limited Public Comment may be allowed):**
  - a. **Discussion/possible action on approval of election workers list for 2020-2021:** Radel made a motion to approve the election workers list for the 2020-2021 term. Carmody seconded. Motion carried.
  - b. **Discussion/possible action to continue Ordinance No. 2017-1102 exempting Town Treasurer from Municipal Treasurer Bond:** Carmody made a motion to continue Ordinance No. 2017-1102 exempting the Town Treasurer from the municipal treasurer bond. Radel seconded. Motion carried.

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- c. **Discussion/possible action on a letter to the Reedsburg Utility Commission agreeing to waive or pay for any permit fees to include in the grant application for the next phase of the Spring Green Broadband project along with providing water and a site to place the drill and vacuum tailings:**  
Lins stated that the railroad crossing is the only permit fee that he is aware that may be charged, but the railroad did not charge the Town any fee for the Phase 1 crossing. Lins also has personally taken care of providing water and a place to deposit the tailings. Radel made a motion to send a letter to the Reedsburg utility Commission agreeing to waive or pay for any permit fees and to provide water and a place for the tailings for the next phase of the broadband project. This letter will be used in the grant application. Carmody seconded. Motion carried.
- d. **Discussion/possible action on Big Hollow Ditch clean out:** Carmody stated that she would prefer to have materials in the ditch (i.e. cattails) removed from the ditch. Lins stated he contacted Greg Jewell after last meeting and Jewell has not heard back from the engineer taking measurements discussed at last month's Town Board meeting. Carmody mentioned that some farmers who owned the right-of-way did not want mowing and denied access. Radel suggested having a special meeting to discuss the issue further. Carmody made a motion to lay the issue on the table for further discussion at a later date. Radel seconded. Motion carried.
- e. **Discussion/possible action on possible flood relief in problem areas of the township:** Radel stated that he was asked to write a letter to the village by the residents asking whether there is anything being done by the airport board or the county. Lins said Richland County has been working on putting in culverts. Radel said that he wants the Board to work with Sauk County on the Jones Road flooding problem. Attorney Bussan suggested including the DNR. Radel made a motion to continue investigating the floodwaters of Jones Road, including contacting the Village of Spring Green. Carmody seconded. Motion carried.
- f. **Discussion/possible action to approve rezone petition for Tall Pines subdivision located on Kennedy Road in the Town of Spring Green:** Jim and Carol Schmitt were present and petitions were reviewed by the Board. Iausly explained the rezone process. Attorney Bussan stated that Sauk County suggested that the Plan Commission should contact the residents who consented and assure they fully understand the implications of rezoning to ag. Iausly said it will be added to the December meeting and a letter will be sent to landowners inviting them to the meeting. Carmody made a motion to send the rezone petition to the Plan Commission for review. Radel seconded. Motion carried.
- g. **Discussion/possible action on a proposed dog kennel ordinance:** Barb Ouimet gave a presentation for the group in support of the ordinance. Nancy Halpern, DVM, ESQ gave a presentation on behalf of those opposing the ordinance. Attorney Bussan was consulted on her opinion of the proposed ordinance and she stated that the proposed ordinance does not address all dogs in the Town and that a local ordinance would be redundant because the state of Wisconsin already has laws in place that address puppy mills. Potential legal liability was discussed and Bussan stated that research required to create an ordinance that has legal and scientific substance would be costly and there are no guarantees that it would not be challenged. Bussan stated that currently her firm's billing for legal review is just short of \$9,000. Carmody asked about going into closed session for discussion. Bussan stated that closed session is not appropriate because there is no pending litigation at this time. Lins made a motion to place the

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issue on the table until scientific or legal basis is presented for the ordinance to stand up to potential legal challenge. Radel seconded the motion. Motion carried.

- 12. Comment from the Public (Be advised that there may be limited discussion on the information received, however, no action will be taken under public comment):** Members of the public asked why the ordinance wouldn't stand up to legal challenge if it only addresses kennels, and who was going to do further research. Bussan stated that the ordinance does not address the welfare of all dogs in the Town and Lins stated that the Town will review any further research presented to them. Members of the public voiced concerns about the potential financial costs of the ordinance because the Town has other important Town problems money is needed for, and others voiced their support of the dog ordinance.
- 13. Adjourn:** Radel made a motion to adjourn. Carmody seconded. Motion carried. Meeting was adjourned at 9:12 pm.

Vicki Terpstra – Clerk  
Town of Spring Green