

Town Of **SPRINGFIELD**



MEETING MINUTES

Tuesday, December 15, 2020, 7:30 P.M.

Town Board Meeting
via teleconference & video conference

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Chair Jim Pulvermacher called the meeting to order at 7:30 p.m.

Roll call shows Chair Pulvermacher and Supervisors Dave Laufenberg, Bill Statz, Art Meinholz, and Dan Dresen present and appearing at town hall.

Also present and appearing at town hall were Road Patrolman Darin Ripp, Clerk-Treasurer Dianah Fayas, Deputy Clerk-Treasurer Doreen Jackson, Pat Buechner and Brad Meinholz. Appearing via tele &/or video conference were town attorney Mark Hazelbaker, zoning administrator Kory Anderson, Dan Fargen and a participant identified only as "Ed".

Pledge of Allegiance was recited.

2. CONFIRMATION OF COMPLIANCE WITH OPEN MEETINGS LAW

The Clerk confirmed that the agenda was posted at town hall and on the Town website. The meeting is being recorded for use during the drafting of the meeting minutes.

3. INFORMAL PUBLIC COMMENT TIME – None.

4. MINUTES OF PREVIOUS MEETINGS: Nov. 16, Nov. 17 (2), Dec. 1, Dec. 4 & Dec. 5 2020

The Dec. 4th meeting did not have a quorum; there are no minutes to approve. Notes from the meeting will be stored with the town board minutes. Minutes for the December 5th Kingsley Cemetery site visit were not available for review and approval; they will be added to the Jan. 5, 2021 agenda. Review of the minutes showed an error on the December 1st minutes, page 2, #15 to be corrected: the minutes should read "discretion," not "discussion".

Motion by Sup. Dresen, seconded by Sup. Statz to approve all of the minutes except Dec. 4th and 5th. Motion carried, 5-0.

5. CHAIRPERSON'S REPORT

Chairperson Pulvermacher thanked staff for their service during the tumultuous times of 2020 and reported on the Dane Towns Board of Adjustment (BoA) he attended on behalf of Springfield where a variance was granted to a Town of Berry resident for a building that was 8" too close to the road. The town continues its efforts to schedule a meeting with the Middleton common council to discuss the airport, stormwater, traffic, and an update to our intergovernmental agreement. The topics do not warrant a closed session discussion at this time; staff will reach out to schedule a public meeting with the council. The Plan Commission has had a resignation due to scheduling conflicts; Pam Krill is considering applying for the newly vacant position.

Chairperson Pulvermacher placed an order for the rebar needed for remonumentation at Kingsley Cemetery; it is now out on-site and ready for use. Chairperson Pulvermacher spoke with Tony Varda from Berry and learned that if the town doesn't do any work on a road way, or receive any funds, etc., for ten years, by law it's considered abandoned. As far as Berry is concerned, anything beyond the end of the blacktop in the town of Berry is abandoned. Gary Acker is working with Speedway to approach John Acker for land to open up a mineral extraction site and asked Chairperson Pulvermacher to speak with John. John indicated he's been approached by a number of people over the last few months, but he hasn't taken any action because the State has contacted him about starting survey work and negotiations for purchase, and he wants to work with the state first. Staff was directed to send a letter to Gary Acker, Speedway Sand and Gravel, and John Acker, letting them know this is not the first time the town has been told that John is selling his land to somebody and they try to negotiate on the land's behalf. It is not the town's purview to deal with anyone but the landowner, or at least to have the landowner present. The letter will be sent from Chairperson Pulvermacher with the knowledge and consent of the Board.

6. OPERATORS LICENSE: JENNIFER O'DONNELL – KELLY'S MARKET

Motion by Sup. Laufenberg, seconded by Sup. Statz to approve the operator's license for Jennifer O'Donnell for Kelly's Market. Motion carried, 5-0.

7. BLIGHT: 5155 SUNRISE RIDGE TRAIL

The Town received correspondence back, indicating the items in the ROW will be relocated; staff will follow up and inspect the property to ensure the encroachments are removed.

8. KINGSLEY REMONUMENTATION

The rebar will be paid out of the Kingsley fund; the per diem will come out of the

9. SPR STANDARDS AND ORDINANCE

Staff found an unsigned, 2012 SPR Ordinance and Maintenance Agreement that meeting minutes indicate were approved and adopted in 2012, but that otherwise show no indication of publication/posting as required by statute, nor was the ordinance incorporated into the existing ordinance as directed. No signed copy can be found in Town records, or on file with the town's attorney or engineer. The board planned to use the ordinance as guidance for improvements on Rolling Acres Lane if additional access to the road is granted.

Motion by Chairperson Pulvermacher, seconded by Sup. Meinholz to table until the professionals are on the line to advise. Motion carried, 5-0.

10. ORDINANCE 2020-05 REVOCATION OF ATV ORDINANCE #2020-04

The revocation was approved at the October 20th meeting, without a corresponding ordinance to put it into effect.

Motion by Chairperson Pulvermacher, seconded by Sup. Laufenberg to adopt Ordinance 2020-05 revoking the ATV Ordinance. Motion carried, 5-0.

Hearing no objection, Chairperson Pulvermacher moved agenda item 12f. JAR Storage Zoning Violation up on the agenda to discuss at this point in the meeting while we have our zoning administrator and attorney on the line.

Motion by Chairperson Pulvermacher, seconded by Sup. Laufenberg to do Old Business item f first so we can let our zoning administrator leave. Motion carried, 5-0.

12. OLD BUSINESS

f. JAR STORAGE ZONING VIOLATION

Supervisors discussed the violations noted by the zoning administrator and debated imposing fines and penalties authorized by the zoning ordinance. Attorney Hazelbaker explained the goal is usually compliance, with deterrence a secondary goal and advised discussing the enforcement options with the property owner and

letting them know the amount of penalties or forfeitures they're liable for, using the threat of massive sanctions to gain compliance. Supervisors want to impose fines for Action Items 2 & 3 on Zoning Administrator Kory Anderson's Dec. 1, 2020 letter to Chairperson Pulvermacher reporting on the results of his inspection of the property (Item 2: Remove all additions of storage units to existing buildings which were not authorized; Item 3: Discontinue all uses other than those identified in the deed restrictions). Supervisors may consider waiving some of the fines upon compliance &/or successful resolution of zoning violations in the future.

Motion by Sup. Dresen, seconded by Sup. Meinholz, to start fines of \$200/day for the building violations effective today. Motion carried, 5-0.

Hearing no objection, Chairperson Pulvermacher circled back to Agenda Item 9 to discuss with the town attorney.

9. SPR STANDARDS AND ORDINANCE

Attorney Hazelbaker informed the board that the ordinance would still be legal even if a signed copy couldn't be found, as long as it was published &/or posted as required; no evidence was found indicating it was published or posted. Attorney Hazelbaker advised it should be readopted in the future and staff was directed to add to the next agenda.

11. LAND PURCHASE UPDATE AND DOCUMENT REVIEW/APPROVAL

Agenda items 11 and 12g were discussed in tandem. Supervisors and Attorney Hazelbaker reviewed the Assessment of Wetland Potential submitted by MSA and did not see anything that warranted backing out of the purchase. The Plan Commission and Town Board will have to review and approve the CSM and rezone to COM at their January meetings; the closing date will need to be pushed back a week or so to accommodate the recording of the CSM after it's approved by the Town Board at their January 5th meeting at the earliest.

Motion by Sup. Dresen, seconded by Sup. Laufenberg to push the closing on the land purchase to January 6, 2021. Motion carried, 5-0.

12. OLD BUSINESS

a. CLOVER HILL CULVERTS

The board would like to tour this area on their Road Tour later this winter for 2021 road work and directed staff to remove this item until the first meeting in February.

b. ROUTES TO RECOVERY

The Town of Springfield received an additional \$5,035 from Routes to Recovery than initially allocated.

c. WHIPPOORWILL CULVERT & CUL DE SAC

This will be added to the 2021 road projects list to build on land located in the Town of Springfield; supervisors will need to decide where to locate it.

d. MIDDLETON MOREY AIRPORT UPDATE

e. STATUS UPDATE ON QUARRY LITIGATION

The Town received correspondence from our attorney informing supervisors the motion hearing was held last week and the matter is under advisement with the court, awaiting a written decision, likely within the next 30-60 days.

f. JAR STORAGE ZONING VIOLATION

This item was moved up on the agenda, below Item #10.

g. WETLAND DELINEATION

See Item 11 above. This item can be removed from the agenda.

13. COMMITTEE REPORTS

Sup. Dresen: Sup. Dresen has a Fire District meeting this week.

Sup. Meinholz: Sup. Meinholz was not able to attend the Waunakee EMS meeting due to a scheduling conflict.

Sup. Statz: Nothing to report at this time.

Sup. Laufenberg: No report.

Chairman Pulvermacher: Nothing additional to add.

14. ROAD PATROLMAN'S REPORT

The first plowing went well; the new part-time patrolman ought to work out well.

15. CLERK/TREASURER'S REPORT AND CORRESPONDENCE

16. APPROVAL OF BILLS AS PRESENTED

Motion by Sup. Meinholz, seconded by Sup. Laufenberg to pay the bills. Motion carried, 5-0.

17. ADJOURN

Motion by Sup. Meinholz, seconded by Sup. Statz to adjourn the meeting at 9:00 p.m. Motion carried, 5-0.