

Town of SPRINGFIELD



MEETING MINUTES

Tuesday, August 20, 2019, 7:30 P.M.

Town Board Meeting

Springfield Town Hall

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 Bill Statz, Art Meinholz, and Dan Dresen present; Sup. Laufenberg was absent.

Also present were Road Patrolman Darin Ripp, Clerk-Treasurer Dianah Fayas, Deputy Clerk-Treasurer Doreen Jackson, Jeannie Wipperfurth, Rich Wipperfurth, Deborah Rosenberg, BJ Bethke, Mike Shoys, Diana Wenger, Bill Wenger, Pat Ryan, Sarah Kotila, Tom and Jackie Crabb, Adam Casavant, Robert Perry, Duane Wagner, Megan Hanson, TJ Ayres, Annette Felice, Bill Engels, Pam McSherry, Leonard Ayres, Brian Mitchard, Bill Kubsh, Dianne Kubsh, Scott Mosley, Ed Anderson, Janet Legare, Beth Fisher and John Acker.

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 MEETING: Aug. 6, 2019

Sup. Dresen noted a correction to Item #9: Alderman Luke Fuszard was not in attendance at the High Road meeting.

Motion by Sup. Dresen, seconded by Sup. Meinholz to approve the minutes with the correction to Item #9. Motion carried, 4-0.

5. CHAIRPERSON'S REPORT

Chairman Pulvermacher informed those present that earlier in the day, the Town received an appeal from Yahara Materials, appealing the determination of the zoning administrator regarding the newly purchased 40-acres abutting the existing Meinholz quarry as well as a letter from Yahara's attorney Eric McLeod asking the Board to refrain from taking any action on agenda item 12h, per zoning ordinance requirements, due to the submission of an appeal. Town attorney Mark Hazelbaker informed everyone that in an effort to clarify the original determination, an amended determination was issued by the Town zoning administrator earlier in the day.

With no objection from the Board, Item 12h was moved forward on the agenda to address at this time.

12. OLD BUSINESS

- h. DISCUSSION AND ACTION ON RESCISSION OF MOTION ADOPTED ON DECEMBER 18, 2018 CONCERNING NON-CONFORMING STATUS OF THE NEWLY PURCHASED 40 ACRE PARCEL ON GREENBRIAR ROAD ADJACENT TO THE EXISTING YAHARA MATERIALS' MEINHOLZ QUARRY (PREVIOUSLY QUARRY DETERMINATION)

Motion by Sup. Meinholz, seconded by Sup. Dresen to table 12h. Motion carried, 4-0.

6. TEMPORARY CLASS "B" LICENSE: ST PETER PARISH FISH FRIES 10/25 & 11/8/2019 AND 1/17, 2/21, 3/13, 3/27 & 4/10/2020

Motion by Sup. Statz, seconded by Sup. Meinholz to approve the licenses for St. Peter's fish fries. Motion carried, 4-0.

7. RECOMMENDATIONS OF THE PLAN COMMISSION'S AUG. 5TH MEETING

a. COMP PLAN UPDATE

MOTION BY COMMISSIONER BEGLINGER, SECONDED BY COMMISSIONER WAGNER, TO ACCEPT THE PLAN AND AMENDMENTS WITH THE CHANGES THAT HAVE BEEN MADE TO IT TONIGHT*. MOTION CARRIED, 7-0. *ON PAGE 4 OF MR. ROFFER'S JUNE 27, 2019 MEMO RE: POTENTIAL FURTHER AMENDMENTS TO UPDATED TOWN COMPREHENSIVE PLAN, COMMISSIONERS WOULD LIKE BULLET 2 TO READ: ENCOURAGE AIRPORT IMPROVEMENTS, PRACTICES, AND OVERSIGHT THAT WILL INCREASE THE SAFETY AND ENVIRONMENTAL SUSTAINABILITY OF AIRPORT OPERATIONS, INCLUDING GREATER AIR TRAFFIC CONTROL AND REDUCED USE OF LEADED GASOLINE.

The Town's Comprehensive Plan is being updated to reflect the evolution of the TDR program since late 2015; reflect the replacement of County zoning with Town zoning; address some minor land use policy changes and changes in certain initiatives over the past few years, such park recommendations and fees; update other older or incorrect data such as expired boundary agreements; and, expand language related to neighboring airport expansion and development.

Motion by Chairman Pulvermacher, seconded by Sup. Meinholz to adopt Ordinance 2019-01 updating the Comp Plan. Motion carried, 4-0.

b. JOHN ACKER & BJ BETHKE, 6000 & 6042 LODI-SPRINGFIELD RD., REZONE FROM A-1EX TO SFR & AG

MOTION BY COMMISSIONER WOLFE, SECONDED BY COMMISSIONER WRIGHT TO APPROVE AS PROPOSED. A SECOND FRIENDLY AMENDMENT BY TOWN BOARD CHAIRMAN PULVERMACHER WAS MADE AND ACCEPTED, REQUIRING A DEED NOTICE &/OR CSM NOTE STATING THAT LOT 2 WILL REMAIN IN AG ZONING AND IS NOT BUILDABLE NOR ARE THERE ANY DEVELOPMENT RIGHTS LEFT ON IT; LOTS 3 AND 4 WILL HAVE RIGHT TO FARM LANGUAGE AND NO FURTHER DIVISION OF THE LOTS NOTED ON THEM AND THAT THE BASE FOOTING ELEVATION MUST BE AT 945' OR ABOVE. MOTION CARRIED, 6-1.

Applicants John Acker (parcel # 0808-091-9885-0) and BJ Bethke (parcel # 0808-091-9555-1) submitted an application for a CSM and rezone to straighten out their shared lot lines and create two new SFR residential lots and one 10.41 acre AG lot on Mr. Acker's parcel. The Board provided clarification regarding the language of the Plan Commission's recommendation pertaining to Lot 2's future development potential: Lot 2 has no development rights assigned to it and is not developable at this time, due to specifications in the Town's Land Division Ordinance whereby creation of five or more lots in a five year period is deemed a subdivision which can only be created by a plat, not a CSM. On Jan. 16, 2018, Mr. Acker created an SFR lot, Lot 2 of CSM #14722.

Motion by Chairman Pulvermacher, seconded by Sup. Statz to approve rezoning the land included in the proposed Certified Survey Map CSM 18W-277 to the SFR zone and approve the Certified Survey Map subject to the following conditions: there will be a deed notice recorded against Lot 2 indicating that no split has been assigned to it which means it is not developable at this time and is to remain AG until further action of the Town Board; secondly, the bottom of the foundations of all residences built on Lots 3 & 4 must be set at no lower than 945 MSL (mean sea level); there shall be a deed restriction on Lots 3 & 4 stating the Right to Farm notice; MSA's report dated June 25, 2019 has recommendations which shall be part of the rezoning at points 3, 4, 5 and 6*, which talk about documenting the number of splits that have been consumed against the parent farm and recording them against the farm, summarized as follows:

- **MSA Recommendation #3:** A deed restriction be recorded against Lots 1, 3, and 4 to prohibit any further subdivision of those lots and states that Lot 2 could be divided in the future but some splits will have to be allocated to it before that can happen;
- **MSA Recommendation #4:** In compliance with the Town Plan, before the Town signs off on the CSM, the deed restrictions applicable to the property need to be approved by the Town and must address how the splits are allocated, what lot they're being charged to and where they are coming from so that they don't overdraw;

- **MSA Recommendation #5: There needs to be a provision for site plan approval when the homes are built; and,**
- **MSA Recommendation #6: the wetland and floodplains need to be delineated, which appears to already have been done.**

Motion carried, 4-0.

* Excerpt of MSA's June 25, 2019 report:

Recommendation

MSA / Roffers recommends the Plan Commission consider the proposed Rezone and CSM Review of Parcel #0808-091-9885-0 & #0808-091-9555-1, contingent on the following:

3. The rezoning/CSM proposal proposes to utilize at least 3 of the 5 splits available on the Acker farm. I recommend that a deed restriction be recorded against Lots 1, 3, and 4 to restrict against further division. Without such a restriction, the SFR zoning being requested may enable future division of those lots, with limited Town discretion to deny. The application suggests that proposed Lot 2 may be further divided in the future, which seems reasonable. I suggest a note on the CSM related to Lot 2 indicating generally as follows: "Lot 2 may be divided in the future for additional lots. Per the Town Comprehensive Plan, the maximum number of lots and residences within the area of Lot 2 may not exceed ____." The blank should be filled in with no more than the 3 splits that will remain on the Acker farm after Lots 3 and 4 are created, or fewer if Mr. Acker intends to retain any of the remaining splits for future use on the balance of the farm west of Lodi-Springfield Road.
4. Also per Figure 15 of the Town Plan, prior to the addition of Town signature to the CSM and its recording, a deed restriction is to be applied to the balance of the Acker farm indicating the number of dwelling units remaining. This remaining number of splits will depend on how many are to be assigned to Lot 2. The Town has a model deed restriction that may be adapted. Parts of the Acker farm between Highway 12 and Lodi-Springfield Road along Highway 19 are interestingly marked on Map 8: Springfield Corners Conceptual Neighborhood Plan in the Comprehensive Plan as a "Potential Long-term Commercial or Business Park Expansion Area." It is advised to carefully craft the deed restriction to not preclude future non-residential development of the northern parcels between Highway 12 and Lodi-Springfield Road.
5. Figure 15 also indicates that "the applicant for any rezoning and/or land division approval request that enables a new non-farm residence shall submit, along with the rezoning and CSM/plat approval application, a site plan showing the relationship of each proposed residence to the proposed lot (i.e., buildable area), all proposed residences and lots to the rest of the parcel, and all proposed residences and lots to the features" indicated among the "residential development siting standards" at the end of Figure 15. Based on that site plan, the Plan suggests that at least seven of those nine standards must be met. Before approval of the rezoning and CSM, I encourage submittal of a site plan so that such an evaluation can be made.
6. The application materials suggest that there is wetland within the CSM area. The wetland boundary ought to be delineated and indicated on the CSM, as the floodplain is already. The Town Plan does not permit development within wetlands, so showing them where they exist is important to assuring that this Plan standard can be met.

c. DUANE WAGNER, 6601 & 6611 MEFFERT RD. REZONE FROM A-1EX TO AG & SFR AS APPLICABLE.

MOTION BY COMMISSIONER WAGNER, SECONDED BY COMMISSIONER BEGLINGER TO APPROVE THE PETITION AS PRESENTED, WITH A FRIENDLY AMENDMENT BY TOWN BOARD CHAIRMAN PULVERMACHER ACCEPTED NOTING A RIGHT TO FARM NOTICE WILL BE PUT ON BOTH LOTS AND A DRIVEWAY MAINTENANCE AND EASEMENT AGREEMENT WILL BE AVAILABLE FOR THE TOWN BOARD TO REVIEW PRIOR TO TAKING ACTION. MOTION CARRIED, 7-0.

Applicants Duane Wagner (Parcel #0808-242-8500-5 and 0808-231-8000-3) and Bertilla Wagner (Parcel #0808-231-8020-9) submitted a CSM and rezone request to make a minor adjustment to their shared lot line and

rezone Bertilla's parcel from A1-EX to SFR; split the farmhouse from Mr. Wagner's farm using pieces of Mr. Wagner's two parcels, and rezone all of Mr. Wagner's property from A1-EX to AG.

Motion by Sup. Statz, seconded by Sup. Dresen to approve as recommended by the Plan Commission. Motion carried, 3-0; Sup. Meinholz abstained.

8. BLIGHT: 7759 MARTINSVILLE ROAD

Motion by Sup. Statz, seconded by Sup. Meinholz to send a letter to the homeowner asking them to clean up their lot, noting the Town has received complaints and ask them what their intentions are to correct it.

Motion carried, 4-0.

9. JULY FINANCIALS

The Board reviewed the financials as presented. Clerk-Treasurer Fayas informed the Board the Town has received the 2nd of 3 payments from FEMA for reimbursement of 2018 flood expenses.

10. APPOINTMENT OF REPRESENTATIVE AND ALTERNATE TO THE BOARD OF ADJUSTMENT

Motion by Sup. Meinholz, seconded by Sup. Dresen appointing Chairman Pulvermacher to the Board of Adjustment. Motion carried, 3-0; Chairman Pulvermacher abstained.

Motion by Sup. Dresen, seconded by Sup. Meinholz to appoint Sup. Statz as alternate to the Board of Adjustment. Motion carried, 3-0; Sup. Statz abstained.

11. DRIVEWAY VIOLATION: 4876 ENCHANTED VALLEY RD.

This driveway was asphalted in violation of the back slope specifications in the Towns' driveway ordinance. The home owner explained the history of the driveway and their good faith effort to have it installed correctly and are requesting a variance.

Motion by Chairman Pulvermacher, seconded by Sup. Meinholz to table the item until the next meeting and recommend that all Board members take a look at it and contact the home owners if they have questions.

Motion carried, 4-0.

12. OLD BUSINESS

a. COMMERCIAL ELECTRICAL INSPECTIONS BY TOWN

b. BLIGHT

i. 7166 COUNTY HIGHWAY K

ii. J.A.R. STORAGE

Mr. Rich Wipperfurth was present to discuss the zoning violations and concerns of the Board regarding outdoor parking and storage and the number of businesses at the premises, in excess of zoning restrictions. Mr. Wipperfurth would like to bring the property into compliance by updating his zoning permissions through an application for rezoning and CUPs as needed. It was noted during the discussion that County zoning would require he come into compliance with existing regulations before any new zoning applications could be considered, which would mean evicting &/or closing down businesses currently operating out of the location as they are in violation of current zoning limitations of the property. Mr. Wipperfurth explained he has already started working to improve the situation by eliminating a boat repair business. The Board felt that the upper section of the property is better suited to business operations and should be looked at separately from the mini warehouses on the bottom of the lot. Mr. Wipperfurth will submit rezone and CUP applications to the Plan Commission to bring him into compliance with his current and future operations.

iii. 7139 COUNTY HIGHWAY K

Homeowners responded with corrective plan; item to remain on agenda.

c. ZONING VIOLATION: 6236 US HWY. 12

The Town is awaiting documentation from the property owners in support of their assertion that directly following their 1998 zoning permit for the replacement home that required the former home to be razed, the Town Board took action to allow the former home to remain for use as an ag building only. Town staff has not found any documentation to that effect. Attorney Hazelbaker recommended the zoning administrator conduct a raze evaluation and issue a finding and order that can then be enforced by the Town.

During the course of the discussion, the Board recalled the recent construction of Gary and Diane Helt's replacement farm home at 7337 Riles Road and the corresponding raze requirement. Staff will send property owners a letter asking the status and intent of the razing.

d. KINGSLEY CEMETERY GARDEN SHED MAINTENANCE

e. HYER ROAD DRAINAGE: CROSS CULVERT ABANDONMENT

The Board discussed the issue and the pros and cons of making changes to the drainage in the area. It was stressed that any considered changes would only occur after indemnification by adjoining and neighboring landowners, waiving any and all past and future liability to the Town. Attorney Hazelbaker advised it is a private matter between land owners and if the Town chose to pursue action, it should do so only after an engineered study was conducted on the topic. Chairman Pulvermacher informed the Board he will speak with neighboring land owners to see if they are in favor of a change and if not, the item won't be pursued.

f. KINGSLEY CEMETERY LOT 40, 2 PLOTS FOR SALE

The Town Board does not want to purchase the two plots that will be for sale.

g. BITTERSWEET CT. TOWN ROAD PARKING ISSUE

Current policy allows for a \$5 ticket for parking infractions on Town roads that are posted, and then towing can be pursued. There is currently work being done in that area, with construction vehicles parked along the road, making the item irrelevant at present. The Board directed this item to be removed from the agenda.

h. DISCUSSION AND ACTION ON RESCISSION OF MOTION ADOPTED ON DECEMBER 18, 2018 CONCERNING NON-CONFORMING STATUS OF THE NEWLY PURCHASED 40 ACRE PARCEL ON GREENBRIAR ROAD ADJACENT TO THE EXISTING YAHARA MATERIALS' MEINHOLZ QUARRY (PREVIOUSLY QUARRY DETERMINATION)

This item was moved forward on the agenda. Please see above.

13. COMMITTEE REPORTS

Sup. Dresen: The fire commission's preliminary budget will be going down because the Town's percentage of the district has gone down from 5.6% to 5.1%.

Sup. Meinholz: The Waunakee Area EMS budget will be submitted in September.

Sup. Statz: No report.

Sup. Laufenberg: N/A

Chairman Pulvermacher: Chairman Pulvermacher will be meeting with City of Middleton's administrator Mike Davis to exchange information and provide an update about the Meinholz quarry.

14. ROAD PATROLMAN'S REPORT

The Board directed Patrolman Ripp to order five dumpsters for Large Item Drop Off Day. The Town received a request for installation of a Bus Stop Ahead sign on Lodi-Springfield Road. The Board would like to continue to receive these requests and directed Patrolman Ripp to use his discretion with regard to this request. Patrolman Ripp would like to have approximately \$6,000 worth of ditching done along the North side of Riles Road near the Riles Road and Ripp Road intersection. The Board advised Patrolman Ripp to use his discretion. The second pass of mowing will be completed this week, with shouldering of Sunrise Ridge scheduled to begin next week.

15. CLERK/TREASURER'S REPORT AND CORRESPONDENCE

16. APPROVAL OF BILLS AS PRESENTED

Motion by Sup. Dresen, seconded by Sup. Meinholz to pay the bills. Motion carried, 4-0.

17. ADJOURN

Motion by Sup. Meinholz, seconded by Sup. Dresen to adjourn the meeting at 10:20 p.m. Motion carried, 4-0.