

April 11, 2017

The Albion Monthly Board Meeting was called to order by Chairman Bob Venske on Tuesday, April 11, 2017 at 7:00 P.M. at the Albion Town Hall with the following members present: Bob Venske, Thad Andrews, Abigail Staff, Pat Tesar, Jeff Lehnherr and Julie Hanewall, Clerk with 39 concerned citizens. The Pledge of Allegiance was led by Bob Venske. Clerk Hanewall confirmed the meeting notice was posted on the web site and in 4 locations: Town Office, Outside the Town Hall, Oberg's Bar and Piggly Wiggly.

Approval of Meeting Minutes – March 7, 2017 – Pat Tesar made a motion to approve, Thad Andrew 2nd. 5 ayes, motion carried.

Update/possible action on CKSD issues – There is a meeting tomorrow April 12, 2017.

Action on Driveway Permits for: Jamie and Terry Topp, Willow Dr., and Rob Hostrawser, Nira Lane. – Thad Andrews made a motion to approve driveway permits, Jeff Lehnherr 2nd. 5 ayes, motion carried.

Action on Ordinance Amendment# 83 – Regarding Authorizing Electronic Signs in the A-1EX Exclusive Agricultural District for Dane County. – Pat Tesar made a motion to approve, Jeff Lehnherr 2nd. 4 ayes, one opposed.

Sheriff Report – Gave copies of the monthly report. Someone will be attending the annual meeting.

Fire District – Biggest concern is the interstate. No passing lane. They have partnered with Stoughton and Cambridge. All three are responding to all calls because of the placement of the barricades. When they looked at the truck rotation schedule, the three most expensive trucks come up. The ladder truck was replaced last fall. We are going to purchase an ambulance about 2 years old; they intend to make it meet all the specks for paramedics.

Road – Cleaned up the plow trucks and put away, received the last of the salt that was contracted for this year. Changed the oil on park mower, and doing brush trimming.

Additional Discussion/public input and possible Action on Conditional Use Permit# DCPCUP# 2017-02373 – Eastman Hunting Club, Inc – Owner, 278 Lake Drive Rd., Hoffman Construction Co, - Agent. - This project is exclusively for Wisconsin DOT project associated with the I-39 corridor. Activities for this site include: Mineral Extraction, Concrete Batch plant, asphalt plant and reclamation of the site to agricultural uses. If the CUP does not go through, they will have to use plan B, which is using the Hurd pit and the Milton quarry, these are grandfathered pits. They will be using a lot of roads, 51 miles of non-interstate roads and 6-1/2 miles of Albion roads. The Planning Commission put on 28 conditions at the last meeting which Hoffman has agreed to. Julie read into record a letter sent from the City of Edgerton in support of the CUP. The Board also received a letter from the Kruckenberg's in support of the CUP. Chairman Venske then asked for public comment. There were 6 people who spoke against the CUP and 10 people who spoke for the CUP, also 9 people registered for the CUP but did not speak. The board discussed all the conditions; Staff had a list of things she wanted to see done. Added to condition# 11 The Applicant must provide weekly DOT erosion control reports upon request from the Town. The Town has the right to request dust control measures on the Site. Condition #21 - maximum of two (2) nearby wells. Condition #23 added the Town and the Town Board will approve the noise levels. The board also added 4 more conditions - #29 -The Applicant must complete a certified wetland delineation on the Site prior to operation to establish disturbance limits. The

Applicant must comply with wetland setback requirements of Dane County. #30 -The applicant shall provide quarterly reports of the elevation of the water table at the wellhead and monthly reports of water usage to the Town. The Applicant must promptly address any Town concerns. #31 - The Applicant shall address any Town citizen complaints of odor from the Site by meeting with the complainant within twenty-four (24) hours to discuss commercially reasonable solutions, and #32 - The Applicant shall provide written notice to the Town simultaneous with any required reporting to any county or state agency. Attorney Wilson went through and read all the changes and the additions to the conditions. She prepared separate motions for the conditions set by the Planning Commission and Town Board, for each of the six standards of a CUP and the last one is for considering the Application for CUP# 2373, the Planning Commission's recommendations, the Town Engineer's report, the documents and public comments provided and made at the public hearings, the conditions approved at the Town Board meeting, and the previous motions adopted at this Town Board Meeting. These were done separately and will be attached to the minutes. The Town Board then adopted Resolution# 2017-01. The resolution specifically lays out for the county what standard has been met or not been met. Julie would then incorporate this into the Town Action Report. When each motion is made reasons will be given why they feel the standard has been met. Pat Tesar made a motion to adopt Resolution# 2017-01 related to CUP# 02373, Thad Andrews 2nd, Roll Call Vote: Tesar Aye, Staff Aye, Lehnherr Aye, Andrews Aye, Venske Aye. Motion Carried.

Pat Tesar made a motion to pay bills, Jeff Lehnherr 2nd. 5 ayes, motion carried.

Jeff Lehnherr made a motion to adjourn, Thad Andrews 2nd. 5 ayes, motion carried.

Julie Hanewall, Clerk

MSA Recommendation

MSA has reviewed public comments received by the Town. One comment mentions Wis. Stats. § 85.193(2). Wis. Stat. § 85.193 does not apply to this CUP. Dane County Ordinance § 10.123(3)(d-e) allows for non-metallic mining extraction operations and asphalt or ready-mix concrete plants.

MSA recommends approval of the CUP with the following conditions and the assumption that applicant will comply with all WDNR requirements. Some of the recommendations below are already covered in Dane County's draft conditions. These conditions are denoted with two asterisks (**):

1. No mineral extraction or related activities shall occur unless they are directly connected to the WisDOT project to reconstruct I-39/90.
2. **Hours of operation shall be as follows:
 - a. Mining: 6:00am to 6:00pm, Monday – Friday, and occasional Saturdays.
 - b. Crushing and Washing: 24/5, Monday – Friday, and occasional Saturdays.
 - c. Concrete and Asphalt Batching: day or night as required to meet WisDOT contract requirements, Monday – Saturday, and occasional Sunday.
3. **Applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
4. **Operator shall apply for and receive all other required local, state and federal permits. No activity for which a state, federal or county permit is required shall occur on the property until the required permit has been issued and until a copy of the permit has been provided to the Town Clerk.
5. **The operator shall develop and operate the site according to the site/operations and phasing plan dated January 19, 2017.
6. **Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
7. **The driveway accessing the subject site shall be paved, at a minimum, a distance of 100 feet from the public road. The operator shall maintain the driveway in a dust free manner in accordance with local, state and federal regulations, and shall clean any dust or mud tracked onto public roads.
8. **The operator and all haulers shall access the CUP site only from the west on the designated entrance on Lake Drive Road.
9. **The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed “no trespassing.”
10. **There shall be no blasting on the site.
11. **The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust. The Applicant must provide weekly DOT erosion control reports upon request from the Town. The Town has the right to request dust control measures on the Site.
12. **The CUP shall expire upon the earlier to occur of the following:
 - a. The date that all sands and gravel located on the Site and Site 2 are completely exhausted.

- b. The date that a total of 600,000 cubic yards of sands and gravel located on the Site and Site 2 have been extracted.
 - c. November 30, 2022.
 - d. The date the I-39 construction project of the North Corridor defined as 20 miles north or south of the Site is complete.
Operators shall submit documentation to the County demonstrating the volume of sands and gravel removed from the Sites on a monthly basis.
13. **No water shall be discharged from the site.
 14. **A fuel containment plan is required for any fuel stored on site.
 15. **The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed the current industry standards for noise abatement.
 16. **The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
 17. **Dane County and the Town of Albion shall be listed as primary additional named insureds on the Hoffman Construction liability insurance policy, which shall provide for a minimum of \$1,000,000 of combined single limit coverage per occurrence. Operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete.
 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. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.
 19. Applicant will not use haul route heading south on Hillside Road for sand and gravel mined from the existing nonconforming mineral extraction site located at 487 Hillside Road (Site 2) and delivered to the Radio Tower Site (Site 1) (see attached map). This is necessary because the roadway between the two sites was recently rebuilt and is prone to damage by heavy vehicles because it crosses an area with poor subsoils. Instead applicant will use a route heading north from Site 2 on Hillside Road, west on State Highway 106, South on State Highway 73 and east on Lake Drive (see attached map).
 20. High capacity well will be capped and abandoned when project is complete.
 21. Applicant will complete annual sampling a maximum of two (2) nearby wells to check for contaminants. Applicant will complete this sampling for duration of CUP permit (8 years). Prior to the start of the Site Operations, a sample will be taken to establish a base line for the test well. If tests indicate a change from the baseline and exceed state standards, applicant will work with Town to remediate. The location of the test well or wells will be limited to a maximum of two and must be agreed to by both the Township and Applicant. Test will be performed by independent lab and be consistent to water sampling recommendations for the county. The Town Engineer shall provide a definition for contaminants.
 22. Applicant will direct lighting so that it doesn't leave the site. A photometric plan can be provided at the request of the township and may require modifications to the lighting plan to avoid impact on others. Lighting will be directed away from property lines. No lighting is anticipated outside the property. Lighting that may impact adjacent owners can be mitigated by additional berm height.
 23. Noise from site shall controlled by establishing a decibel limit with the County and the Town. The County shall establish appropriate levels and monitoring details with approval

- from the Town Board since noise from the Interstate does impact this area as well. The Town may request that the Applicant use white noise back-up noises on the Site.
24. A berm minimum of three (3) feet high will be placed along Hillside Road and Lake Drive, as measured from existing road centerline or ground level at the berm location, whichever is higher. If there are any substantial concerns with noise, light, or views, the berm shall be made taller up to a maximum of six (6) feet in the locations of greatest concern at the Town's direction.
 25. The applicant shall provide a road bond list for the Town of Albion on Hillside Road and Lake Drive Road in an amount to be determined by the Town Engineer and in a form to be approved by the Town attorney. Determination of the existing road conditions will be documented by the Township and applicant. Applicant is responsible for all damage to town roads within the Planned Haul Routes. The Applicant shall annually meet the requirements of Section 618 of the standard Wisconsin DOT specifications entitled Maintenance and Repair of Haul Roads per the DOT contract for the construction of I-39. At the completion of the CUP, the Applicant and the Town will inspect Hillside Road and Lake Drive Road and the Applicant shall repair Hillside Road and Lake Drive Road to the satisfaction of the Town Chair.
 26. Edgerton Fire Protection District shall review applicant's plan for operations and provide input on any conditions it sees as necessary to protect the public prior to any land disturbing activities.
 27. The intersection of Goede Road and Lake Drive is not 90-degrees. Due to barricades being used to close Lake Drive, we recommend the location of the barricades be located close to the intersection to slow down truck traffic and avoid 4-way stop. This will hopefully assist reducing the noise. The Township reserves the right to request the 4-way stop.
 28. Access to Hillside Road from the site shall not be permitted.
 29. The Applicant must complete a certified wetland delineation on the Site prior to operation to establish disturbance limits. The Applicant must comply with wetland setback requirements of Dane County.
 30. The applicant shall provide quarterly reports of the elevation of the water table at the wellhead and monthly reports of water usage to the Town. The Applicant must promptly address any Town concerns.
 31. The Applicant shall address any Town citizen complaints of odor from the Site by meeting with the complainant within twenty-four (24) hours to discuss commercially reasonable solutions.
 32. The Applicant shall provide written notice to the Town simultaneous with any required reporting to any county or state agency.

TOWN OF ALBION TOWN BOARD

MOTION 1 RELATED TO CUP 2373

After considering the application for CUP 2373, the Plan Commission recommendations of March 21, 2017, the Town Engineer's report dated March 21, 2017, and the documents and public comments provided and made at the public hearings on March 7, March 21, and April 11, 2017:

I move that the conditions recommended by Town Engineer Joe DeYoung in his memorandum dated March 21, 2017, as modified by the Plan Commission on March 21, 2017 and as modified below be approved.

State modifications:

As modified by the Town Board at the meeting on April 11, 2017

Name of maker: Thad Andrews

Name of second: Pat Tesar

Date: April 11, 2017

Motion [Passed] or [~~Denied~~].

Roll Call Vote: Tesar Aye, Staff Aye, Lehnerr Aye, Andrews Aye, Venske Aye

TOWN OF ALBION TOWN BOARD

MOTION 2 RELATED TO CUP 2373

After considering the application for CUP 2373, the Plan Commission recommendations of March 21, 2017, the Town Engineer's report dated March 21, 2017, the documents and public comments provided and made at the public hearings on March 7, March 21, and April 11, 2017, the conditions approved at this Town Board meeting, and the previous motions adopted at this Town Board Meeting:

I move that the following standard contained in section 10.255(2)(h) of the Dane County Zoning Code, namely:

“That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare”

[Is] or ~~is not~~ met for the following reasons:

Based on our discussions tonight addressing noise, pollution, dust, water, contamination, ground water levels, and odor have been addressed to the Boards satisfaction.

Name of maker: Pat Tesar

Name of second: Jeff Lehnherr

Date: April 11, 2017

Motion [Passed] or [~~Denied~~]

Roll call vote: Tesar Aye, Staff Aye, Lehnherr Aye, Andrews Aye, Venske Aye

TOWN OF ALBION TOWN BOARD

MOTION 3 RELATED TO CUP 2373

After considering the application for CUP 2373, the Plan Commission recommendations of March 21, 2017, the Town Engineer's report dated March 21, 2017, the documents and public comments provided and made at the public hearings on March 7, March 21, and April 11, 2017, the conditions approved at this Town Board meeting, and the previous motions adopted at this Town Board Meeting:

I move that the following standard contained in section 10.255(2)(h) of the Dane County Zoning Code, namely: '

"That 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"

[Is] or [~~Is Not~~] met for the following reasons:

It is a temporary site and no control over Lake Drive Rd being closed roads

Name of maker: Pat Tesar

Name of second: Thad Andrews

Date: April 11, 2017

Motion [Passed] or [~~Denied~~]

Roll call Vote: Tesar Aye, Staff Aye, Lehnerr Aye, Andrews Aye, Venske Aye

TOWN OF ALBION TOWN BOARD

MOTION 4 RELATED TO CUP 2373

After considering the application for CUP 2373, the Plan Commission recommendations of March 21, 2017, the Town Engineer's report dated March 21, 2017, the documents and public comments provided and made at the public hearings on March 7, March 21, and April 11, 2017, the conditions approved at this Town Board meeting, and the previous motions adopted at this Town Board Meeting:

I move that the following standard contained in section 10.255(2)(h) of the Dane County Zoning Code, namely:

“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”

[Is] or [~~is not~~] met for the following reasons:

Because the conditions approved and recommended by the Planning Commission and the Board

and also the letter received from the Kruckenbergs

Name of maker: Jeff Lehnherr

Name of second: Thad Andrews

Date: April 11, 2017

Motion [Passed] or [~~Denied~~]

Roll Call Vote: Tesar Aye, Staff Aye, Lehnherr Aye, Andrews Aye, Venske Aye

TOWN OF ALBION TOWN BOARD

MOTION 5 RELATED TO CUP 2373

After considering the application for CUP 2373, the Plan Commission recommendations of March 21, 2017, the Town Engineer's report dated March 21, 2017, the documents and public comments provided and made at the public hearings on March 7, March 21, and April 11, 2017, the conditions approved at this Town Board meeting, and the previous motions adopted at this Town Board Meeting:

I move that the following standard contained in section 10.255(2)(h) of the Dane County Zoning Code, namely:

“That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made”

[Is] or ~~Not~~ met for the following reasons:

Because of the conditions approved by the planning commission and Town Board
The blacktop road and the state mandates the limitation to one access point, the drainage plan and there are no utility concerns.

Name of maker: Thad Andrews

Name of second: Jeff Lehnherr

Date: April 11, 2017

Motion [Passed] or ~~[Not]~~

Roll Call Vote: Tesar Aye, Staff Aye, Lehnherr Aye, Andrews Aye, Venske Aye

TOWN OF ALBION TOWN BOARD

MOTION 6 RELATED TO CUP 2373

After considering the application for CUP 2373, the Plan Commission recommendations of March 21, 2017, the Town Engineer's report dated March 21, 2017, the documents and public comments provided and made at the public hearings on March 7, March 21, and April 11, 2017, the conditions approved at this Town Board meeting, and the previous motions adopted at this Town Board Meeting:

I move that the following standard contained in section 10.255(2)(h) of the Dane County Zoning Code, namely:

“That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets”

[Is] or ~~[is not]~~ met for the following reasons:

Have been addressed with the Fire Dept, EMT Services. The Deputy Chief will be informed daily
if alternate routes are needed. Also condition# 27

Name of maker: Abigail Staff

Name of second: Jeff Lehnherr

Date: April 11, 2017

Motion [Passed] or ~~[is not]~~

Roll call vote: Tesar Aye, Staff Aye, Lehnherr Aye, Andrews Aye, Venske Aye

TOWN OF ALBION TOWN BOARD

MOTION 7 RELATED TO CUP 2373

After considering the application for CUP 2373, the Plan Commission recommendations of March 21, 2017, the Town Engineer's report dated March 21, 2017, the documents and public comments provided and made at the public hearings on March 7, March 21, and April 11, 2017, the conditions approved at this Town Board meeting, and the previous motions adopted at this Town Board Meeting:

I move that the following standard contained in section 10.255(2)(h) of the Dane County Zoning Code, namely:

“That the conditional use shall conform to all applicable regulations of the district in which it is located”

[Is] or [~~Is Not~~] met for the following reasons:

Per Conditions

Name of maker: Thad Andrews

Name of second: Pat Tesar

Date: April 11, 2017

Motion [Passed] or [~~XXXX~~]

Roll Call Vote: Tesar Aye, Staff Aye, Lehnherr Aye, Andrew Aye, Venske Aye

TOWN OF ALBION TOWN BOARD

MOTION 8 RELATED TO CUP 2373

After considering the application for CUP 2373, the Plan Commission recommendations of March 21, 2017, the Town Engineer's report dated March 21, 2017, the documents and public comments provided and made at the public hearings on March 7, March 21, and April 11, 2017, the conditions approved at this Town Board meeting, and the previous motions adopted at this Town Board Meeting:

I move that the Town Board of the Town of Albion adopt the attached Resolution No. 2017-01 related to CUP 2373.

[Motion maker then reads Resolution]

Name of maker: Pat Tesar

Name of second: Thad Andrews

Date: April 11, 2017

Motion [Passed] or [~~XXXX~~]

Roll Call Vote: Tesar Aye, Staff Aye, Lehnerr Aye, Andrews Aye, Venske Aye

**TOWN OF ALBION
TOWN BOARD RESOLUTION 2017- 01**

RESOLUTION RELATED TO CUP 2373

[Eastman Hunting Club, Inc., Owner; Hoffman Construction Co., Petitioner & Operator]

RECITAL

A. The Town Board has considered the application for CUP 2373, the Plan Commission recommendations of March 21, 2017, the Town Engineer's report dated March 21, 2017, the documents and public comments provided and made at the public hearings on March 7, March 21, and April 11, 2017, the conditions approved at this Town Board meeting, and the previous motions adopted at this Town Board Meeting.

RESOLUTION

Based upon the above Recital A, the Town Board of the Town of Albion resolve as follows:

1. Recital A is incorporated in this Resolution as if fully set forth in this Section 1.
2. CUP 2373 is [approved] or [~~not approved~~] for the following reasons:

Standards in § 10.255(2)(h)	Finding - Satisfied or Not
1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.	<input checked="" type="checkbox"/> Satisfied <input type="checkbox"/> Not Satisfied
2. That 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.	<input checked="" type="checkbox"/> Satisfied <input type="checkbox"/> Not Satisfied
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.	<input checked="" type="checkbox"/> Satisfied <input type="checkbox"/> Not Satisfied

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.	<input checked="" type="checkbox"/> Satisfied <input type="checkbox"/> Not Satisfied
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and	<input checked="" type="checkbox"/> Satisfied <input type="checkbox"/> Not Satisfied
6. That the conditional use shall conform to all applicable regulations of the zoning district in which it is located.	<input checked="" type="checkbox"/> Satisfied <input type="checkbox"/> Not Satisfied

3. The Town Clerk is directed to complete the CUP Town Action Report and file it with the Dane County Zoning and Land Regulation Committee before May 27, 2017. This Resolution along with the minutes of this meeting shall be referenced and incorporated in the Town Action Report.

The above and foregoing Resolution was duly adopted at a meeting of the Town Board of the Town of Albion on the 11th day of April, 2017, by a vote of 5 for, 0 against, and 0 abstain.

TOWN OF ALBION

By: 
 Robert Venske, Chairperson

Attested by:


 Julie Hanewell, Town Clerk