

## **TOWN OF TROY BOARD MEETING**

**September 8, 2015**

The regular monthly board meeting was called to order by Town of Troy chairman, Roger Mack, at 7:30 p.m., on Tuesday, September 8, 2015, at the Town of Troy town hall.

Roll call was taken with the following responding: Roger Mack, Don Meise, Jeff Lohr, Lloyd E. Ballweg, and Mary Zins.

It was confirmed that the agenda was properly posted in three locations in the township and mailed to board members in compliance with the open meeting law.

Mack made a motion, seconded by Meise, to adopt the posted agenda. Motion carried 3-0.

### **Minutes:**

Meise made a motion, seconded by Lohr, to approve the August 11, 2015, board minutes. Motion carried 3-0.

### **Treasurer's Report:**

Mack made a motion, seconded by Meise, to approve accounts payable checks #6862-#6871 totaling \$13,005.87. Motion carried 3-0.

### **Citizen's Comments:**

There was none.

### **Patrolman's Report:**

Patrolman, Dave Hooks, gave the following report:

- Mowing of the right-of-ways is completed.
- The John Deere tractor was over heating when being driven. Mid-State did the service call and it was discovered the tractor needed a new water pump.
- Shouldering should be performed on School, Cassel, and Fox roads.
- Culvert markers are needed on Winke Road.

Mack instructed the patrolman to remove the school signs on School Road since the Blackhawk School is no longer in use.

### **Business Items:**

Jacob Brickl and Scott Fuchs requested approval for a Conditional Use Permit for a Planned Rural Development (PRD). The location of the proposed PRD is located in Sec. 22 and 24, T9N, R5E, Town of Troy, Sauk County, WI.

The Town of Troy Development Ordinance 1-09 states, "development rights are based on the town's density policy of one residence per forty (40) acres of contiguous land owned under one ownership." The proposed location of the PRD did not comply with the requirements as stipulated in Development Ordinance 1-09.

Chairman Mack contacted Brian Simmert, senior planner for Sauk County Conservation, Planning & Zoning regarding the Fuchs-Brickl PRD request. During the discussion Simmert recommended making the lots forty (40) acres and then there would be no deed restriction needed. Mack inquired about deed restricting acreage located in the Town of Troy and Town of Prairie du Sac which would be contiguous to the Brickl lot as it would be from the same farm and owner as required by

the town's ordinance. He was informed this couldn't be done unless approved by the Town of Prairie du Sac.

Lohr suggested penalizing an owner who wants to deed restrict land which isn't contiguous. Since the township doesn't have this documented, it isn't achievable.

Mack made a motion, seconded by Lohr, to allow Scott Fuchs and Jacob Brickl a Conditional Use Permit for a PRD as long as the acreage is contiguous with the Brickl lot on Seitz Road to make forty (40) acres and agreeable with the Town of Prairie du Sac and Sauk County Conservation, Planning, & Zoning. Motion carried 3-0.

Phil and Mary Hasheider's request for a Conditional Use Permit and spot rezoning one (1) acre on land located in Section 5, T9N, R5E, Town of Troy, Sauk County, WI. was considered by the town board.

Mr. Hasheider asked that the board postpone any immediate action. Because the Hasheider's made the same request for the August meeting and it was honored, the board felt a decision should be made at the September meeting.

Hasheider read a document stating their proposal background information passing out a copy to all board members.

Mack stated per Sauk County's Ordinance 7-2015, water extraction for commercial use is not allowed in Sauk County if the township is classified as exclusive agriculture. (chart on page 4) Wisconsin Statutes Chapter 91 titled "Farmland Preservation" makes no mention of water extraction as a classification of agricultural use. There were seven (7) items considered as agriculture: crop and forage production; keeping of livestock; beekeeping; nursery, sod or Christmas tree production; fur farming; aquaculture; and forest management.

Other members of the board felt that if the Hasheider's request would be approved others would request water extraction approval. It was also felt the town road wouldn't last under all the semi traffic.

The Hasheider's questioned why other businesses in the township were approved and it was explained they were grandfather in before the comprehensive plan was endorsed.

Mack made a motion, seconded by Meise, should the town board approve spot rezoning and a conditional use permit for the Phil and Mary Hasheider farm, Honey Creek Heritage Farm. A roll call vote was taken with the following results: Mack, no; Meise, no; Lohr, no. The Hasheider request was voted down unanimously 3-0.

Dan Judd presented his billing for project work on Winke Road. The original bid was \$162,497.08. Because the township eliminated some items and purchased breaker run and gravel from Bindl Limestone, the new invoice was \$149,899.59. Mack made a motion, seconded by Meise, to pay Judd Excavating, LLC \$149,899.59 for project work on Winke Road. Motion carried 3-0.

The TEAM billing was reviewed and compared with the contract. Mack will contact them regarding the recent invoice.

Mack made a motion, seconded by Meise, to have the Plan Commission use the Town of Cooks Valley nonmetallic mining ordinance as a guide for the Town of Troy's ordinance. Motion carried 3-0.

Lohr made a motion, seconded by Meise, to transfer \$2,389.00 from the contingency ledger account to the other insurance ledger account. Motion carried 3-0.

#### **Board Comments:**

Mack reported on a recent Sauk ambulance meeting. There will be extensive remodeling done on the former Home Health United building the commission purchased. A garage will also be added. The estimated cost will be \$1.1 million with sealed bids being sought in late fall. The property across from T J's Catering on Madison Street was sold for \$69,000. The ambulance assessment for 2016 will be \$8.41 per person.

There will be a TRIP meeting at the Sauk County Highway office on October 1, 2015, at 10:00 a.m. There was discussion on prepaying for the winter fuel but no decision was made.

The WTA convention will be held at the Kalahari Resort, Wisconsin Dells, from October 25-27, 2015.

Meise made a motion, seconded by Lohr, to adjourn. Motion carried 3-0.

Meeting adjourned at 9:45 p.m.

Respectively submitted,

Mary Zins, Clerk