

**Minutes**  
**DCTA Membership Meeting**  
**Wednesday, January 13, 2016**  
Verona Town Hall  
335 North Nine Mound Road, Verona, WI

Meeting called to order at 7:02 by President Derr.

Pledge of Allegiance led by Verona Town Chair, Mark Geller.

**Introduction of Guests**

Chair Geller introduced Verona's Town Planner/Administrator, Amanda Arnold, Deputy Clerk/Treasurer, Tammy Dresser and Town Supervisor, Mike Duerst. In addition, County Board Supervisors Ronn Ferrell and Michael Willett were recognized. DCTA Board members, Alex Elkin, Tim Roehl, Ted Olsen, Jim Pulvermacher, Steve Anders, and Tom Wilson were also present.

**Sheriff Mahoney** addressed the group. His staff provide police services in towns. In 2016 the number one issue is still opiate addiction. There are 6 to 8 overdoses, primarily heroin every week. A new grant from DOT will allow his staff to test drivers that they believe are operating vehicles while on drugs. Sheriff Mahoney offered to have his staff and/or himself attend township meetings to give a report of what is going on in your town.

Q: To what do you attribute the Sheriff's Department avoiding excessive force complaints/challenges?

A: Releasing information right away, transparency, thorough investigations. Releasing findings and allowing people to make their own opinions. My practice since 2007 is to bring in two outside agencies to do the investigation. That is now law. I like to think they created the law based on my example. It is good police practice not to investigate your own shootings.

Q: How full is the jail?

A: Right now we are at 80% capacity. Since 2008 we quit shipping inmates because of the electronic monitoring system with a 97% success rate. Of the 3%, not one has committed a crime, they were found to have committed rule violations (like having alcohol in the home).

Q: Two of your deputies did a phenomenal job with Farm Technology Days in our township (Sun Prairie).

Q: How many canine deputies do you have?

A: 5 (1 bomb, 1 cadaver, the others are police dogs)

Q: Thoughts on body cameras on deputies?

A: We now have video cameras in every squad car. That is a good thing. The County Board approved funding a few years ago to purchase body cameras. We put it on hold. I am in favor and deputies are in favor of body cameras. Privacy laws are the issue. Right now there are no laws regulating privacy. We need laws to protect victims so the videos are not used improperly (put on youtube). We have a committee exploring how and if we will implement them.

**Roll call**

Present: Albion, Berry, Blue Mounds, Bristol, Cottage Grove, Dane, Dunkirk, Middleton, Oregon, Pleasant Springs, Primrose, Rutland, Springfield, Sun Prairie, Verona, Westport.

**Review/Discuss State Legislation to Allow Towns to Opt out of County Zoning**

Mark Hazelbaker gave an overview of the state legislation. He noted that this issue has been around for a long, long time. He testified on the issue for the first time in 1983. There was also a bill considered in

1997. Now AB563/SB479 would create a window every 3 years in which a town would be allowed to withdraw from county zoning in favor of a zoning ordinance that will be created. Towns would also have authority to approve sub divisions and land divisions. This legislation would give towns in Dane County land use controls similar to the ones cities and villages have. Mark emphasized that this is an option for towns and not required. The legislation also provides that Farmland Preservation tax credits continue.

How will towns pay for this? A few years ago the county cut off funding for ambulance services. We won a legal case then that applies to this situation. When a service is cut off, the levy limit is transferred with it. In addition to the tax revenue, the permit fees that the county charged can be charged by the towns.

How will towns administer their programs? Many towns across the state hire contractors, General Engineering, MSA Professional Services are examples of companies that have been providing administration services.

Who will do enforcement? Citations can still be issued and forfeitures can be used by towns. Very few cases actually go to court. On-line records show that only 2 or 3 cases were actually litigated by Dane County in the past several years.

What about liability? That is why we have insurance – it covers zoning and land use.

Towns are being annexed out of existence. Without their own zoning powers urban periphery towns will disappear. Mark noted that treatment of town issues at the ZLR has been improving – but that is because of this bill. Things will deteriorate again if towns don't have the option to leave county zoning. This bill changes the power dynamic and that is what towns need.

Tom Wilson noted that Westport does most of their zoning through Middleton and Waunakee. Those municipalities have modern ordinances that work much better. Westport will support the legislation but does not know if it will opt out.

Latest update. In 2013 the Wis. Counties Association asked that the legislation be deferred so Dane Co. could work with us to solve problems. We then sent a letter to Dane County asking for changes in the ZLR. The county did not respond. Now in 2016, Dane County wrote a letter to the legislature stating that they will adopt a comprehensive revision to the zoning code and asked for this bill to be set aside. There is no assurance they will follow through.

Q: Albion ask for someone to come and talk to their town.

A: Mark can come out in February – first Tuesday of the month. .

Mark made a final point stating that if this happens, the period for towns to opt in would be 2017 and the effective date would be 2018. That is enough time to write a zoning ordinance and update comp plans.

Q: Letter that county exec sent to assembly representatives trying to get them to not sign on to the bill. That letter blamed urban sprawl on the towns. It was really offensive. I thought our town would not leave Dane County until I saw that letter. I advocate for the bill. Towns do not have “evil intent.” In our town when we say, “A-1 Exclusive, it does not mean reserved for annexation.”

### **Presentation on Road Construction Contracting: What should go into construction specifications.**

Mark Hazelbaker introduced the topic with a story about a municipality having performance problems on a sealcoating project. When he asked for the work contract, he was given a document that only stated they would sealcoat x road for x amount. Mark then introduced Kevin Lord, MSA Professional Services.

Kevin works with Verona and writes detailed specifications for their road projects. Kevin works on both new roads and maintenance projects. We identify everything roads, intersections, so they know where the limits are, culverts to be replaced or extended so that everyone is on the same page and have apples to apples bids. We dictate to the contractors - staking and traffic control - is it up to the contractor or someone else? In specs it is also important to dictate mix design and performance grade for asphalt. Do you want it put down in one lift or two? Shouldering - what type, how wide? Width of road, tack coat, chip seals, slurry seals, specific materials and lengths need to be identified. What pavement marking need to go back. Too much time has also been an issue. The start of a project to end need to be defined. If not, some contractors only work on your project when they are slow and it will not be finished in a timely manner.

Jim Pulvermacher noted problems with sealcoating. The oil they are getting now is processed more than it was 10 years ago. He recommends always using units by the ton. Contractors would do per linear foot. If you pay for the materials by the ton there is no incentive to short you. You get the best job. (Verona also now doing it by the ton – better way to go.)

Warranty is also problem in Springfield. One year is a standard warranty. You will not know in one year if there is a problem. The contractors used to be reputable, before they would just come back and fix problems. Now they quote the one year time frame and will not come back if they are not legally required to. Springfield is now looking at a two year performance bond requirement.

Verona's detailed specifications cost about \$4,000 to 5,000 or about 2 to 3 % of project cost. MSA contractor fee is hourly based.

With tight budgets, it is more important to do it right because it needs to last. Spending up front to know what you are getting (doing detailed specs) should be considered by towns.

Inspections were discussed. Watching contractors put it down. Verona walks with the contractors. If there are undulations we tell them were to dig it up.

Q: Are there resources for towns to find out what a durable product would be for our conditions? More, faster traffic and larger vehicles. What is effective in these times is different from 30 years ago. A: Sometimes the DOT specs are not what you need. We asked the contractors to come out and talk about what is best for our roads.

Q: Can we require that the contractor's materials are independently verified? A: Yes.

Q: How much would that affect the project? A: I don't know what the testing fees are. Mark Hazelbaker noted it is worth every penny. Take plugs to take back and test it. If you are going to spend \$100,000 redoing a road spending a few thousand on testing is worth it. Jim Pulvermacher reported that typical a cost is \$2,500 – then you have the quality assurance. He also noted that his town doesn't have problems with asphalt that they have with sealcoat. There is a list of things that need to be done – temp, barometric pressure, emulsions. If they do it on a muggy day or a damp day there are problems – we are going to ask for more documentation. We need to do something because we have a problem. Notification is also a problem. They just show up because another project was delayed.

We cannot afford inspectors any more – we need notification – should put it in the specs to say that they have to give notice.

**Updates from Wisconsin Towns Association representatives and town representatives on CARPC, DaneCom, Lakes and Watershed Commission, Clean Lakes Alliance, and MMSD.**

Betty Manson, Wisc. Towns Ass. Board Director for our district was introduced. The next District 1 meetings are Feb. 5 and April 15. You will be able to get your board of review training. ACE (ag community and engagement) is 2/17 talking about the IOH. Jerry Derr gave WTA legislative updates. Version three of IOH (Implements of Husbandry) recently had hearings. This new legislation makes needed technical changes. High capacity wells are also being discussed. If a private well dries up - don't know about responsibility. But if a well is contaminated - the town is responsible to provide water. The authority for towns to issue permits to run or bury lines along r-o-w is being reviewed (this relates to manure pumping). This legislation would give towns authority to issue a permit and set conditions.

CARPC Commissioners Kris Hampton, David Pfeiffer and Mark Geller were present. Q: What are they doing with the By-Laws? A: No changes regarding the BPP. Mark Hazelbaker noted that he read through the changes and referred to them as busy work. USA – they are trying to get out to communities for USA amendment hearings. PKEG work from 2011 was brought. They are acting on recommendations now. Values survey is going on now. Renee noted that a BPP meeting doodle poll was sent out in December. Mr. Parisi hasn't responded.

DaneCom Steve Anders, town DaneCom representative, noted that Chad Fleck sent out a detailed update. Dane Com governing board last met in June 2015. There is a meeting scheduled for January 28, 2016. He spoke about mandatory reprogramming because of new program channel acquisitions. He believes more than one reprogramming will be needed and noted the cost of reprogramming is paid by municipalities. He also commented that he, as a DaneCom Board member, got the update when everyone else did. There is a lack of professional courtesy.

John Brixy suggested that towns consider resolutions notifying the county that we are exercising our option under the original agreement to opt out. Blue Mounds did this.

Lakes and Watershed Town commissioner, Lyle Updike, reported that the Waunakee digester has a new mgmt. company. There will be more oversight and they have dealt with engineering review and other problems. Springfield digester with reverse osmosis unit was discussed. The Lakes and Watershed Commission supported that because it reduces volume. 60% clear water that doesn't have to be trucked for disposal. The remaining nutrients can be moved more efficiently. This takes truck loads off town roads. Also Carp removal on Lake Kegonsa this year. Radio transmitters are used to find out where they winter. And then a contractor pulls them out. Previous projects in Wingra and Indian Lake were successful.

Lyle introduced, Susan Stanford, newly hired Lakes and Watershed, Strategic Engagement Coordinator.

Discussion continued on the Springfield digester. Springfield would like to know if the digester is going to change the volume of truck traffic. Springfield cannot get any answers from the county.

Lyle will report on the chloride initiative at the next meeting.

The MMSD report will also happen at the next membership meeting.

Motion: Kris Hampton/Tim Roehl. To adjourn.