

Minutes are not official until approved at subsequent meeting.

**Town of Middleton
Meeting Minutes
Town Board**

Middleton
Town Hall

Monday, August 19, 2019
6:30 PM

7555 W. Old Sauk Road
Verona, WI 53593

Call to Order. A regular meeting of the Town Board was held at the Town Hall, 7555 W. Old Sauk Road Verona, WI 53593 beginning at 6:30 PM.

Present were Town Board Chair Cynthia Richson, Supervisor Richard Oberle, Supervisor Brent Renteria, Supervisor Denise Schmidt, and Supervisor Tom Stemrich.

Also present were Eileen Brownlee, Town Attorney, Boardman Clark; Rod Zubella, Town Engineer, Vierbicher; Sarah Church, Vierbicher; Greg DiMiceli, Administrator/Treasurer; Barbara Roesslein, Clerk; and members of the public.

1. Proof of Posting and Notice

Clerk Roesslein affirmed that the agenda had been posted at the Town Hall, Settler's Prairie Park, Voss Park, published on the Town's website, and emailed to the newspaper and the Town's subscriber list.

2. Pledge of Allegiance

The pledge was recited.

3. Public Input

(for items not on the agenda and limited to five minutes per speaker).

Jeannie Bettsworth, 8506 Stonebrook Circle, stated she has worked many years in the public sector and understands the challenges it brings. Ms. Bettsworth expressed her gratitude to Supervisor Renteria for taking time earlier this year to walk the prairie in Stonebrook Estates with residents of the subdivision in regard to the proposed stormwater facility. Ms. Bettsworth also thanked Clerk Roesslein for providing insightful Town Board minutes, and to Administrator/Treasurer DiMiceli for creating opportunities to have dialog.

4. **PUBLIC HEARING: Reynolds Seybold Road CSM (6501 & 6505 Seybold Road) - 6:30 pm**

Chair Richson opened the Public Hearing at 6:32 pm. Andrew Kessenich, D.L. Evans Company, Inc., on behalf of Reynolds Properties, Inc. (the Applicant), provided an

overview for the proposed CSM to divide the existing lot at 6501 and 6505 Seybold Road into two separate lots. The existing parcel contains two separate commercial buildings, which were built in the early 1980s. Rainbow Play Equipment occupies the building at 6501 Seybold Road and the building at 6505 Seybold Road is a multi-tenant building with no heat.

Chair Richson asked if there was anyone from the Public wishing to speak in favor of the Reynolds Seybold Road CSM application. There were none. Chair Richson asked if there was anyone from the Public wishing to speak against the Reynolds Seybold Road CSM application. There were none. Chair Richson asked if there was anyone wishing to speak regarding the Reynolds Seybold Road CSM application. There were none.

Oberle made a motion, seconded by Schmidt, to close the Public Hearing at 6:34 pm.

A Roll Call Vote was taken. The motion carried.

	For	Against
Richson	x	
Oberle (Moved By)	x	
Renteria	x	
Schmidt (Seconded By)	x	
Stemrich	x	
	5	0

5. **Review and possible action on the Reynolds Seybold Road CSM (6501 & 6505 Seybold Road)**

Town Engineer Rod Zubella, Vierbicher, briefly discussed the July 31, 2019 Vierbicher review letter regarding the proposed Reynolds Seybold Road CSM with the Town Board. Parkland dedication or fee in lieu of and recreational trail easements as required by Town Ordinance were discussed. The consensus of the Town Board was not to require a parkland dedication or recreational trail easements since the proposed lots are fully developed.

Renteria made a motion, seconded by Stemrich, to approve the Reynolds Seybold Road CSM with the following conditions as laid out in the July 31, 2019 Vierbicher review letter:

- Per item #8, page 2, that parkland dedication or fee in lieu of will not be required as both of the proposed lots are already fully developed, therefore, there is no basis to collect a fee;
- Per item #9, page 2. that Public Recreational Trail easements will not be required;

That upon satisfaction of the conditions listed above, the Town approves the following recommendations from the July 31, 2019 review letter:

- Per item #2, page 1, that a variance be granted for creating traditional lots with areas less than 65,000 sf as these lots are commercial and already improved;
- Per item #5, page 2, that a variance be granted such that the slopes in excess of 20% must be shown on the CSM as the slopes are man-made;
- Per item #6, page 2, that a variance be granted such that Native Canopy Trees

in excess of 8" be shown on the CSM as the site is fully improved;
That the CSM be subject to review by the Town Attorney. **The motion carried.**

By unanimous consent Agenda Item 10 was taken before Agenda Item 6.

6. Contemplated closed session pursuant to s. 19.85(1)(e), Stats., for the purpose of deliberating competitive and/or bargaining strategy related to the establishment of an intergovernmental agreement with the City of Middleton – Attorney for the Town, Richard Yde, Stafford Rosenbaum LLP

Renteria made a motion, seconded by Oberle, to convene into closed session in the Town hall conference room at 7:36 pm. **A Roll Call Vote was taken. The motion carried.**

	For	Against
Richson	x	
Oberle (Seconded By)	x	
Renteria (Moved By)	x	
Schmidt	x	
Stemrich	x	
	5	0

7. Reconvene in open session

No action was taken in closed session.

Renteria made a motion, seconded by Stemrich, to reconvene in open session at 8:10 pm. **The motion carried.**

By unanimous consent Agenda Item 18 was taken before Agenda Item 8.

8. Consideration and possible approval of the Draft 8/5/19 Board Meeting Minutes

Renteria made a motion, seconded by Schmidt, to approve the Draft 8/5/19 Board Meeting Minutes. **The motion carried.**

9. Departmental Reports

Administrator DiMiceli highlighted the contents of the Crew Report and gave an update on the FEMA review process for the flood damages of August 20, 2018 submitted by the Town of Middleton. Supervisor Renteria reported that the contractor performing road maintenance on Kempfer Road was working until 8 pm. DiMiceli stated that future road projects bids will include specific times when work can be performed. Supervisor Oberle stated that the road stripping completed on Airport Road was excellent. Oberle also noted standing water in the culvert at Settler's Prairie Park.

10. Approval to seek bids for the Stonebrook Estates Stormwater Management facility - Town



July 31, 2019

Chairperson and Members of the Town Plan Commission
Town of Middleton
7555 W. Old Sauk Road
Verona, WI 53593

Re: Reynolds Seybold Road (CSM)
Town of Middleton

Dear Mr. Hoernke and Plan Commission Members:

The above-referenced CSM was received in our office on July 5, 2019. The purpose of the CSM is to divide an existing lot into two separate lots. The CSM is being submitted by David Reynolds of Reynolds Properties, Inc. (Applicant). The existing parcel is zoned HC (Heavy Commercial) and contains two separate commercial buildings with separate addresses, 6501 and 6505 Seybold Road; no zoning change is being requested.

The area for proposed Lot 1 is 41,142 square feet, or approximately 0.944 acres. The area for proposed Lot 2 is 54,394 square feet, or approximately 1.249 acres. The size of the existing lot described as Lot 2 of CSM 4271 is approximately 78,851 square feet, or 1.810 acres excluding right-of-way. The subject parcel is bordered by lands in the City of Madison to the south and east, and by other commercial lots created by CSM in the Town to the north and west.

We have completed our review of the following documents for the proposed CSM:

- Letter of Application (Received July 5, 2019)
- CSM (Received July 5, 2019)
- CSM Submittal Application (Received July 5, 2019)
- Contact Information Sheet (Received July 5, 2019)
- Reports of Title (Received July 5, 2019)

After reviewing the above materials, we have the following comments:

CSM

Pertinent issues related to the land division application are included below:

1. The proposed CSM lots meets the minimum lot size standard in Town Ordinance §15.42 for sewered subdivisions, including lot area (minimum 12,000 sf).
2. Town ordinances require lots in traditional subdivisions be a minimum of 65,000 square feet. The proposed CSM would result in Lots #1 and #2 having less than required minimum lot area. The Town must determine if it is acceptable to grant a variance to this requirement.

3. The proposed land division is consistent with the Town's Future Land Use Map, which designates the site as Commercial.
4. Sheet 2 of the CSM shows existing easements within the proposed CSM. A proposed cross access easement is also shown on Sheets 1 and 3. Details of these easement are included below:
 - An existing 10' wide utility easement along the eastern lot line of proposed Lot 2 per CSM #4271. The proposed land division would not alter or encroach on this easement.
 - An existing 10' wide utility easement along the eastern lot line of proposed Lot 2 per Document #3188267. The proposed land division would not alter or encroach on this easement.
 - An existing 10' wide utility easement extending from the northwest corner of proposed Lot 1 east to the ¾"x18" iron bar in the center of the landscaping island located at the end of Seybold Road and on proposed Lot 2 per Document #2129902. The proposed land division would not alter or encroach on this easement.
 - An existing 20' wide storm sewer easement along the eastern portion of the southern lot line of proposed Lot 2 per CSM #4271. The proposed land division would not alter or encroach on this easement.
 - A proposed cross access easement over a portion of the existing asphalt along the common lot line for proposed Lots 1 and 2 of the CSM. The easement would allow access to both lots by going around either side of the landscaping island at the end of Seybold Road. The cross access easement agreement shall be submitted for review. The agreement shall be recorded before the Town executes the CSM.
5. The Dane County DCi Map shows steep slopes (land with a slope of 20% or greater) in several areas on the site. The Applicant shall show these areas on the CSM as required by Town Ordinance § 15.11. The Town must determine if it is acceptable to grant a variance to this requirement.
6. Town Ordinance § 15.22(4)(l) requiring Land Dividers to provide a tree survey marking the location of all Native Canopy Trees exceeding eight inches DBH (Diameter at Breast Height) located in the Building Envelopes or areas proposed for stormwater management or other subdivision improvements. The Town must determine if it is acceptable to grant a variance to this requirement.
7. The Applicant shall submit an Environmental Assessment Checklist as required by Town Ordinance.
8. The proposed CSM would create one additional buildable lot. Therefore, parkland dedication requirements apply. Town Ordinance § 15.45(2)(a) indicates that park dedication requirements also apply to commercial properties.

The Town should determine if parkland is desired, or if the Applicant shall be required to pay park fees in lieu of dedication consistent with Town Ordinance § 15.45(4) in the amount of \$2,255 (1 lots x \$2,255 per lot). If fees in lieu of parkland dedication are required, the park fees shall be paid at the time recommended by the Town Attorney.

If fees in lieu of are accepted, the Town shall identify the proposed use of the fees for the Applicant prior to the fee collection.

9. The Town Trails Map does not indicate any trails in the proximity of the CSM. The Town should determine if any trail easement dedication will be required for this CSM. This CSM lies within the area covered by the Intergovernmental Agreement between the Town of Middleton and the City of Madison. The Applicant shall provide evidence to the Town of Middleton that the City of

Madison has no objections to the Land Division.

10. The Applicant did not provide details on utilities for the site. The City of Madison has a sanitary sewer main running to the end of Seybold Road with a lateral extending to the warehouse on proposed Lot 2. The City has a 10" water main underneath Seybold Road which does not service the site. The City does not show any storm sewer or storm drainage infrastructure at the site. The Applicant shall clarify whether the land division impacts the provision of utility services at the site.
11. The following note shall be added to the CSM:

"Further Land Divisions by Certified Survey may be restricted for a period of up to five years under the provision of §15.22 of the Town of Middleton Land Division and Subdivision Ordinance."
12. The corporate limits for the City of Madison shall be shown on the CSM.
13. The Applicant shall add the recorded bearing for "L1" and the recorded as information for "C2"
14. A title report and other title information has been submitted. The documents shall be reviewed by the Town Attorney.
15. "Town Clerk" shall be replaced with "Barbara J. Roesslein, Town Clerk" on the Town of Middleton Board Resolution certificate on page 6 of the CSM.
16. The final CSM shall be fully compliant with §236.34, Wis. Stats., Dane County Subdivision Ordinances, and Town of Middleton Subdivision Ordinances.

Please let us know if you have any questions.

Sincerely,



Aaron Prichard
Vierbicher

AP/ahm

- cc: Town of Middleton Board
Greg DiMiceli, Administrator/Treasurer, Town of Middleton
Barb Roesslein, Clerk, Town of Middleton
Eileen A. Brownlee, Town Attorney, Boardman & Clark LLP
David H. Reynolds, P.O. Box 1662, Colorado Springs, CO 80901
Jordan Brost, PLS, Point of Beginning, Inc.
Greg Paradise, Mohs, Widder & Paradise
Rod Zubella, PE, Vierbicher
Mike Ziehr, PLS, Vierbicher